

PRELIMINARY
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TRANSCRIPT

HOUSE OF ASSEMBLY

FOR THE PERIOD:

10:00 a.m. - 1:00 p.m.

TUESDAY, JUNE 7, 1977

The House met at 10:00 A.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

STATEMENTS BY MINISTERS:

MR. SPEAKER: The hon. Minister of Fisheries.

MR. W. CARTER: Mr. Speaker, I want to acquaint the House with certain amendments that have been made to the Fisheries Loan Board regulations. Last year we appointed a committee consisting of officials of the Fisheries Loan Board, members of the Fishermen's Union and others to take a look at the regulations governing the Fisheries Loan Board and to see if it was possible to make it more responsive to the needs of our fishermen. The Loan Board was established by an act of this Legislature back in 1951, Mr. Speaker, and while it maybe served its purpose at that time, certainly things have changed and we felt that maybe changes were necessary.

The Board reported about a month and a half, two months ago, and they made certain recommendations. I am now very happy to give the House a breakdown of these regulations and tell them that all of them, almost without exception, have been accepted by government. For example, one very important change will be the reduction in the down payment required for the acquisition or construction of a new longliner. Under the old regulations, Mr. Speaker, the down payment required was ten per cent. We have now reduced that to five per cent and that means, of course, that on a boat that would normally cost - an average longliner, a fifty-two foot boat - \$150,000, that is a difference between \$7,500 and \$15,000 and I am sure most members will appreciate that to a fisherman that means a lot.

We have also, Mr. Speaker, increased the amortization period of the loans. We are now giving fishermen loans for an

MR. W. CARTER: eleven year period, The first year we will be looking to the fishermen for payment on interest only; payment on principal will be deferred the first year to give the fishermen a chance to get started.

We are also adding a new regulation to the Loan Board whereby we are now making loans for the rebuilding and major repairs on ships not less than twelve years old. Of course, under the old regulation the age limit was fifteen years. We have made amendments to the fishing ships bounties regulations providing for changes in the bounty payment system. Under the old rules, fishermen were paid \$200 per ton on vessels not less than ten tons, up to a maximum of 150 tons. The bounty will now be based on fifteen per cent of the overall cost of the vessel which represents roughly a 400 per cent increase in the subsidy.

AN HON. MEMBER: Hear! Hear!

MR. W. CARTER: Under the old regulations the fishermen would receive a \$5,000 bounty on a twenty-five to fifty-two foot longliner, However, under the new system the bounty on that longliner, which cost approximately \$150,000, will be \$22,500. Like I say it is a 400 per cent increase.

We are making changes with respect to the bounty previously paid on vessels to a low of twenty feet in length, to a maximum of thirty-five feet. Having travelled the Coast of Labrador and other parts of the Province, Mr. Speaker, it came to my attention that in many cases a lot of fishermen could make a very good living in a boat less than twenty feet in length. In fact in Labrador South I think eighteen feet in length is pretty well the average for a boat. They requested that we consider reducing the subsidy on boats from twenty feet to at least eighteen feet to enable them to continue fishing in that small and very economic sized boat. We have acceded to their

MR. W. CARTER: request. We will now pay a thirty-five per cent subsidy on boats measuring in length down to and including eighteen feet and that, we think, is a very good move.

These, Mr. Speaker, are pretty well the basic changes. The interest rate, of course, on fisheries loans still remains at three and a half per cent. And that represents a substantial saving to a fisherman. For example -

MR. SMALLWOOD: What does the subsidy in effect cost the government?

MR. W. CARTER: I have it here -

MR. SMALLWOOD: It would depend on how much they spend, of course. Roughly.

MR. W. CARTER: Let us, Mr. Speaker, take a longliner fifty-two feet in length, the cost of that boat would be approximately \$70,000. Let us say \$70,000. Or at least the loan on that longliner, the mortgage.

MR. NEARY: For a multipurpose boat it cost \$100,000 for a fifty-five foot longliner.

MR. W. CARTER: No. No. The mortgage on that boat would be approximately \$70,000. At the preferred rate of three and a half per cent it means that government will be subsidizing that boat by \$4,900 per year.

MR. SMALLWOOD: Interest.

MR. W. CARTER: Interest alone. That is basing it on the current bank interest.

MR. NEARY: And when will it become effective, by the way?

MR. W. CARTER: Immediately. On a sixty-five foot longliner,

MR. WCARTER: on which the average mortgage would be \$215,000, This means a direct saving to the fishermen of \$15,000 a year, so every -

MR. SMALLWOOD: The difference between three and one half and, say, ten.

MR. WCARTER: Between three and one half and ten or ten and one half.

MR. NEARY: (Inaudible) fellows like Eric King.

MR. WCARTER: You know, these new boats, Mr. Speaker, we are building now, for example, we are building, we have recently awarded - or at least we are calling tenders now for a number of boats, part of the twenty boat package for the first of the five year one hundred boat building programme. These boats are sixty-five footers. The fishermen buying them would no doubt have a mortgage of \$215,000 to \$250,000 in which case, like I said, the government will be directly subsidizing that boat to the fishermen to the tune of \$15,000.

MR. SMALLWOOD: Is there any danger involved there of the fish - of course, how are they going to identify the fish from those boats? But is it a subsidy really on the fish going into the U.S.?

MR. W. CARTER: No, Mr. Speaker. We have gone into that and we are very conscious of the need to be extremely careful because we know what can happen if the word gets out that we are providing heavy subsidies on fish. You will find the U.S. fishermen, I am sure, would start pressuring their Senators and Congressmen for appropriate action to prevent that from happening. So we are very conscious of that and I do not think there is any possible chance of there being any repercussions in that respect.

MR. SMALLWOOD: That is good.

MR. W. CARTER: Mr. Speaker, this is just part of the government's programme to revitalize the inshore fishery and I am sure this will

MR. W. CARTER: be welcome news to most fishermen around the Province today.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: (Dr. Collins) I understand the hon. member for Fogo is deputizing for the Leader of the Opposition. The hon. member for Fogo.

CAPT. WINSOR: I am not deputizing for the Leader of the Opposition, Mr. Speaker, but I am speaking on behalf of this side and I am sure we all agree that the announcement made by the Minister of Fisheries will be very welcome news to the fishermen of this Province. And in the areas which the minister mentioned they are all improvements over the programmes which existed prior to this date. I always contended, Mr. Speaker, that the down payment of ten per cent was very often out of reach of a great many fishermen who wished to purchase or construct their own longliner. Five per cent now makes it within the reach of anyone, I think, desirous of building or getting a boat built. And, as I say, it cannot be anything but well received by the fishermen.

Having not seen the statement by the minister it is difficult for me to recall it all. I made a few notes here of some of the important points which the minister outlined in his statement. The increase being in the period of time to pay off a boat, that is certainly a good idea because with the increased cost and the increase in the cost of shipping, and all things pertaining to boats today have and are increasing daily and in order to compete and be able to pick up where, for instance, a fisherman was last year he would need certainly an increase overall this year because things are just beginning to get out of reach of the fishermen.

We find ourselves today, Mr. Speaker, where we have so many young men. I was amazed! Last weekend I spent the weekend in Fogo district and I was amazed at the number of young

CAPT WINSOR: fishermen, young men, who came to me and said "Look, can you help me? I cannot find any work. There is nothing else to do now only go to the fishery, and yet we cannot afford to get into the fishery either by license or getting a boat and a number of problems which are presented by trying to get into the fishery." It is unbelievable -

MR. SMALLWOOD: Is that fairly general through the district?

CAPT. WINSOR: It is general I would say not only through Fogo district but the whole Province. There are more young people today trying to get into the fishery than I would say perhaps for fifty years because all down through the early ages and in my younger years, of course, you were chastised when you were going to school, "Get your grade eleven. Do not go into the fishing boat. Do not go fishing." That tune has changed today and people now realize that if they are to make a living for themselves and their families as the economy of the Province is at this present time the only hope they have is in the fishery. And I am very pleased, and I am sure all members on this side of the House are very pleased, that the minister is taking some positive action along those lines. Now I see where a young man, if he is industrious, got the energy and as the old saying has it, "the guts," the facilities are there for him to be able to at least get a boat and I commend the minister along those lines.

NOTICE OF MOTION:

MR. SPEAKER (Dr. Collins): The hon. Minister of Municipal Affairs and Housing.

MR. DINN: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce the following bills, "An Act To Establish The St. John's Urban Region," and "An Act Respecting Elections To The Council Of The City Of St. John's."

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I give notice that I will on tomorrow move the following resolution:

WHEREAS the general level of physical fitness of the youngsters in our school system would appear to have reached a new low;

AND WHEREAS the present school system fails to timetable any real form of physical training into the daily programme in our school system;

AND WHEREAS a good deal of provincial money is spent qualifying academically physical education teachers;

THEREFORE BE IT RESOLVED that a special committee of the Legislature be established to inquire into the whole matter of physical training for all youngsters from kindergarten through to Grade XI in our school system and the advisability of setting up a formal programme aimed at regular exposure of all students to physical training as opposed to the present set up which throws the emphasis on participation by the few interim sports that are of dubious value in developing the actual physical fitness over that of the minority.

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 Further To Amend The Education Teachers Pension Act, No. 2."

MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: Mr. Speaker, I give notice that I will on tomorrow ask leave of the hon. House to introduce a bill, "An Act To Amend The Public Service Pensions Act."

MR. DOODY:

And, Mr. Speaker, I wonder would it be possible to ask the House's permission later on this morning to revert back to Statements. There is a meeting scheduled for 10:30 A.M. between Treasury Board and the Waterford unit, and after that I think that we should be in a position to let the House and the Province know what the situation is with Waterford.

MR. NEARY: Adjourn the whole Question Period.

MR. DOODY: Well, I may not have the information then, as I say. The union is meeting at 10:30 A.M. and presumably they will be at it longer than that.

MR. SPEAKER: It is my understanding that the hon. Minister of Finance may request the House to give him leave to make a further statement at a later hour.

SOME HON. MEMBERS: Hear, hear!

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

MR. PECKFORD: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill, "An Act To Control The Rates Of Newfoundland And Labrador Hydro And To Declare A Provincial Power Policy."

MR. SPEAKER: The hon. House Leader.

MR. HICKMAN: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce the following bills: a bill, "An Act Respecting Certain Leasehold Interests Within The City Of St. John's," a bill, "An Act To Restructure The Law Society Of Newfoundland." And on behalf of my colleague, the hon. Minister of Health, a bill, "An Act For The Protection Of The Health Of Persons Exposed To Radiation And For The Safety Of Persons In Connection With The Operation And Use Of The Electrical And Mechanical Components Of Radiation Producing Equipment And Associated Apparatus."

ORAL QUESTIONS:

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

MR. STRACHAN: A question for the Minister of Mines and Energy on the statements made by Mr. Jamieson. Could the minister tell us exactly what kind of comprehensive package they are talking about in the development of hydro power in this Province and especially related to Labrador and the Gull Island development as well as the four or five rivers flowing into Quebec?

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

MR. PECKFORD: Mr. Speaker, I thank the hon. member for Eagle River (Mr. Strachan) for allowing me to respond on behalf of government as it relates to statements emanating from the most distinguished MP for Burin - Burgeo, the hon. Mr. Jamieson, Minister of External Affairs. First of all, Mr. Speaker, I would like to say that I welcome very much the statements made by the hon. minister. I think they are extremely positive, and I am very delighted to hear statements coming from senior ministers in Ottawa of the nature of the ones that have issued last night and this morning. They are extremely rewarding to me, and I am sure to all members of this administration.

SOME HON. MEMBERS: Hear, hear!

MR. PECKFORD: Mr. Speaker, there has not been a comprehensive package as it relates to the overall hydro development of Labrador either presented by the Provincial Government to Ottawa or from Ottawa to us.

In the recent meetings that the hon. the Premier, the Minister of Intergovernmental Affairs and myself had in Ottawa as it relates to the priorities of the Province, one of the major agenda items concern the whole question of power as it related to Gull Island and all the other hydro potentials in that part of our Province, as well as on Island hydro sites in the interim. And it was indicated to us verbally - we indicated verbally to the Federal Government in these meetings that we thought it was necessary to look upon the whole question of hydro electric power as a package situation, include everything, and develop the strategy on the basis of that rather than go piecemeal or ad hoc on a particular project to the exclusion, detriment or otherwise of the rest of the rivers or possible potential sites. As a result of that informal, verbal meeting between ministers there was a follow up meeting between officials of the Department of Energy, Mines and Resources in Ottawa with members of Newfoundland Hydro on May 18, 1977 in which the whole question was considered again.

There was no indication from the officials of EM and R that they had any new initiatives to present. They wanted to see where the Province stood and so on. We indicated to them that we want the whole question of the Upper Churchill power contract to become part of any strategy, that all of the other rivers as well as Gull Island be fully considered. They mentioned in their meetings with us in Ottawa the possibility, only verbal and it has never been written, of equity participation by the Federal Government in the Gull Island project per se, which we said looks attractive, and we would like to

Mr. Peckford:

see some more tangible, concrete proposal come from that verbalization. That has not occurred.

In any case, in the meetings that we had on May 18, Newfoundland Hydro reviewed all of those things with the officials from EM and R, indicated to them its overall concern again, the whole concept, the big concept of all the power developments. There have to be studies done on these rivers that are ongoing now from the fifty-fifty thing that was announced a little while ago between DREE and ourselves about getting some feasibility studies done on the rivers, to get exactly what the megawatt potential is on the rivers, the engineering feasibility, the cost, the figures and all the rest of it which would have to be done. So we are looking at a long term proposal the first phase of which may be some Gull Island work and some feasibility design work on the other rivers.

We indicated to the Federal Government on May 18 that in the interim there were a number of studies that we would like for both governments to fund now. One dealt with more investigation on the tunnel crossing and a full review of the latest cable technology to ensure that when Gull Island does begin again, which it must and will, that the alternatives as it relates to the transmission of power across the Straits are clear, that when we decide upon a tunnel we know that the tunnel is still the best route, and that there are no questions that perhaps the cable alternative is more attractive. So that we need a very detailed review upon the latest technology that has been developed as it relates to cable, and the transmission of electricity through cable. And that that kind of review will cost money and should be - this is one way that they can assist in Gull Island in the interim. That also there are still some problems as it relates to icing on transmission lines in the Great Northern Peninsula which are of real concern to Newfoundland Hydro yet, and that additional studies need

Mr. Peckford:

to be done on it. And thirdly, that the dam site at Gull Island needs additional work. And these were three areas that we could identify in a real way in which additional monies would be needed immediately for ongoing studies in the interim.

The whole problem with Labrador power, and specifically Gull Island power, is one of, as I see it, not only financing but perhaps more importantly the transmission of surplus power, surplus to our needs. If tomorrow everybody said, 'Green light for Gull Island,' what do we do with 800 megawatts that we do not need? The obvious answer is one of two alternatives; develop industry near the site to take the 800 megawatts,

MR. PECKFORD: which is going to take some time to put into place, so it seems to me you are still going to need some export of the surplus power West and in order to have export of surplus power West you need some corridor transmission line to do that. That means through Quebec in the short term.

MR. NEARY: What about the Anglo Saxon route?

MR. PECKFORD: The Anglo Saxon route is still being talked about and the Maritime Energy Corporation that has been set up are supposed to be doing studies on that once it gets into operation.

The other question that came up on May 18 concerned - EM and R said, 'Look, we cannot do any more studies on the Anglo Saxon route or some of these questions that you are raising now until the Maritime Energy Corporation gets in operation because one of its mandates is to fully examine, and will have the funding to examine alternative energy sources or natural energy sources that are still available in the Atlantic region and when that gets set up that is the proper and right vehicle for this to be done.' In any case, I welcome the statements by the hon. Minister for External Affairs knowing that he is eager to see all these potential projects go ahead, but pointing out that in our meetings with EM and R over the last month or so there are a lot of problems. There are no written proposals on the table. We are continuing to talk with them and hopefully some positive proposals can be worked out before the end of this year.

MR. STRACHAN: A supplementary, Mr. Speaker.

MR. SPEAKER: (Dr. Collins) A supplementary by the original questioner.

MR. STRACHAN: The minister has indicated then that there is no comprehensive package as such written in any form between the provincial and federal government. Could the minister indicate whether, and I go to a further statement of Mr. Jamieson's, that the lack of this comprehensive package then, or the lack of this written agreement or look at the situation is due to what he calls the strained relations between this Province and Ottawa, and I am referring to his statement that there are

MR. STRACHAN: strained relations and therefore these strained relations are holding up the development of the hydro power in this Province?

MR. PECKFORD: I do not know, Mr. Speaker, if the hon. minister mentioned strained relations between Ottawa and St. John's, or St. John's and Quebec City -

MR. HICKMAN: Or Ottawa and Quebec City.

MR. PECKFORD: - if he did between us and Ottawa I do not know where the strained relations are. You know, I have had very, very friendly, productive meetings with Mr. Jamieson, Mr. Gillespie and other federal ministers and I do not know where the strained relations are. I attended meetings when the hon. Premier was present and they were absolutely first class meetings, really and truly, and I do not understand what the strained relation business is. Suffice it to say now that we are trying to work, and we were the ones who put this forward that the whole business of development of hydro power is one that must be taken into consideration all the factors in Labrador - Upper Churchill, Gull Island, Muskrat, Five Rivers, other rivers and there must be a whole - and that is what we are looking at, in that light, with various phases coming on at various times. So that is well under way and the recent meetings indicate that approach is mutually agreeable by both sides. It is just how you put the various pieces of the puzzle in place, at what point in time. Other initiatives are also underway by this administration as it relates to the Gull Island project which we will be indicating to the people of Newfoundland through the House, if it is open, in the next month or two, positive initiatives which have already been made by us that we cannot at this point in time release for obvious reasons.

MR. STRACHAN: A final supplementary.

MR. SPEAKER: (Dr. Collins) One further supplementary by the original questioner.

MR. STRACHAN: Out of the minister's answers to the questions, is he indicating then that because of new cable technology or because of -

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MR. STRACHAN: in fact, I believe that a cable to PEI will be in place by July of this year -

AN HON. MEMBER: Right.

MR. STRACHAN: - a cable from the mainland carrying power to PEI, to the Island, is the minister indicating then that the tunnel approach, the tunnel route which they went ahead with is not now or does not look as though it is now the best route and there are possibilities now to go ahead with a cable across the Straits of Belle Isle provided there could be given some protection from ice damage?

MR. PECKFORD: Mr. Speaker, when one gets into this kind of a situation as it relates to any kind of technology and if a given government has made a decision in one direction

Mr. Peckford:

but yet wants to study other alternatives so it still sure that it is making the right decision, it becomes sort of a black and white situation which is unfortunate. It suffices to say that from the information that we have at the present moment the tunnel crossing seems to be the still preferred route, However, we are not blind as to other technologies.

The particular cable crossing from New Brunswick to PEI has not led the Newfoundland Government or Newfoundland Hydro toward a re-examination of cable technology. The cable technology as it relates to the cable crossing in New Brunswick and PEI has been known for many years and we are fully conversant with that knowledge. So to link the cable crossing from New Brunswick to PEI as the reason why we are now re-examining cable technology is an over-simplification, It relates more to additional research and development that has been done on cable technology after the whole business of the technology being developed for that particular cable crossing from New Brunswick to PEI. It is in addition to that kind of technology that we are looking at. It has no relationship whatsoever with the technology needed to develop that particular cable crossing. Rather it relates more to work that has been done in Japan and in Scandinavian on cable crossings, and to up date our figures on what it would cost to ensure that an alternative that we did use in 1974 is still as viable in 1977-1978, and if not to change if need be.

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

MR. NEARY: Mr. Speaker, I would like to ask the Minister of Transportation, now that the gentleman has returned from the battlefield do we have a 90-10 deal, a 75-25 deal or a 50-50 deal with the Government of Canada to upgrade and to reconstruct and widen the Trans-Canada Highway?

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

MR. J. MORGAN: Mr. Speaker, I do not know what the hon. gentleman is referring to "returning from the battlefield." I have returned from Labrador, I spent four days down there. It is far from a battlefield, it is a beautiful country, in fact.

Mr. Speaker, last week we did convene a meeting in Halifax of all of the ministers responsible for Highways and Transportation. And following that meeting the officials of all departments in the region travelled to Ottawa and met with the officials of the Highways and Service Division of the Ministry of Transport. The discussions revolved around a draft agreement which is now being put forward by the Federal Ministry of Transport for the Atlantic Provinces individually to sign. There are a number of points which could not be resolved at the official level at that meeting. Therefore tomorrow a meeting is now convened in New Brunswick of all of the ministers responsible for Transportation and Highways, and following that a meeting with Mr. Lang in Ottawa to trash out the details of an agreement which could not be trashed out or negotiated at the official level.

The provinces remain adamant. Now, as it was at the time of the initial submission, we are requesting a 90-10 cost sharing arrangement, and of course if Ottawa does not agree to this we will have to discuss it and negotiate at the ministerial level.

MR. NEARY: A supplementary question, Mr. Speaker.

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

MR. NEARY: The hon. gentleman is going to be the best travelled man in Newfoundland I can see that before these negotiations are over. But is there any indication that Ottawa is opposed to a 90-10 deal? Are the Atlantic Provinces unanimous in their attitude towards the whole affair, unanimous in as much as they want a 90-10 deal? And has Ottawa refused the 90-10 deal? Do I get this impression from the minister?

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

MR. J. MORGAN: Well, Mr. Speaker, that was not - if I left an impression it was a wrong impression. What I said was that a number of matters pertaining to the potential agreement which is now being drafted up by Ottawa to be signed with the provinces could not be resolved at the official level.

MR. NEARY: Is this one of them?

MR. MORGAN: And one of the points automatically would be the cost sharing. The cost sharing formula could not be established by the officials, and therefore the ministers will now have to meet and discuss the matter with the Ministry of Transport.

And with regards to my travel, I cannot think of a more appropriate man with the problems that we have in this Province today with regards to travelling on behalf of the Department of Transportation and Communications.

MR. NEARY: A supplementary question, Mr. Speaker.

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

MR. NEARY: Could the hon. gentleman then tell us about his travels on the Freedom Road during the weekend? The hon. minister almost got isolated down there. Could the minister tell us what is going to happen to that road, if that road is going to be open this Summer?

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

MR. MORGAN: Mr. Speaker with regards to my travels I can assure the hon. House that

Mr. Morgan.

many of the travels are far from comfortable. For example, this past couple of days, my colleague, the member for Naskaupi (Mr. Goudie) and myself travelled 460 miles over rough road in Labrador where there are no conveniences or restaurants or service stations.

MR. NEARY:

What did you do, take to the woods?

MR. MORGAN:

We travelled from Goose Bay as far as we could over the road towards Esker, towards Churchill Falls. Because of a number of wash-outs, we could not travel all the way by vehicle. We had to get a helicopter lift over the wash-outs, but these were only of short distance and we travelled all the way from there and below Churchill Falls, all the way up to Esker and returned to Churchill Falls. I must say, Mr. Speaker, that is a beautiful country, that wild country of Labrador, the wilderness area. I can realize now after being down there why the people in Wabush and Labrador City and Churchill Falls refer to it as the Freedom Road. It is a road that, although rough, is a tote road, but there is a possibility of keeping it open. That is recognized. The taxpayers are going to have to spend some money there. That is obvious as well.

So first of all a decision in keeping the road open has not been made. We, for example, met with the Churchill Falls (Labrador) Corporation and discussed the matter with them, the president and the senior staff; we met with the senior staff of the Iron Ore Company in Wabush yesterday and also with the Quebec North Shore and Labrador Railway. And, of course, now looking at what is happening, the unfortunate incident recently regarding the ferry service from the Island part of the Province to Labrador, we have to be discussing this matter now with CN to determine from them if they can find a replacement for that ferry service the William Carson.

MR. MORGAN.

So there are a number of links. For example, the railway service from Wabush into Esker. There are no facilities there. There are no accommodations for people travelling on a car ferry. And when we get to Goose there is now no link to the Island part of the Province. So keeping the road open depends on these two major factors. But there is a possibility, from looking at the conditions of the road, there is a possibility of having contractors move in and fill the gaps which have been washed out and keeping the road open. That is possible. But, of course, the decision to do that depends on these two other links, number one, establishing a car ferry from Wabush, Labrador City into Esker and there is presently need for facilities to be established there and, number two, the replacement for the William Carson.

MR. NEARY: A supplementary question, Mr. Speaker.

A final supplementary, Sir.

MR. SPEAKER (Dr. Collins): One further supplementary by the original questioner, followed by the hon. member for Eagle River.

MR. NEARY: Mr. Speaker, the hon. gentleman raised this matter in his answer in connection with the disaster of the William Carson. The minister was not in the House yesterday when we talked about who is liable, who is responsible for the loss of supplies on the William Carson. Has the minister delved into this? Has CN yet accepted their responsibility to replace the supplies? And how will they be transported to Goose Bay - Happy Valley where we hear that a number of businesses will go bankrupt if they do not have these supplies replaced and brought in at a reasonable freight rate?

MR. SPEAKER (Dr. Collins): The hon. minister.

MR. MORGAN: Well, Mr. Speaker, as I mentioned some of the meetings we did hold in Labrador. I also met with the Chamber of Commerce in the Happy Valley - Goose Bay area over the weekend and discussed with them a very serious problem with regards to the goods that were being shipped down by means of freight on the William Carson.

Mr. Morgan.

It is now to a point where a number of these business people find themselves on the brink of bankruptcy unless they can get their claims honoured by the CNR. We have made representations - when I say, we, the Department of Transportation - to CNR along the lines of having a decision made as soon as possible on the matter of claims put forward by, in this case, the business people in Labrador. because the goods were shipped from St. John's to Labrador, FOB Goose, which means that the shippers -

MR. STRACHAN: Some of it. Most of it was FOB St. John's.

MR. MORGAN: Yes.

Mr. Speaker, if I could finish answering the question. Some of the goods were shipped down, FOB Coose, which means that the shippers in St. John's or the business people or suppliers are responsible; but only a small portion was shipped FOB Goose, which means that it was shipped FOB St. John's, which means then that the people on the other end, the businessman down in Happy Valley or anywhere in Labrador, is responsible - or the carrier is responsible, in this case the carrier being CN. From our discussions with CN it will now determine whether or not CN places the incident in the category of an act of God. If it is an act of God,

MR. MORGAN: under the bills of lading used in shipping these goods the claims would not be honored. So what we have said as a Province to the CNR is we are hoping to have a decision made as soon as possible so that the people in Labrador can then determine what step to take from there. They have wired the Federal Minister of Transport, and Mr. Bandine, the President of CNR, asking for the same as we have, asking for a decision to be made as soon as possible.

MR. SPEAKER: The hon. member for Eagle River, followed by the hon. members for Fogo and Stephenville.

MR. STRACHAN: A supplementary to the question of the minister and his reply. Returning from Freedom Road Labrador almost reminded you of some one returning from the colonies or the jungles or the tea plantations, Could the minister tell us, number one, how much money is going to go in, actual money - never mind the talk and so on - how much money is going to go into the Freedom Road this year in the way of repairs, actual cost that is going to go in? And number two, on the same basis, because we are talking the same question, could he give us the reasons why the Ambrose Shea could not be put on to the Labrador run or a similar ferry system on the Labrador run? I realize full well that it is a problem requiring service across the Gulf, but we are at the beginning of the year in which people desperately need these supplies and large freighters to pull in these supplies and the Carson was the only economical and good thing that CN did in Labrador in the last ten years. So why can we not continue that kind of thing and bring in the Ambrose Shea to do that run even at the inconvenience on the Straits.

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

MR. MORGAN: Mr. Speaker, in replying to the first part of the question, with regards to how much money will be spent on the Freedom Road, on the road to Esker, known as the Freedom Road in Labrador, that decision is not being made because we have not made a decision as of right now whether or not we are going to spend any money on that

MR. MORGAN: road to keep it open. We will be making a decision in the next number of days, As I mentioned in answer to an earlier question, it depends on the two links I mentioned earlier, the link from the east end, Goose to the Island, and Esker into Wabush in the Western part of Labrador.

On the second part of the question with regards to the CNR putting on the Ambrose Shea, I think there was a statement made by one of the officials of CNR indicating this was a possibility. We have not asked him to do that. What we have asked him to do is to find a replacement as soon as possible. But I would not want to see the services removed on one part of our Province to replace the services in another part of our Province. I think that is unfair. But I am hoping now that the CN will find a replacement as soon as possible. I understand they found a replacement with regards to moving in freight. There is a boat leaving in the next couple of days to take in freight, but of course that is not what the people of Labrador are expecting. I must admit that it was unfortunate because the William Carson was one of the more positive, bright things that have occurred from CNR in this Province for the past number of years and it was very successful, it was beyond expectations in fact. So I am hoping that CNR will find a replacement as soon as possible. With regards to taking the Ambrose Shea off the existing service in the Gulf, or into Argentina I cannot comment on removing one of these boats at this time.

MR. SPEAKER: The hon. member for Fogo.

CAPTAIN WINSOR: Mr. Speaker, a question to the hon. Minister of Fisheries. In the light of the announcement made by the Salt Fish Corporation that they would be unable to pay within four to five cents per pound for fish smaller than twenty-four inches, has the minister taken any action to arrange for some sort of subsidy to make up the loss?

MR. W. CARTER: No, Mr. Speaker. I have not given much thought to the provision of a subsidy. It would be rather strange I think for the Newfoundland Government to end up subsidizing the Canadian Salt Fish Corporation, of course, which is an arm of the great federal government. I have talked to members of the Salt Fish Trades Association. They wired Ottawa last week requesting some action, maybe a subsidy. I wired Ottawa as well supporting their request and I have also passed a similar telegram off to the Salt Fish Corporation. But certainly I think it would be unreasonable to expect the Province to provide a subsidy to the Canadian Salt Fish Corporation.

MR. SPEAKER: A supplementary, the hon. member for Fogo.

CAPTAIN WINSOR: In light of the minister's answer, Mr. Speaker, is this not the fish that the minister made some announcement about some time ago? You know, the small fish that you are going to endeavour to try to have used instead of the fishermen having to throw it away, and this is what they are doing with it now. Of course, if this price is stable now at four cents less than last year, there is going to be an awful lot more of it thrown away this year. But was that not the fish that the minister referred to in his statement some time ago?

MR. W. CARTER: Mr. Speaker, I did announce that we were assisting two companies in the purchase of a

Mr. W. Carter:

machine that could fillet fish down to as low as twelve inches. I said then that would more than likely alleviate the problem, certainly to some extent, and would probably prevent the dumping of small fish. I presume these machines will be used by the companies, and that the small fish will be used for blocks. The machines will be used to fillet fish, and not to split fish.

CAPT. E. WINSOR: A further supplementary.

MR. SPEAKER (DR. J. COLLINS): A further supplementary, the original questioner.

CAPT. E. WINSOR: In the light of what is happening now, of course, I am sure the minister could not predict that this tragic situation would arise, but now we do have a situation where those fishermen who are selling their fish to the Salt Fish Corporation, you know, if they cannot get some price range equal to what they had last year, I am afraid a great number of them, because an awful lot of the fish they are catching are small fish, and is there not some way that this fish can be utilized, you know, whether it is fresh fish - if they could get it to a fresh fish processing plant there would be no problem because, of course, the small fish does not make any difference when it is processed in blocks, but it is difficult to salt it. Is there not any way, you know, that can be arrived at at least to pay something to the fishermen who have to throw those fish away?

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

MR. W. CARTER: Mr. Speaker, certainly we will assist in every way possible to enable fishermen to get that fish to a processing plant where it can be properly utilized. But I will repeat what I said initially, that certainly the Province should not be expected to provide a subsidy to the Canadian Salt Fish Corporation. I submit that if in fact the Salt Fish Corporation now find themselves in a non-competitive position with the fresh fish industry, well then I would suggest that it is incumbent on Ottawa or that Board to provide the necessary subsidy, certainly not the Province. But I repeat, anything we can do we will with respect to preventing the dumping of small fish. We have

Mr. W. Carter:

already assisted in the purchase of machines to that end, and anything else we can do we will.

MR. SPEAKER (DR. COLLINS): The hon. member for Stephenville, followed by the hon. member for LaPoile.

CAPT. E. WINSOR: A further supplementary, Mr. Speaker.

MR. SPEAKER (DR. COLLINS): Other members have indicated their wish to ask a question and I feel that I should move to the next member I have indicated, the hon. member for Stephenville.

MR. W. MCNEIL: Mr. Speaker, a question to the Minister of Finance. Could the minister indicate when the Woods Report of the Advisory Board of Labrador Linerboard will be tabled in this House?

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

MR. W. DOODY: No, I cannot indicate that, Your Honour, because I do not know when it will be available, you know, hopefully it will be very soon. When it is received it will be studied and hopefully as soon after that is possible it will be tabled, but I cannot give a date because I do not really know.

MR. MCNEIL: Have you received a copy?

MR. DOODY: I have not. No.

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

MR. NEARY: Mr. Speaker, my question is for the Minister of Industrial Relations, Sir, and Rural Development. As the padlock is about to be out on Ralland Forest Products down in Milltown, will the minister indicate to the House what action his department or the government have taken to avert this closing down of Ralland Forest Products in Milltown.

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

MR. J. LUNDRIGAN: Mr. Speaker, there is one action that is not going to be taken and that is to place any more funds behind the company. Last year the government did stand firmly behind the company because we did recognize the critical unemployment problem

Mr. J. Lundrigan:

in that part of our Province. And as the member is aware from the estimates we put \$375,000 in preference shares into the company, much of which, of course, was used to amortize or pay off debts such as back taxes and the like.

In any event, Mr. Speaker, the problem basically as it has been indicated to us is a supply of timber problem. I would not like to indicate any more to the House than that at the moment because the company people are coming in this afternoon, I am meeting with them at three o'clock. We have had problems with all of our large mills since day one; none of them, not one of them is in any kind of a position to be able to fly on their own. We have put as much money behind them as we can. The problem in Bay d'Espoir is complicated by virtue of the fact that they are not able to sell a lot of their pulp and consequently they are paying for the cost of cutting a lot of these small trees which are not economic. We have just assisted the company in putting in a twin

MR. LUNDRIGAN: saw, which is not yet in place, but they will have it in place to more efficiently take advantage of the small timber in the region. I understand negotiation has taken place with Bowaters to try to make available some timber limits in the region that can continue to give the mill the supply of timber they are looking for. They are operating on two shifts. I do not believe that the padlock will be put on the company door, I hope it will not. This past winter they have cut something like 6000 cords of timber, of wood, of sawlogs, about three million board feet, about one half million dollars worth of sawlogs. That timber is still in the woods and even with that available timber, which naturally has to be sawn, there is several months work left at the mill. But there is a concern over the available timber supply. I certainly would rather, because it is not in my direct bailiwick, to have the Minister of Forestry give an indication of where that matter lies. I would say that tomorrow would be a more opportune moment to be able to give a better response to the member.

ORDERS OF THE DAY

MR. SPEAKER: Motion 4.
Motion, the hon. the Minister of Municipal Affairs and Housing to introduce a bill, "An Act To Amend The Housing Act." (Bill No. 51), carried.
On Motion, Bill No. 51, read a first time, ordered read a second time presently by leave.

MR. SPEAKER: Motion 5.
Motion, the hon. the Minister of Finance to introduce a bill, "An Act To Amend The Gasoline Tax Act" (Bill No. 80), carried,
On Motion Bill. No. 80, read a first time, ordered read a second time presently by leave.

MR. SPEAKER: Motion 8.

Motion, the hon. the Minister of Mines and Energy to introduce a bill, "An Act To Amend The Regulations Of Mines Act." (Bill No. 90), carried.

On Motion, Bill No. 90, read a first time, ordered read a second time presently by leave.

MR. SPEAKER: Motion 9.

Motion, the hon. the Minister of Justice to introduce a bill, "An Act To Amend The Public Utilities Act." (Bill No. 92), carried.

On Motion Bill No. 92, read a first time, ordered read a second time presently by leave.

MR. SPEAKER: Motion 10.

Motion, the hon. the Minister of Justice to introduce a bill, "An Act To Amend The Judicature Act." (Bill No. 83), carried.

On Motion Bill No. 83, read a first time, ordered read a second time presently by leave.

MR. SPEAKER: Motion 11.

Motion, the hon. the Minister of Justice to introduce a bill, "An Act Respecting The Creation Of A Unified Family Court." (Bill No. 94), carried.

On Motion Bill. No. 94, read a first time, ordered read a second time tomorrow.

MR. SPEAKER: Motion 12.

Motion, the hon. the Minister of Consumer Affairs and Environment to introduce a bill, "An Act To Amend The Automobile Insurance Act." (Bill No. 87), carried.

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MR. SPEAKER:

On Motion Bill No. 87, read a first time, ordered
read a second time presently by leave.

MR. HICKMAN:

Motion 13.

Motion, the hon. the Minister of Consumer Affairs and Environment to introduce a bill, "An Act To Facilitate Metric Conversion," (Bill No. 89), carried.

On motion, Bill No. 89, read a first time, ordered read a second time presently by leave.

MR. HICKMAN:

Motion 14.

Motion, the hon. the Minister of Tourism to introduce a bill, "An Act To Amend The Historic Objects, Sites and Records Act, 1973," (Bill No. 85), carried.

On motion, Bill No. 85, read a first time, ordered read a second time presently by leave.

MR. HICKMAN:

Motion 15.

Motion, the hon. the Minister of Forestry and Agriculture to introduce a bill, "An Act To Amend The Livestock (Community Sales) Act," (Bill No. 88), carried.

On Motion, Bill No. 88, read a first time, ordered read a second time presently by leave.

MR. HICKMAN:

Motion 16.

Motion, the hon. the Minister of Social Services to introduce a bill, "An Act To Amend The Department Of Social Services Act, 1973," (Bill No. 86), carried.

On motion, Bill No. 86, read a first time, ordered read a second time presently by leave.

MR. HICKMAN:

Motion 17.

Motion, the hon. the Minister of Finance to introduce a bill, "An Act To Amend The Members Of The House Of Assembly (Retiring Allowances) Act," (Bill No. 82), carried.

On motion, Bill No. 82, read a first time, ordered read a second time presently by leave.

MR. HICKMAN:

Order 3 - Committee of the Whole.

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

COMMITTEE OF THE WHOLE:

MR. HICKMAN:

Bill 34.

MR. CHAIRMAN:

Order, please!

MR. HICKMAN:

I believe we reached and passed up to and including Section 37 of the Act when the committee adjourned. We had stood to one side an amendment which had been moved to strike out - we had passed Section 9(1) and (2) but Sub-Section (3) of Section 9, there is a motion before the Chair which was stood to one side to delete it. I undertook to try and get some information for the committee with respect to that provision. The hon. member for Baie Verte - White Bay (Mr. Rideout) had raised the question of the situation where you might have a person employed on longshore who would be working

Mr. Hickman.

for one day or two days with one employer and then two or three days with another employer, and he would not be able to comply with the five consecutive work days or more. My understanding is that with respect to longshore that is not a problem, because even though there are many employers, in one sense of the word, the longshoremen's union negotiates with an employer, within the meaning of the act, representing all groups so that if you work with Clarke Steamships for two days, Furness Withy for two days and Harveys for two days you still have five consecutive or six consecutive days. To strike that out, Mr. Chairman, one would reach a very impractical and almost, you know, unlegislatable situation. It would mean that every time you wanted your fence painted, and it was a day's work, you would have to set up a vacation sum. Now you might say that that is not too difficult. But obviously it would leave itself so wide open to abuse that there would simply be a reduction in the day's pay -

MR. ROUSSEAU: Not only one day, one hour.

MR. HICKMAN: Or one hour even. You know, it would just be absolutely impossible to enforce, and there is nothing worse than unenforceable legislation. But as far as longshoremen are concerned, you know - and this act really is designed to protect the unprotected - but as far as longshoremen are concerned the collective agreement covers that.

MR. ROUSSEAU: A few words on that. We have checked it out with our own people. Apparently when "The Vacations With Pay Act" came in in the 1960's, this provision was not in it, and the people who have to administer this in the Labour Standards Division just found that it was unworkable, because not only one day but one hour if it is left out. So they then asked, and the House approved, an amendment for seven consecutive days which was in the old Vacations With Pay Act. And now they have brought that seven days down to five days. I am told by the people who enforce this, the Labour Standards people, that it would be impossible to police and enforce a situation

Mr. Rousseau.

if there were not some days or some qualifying period in there. Otherwise, as I say, it would not be the one day, it would actually be one hour. If somebody worked for one hour they would have to have vacation pay for it. It is just an unwieldy and an unworkable situation insofar as the people who enforce it are concerned. It covers the question of five consecutive work days. This was the point that was brought up and that certainly is the case. It is work for two days, and no work then for two or three days, and three more days work, and that is consecutive days, Consecutive days of work have been interpreted by both the department and the drafters down in Justice to mean just that.

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

MR. RIDEOUT: Mr. Chairman, since I was going to propose the motion to delete Clause 9 (3), I suppose I should say something about it. I have discussed this with the Minister of Justice, the Government House Leader, yesterday and I have to say that I can certainly understand the dilemma that having no qualification period at all would leave the enforcing of this legislation in. I think we have made the point that we were concerned about, and all the legal interpretations that we can be given shows that the point that we are concerned about will be taken into consideration because of the five consecutive work days. That was our main point. I think that has been cleared up. I have consulted with my colleague, the member for Lewisporte (Mr. White) who seconded the amendment and we are prepared to withdraw the amendment at this time.

MR. CHAIRMAN: Does the hon. member have leave to withdraw the amendment?

MR. HICKMAN: Agreed.

On motion Clause 9 carried.

On motion Clause 38 through to Clause 53 carried.

MR. CHAIRMAN: Shall Clause 54 carry?

MR. LUSH: Mr. Chairman, I

MR. LUSH: was not able to get my book opened fast enough and I did want to make a comment on 50 if I could. If we could revert back to that if I could be permitted?

MR. CHAIRMAN: Agreed? Agreed.

MR. LUSH: Yes, section 50, "When notice by employee is not necessary," section (a), I mentioned that in my general comments about the bill. Point (a) is the part that I find objectionable and I unfortunately do not have any suggestions how that can be changed and maybe the minister can explain it further but it says here that the employer, that "Written notice is not necessary," right, "When the employer has mistreated the employee or acted in the manner that has or might endanger the health or well being of the employee or has otherwise been in breach of the material condition of the contract of service that in the opinion of the tribunal hearing a complaint made under this part warrants no notice being given." What this does in effect, Mr. Chairman, is that it makes legal almost a fact of life; in other words an employer can mistreat an employee and in that circumstance no written notice is given. What it means is that if an employer wanted for some reason to get rid of an employee, all he has to do is mistreat that person and then make life hard for him. As I have said, it is a fact of life. You know, there is not much you can do to change that. But what we have done here, it seems as though is made that circumstance legal. An employer can void a contract really by mistreating the employee and for his own benefits. An employer can do this for his own benefits, and as I have said before even though it is a fact of life and I am not sure that any type of legislation that can change that, but what we have done here it looks like is certainly make that kind of a situation legal.

MR. ROUSSEAU: I can sympathize with the point raised by the hon. member. We had a discussion and I had my people talk to him. What it really is, is that if an employee is mistreated in any way he can resign from his job. However, as the hon. member for Terra Nova

MR. ROUSSEAU: (Mr. Lush) mentions, that there is nothing to stop an employer from harrassing or mistreating an employee whom he wants to get rid of. However, I can assure the hon. member that while there may not be any legislation it is certainly a matter that, because it comes under section 50, subsection 1 (a) of the Labour Standards Act, that it would be checked out by Labour Standards people. I would also think that the person would have the ability to have the Human Rights Commission look into it as well. So it is not to say that there is not anything available although like, as the member says, from a legislative point of view it is very difficult. But it would certainly be checked out by Labour Standards people to determine, and an investigation carried out to determine if that indeed was the case, or refer it to the Human Rights Commission.

On motion clauses 50 through 57, carried.

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

MR. RIDEOUT: Mr. Chairman, I wonder if the minister could say if this Director of Labour Standards will be a new position?

MR. ROUSSEAU: No. The Director of Labour Standards will now be Director of Labour Standards. He is out there somewhere and he is probably just hearing that, but, no, it will just be the same as the Minimum Wage Board, just change over the position so the director of that division will remain director of the division and the officers of the division will remain the officers of the division.

MR. RIDEOUT: Thank you.

On motion clauses 58 through 66, carried.

MR. LUSH: Mr. Chairman, 67, this is again appeal from the Tribunal, The idea of the tribunal is certainly a good one and I think puts labour disputes where they belong, with a

MR. LUSH: tribunal of people that are familiar with labour. But this here, this system of appeal, I am wondering why it was this way. For example, why could not the appeal be through the same channel as an appeal of arbitration decision?

This would have kept it out of the realm of the courts. But now this puts it back again into the realm of the courts. We had an opportunity here, it seems to me, to keep this away from the courts and I am just wondering why the appeal could not have gone through the normal process of arbitration decision rather than going back to the courts?

MR. ROUSSEAU: First of all, Mr. Chairman, while I am on my feet I would like to say one thing for the news media because this is the Labour Standards legislation not the Labour Relations legislation. The other day there was an editorial, I think, that confused the two to some extent. This is the Labour Standards legislation not the new Labour Relations Act.

Actually, Mr. Chairman, we felt, as a matter of policy, that a person has the ability to, if he is not satisfied with a tribunal or a board or a group, whatever, that is set up by the Lieutenant-Governor in Council it should not be the final court of appeal - I use court in the generic sense - and that if somebody is dissatisfied with the decision of a lay body, really, although it is a tribunal it is a lay body, that they should have recourse to the courts of the land. We do not anticipate that this would happen very often. As a matter of fact, we anticipate that most of the problems encountered with violations of this Act, actually will be handled by our own people in the Department of Labour and Manpower, the Labour Standards people.

MR. ROUSSEAU: Some will, of course, end up at the Labour Tribunal, and some of the ones that end up at the Labour Tribunal will end up at the district court. It was just as a matter of policy that government felt that a person should have the ability of recourse to the courts of the land in the event that he is not satisfied. As the hon. member mentioned, maybe somebody will not be convinced that it is an independent board.

MR. HICKMAN: Not on questions of fact, only on questions of law.

MR. ROUSSEAU: Yes. So the person has the ability to appeal to the courts to ensure that the problems raised previously by the member for Terra Nova (Mr. Lush) would not enter, or any ruling that was given, there would be no doubt in the mind of the person who had the ruling that it was an honest and clear ruling, and if he still so desired he could have that ruling made by the court.

On motion, clause 67,
carried.

MR. CHAIRMAN: Clause 68. The hon. the member for Eagle River.

MR. STRACHAN: What are you on, 68?

MR. CHAIRMAN: 68(1).

MR. STRACHAN: Okay, carry on.

MR. CHAIRMAN: Proceed.

MR. STRACHAN: 68(2) and 71 will go hand in hand, I believe. The only point I want to raise here is that 68(2)(a) if a person is a natural person then he is liable to a fine of not less than \$100 and not more than \$500 and in default of payment to imprisonment for a term not exceeding three months, which is fine enough, simple and straightforward.

MR. STRACHAN: But (b), "If the person is a corporation, to a fine not less than \$200 and not more than \$1,000." Then if we look at 71, we have an explanation of the directors of corporations; "Where a corporation has committed an offence under this Act, every director, officer or agent of the corporation is guilty of the offence." A point that I have always thought wrong in this kind of an arrangement is that if the person is a person, a natural person, not a corporation as such, then there is a fine or in default of the fine there is a prison sentence. But if a person is a corporation then what happens in many cases is that the corporation are fined but they often will take many weeks and months and quite a long period of time to pay that fine. They do not have hanging over them the fact that the directors of that corporation can go to prison as an alternative for not paying the fine. I have often felt that in cases like this that a single individual as such will get fined, or if he does not pay the fine goes to jail. In the case of a corporation all he gets is the fine and there is no alternative of jailing the person or putting him in prison. I often feel that this is wrong, that there should be alternatives there so that directors of corporations, should they not pay that fine, then in this case here, the same as an ordinary person, they should be faced with a prison sentence.

MR. ROUSSEAU: I shall defer to my colleague there, but if I may, my reading of it here, I read, if the hon. member will look at section 71.

MR. STRACHAN: Yes.

MR. ROUSSEAU: the last couple of lines there, "the commission of the offence is guilty of an offence and liable on summary conviction to the fine provided for a natural person under"

MR. STRACHAN: Only to the fine for the natural person. In other words, the alternative - if you are a single person, an individual, you have the fine and if you do not pay the fine you go to prison. As a corporation, you pay the fine, but if you do not pay the fine you do not go to prison and you can haggle over the fine for a long, long time, and directors of corporations do not go to prison. And it seems to be two different rules, two different laws.

MR. ROUSSEAU: I do not know that, I defer to my colleague there. I would think the unions are in the same position, where a union member but not the executive.

MR. HICKMAN: You cannot extend it to the corporation unless you extend to the union as well.

MR. STRACHAN: Oh, yes. I have no hesitation there whatsoever.

MR. HICKMAN: There is -

MR. STRACHAN: As a selective body you seem to be excused. There is a double standard there, a little bit of a double standard.

MR. HICKMAN: Not so much of a double standard as I think partially is the question of proof, if you go the next step you are imposing vicarious liability on a director of a corporation for an act over which he probably has absolutely no control or no knowledge. Whereas the natural person obviously makes a deliberate act, it is a deliberate act on his part to commit an offence.

MR. STRACHAN: But surely responsibility in a corporation should rest with its president or general manager.

MR. HICKMAN: There is no question about civil liability at all with a corporation. The question is do you take as a next step and say that a person is criminally liable for an act that was not committed by him knowingly or unknowingly.

MR. STRACHAN: Let us get off the corporations then and onto the point of unions. Surely, and this is something that the minister was

MR. STRACHAN: alluding to the other day when we were on private talks about it, but surely if there is an act committed by a union member then the union as such, the same as a board of directors or president of a corporation or something, -

MR. HICKMAN: Civilly liable.

MR. STRACHAN: Yes, but should it not be under these kind of laws also liable because they are responsible? I mean the thing that I often get is that there is a responsibility, a tremendous responsibility placed on an individual, but if he belongs to some collective organization he loses that responsibility and that responsibility is watered down. And what we are talking about here is that the union should be responsible for the actions of their members and corporation directors should be responsible for the actions of the members in their hire or employ or whatever has happened. And this is the point I am trying to get at here, is that as a single person, many small businesses, many small people, small individuals and so on are punished in ways which are not applicable to corporations or to unions, for that matter if you want to balance it out.

MR. ROUSSEAU: That point is well taken. I will certainly look into it further because we do not want to have it isolated in one act. I mean there are certain, there are a number of acts with that same type of situation in it, be it the union and its membership, the union as a legal entity in its membership, and other areas too which cover many acts in the House. It is certainly a good point. It is a double standard, it appears to be. What way around it I do not know, but I will certainly take it under consideration and I am sure the Minister of Justice will do so.

MR. STRACHAN: It could possibly be. I have just used it in this case here because it is in this bill here, but it is something, a point that I thought is valid in many, many instances where that responsibility lies. I feel that somehow or other there has to be responsibility for the actions of people in your employ or people in a union and so on, the responsibility has to lie somewhere

MR. STRACHAN: so that people have to obey a certain procedure or understand a procedure or take liability for it. Not only in this bill here but I think in generally too that if you set the precedent here then we would probably be arguing it in many other cases because there are many other cases where liability should lie and should rest on the board of directors, or on the union executive or whatever it is.

MR. ROUSSEAU: As a personal opinion I have much sympathy for what the member says because it says where a corporation has committed every director or officer of the corporation is guilty of an offence. So it is certainly a point that is well taken but I cannot make an undertaking here because of the complexity of the problem in respect to other bills and acts. But it is a point well taken and a point with which I have much sympathy.

On motion clauses 68 through 72, carried.

MR. HICKMAN: An amendment to (73), Mr. Chairman. I am afraid I am going to have to read it all, most of it is there already but it changes the numbers. The following be added to subsection (1) as paragraph (d) - (d) has been dismissed by a former employer; and then (b) the following added as section 2, every person is guilty of an offence who seeks to have an employer dismiss an employee because that employee has previously been dismissed by that person. And that means that the subsections all have to be renumbered and deleted so that in addition to the penalty set out in subsection (3) the court may order that exemplary damages be paid to an employee by any person found guilty of an offence under subsection (2). The Clerk has the amendment. I move that amendment.

On motion clause 72, as amended, carried.

MR. STRACHAN: The same case applies in 73, (2) as I was arguing previously. A person who is guilty of an offence, in respect of each employee to which the offence relates is a fine of \$100 and a maximum of \$1,000, plus a prison sentence of not exceeding three months, and then a case is different for corporations, or unions for that matter, or collective bodies. A collective body, you are only liable for a fine of \$300 and a maximum of \$3,000 for each person who has committed that offence. And again I bring up the same thing of this alternative being applied in one case of a prison sentence but not being applied in another case.

MR. ROUSSEAU: By the way, this is a Labour Standards Act which is really put in there for people who are working who are not unionized. Now the unionized people are normally people in larger companies and many of the people who are served by this act are small businesses in which there is a one owner or maybe a two owner and not a corporation and that is what the intent of this act is, So the majority of people served by this act I would think are not employed by corporations but rather by individual small grocery stores, restaurants or hotels in small areas and so on. There would be some of course that would be involved with corporations, but for the most part they may not indeed be involved with corporations but rather with individuals who own the

MR. ROUSSEAU: business because of the nature of the -

MR. STRACHAN: To that point I accept to a certain extent the point by the Minister of Manpower but it surely is a fact that more and more small businesses, for their own protection, are becoming incorporated and in fact they are even down to the stage now where they will be to the advantage of fishermen, for instance, who own their boat, a vessel, longliner fishermen is the thing I have never understood why more of them did not become incorporated the same as farmers in the West have become incorporated or anyone else who wants to enter into a business in which he uses his car and his home and so on for various purposes, because incorporation of course can save him a great deal in tax and can also give him certain write-offs and certain benefits. So I think that that is valid possibly to a certain point but there are many, many small businesses and corner grocery stores and so on in this days of liability who are becoming incorporated for their protection and therefore this does apply that less and less of these people are therefore liable under this clause.

On motion, clause 73 with amendment, carried.

On motion, clauses 74 and 75, carried.

MR. HICKMAN: There is a small amendment to 76, Mr. Chairman. I move that in line one, "Manpower and Industrial Relations Act," be stricken out and substituted therefore, "Labour and Manpower Act." Then on the marginal note that should be 77, chapter 29.

On motion, clause 76 with amendment, carried.

On motion, clauses 77 to 83, carried.

MR. LUSH: Before we dispense with the bill I am wondering again if the House would give me leave to have a point clarified because when Mr. Chairman started off this morning I never had my book opened and it was gone before I could get to a couple of points I wanted cleared up. There are two points in 48 and 49; they are just minor points but I would like for the minister to clear them up if I could have leave of the House just to ask the question. They are not debatable points, just a matter of clarification from the

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MR. LUSH: minister. 48 and 49.

MR. CHAIRMAN: Agreed.

MR. LUSH: I am just wondering under 48 whether when the bill was being drafted whether there was any consideration given to being able to

MR. LUSH: give a notice orally. I am just wondering why it was written. For example, a person could give an oral notice with a witness available. Sometimes, with our Newfoundland people, to make out a written notice becomes a bit difficult and I am just wondering why oral notice was not considered as an alternative? The other point - I will raise both - the other point was in 49, and this one was stating cases where written notice is not necessary and I am wondering why (f) was included in that? For example, it says a written notice is not required if the employee has reached the age of retirement. That causes a lot of problems in the teaching profession, I know, and I am just wondering why they were exempted of a written notice?

MR. ROUSSEAU: That is a fact that we know when a person reaches a certain age. But I am told by the people who administer this Act that oral notice has been a problem. We have had a number of problems with it and as with many other things in the Act, while they are put in there and they may seem like there is a little more detail than there should be, it is done on the basis of experience. Proof of notice is often needed and sometimes is not available. So in order to protect everybody involved and to be better able to administer that section and that concept of termination the people there felt that written notice was important. And while it is, like you say, for many people in the Province not something they want to do, to sit down and do that sort of thing, it is for their protection as we have had a number of problems in the past.

As I mentioned before, when I was speaking, there are many things in here that may not be Twentieth Century Labour Standards legislation

MR. ROUSSEAU: but because of some aspects that prevent working between labour and management in this Province, in the non-unionized areas, we have had to put them in. Where they have been put in they have been put in for a purpose, and this is certainly one of administrative difficulty, and to protect the employee.

MR. LUSH: How about (f)? You did not comment on that one, 49(f).

MR. ROUSSEAU: (f)? Why we have it written is to ensure that we have proof. When a person has reached the retirement age we know that then to be a fact. Because he is by birth certificate age 65, there is no question about the administrative ability to prove that he has reached that age.

Motion, that the Committee report having passed a bill, "An Act To Provide Uniform Minimum Standards Of Conditions Of Employment In The Province," with amendment, carried. (Bill No. 34).

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

MR. SPEAKER: The hon. the Chairman.

MR. CHAIRMAN: Mr. Speaker, the Committee of The Whole reports having passed Bill No. 34, with amendment, and ask leave to sit again.

On motion report received and adopted.

On motion, amendments read a first and second time bill ordered read a third time now by leave.

On motion, a bill, "An Act To Provide Uniform Minimum Standards Of Conditions Of Employment In The Province," read a third time ordered

passed and its title be as on the Order Paper. (Bill No.34).

MR. HICKMAN:

While I am waiting for my colleagues to get their bills together, the plan is for hon. gentlemen opposite, and I have discussed it, we will deal with a few housekeeping bills first and then get on with some more debatable ones.

MR. HICKMAN:

Order 11.

Motion, second reading of a bill,
"An Act To Repeal The Private Investment Holding Companies Act,"
(Bill No. 48).

MR. SPEAKER:

The hon. Minister of Justice.

MR. HICKMAN:

Mr. Speaker, this is simply a bill to
repeal an Act that has never been used, and the provisions for the
same protection is provided under The Companies Act. I move second
reading of Bill No. 48.

On motion, a bill, "An Act To Repeal The
Private Investment Holding Companies Act," Bill No. 48, read a second
time, ordered referred to a committee of the Whole House presently by
leave.

MR. HICKMAN:

Order 15.

Motion, second reading of a bill,
"An Act To Amend The District Court Act, 1976," (Bill No. 59).

MR. SPEAKER:

The hon. Minister of Justice.

MR. HICKMAN:

These amendments, with the request of the
district court judges, are set forth very clearly in explanatory notes.
The present Act provides that there shall be a conference once a year
to be held in June by the district court judges. They point out that
June is their busiest month and they would prefer that it be left within
their discretion so long as it is required that they meet once a year,
which the Act is designed to do. The second clause imposes upon the
clerk rather than on the judge the responsibility to file the weekly
court report. And the third is with respect to the rules committee,
and again the judges ask that the chief judge of the district court be
the chairman of the rules committee. I move second reading.

On motion, a bill, "An Act To Amend The
District Court Act, 1976," Bill No. 59, read a second time, ordered
referred to a committee of the Whole House presently by leave.

MR. HICKMAN:

Order 22.

Motion, second reading of a bill,

"An Act To Amend The Labrador Lands (Reservation) Act," (Bill No. 66).

MR. SPEAKER:

The hon. Minister of Mines and Energy.

MR. PECKFORD:

Mr. Speaker, all this act does is redefine the area that comes under The Labrador Lands (Reservation) Act. After some study over the last year or two, it has been discerned by proper survey and so on that there are pieces of land which no longer - or should not be under this Act, that are free, that have no other agreements, concessions or whatever on them and, therefore, should be extracted from the Act so that the normal regulations under the Mineral Act can apply. There is no need to keep this area delineated here in this Act under the strict regulations of the Act, so that, therefore, all this bill does is remove a small area of Labrador out of the Act because it has no particular agreements, special agreements, concessions attached to it to permit it to remain under the bill. So the land that then is freed up becomes open for claim staking in the normal mineral process as applies for all Crown land. So that is essentially the principle of what we are trying to do here. After the mapping crews get out and take a look at the lands involved that have concessions, special agreements, old ones, new ones and whatever, they have identified particular pieces of land, blocks of land which no longer have any concessions or agreements on them, and therefore, they should be open and free.

MR. NEARY:

Would the minister permit me a question?

What was the purpose of the Act in the first place? I mean, is there something -

MR. PECKFORD:

The purpose of the Act is to reserve certain lands from the normal

MR. PECKFORD.

Crown land operation because they come under special agreements or special concessions. Right?

MR. NEARY: Yes.

MR. PECKFORD: So that they are all put under one act, and blocked out and therefore -

MR. NEARY: You mean if they were left out like the Labrador Mining Development Corporation. So these were pieces of land left out. They are no man's land more or less.

MR. PECKFORD: This act essentially envelops all land in Labrador under which there are some kind of an agreement or concession or mineral development - okay? - in effect.

MR. NEARY: Right.

MR. PECKFORD: Now when the staff of Mines and Energy reviewed these various agreements and concession and so on -

MR. NEARY: They found pieces of land.

MR. PECKFORD: That is right.

MR. NEARY: Right.

MR. PECKFORD: So they try to piece it off against what is there and they said, Oh, holy smoke, there is a piece of land here that is under no concession or no agreement and should come out from out the aegis of this act.

MR. NEARY: And now they would be up for grabs.

MR. PECKFORD: And now they would be up for grabs.

MR. NEARY: Okay, good enough.

MR. PECKFORD: Exactly.

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

MR. STRACHAN: Could the minister explain this part here, Lands which are held by a corporation such as we have Brinnex here and various other corporations by the mineral concessions they are given that they must periodically therefore reduce the acreage, the square miles that they have, the concessions for each year under their initial agreements? In other words, they would prospect on various lands and so on

Mr. Strachan.

and this would be released or given up. Would this land then given up by these corporations be land which this act itself would take into consideration -

MR. PECKFORD: Yes.

MR. STRACHAN: - that as it is given up it is now reverted back through this here?

MR. PECKFORD: Yes, in Labrador, right.

MR. STRACHAN: So the Brinex Corporation then now have no holdings on these lands?

MR. PECKFORD: Yes, exactly.

MR. STRACHAN: As the lands then are given up, could the minister explain to us whether this is going to tie in at all with his resource tax or his mineral acreage tax? Because this seems to come very close in some ways. And will there be more lands coming up on this basis as a result of the mineral acreage tax -

MR. PECKFORD: Yes.

MR. STRACHAN: - which are applied and therefore companies will either have to prospect or get out or drop the concessions. Could he explain that?

MR. PECKFORD: Right.

This is an ongoing process and every year you will see due to refinement in the surveys, one; two, because of agreements that are coming due and land is being dropped, you will continue to see this kind of an amendment here, plus, as the hon. member has just pointed out, under the new mineral impost bill or mineral acreage tax where a company will have to spend X number of dollars on its concessionaire area or if it does not, it will have to pay a tax or relinquish some of the acreage and so that, therefore, this will be another way in which the government will be freeing up additional land for prospecting by whomsoever will, and that will continue to be. Now the Mineral Acreage Tax bill itself has not been given notice of vet.

MR. PECKFORD.

We are still working on a few details in it. But the whole intent of the Mineral Impost bill is as the hon. member says. It will see some additional acreage becoming free. So one, you have refinement of surveys which leads to some areas that were under the act which should not be there; two, the gradual relinquishment by companies under agreements of acreage that has to be given up; and three, the Mineral Acreage tax when it comes into effect will all have a great bearing on amendments to this particular act.

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

MR. HICKMAN: Motion 3.

Motion second reading of a bill, "An Act To Amend The Urban And Rural Planning Act." (Bill No. 45).

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

MR. DINN: Yes, Mr. Speaker, this bill has several changes basically in the department to define responsibilities, etc. and maybe if I should go through the clauses and the changes that we have in here it would be more readily understood. Clause (1), for example, the amendment would extend the time allowed a council to prepare a municipal plan,

Mr. Dinn.

and I would extend that time to five years. And basically the problem here is that two years just simply is not enough time for councils to prepare their plans, and this is an extension so that they meet the requirements of the act.

The Clause No. 2, the amendment, would make the Director of Urban and Rural Planning responsible for the technical examination of municipal plans. Right now it is vested in the minister of the department and we feel that the Director of Urban and Rural Planning is qualified to do that and so he will do it and submit his report to the minister.

Clause 3, that amendment would permit representations as well as objections to be made at public hearings on a municipal plan. Right now when we request changes to plans, objections are received by a commissioner set up by the minister, and they do not basically allow representations to be made by people who want the plans changed. So Clause 3 would allow this and allow the representations to be made so the commissioner can make a reasonable decision on the plans and submit his report to the minister.

Basically the other clauses from Clause 3 to Clause 7 are the same thing in that they add the words, 'representations along with objections' to be made. So Clause 4, 5, 6 and 7 just add words to the act so that representations can be made.

Clause 8, Section 38 at present reads as follows: "Before the scheme referred to in Section 37 is adopted by the resolution of the Authorized Council two copies thereof shall be sent to the minister." We are changing that from the minister to the Director of Urban and Rural Planning as explained in Clause 1.

MR. NEARY: Why change it?

MR. DINN: I just want to make this clear to the Committee that it does not give the power to the Director of Urban and Rural Planning. It gives him the power to technically go through the plans -

MR. DOODY: And make recommendations.

MR. DINN: - and make recommendations to the minister.

MR. NEARY: The minister has the final say.

MR. DINN: He certainly does, yes.

Clause No. 9: "This amendment would permit Public Authorities, such as a Community Council, to prepare and administer Municipal Plans." And we think that this is a necessary change to the Urban and Rural Planning Act so that we can have some sort of control in the local body, and the community councils have requested this, and we think it is ultimately the thing that has to come. So that is basically all, Mr. Speaker, in these revisions or changes, and I, therefore, move second reading.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I have no objections to the bill, Sir, except that I would like for the minister to tell us if we now have expertise in this Province who can do municipal planning in line with what we already have in a particular area. For instance, Mr. Speaker, we have had a number of municipal plans done now over the past several years, over the past twenty years, I suppose, or so, and in some cases they are grandiose plans. They are far beyond, outside the scope or the reach of the town councils. You know, they are just Utopia, and they are not realistic at all. They are completely unrealistic. And I was wondering if the minister could tell us if there are any municipal planning ongoing now and if so where they are taking place? And if the minister can also tell us, in closing the debate, what is going to be done about these areas where you have local improvement districts and community councils, and in some cases town councils, and you have dumps that are springing up right along the highway, right on the boundary or sometimes even within the boundaries of these towns? I mean, should there not be some authority given to some groups in the area to stop these dumps? And I am thinking about - I think the Minister of Justice can verify this - the dump near Isle aux Morts which is a terrible sight. It is

MR. NEARY: a terrible thing. I have written the Minister of Consumer Affairs and the Environment about it. And the minister was down there some time ago and had a look at it - the Minister of Justice. But it is terrible and something should be done about it.

MR. MURPHY: Do they have a waste disposal?
Is it incorporated?

MR. NEARY: It is a local improvement district and in my opinion there should be a town council. You know, the local improvement district members who were appointed there have lost interest really.

MR. MURPHY: When did you write me?

MR. NEARY: I beg your pardon? I think I wrote the minister's department several weeks ago about it.

MR. MURPHY: I will check on it. Isle aux Morts, eh?

MR. NEARY: Isle aux Morts and further down, by the way. Down in Burnt Islands it is the same thing.

MR. MURPHY: We should take a look at all of them really but now they -

AN HON. MEMBER: They should be done away with.

MR. NEARY: The dumps?

MR. MURPHY: (Inaudible)

MR. NEARY: You will find the -

MR. MURPHY: I will get Mr. Evans -

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: I do not know what Mr. Evans' job is. He is an inspector for the Department of Public Works. It is too bad they did not make him an inspector for the Department of Municipal Affairs.

MR. MURPHY: The other man handles certain types - it is not the ordinary ones he is -

MR. NEARY: No, I took care of that. That kind of dumping I took care of already, but -

AN HON. MEMBER: That is the end to dumping.

AN HON. MEMBER:

We can have a look at it.

MR. NEARY:

But it is a terrible eyesore. It is a health hazard. It is terrible. Now I do not know if there is any planning done in these communities where you have local improvement districts or community councils. Now there is going to be a town council, I think, election very soon. The minister has not set the date yet although the returning officer has been appointed, but the sooner the better for the very reasons I am talking about. It is really, really terrible - paper and garbage and everything just blowing across the road. The Minister of Justice can confirm what I am saying because the minister drove down in my district and took a look at it and was impressed with the district, apart from the fact the minister had to complain about the dumps, and I have to complain about it because they are terrible. And I think something should be -

MR. DOODY:

You must have had just about the whole ministry down at one time or another.

MR. NEARY:

I beg your pardon?

MR. DOODY:

You must have had just about the entire ministry down at one time or another with the exception of me. I feel rather hurt about this.

SOME HON. MEMBERS:

Oh, oh!

MR. NEARY:

Well that certainly would be a great privilege and an honour to have the Minister of Finance come down to my district and I am sure that Robert McGrath, local pharmacist, would welcome the hon. gentleman with open arms. He has attacked every other minister that I have had out there.

SOME HON. MEMBERS:

Oh, oh!

MR. DOODY:

He is our chief Tory.

MR. NEARY:

And I think one of the conditions now that I will make when a minister comes out to speak to a service club or something is that Bob McGrath does not give the vote of thanks to the minister.

SOME HON. MEMBERS:

Oh, oh!

MR. NEARY: But it is, Sir, a real eyesore, and I hope that the minister can find a way to do something about it.

MR. WOODROW: Mr. Speaker.

MR. SPEAKER: The hon. member for Bay of Islands.

MR. WOODROW: I would just like to ask the hon. minister, when will a decision be reached on the municipal plan which is already in my hands for Irishtown, if he has anything to say about this at the moment?

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

MR. STRACHAN: Mr. Speaker, this urban and rural planning act concerns us, and if I can get more towards my district rather than thinking generally, it extends the period of time from two years to five years in which communities or councils can prepare a plan of the community, where it is going and so on. And one of the objections, for instance, on the Labrador coast, one of the severe objections over many years has been the fact that the councils there are very keen on planning. For instance, the recent development at Hopedale where the people of Hopedale had to vote whether to leave Hopedale or stay was because of a geographic, a constriction in the community of Hopedale where essentially it is built on rock at the end of a promontory, a point, and on which they cannot move very far and on which they have problems of water, airstrips and so on like that. And if the community continues to exist as it does there is a point to be reached at which the community cannot further expand, it cannot move any more. Furthermore, there are problems in the communities of, for instance, Nain, which is probably the only community on the Labrador coast which is developing at a considerable rate, the increase in population of Nain due to people moving back from Goose Bay. People who were resettled from Hebron and Nutak and Ramah in the past and moved to Makkovik and Hopedale and Goose Bay and North West River are now moving back to Nain, Nain being the focal point because it is close to hunting places and it is the closest home to their old homes. And there are problems there because what is occurring is that as the community now reaches

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MR. STRACHAN: a size of 1,000 we have problems with the
water supply, for instance. We find that the water

MR. STRACHAN: dam route, the water route for town planning is on a main snowmobile trail. The snowmobiles are not a pastime, they are a way of life and they give people freedom also as well as hunting and hauling wood and various other things and, of course, they just cross right across the water site.

They have been some years now asking for assistance in planning for the community, the community's future, and it is becoming evermore pressing as the communities, and anybody visiting these communities will see that these communities have developed on a very ad hoc operation. In fact, even the Labrador Services Division of the Department of Rural Development comes in and slaps a building down here, because it seems to be the best site at the time, and another building elsewhere. There is very little planning. Although the Act is an act to amend and to give them additional time, from two years to five years, to develop a plan, a town plan, these communities have no tax base, and having no tax base, no money to be able to independently have a town plan drawn up, a plan which could be drawn up in consultation with them. So I think the Act is fine inasmuch as it gives from two years to five years to plan a town properly and look to the future and pick out areas for watershed areas and areas for residential, and areas for commercial development, and areas for fish plants and so on like that, but to increase the time from two years to five years without any means of funding, without any means of assistance to these communities, is just pointless. It is wonderful exercise but it means but little. Because I can assure you if the system carries on as it is now, then five years from now or ten years from now, there still will be no town plan apart from a few interested members of council trying to draw up something,

MR. STRACHAN: sketchily, on their own initiative.

Also I have noticed that surveyors will come into these communities and the surveyors, because of the actual surveying, will become the actual town planners. We have seen some really ridiculous ideas and ridiculous buildings being created in various places without any forethought. In some cases I have seen buildings which have been set up having to be towed away from there or torn down because they were set up in the wrong place in the first instance because there was no planning.

The surveyors are the only ones they have contact with and therefore the surveyors become the town planners. Surveyors will become town planners if, of course, it is beneficial to surveyors to become town planners. They can certainly increase their funds. Since it is coming - in my case here - much of the money is coming from government anyway, I would suggest to the minister that possibly there should be more liaison with his department in this so that we have some sensible planning done, planning done in the long-term. Because I am sure that the amount of money it would cost - and you can say, Well, where are we getting the money for it to set up such a plan? With the amount of money which has been wasted in the short-term, year to year, all put together, I would suggest, in the last five years, Nain could have the most beautiful town plan of any community in this Province. Because the amount of money which has been wasted on things being set up from which there is no benefit, there is no area - I can suggest, for instance Black Tickle where we have a fish plant set up, again by a department of government, which has cost in excess of \$2 million - and set up in Black Tickle in an area which has no water.

MR. STRACHAN:

In fact, I believe that the Department of Rural Development will be shipping down a large ice making machine this Summer to install in the plant, but it has no water. So how can you install a large ice making machine into a plant, and how do you design and situate a plant into a community when there is no water to that area of the community? These kinds of wastages to me indicate that there was no planning, there was no co-ordination with the minister's department. The waste of money, surely if put into proper town planning and proper consultation with people, could save a great deal of this. So I would like the minister to keep these points in mind.

Possibly we will probably go along with this and agree to it and so on. It is wonderful if we can do it. But without money or availability or expertise or resources to the communities - I suppose it is all over the Province - that unless they can plan these communities then the thing is only a cosmetic, it is only there for the sake of it, it is not there because they can do anything about it. I hope that the minister will possibly respond to some part of that.

The other thing that I have been concerned about is that where there have been some town plans drawn up, very sketchily, by his department, previously, there was always the feeling that the department was imposing on the community a town plan in which the community had no real input. Particularly I refer to,

MR. STRACHAN: again, the situation in my district in which most of these plans are brought up and discussed during the Summertime, in the Summertime when the communities are down to one third of the population. In fact, the people who are the leaders of the communities, the leaders of the council or elders or whatever you have on the coast, these people are the most active and generally the most productive people, these people are gone and do not come back to the community until September or October, in which case they have already something drawn up especially or something done by the minister's department. And I can understand many civil servants not wanting to travel to Labrador in the Winter, the Fall or Spring where they spend six weeks instead of two weeks, but at the same time the thing is that these plans are often drawn up or suggestions are made and carried out without proper discussion with people at the proper time of the year when they are there in the community, such as the Wintertime when people do have meetings and it is the highlights of community life. And I would hope that possibly the minister will take this into consideration because the way it is going now I can see chaos in many communities, and in five or ten years time as the coast in Labrador itself is changing and exploding in some ways there can be real chaos in some of the communities and you can be compounding the problems that the minister may not face but other ministers will face with garbage problems, garbage dumps situated in the middle of a communities and various things like this. So hopefully that wonderful as they are in looks and so on, and fine, I suggest that it is purely a cosmetic with no real teeth behind it because where is the money to do it?

MR. SPEAKER: Hon. member for Lewisporte.

MR. WHITE: Mr. Chairman, I just want to say a couple of things about this particular bill and to relate an experience or two. I agree with the bill changing the time limit from two years to five years because in my own district there are a couple of cases where the councils have not had the opportunity to compile a municipal plan. It is difficult sometimes when you only have part-time municipal

MR. WHITE: workers and all this kind of thing to get a bill together. Mr. Speaker, what I am more concerned about than that, and I hope the minister can address himself to, is that when an council or an area is given or asked to compile an municipal plan I just wonder how much teeth that particular plan is going to have? And, you know, how often are the legs going to be cut out from under municipal councils in the Province?

I am referring specifically, Mr. Speaker, to the town council in Norris Arm, the second largest community in my district and the second largest town council obviously.

AN HON MEMBER: Where would that be?

MR. WHITE: Norris Arm, Norris Arm South, There are two Norris Arms, Norris Arm North and Norris Arm South, but Norris Arm South is the larger community that has a municipal council. Now recently, Mr. Speaker, there was a bit of a controversy in Norris Arm over the situation surrounding the quarry there, or gravel pit as most Newfoundlander's refer to an area that is used for the taking of sand or gravel. The Department of Mines and Energy issued a permit to a private contractor to take materials from the quarry at Rattling Brook, which is a couple of miles to the West of Norris Arm, without asking first the opinion of the municipal council with respect to the taking of that material. And the excuse given by the Department of Mines and Energy and by the Department of Municipal Affairs and Housing was that the quarry in question did not come within the boundry of the town of Norris Arm. Now it did not come within the boundry of the town of Norris Arm but it came within the planning area of the town of Norris Arm, and the planning area in question of course is the area that the town council in Norris Arm are using to plan the future growth of their town. The town council in Norris Arm wanted the Department of Mines and Energy to refer the application by the private contractor for the particular quarry to them before approving it. This was not done

MR. WHITE: by the Department of Mines and Energy and apparantly Mines and Energy or any other department does not have to go first to a municipal body and ask their permission or ask their comments before going ahead and issuing permits for the taking of gravel or development of any kind although the legislation with respect to the Urban and Rural Planning Act said specifically that they should do that.

MR. WHITE: The point I want to make is that I would like for the minister to clear up once and for all what power a council has in terms of its municipal planning area. When Mines and Energy received an application for a permit to develop the quarry west of Norris Arm they referred it to Crown Lands, they referred it to Health, they referred it to Environment, to Transportation and Communications but not to the Town Council of Norris Arm, which I think is ridiculous. If a person wants to build in the area of the gravel pit we are talking about on the other side of the road where there are a lot of Summer cabins, all those Summer cabin owners had to go to the town council to get a permit first, which was right and proper. But for the Department of Mines and Energy to go to work and to issue a permit to take gravel and to destroy the area west of Norris Arm without any comment from the town council or without the approval of the town council, I think it is unfair and I think the process should be stopped and I hope the minister does address himself to that because it is a situation that a lot of our councils in this Province are going to find themselves in. If you are going to give a town council power, give them ultimate power in terms of the development of the area and not have people going in, making their own regulations and cutting the legs out from under them.

Mr. Speaker, I support this bill because it does give councils a longer period of time to come up with municipal plans. As I said, a lot of them only have part-time workers and it takes a while to get it all together, but I hope that this particular issue with respect to municipal planning areas and municipal boundaries is straightened out before we have more cases of councils resigning as we did in Norris Arm this year.

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

The hon. Minister of Municipal Affairs and Housing.

MR. DINN: Mr. Speaker, if I can address myself to some of the items raised by the hon. members opposite, the hon. member for LaPoile (Mr. Neary) talked about having some grandiose plans in towns and

MR. DINN: I agree that some of them are quite extensive and that I feel right now myself that if I could get the planning done for all 308 municipalities I would be one of the happiest ministers in the Province today, because I do feel that councils have to have a guideline to go by and this guideline will be provided by their municipal plan.

With respect to his question about local improvement districts, I would like to see all councils in Newfoundland elected and the Local Improvement District of I believe Isle Aux Morts was the one that the hon. member brought up -

MR. NEARY: And Rose Blanche is the same way.

MR. DINN: And obviously Rose Blanche as well. We have not received any input from the people of the area as of yet, as I understand it, nor from the people who serve on the local improvement district. But I will endeavour -

MR. NEARY: They were going to resign there last week.

MR. DINN: I will endeavour to find out for the hon. member and if the wish of the people is to have an elected town council then that is the route that we will follow in November.

MR. NEARY: The same thing happened in Corner Brook, the same thing. And there is a concerned citizens group in Isle Aux Morts.

MR. MURPHY: The minister does not order these, these are by the request of the people -

MR. DINN: Well, we like to see it that way, just to answer the hon. Minister of Consumer Affairs and Environment. We like to see the leadership coming from the people rather than to force something on the people that they do not want. Just to give the hon. member an example, Wedgewood Park is a local improvement district and I have more representations from Wedgewood Park than probably all of the Island combined and Labrador with respect to keeping their local improvement district, rather than having an elected town council. So there are both sides of the story and -

AN HON. MEMBER: It is all run by the City.

MR. DINN: In the case of Wedgewood Park, they want to retain their community as a local improvement district. So that is the kind of thing we would like to see. I would certainly like to see elected town councils and so on and if at all possible, if we get representation from the people or from the community at large then we will attempt to do that in the upcoming municipal elections.

Now the other item that the hon. member for LaPoile (Mr. Neary) brought up, Mr. Speaker, is the problem that we are having all across the Province with respect to these dump sites. We are attempting right now to work with the Department of the Environment to try to bring about some sort of change. The Coast of Labrador, for example, where we do not have the land fill, we just do not have

Mr. Dinn.

the material there for landfilled sites. We are attempting in conjunction with the Department of the Environment to implement a programme this year whereby we can provide incinerators to some of those areas. With respect to the Isle aux Morts problem that the hon. member brought up on that dump, basically it is up to the Ministry of Environment to indicate that it is unsightly and it has to be closed, and then the councils would make representations to my department, and we would go back attempting to do something about it. But we do have a problem in Newfoundland, as the hon. member has pointed out, and it is one that we have to address ourselves to in the very near future.

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

MR. DINN: Certainly.

MR. CALLAN: Yes, the minister referred to placing incinerators in Labrador where there is very little landfill and so on. There are several questions that I have been asking quite often regarding incinerators. Number one, how many incinerators does the Municipal Affairs department have, say, on hand to distribute this year? Are they manufactured in this Province or are they imported? I understood last year that there were some being brought in from outside, a smaller, cheaper type incinerator than the ones that were manufactured, for example, at the Marystown Shipyard back in 1971. So, you know, what criteria is used for the distribution of these incinerators, number one? How many are going to be placed throughout the Province? And, you know, should that be just one of the criteria and the fact that there is very little landfill? I mean, you know, should there not be incinerators everywhere where, you know, rats are breeding and so on in places that I have spoken about in this House before? And, you know, I brought up the situation at Jacks Pond Park. You know, it seems very, very strange to me that Jacks Pond Park is carrying their garbage to the Chance Cove open dump, and, you know, they are travelling twice as far as they would have to travel to go from Jacks Pond to the incinerator at Sunnyside. Why is this allowed to happen? I brought it up last year. The Minister of

Mr. Callan.

Tourism and the Minister of the Environment and the former Minister of Municipal Affairs said that they would look into it, and they would arrange something, but still nothing has been arranged. Still that raw garbage has been taken to an open dump at Chance Cove when there is an incinerator half the distance away. These are several questions that I brought up.

MR. DINN: I guess, Mr. Speaker, just to address myself to the overall problem of incineration on the Island, obviously we are going down that road, and we would like to see incinerators everywhere if we could. We are attempting to get together on a periodic basis when we get an opportunity with the Minister of the Environment. And we have investigated different types of incinerators. There is one called a pit incinerator that we are hoping to introduce in an area this year - for a region, rather, than just for one council, because we feel that these incinerators are a thing of the future in that they consume all of the garbage on a high heat basis and there is virtually nothing left but a black ash, and we would like to go along that route.

With respect to where Jacks Pond Park should dump their garbage, I am afraid that is a little outside my authority as Minister of Municipal Affairs in that obviously the park comes under the jurisdiction of the Minister of Tourism, and if you would address your question to him at a later point in time then he could probably answer that question a little better than I could.

Now, Mr. Speaker, the hon. member for Eagle River (Mr. Strachan) talked about Labrador with respect to planning, and I do not know if the hon. member is aware or not, but the combined councils down there did have a meeting and made representations to the department at the time, at the meeting. As a matter of fact, we were probably one step ahead, and we have given the combined councils of Labrador a commitment that we will be sending a planner to Labrador this year and going to the different communities with the idea of setting up municipal plans in all of the communities in Labrador. So the process is starting this year.

Mr. Dinn.

I am not saying that we will have all the plans completed this year, but certainly we will start the programme and have some done this year on an ongoing basis. Then they will be done as time goes on.

MR. STRACHAN: Would the minister indicate whether he would cite communities with a pressing problem, Hopedale for instance, rather than other communities if there were a sense of priority in assessing these communities?

MR. DINN: Yes, Basically, Mr. Speaker, the planner that we intend to send down there will sit down with the combined councils and maybe they can talk to the planner and indicate to him where they feel the most pressing problems are, and hopefully he will look after them from that point of view.

Now the other thing the hon. member for Eagle River (Mr. Strachan) brought up, Mr. Speaker, was with respect to input by councils into their planning. Well, just for clarification, we may do a plan or assist a council to do a plan, but that plan is approved or rejected by council initially before it is sent to the minister for his approval. So that they do not have input in that they can go through their plan, talk to the planner, find out what different items in the plan mean, and then pass a Minute-in-Council and send it in to me for approval.

MR. STRACHAN: That programme is now taking place?

MR. DINN: That is correct.

MR. STRACHAN: That is how it is going to be done.

MR. DINN: Yes.

MR. STRACHAN: Yes, I was referring to the past where it had not been done that way.

MR. DINN: Where they were sent plans. They still had to approve. I mean, they still had to say, yes, we agree and pass a Minute-in-Council and a majority and so on for that plan to be approved.

MR. STRACHAN: No, no, not exactly. If I can explain:

Mr. Strachan.

What was happenig there was they were sent plans, but what was occurring was that at the time of the year when the surveyors would come in, the surveyor would be the planner.

MR. DINN: Yes.

MR. STRACHAN: And he would take the plan, and he would then adopt it or change it and move it around and you would find homes going places where the surveyor thought the homes should go or where a system should go and so on. What we are talking about is fine. I think as the minister said in the act here that there will be input from the community, and I accept that.

MR. DINN: Yes, right.

MR. STRACHAN: If that is the way it is going to be carried out, that is fine. But what I am stating is that in the past it was not done that way.

MR. DINN: Okay. These were probably interim plans and not registered, say, municipal plans.

MR. STRACHAN: Interim for 100 years.

MR. DINN: Right. Okay. So I hope that satisfies the hon. member for Eagle River (Mr. Strachan).

The hon. member for Lewisporte (Mr. White) did point out a problem that we had in the past, and that is with respect to landfill sites and what we call gravel pits and that kind of thing within communities, and with respect to the particular item he brought up, with respect to Norris Arm where a sand and gravel site was in their planning boundary. The Minister of Mines and Energy issues the permit, Mr. Speaker, and he does not have to. If it is Crown land, etc., he does not have to refer that to council. But I have a commitment from the minister that in future when these affect municipalities that he will indeed identify what is going to happen and where the permit is proposed to the municipality for their approval before the particular site is approved for sand and gravel, etc.

MR. MURPHY: Is there any area outside that is a control area, like something our Metropolitan here. Is there a two or three or four or five mile where the council would have some control following up this type of question?

MR. DINN: Yes, just to answer the question for the hon. Minister of Consumer Affairs, there is in some cases a planning area around a municipality. It comes under the jurisdiction, however, of the minister in most cases, And with respect to Crown lands, for example -

MR. MURPHY : It would be a courtesy rather than obligatory.

MR. DINN: Right. In this case it would be a courtesy to the town council. And with respect to the Crown land, etc. I have gotten a commitment from the hon. Minister of Mines and Energy to get to the council before he issues the permit. So with that, Mr. Speaker, I move second reading.

On motion, a bill, "An Act To Amend The Urban And Rural Planning Act," read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. SPEAKER: Motion 10.

Motion second reading of a bill, "An Act To Amend The Department of Transportation and Communications Act, 1973."

MR. SPEAKER: The hon. House Leader.

MR. HICKMAN: My colleague, the hon. Minister of Transportation and Commucations was in the House until a couple of minutes ago but I believe he has to go to Gander so he may have left.

This is housekeeping and the explanatory note sets forth what it is all about. I move second reading. Oh, here he is. Carry on.

MR. MORGAN: Just a brief comment, Mr. Speaker. The bill is really a housekeeping procedure. We are changing the procedure used for installing culverts around the Province. Up until now the situation has been that the total cost has been borne by the applicant or the resident making application for installation of the culvert. What we are doing now is to arrange to have the department share the cost with the owner by means of the department supplying the necessary labour force or the department doing the work, the actual installation, providing that the owner pays for the cost of the culvert, sharing the cost arrangement.

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

MR. RIDEOUT: I am just looking for a bit of clarification, I would imagine, Mr. Speaker. But I read the amendment, subject to conditions respecting the payment or sharing of costs by any class of owners or occupiers as the Lieutenant-Governor in Council may describe by regulations. I am wondering if the minister, before he closes debate, could tell us exactly what he has in mind here? Is this going to be wide open to anybody who may be living along a public road in the Province? When I say a public road of course I mean the main road through a community, in communities that are non-incorporated, where his department has the responsibility of maintaining all the roads in that particular community, it may be the main road as well as three or four by-roads or the installation of new ones. Are those regulations going to apply? While I agree it is only a piece

MR. RIDEOUT: of housekeeping legislation, there are some questions. I think the minister should be more specific in what he has in mind by the regulations as prescribed by the Lieutenant-Governor in Council, How wide open exactly is this going to be? I can say without hesitation, Mr. Speaker, that I think the principle is a good one, that in many cases it is expensive for individuals to install culverts on their own. The department has the expertise and the manpower to do so so, and I think they should get involved on a shared cost basis.

But there are just a few, I think maybe matters of explanation, If the minister would explain what he has in mind a little bit more then we probably would not be in the dark before we give our approval to this amendment.

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

MR. STRACHAN: I would like to rise also on the same point that the member for Baie Verte - White Bay was raising. He says a sharing of costs by any class of owners or occupiers and so far we have probably been referring to homes, mainly people owning homes and so on. Maybe he would indicate whether it is motels or business establishments or various other things, what the cost sharing agreement is with them, if they require other entrances and culverts and so on to their properties and whether they have any special considerations or whether this would include them and exactly how many entrances are they allowed, for instance, and what is the cost sharing agreement? I think you should explain some of that as far as businesses are concerned as well as private home owners as well.

MR. SPEAKER: The hon. member for Mount Pearl.

MR. WINDSOR: I was going to ask the minister if he would address himself to expand on what gentlemen opposite were saying. Does this also include municipalities and does this now give the minister the authority to enter into agreements with municipalities and particularly I am thinking of lighting of intersections which I have discussed with the minister before, If the minister could address himself to that?

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

The hon. Minister of Transportation and Communications.

MR. MORGAN: Mr. Speaker, maybe we will deal with the last question first. This does not involve any kind of a cost sharing agreement with municipalities. It is strictly to give the authority to this bill to have the cost of installing culverts or access from a right of way or a road under the jurisdiction of the Department of Transportation and Communications, the authority

MR. MORGAN: to share the cost. In this case the cost is now totally borne by the applicant. Whereas now, from here on in, as of this bill being approved, the cost will be shared by the applicant and government by means of government's routines of supplying the labour force the cost of installation. But the material, and the material in this case is a culvert, the cost of that culvert is to be paid by the applicant or the owner.

With regard to commercial establishments, for example, motels etc., we do not get involved in doing that. But this bill will give authority, for example, to just two adjoining businesses, one to be a motel the other a restaurant, giving them the authority to share the cost of installing that culvert providing it is done upon the specifications of our department.

What has been happening in the past is that people, because they have been paying the total cost themselves, have been going out and putting their own culverts in. But when our man comes along, one of our foremen or one of our engineers, and he sees a culvert installed, it is very seldom installed to the specifications of the department. So he, under the regulations, will have to go in to the owner and say, Well, this culvert is not installed properly, you are going to have flooding conditions, you are going to cause damage to our road or right of way and we want you to change that. So he has to change it over again at his own cost.

Now what will happen, we will install it, and by our installing it it means it will be done to our specifications and the cost will be shared by means of the applicant paying for the actual

- MR. MORGAN: culvert which is the material.
- MR. SMALLWOOD: And it will cost four times as much.
- MR. NEARY: Any questions before he closes off?
- MR. STRACHAN: Yes. He talks about culverts only.
- AN HON. MEMBER: While you are standing up, say it.
- MR. MURPHY: While you are standing up.
- MR. STRACHAN: While you are still standing on your feet.
- MR. MORGAN: I am too tired to stand up today.
- MR. STRACHAN: While you are talking about culverts here, we are talking here, generally, about entrances and approaches. Does this include the cost of paving, paving for entrances and approaches? You are talking specifically culverts yet that is not what is mentioned here. This is talking about the whole approach area or the entrance to it.
- MR. MORGAN: Yes, We are not talking about the paving of roads we are just talking about the actual access from the right of way of a road under the jurisdiction of the department, to the property owned by the people. It could be a residence or a commercial outlet, but from the right of way to their property, that access, and usually all that is required there is a culvert installation to provide adequate ditching.
- MR. CALLAN: Would the minister permit another question?
- MR. MORGAN: Yes.
- MR. CALLAN: Mr. Speaker, I am wondering, the minister is bringing in this bill today but is it not

MR. CALLAN: a fact that this has been in effect for months now? Has not the Department of Highways been doing this for several months, going back to last Fall, for example?

MR. MORGAN: Not officially, Mr. Speaker. It was really cumbersome on the procedure used over the years and when I found out what was going on, where people had to go back and change the installation of a culvert over and over again at their own expense because our men found that it was unsatisfactory, my instructions to the fieldmen were to go in and get the thing done yourself, to your own satisfaction providing we do not have to pay the total cost.

And in some cases I agree it was being done over the past number of months. Now, of course, with the passing of this bill it will make it official to be done in the future.

MR. RIDEOUT: Who accepts applications for this, is it the regional director?

MR. MORGAN: Yes. Yes, the regional people.

MR. RIDEOUT: A regional director or the people? The foremen?

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

MR. HICKMAN: Mr. Speaker, could we have leave, the unanimous consent of the House, to revert to Statements by Ministers so that the hon. the Minister of Finance can make a statement? I believe we already have it. Agreed!

MR. SPEAKER: Leave is requested that the hon. the Minister of Finance may revert to Statements by Ministers. Agreed!

The hon. the Minister of Finance.

MR. DOODY: Mr. Speaker and members of the House, the meeting between the Waterford unit and the management of the hospital and the board and the negotiating team is still ongoing, but I would like to address the House now with the situation as it now stands.

Mr. Speaker, as everybody is aware, all sides in the dispute had agreed to the appointment of Mr. Stanley Hart as a special mediator. Mr. Hart had the difficult task of attempting to resolve the outstanding matters between the parties and, in particular, make recommendations on the priority of pensions for Waterford employees.

Mr. Hart met with the parties in St. John's on the 21st, 22nd, 23rd, 24th and 25th. of May of this year. Unfortunately he was not successful at that time in bringing the parties to an agreement. He did on Friday June 3, 1977, present to us his recommendations as to the solution for all items submitted to him. We now have had an opportunity to study in some depth the recommendations proposed by Mr. Hart along with his general remarks which are designed to assist the parties in reaching a successful end to the strike. I believe the report to be of much significance and I will be distributing copies to every member of the House this afternoon.

Mr. Doody:

It would not be fair, in my opinion, at least, Sir, to the union to table the report until after their membership meeting has begun this afternoon at 2:30. I hope that we will all agree that Mr. Hart deals with the overall situation in a very responsible and in a very reasonable manner.

Mr. Hart points out, Sir, that his report is not intended to determine which side is right and which side is wrong. He indicates to all parties that the analysis which he has submitted should not be taken as a judgment of the pros and cons of the issues but rather as a design to bring about a settlement of the issues. He urges us to give the full and serious consideration to his recommendations in the spirit of finding a settlement.

Mr. Speaker, I believe and I hope that each member of this hon. House will upon examination of Mr. Hart's recommendations agree that he has proceeded in an equitable manner under all of the circumstances. We should now, as Mr. Hart says himself, and I quote, "Put a little water in our wine and agree to end the dispute at the Waterford Hospital using his recommendations as a basis for settlement." The strike at the Waterford, Sir, commenced at midnight on February 17, 1977. That was some sixteen weeks ago. The major item costing the strike and prolonging it was the inability of both sides to agree on pension benefits for the Waterford employees. When Mr. Hart was appointed it was clearly indicated in his terms of reference that pensions should be his number one priority in resolving the dispute and the mediator in my view has indeed treated pensions as a major item. He has made significant recommendations on the issue of pensions and the compromise approach suggested, and the logic used in arriving at his solution are irrefutable. Mr. Hart allows for the application of a non-permanent pension plan to certain workers of the Waterford with improved benefits and eligibility requirements compared to those which were proposed by government. In the spirit of ending the dispute government has found his recommendations on the major issue of pensions entirely acceptable.

SOME HON. MEMBERS: Hear, hear!

MR. DOODY: Mr. Hart also makes recommendations regarding salaries, contact allowances, call back, overtime, severance pay, and all other monetary and non-monetary issues which were outstanding before these mediation efforts began.

Government is very cognizant, Sir, of the precedent setting nature of many of Mr. Hart's recommendations as they apply to other institutions in this Province. However, that is a problem which we will have to face in future negotiations with other groups given the need for compromise and the need for responsible action in attempting to end the strike which all of us wish to see ended. Government is prepared to accept the recommendations put forward by Mr. Hart as a basis for settlement. I believe that it will be as difficult for the union as it is for us to accept some of the recommendations.

However, as Mr. Hart points out in his report each party must understand that it must sooner or later find a settlement to a dispute which separates it from the other. And he has designed his recommendations so that they can be accepted by the parties however reluctantly as the basis of a new collective agreement. I urge the executive, Sir, and the members of NAPE to join with the government and the Hospital Board in accepting Mr. Hart's report as a responsible and equitable position which can put an end to the strike. I believe our acceptance of all of Mr. Hart's recommendations indicates our desire and willingness to accept the compromise approach. And that is the statement, Mr. Speaker, and I would ask that it be distributed and, as I have said, this afternoon when the House sits again at 3:00 o'clock I will distribute copies of the report itself, and I think it is well worth the attention of the House. Thank you.

MR. STRACHAN: I repond to that.

MR. SPEAKER (DR. COLLINS): The hon. member for Eagle River responding for the Leader of the Opposition Party.

MR. STRACHAN: Mr. Speaker, we cannot beg the issue, The union will have the copy of the Hart report this afternoon and we will be debating

Mr. Strachan:

it, and no doubt coming to some kind of an agreement on it. But to respond to a couple of points that the minister has raised here, it seems to me that Mr. Hart has done an excellent job according to all that the minister has stated. But at the same time what he has suggested as his final compromise position seems to us to be in the position, or very close to the position, that the union was taking all along on the basis of pensions. The minister is now stating that he will back off slightly, or we certainly take it in that spirit, hopefully in trying to end the strike which has been ongoing, and a very bad strike, for eighteen weeks now. But it seems to us that there is a compromise approach being made and I just wonder in light of the minister's statements whether that compromise approach which is now being taken on the basis of the Hart report whether the compromise approach should have been taken ten, twelve, fourteen, sixteen weeks ago, whether it could have been avoided to a fourteen, sixteen weeks ago, whether it could have been avoided to

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MR. STRACHAN: certain extent. However, this is our only point that we raise here and there is no point in getting into it deeply until we see what will happen this afternoon with the union and the discussion of the report. It seems to us that the pension plan has been the whole heart of the matter, or the whole nub of the problem, and that a solution has been put forward - a possible solution has been put forward, and it will be up, therefore, to the unions to discuss that and we would therefore wait before we get into any more of it and have comment on it. But it just does seem to us that the compromise approach now being taken, we feel should have been taken a considerable time ago.

MR. HICKMAN: Order 12.
Motion, second reading of a bill,
"An Act To Amend The Statute Law To Permit Designation Of Beneficiaries In Certain Income Tax Savings Plans," (Bill No. 53).

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, the explanatory note in this bill is put forth as clearly as I am capable of setting forth the purpose of that bill, and I move second reading.

On motion, a bill, "An Act To Amend The Statute Law To Permit Designation Of Beneficiaries In Certain Income Tax Savings Plans," Bill No. 53, read a second time, ordered referred to a committee of the Whole House presently by leave.

MR. HICKMAN: Order 13.
Motion, second reading of a bill,

"An Act To Amend The Legitimacy Act," (Bill No. 52).

MR. SPEAKER: The hon. Minister of Health.

MR. H. COLLINS: Mr. Speaker, the explanatory note is as explicit as I can explain this, and that is that this subsection prevents an illegitimate child from being legitimated by the subsequent marriage of his parents if at the time of birth either the mother or father is married to a third person. The result is that the adoption

MR. COLLINS: process must be used to legitimize such a person involved, involving substantial cost and inconvenience to all parties. It is a minor amendment, but I am told, a most important one in terms of illegitimate children.

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

MR. RIDEOUT: Mr. Speaker, we do not have much objection to the amendment as proposed in this bill. I think the explanatory note is very clear and the adoption process will be followed in this particular case, so we do not have any particular objection to it, at least I do not. If my colleagues do, they can speak for themselves.

MR. SPEAKER: The member for Eagle River.

MR. MURPHY: It is a problem in Labrador, I believe.

MR. STRACHAN: That is right. We get a lot of it.

AN HON. MEMBER: (Inaudible) you can always get -

MR. STRACHAN: I am worried about my five children, you know, I only claim two in income tax.

MR. MURPHY: And your own father and mother - she was an orphan.

MR STRACHAN: What the minister is stating here is that in order - if I get it right - that we are going to make it legitimate - without the adoption process?

AN HON. MEMBER: That is right.

MR. STRACHAN: Without the adoption process. And I am concerned that in this process here -

AN HON. MEMBER: No! With adoption.

MR. STRACHAN: - with an adoption process - you get married - that is what you are saying - without an adoption process.

AN HON. MEMBER: - now we are taking it out.

MR. STRACHAN: You are taking it out. It is without the adoption process. In other words, when they marry again or if it is a child born out of wedlock, essentially then when it becomes - you do not have to go through adoption process to change the name. It is a simple

MR. STRACHAN: name change that would be made for instance, without adoption process. That is correct. And I agree with it totally. There is no argument. The only point I want to raise here is that in this day and age where - and I do not want to refer to the whole marriage system breaking down - but in this day and age where there is a great deal of acceptance of common-law, for instance - and I am wondering whether you are talking about creating something as being legitimate - you are more concerned here with the adoption of that name or creation within the family. I wonder whether the Minister of Justice could explain to us possibly the effects this would have on claims for title or beneficiary claims of an illegitimate child under this case. Because we are getting into a system in which common-law - and many children are being born out of

MR. STRACHAN: as a matter of course, in fact, in some cases it is a matter of course. And I do not refer particularly to Labrador but in Labrador we have a great deal of long Winters that tend to create this.

MR. MURPHY: What else is there to do?

MR. STRACHAN: That is right. I can assure the minister he should come up in Labrador in Winter and he would find an excellent hobby.

SOME HON MEMBERS: Oh, oh!

MR. STRACHAN: But I have often been concerned about this because it is -

MR. PECKFORD: Are you saying that there is very fertile ground in Labrador?

MR. STRACHAN: Very fertile. I know it is the end of the Session and so on and they are all dying to hop on the government plane and fly to Labrador and sample our wares.

AN HON. MEMBER: The Minister of Justice is shocked.

MR. STRACHAN: I have them all jealous now. But I am wondering whether the process of a child like this, for instance, being created what legal cases they have or legal rights they have in being born out of wedlock and having been gone through this process without adoption and a simple name change, whether they have the basic rights that a child should have under the case. I wonder if the Minister of Justice could explain a little bit of that and the process of the common law obligation. Does a child in common-law for instance, in a common-law marriage, does a child in common-law marriage have rights and entitlement to the home or belongings or should one of the parents die what rights do they have in this Province? And I am quite serious now, quite apart from the flippancy earlier, that there are basic rights to me of a child and these should be protected by law and built in there whether that child is born in wedlock or out of wedlock. And I would like it possibly if the Minister of Justice could explain that as it stands here in this Province.

MR. HICKMAN: Mr. Speaker, there are two issues; one is the issue

MR. HICKMAN: that is in this bill itself, which is a very desirable one, which simply provides that upon the marriage of the parents of an illegitimate child, where one of the parents have been married at the time the child was born the child becomes legitimate, was legitimized and immediately following that the child that legitimated, that legitimized child has exactly the same rights as any other children; you know, the right to inherit under the intestate succession Act and is given all the rights of a child.

Now the second issue that the hon. gentleman from Eagle River raises is a much broader one and it is one that is now for the first time becoming topical in Canada. There is legislation presently before the Ontario legislature, or it was before the House was dissolved, dealing with this matter. We have indicated in the Speech from the Throne, and we are in the process now of soliciting representation from interested groups, into what will be a very major change in matrimonial law of this Province. As of today a child born out of wedlock, say, of a common-law union takes only from the mother, has the right to inherit from the mother but not from the father. And that raises the question which no legislature has really grappled with, whether or not the child has the right to inherit from both the father and the mother where they are not married. This is going to be, I think, a rather controversial issue when the various representations come in. I know it has been rather controversial in Ontario. The Attorney General of Ontario, Hon. Roy McMurtry brought in this far-reaching reform bill and in it he made provisions, I am told, to look after the, we will say, the wife of a common-law union, to give her certain rights with respect to so-called matrimonial property or vice versa. He was besieged by people living common-law who said, "That is the very thing we do not want, if we want to have rights against each other, if we want to have community property" -

MR. STRACHAN: Yes, but that is rights for themselves.

MR. HICKMAN: "or rights for our children, we know what to do, we will get married. We do not like being legislated." Now he has backed away a bit. I agree that that is not quite the issue what the hon. member for Eagle River is raising, and that is the child who is the innocent - I was going to say 'victim' but that is not right, who is not a party to all this.

I can only say that as of now under the common law the child of a common-law union takes under the mother, inherits under the mother not under the father.

MR. HICKMAN: This bill certainly does not deal with or address itself, nor should it, to that particular issue. This is just a minor amendment which gets rid of an anomaly which should not have been allowed to exist as long as it did and was, I guess, just stumbled on recently.

The other one - I am as interested as I am sure the hon. the member for Eagle River (Mr. Strachan) is to see what the response is going to be to the invitations that have gone out to interested parties. Our plan is to advertise so that individuals who want to make representation can also make it to give us an indication of the kind of law that we should incorporate in what I hope will be a fairly all-embracing piece of legislation for the next session of the legislature.

MR. STRACHAN: Would the minister permit a question here?

MR. HICKMAN: Yes.

MR. STRACHAN: Surely then the point that you raise, and it is well taken, the argument of what happened in Ontario, surely the point that we should be taking as legislators, and should not be distracted from if you are going to come out with that kind of thing, is that the rights as legislators, the rights that we have, we should be protecting the child immaterial of the roar or the demands of people who wish to live common-law. Surely that is not the question that we are talking about. Our business here is to protect the rights of the child, as we are doing in this kind of legislation, not take into consideration the wishes or desires of people who wish to live outside the status quo or outside the organization. That is fine for them, they do it by their own choice, but a child has no choice whatsoever and must

MR. STRACHAN: be protected.

MR. HICKMAN: I am sure the hon.

gentleman will appreciate, Mr. Speaker, that there are all sorts of problems with this. There is the question of proof as to who the putative father is. Courts of law have to ask for some proof.

MR. STRACHAN: Income tax have been after this for years, boy.

MR. HICKMAN: This is why the Speech from the Throne says that this is a major change in common law and one that is going to require very careful drafting, and one that is going to require input from professional bodies and others who have expertise in this thing.

MR. STRACHAN: Right.

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

MR. HICKMAN: Mr. Speaker, let us go into Committee and get the ones we have done.

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

MR. HICKMAN: Bill No. 45.

MR. CHAIRMAN: Order, please! Bill No. 45.
On motion, clauses 1 through 13, carried.

Motion, that the Committee report having passed a bill, "An Act To Amend The Urban And Rural Planning Act," without amendment, carried.

MR. HICKMAN: Bill No. 50

A bill, "An Act To Amend The Department Of Transportation And Communications Act, 1973". (Bill No. 50)

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

A bill, "An Act To Repeal The Private Investment Holding Companies Act". (Bill No. 48).

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

A bill, "An Act To Amend The Statute Law To Permit Designation of Beneficiaries In Certain Income Tax Savings Plans".(Bill No. 53).

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

A bill, "An Act To Amend The Legitimacy Act." (Bill No. 52).

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

A bill, "An Act To Amend The District Court Act, 1976."

(Bill No. 59).

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

A bill, "An Act To Amend The Labrador Lands (Reservation) Act." (Bill No. 66).

On motion Clauses 1 and 2 carried.

MR. CHAIRMAN (MR. YOUNG): Shall Clause 3 carry?

MR. STRACHAN: Mr. Chairman.

MR. CHAIRMAN (MR. YOUNG): The hon. member for Eagle River.

MR. STRACHAN: Clause 3, I was rising again, I mistook earlier on that I was not in the Committee, and there are some points that I wish to raise. This as mentioned by the minister here, this is referring to land which is now being transferred back to the Province coming outside of the concession areas and so on. As laid down in the initial concessions in 1953, especially with BRINCO, these ones primarily with BRINCO, Section (d) refers to the main development area of the Churchill Falls (Labrador) Corporation Limited, as described in The Churchill Falls Corporation Limited Act, that is within the said above described

Mr. Strachan:

area. Under that Act there that is to deal with water rights as I take it, is it? rather than mineral rights. And I wonder whether the minister could explain a little bit more on Section (d) exactly what land we are concerned with there as being transferred and for what purpose and what reason, why it has been given up on that area there.

The mineral concession areas as assigned to Brinex in which they have done a certain amount of prospecting, and as I understand it they do the prospecting and then they select areas and they come in closer to defined areas, they will now revert back to the Crown by this Act as I understand it, will now revert back to the Crown, and the minister is stating that it is therefore open as such for further development. I will not get into the whole argument of how that land should now become open for further development,

Mr. Strachan.

because I would think that if this land is now reverted back to the Crown surely the discussion that we should be having, the debate we should be having should be on what happens with that land that is now reverted back to the Crown, whether we are going to allow the land to be given out and further concessions which, of course, I would think would be a retrograde step, it would be a backward step in the whole idea of mineral resource development in this Province. And so I am concerned a little bit on that point there. That is now being reverted back to the Crown and if so back to the Crown, if this can be opened up, exactly how it is going to be opened up in future if some other companies want to take that land there? And possibly that is about the main thing I am concerned about here. I am wondering also that this land which is here, which is being given up - it is outside of the leases now, it is outside of the concession, the time is up, the time has expired or they have given up these areas - I wonder whether there are other areas and so on which should be included or which will be coming up now or whether we will have to wait for the Impest Bill which will produce these areas which will now be reverted back to the Crown as such? I wonder if the minister could explain some points there?

MR. SPEAKER: The hon. minister.

MR. PECKFORD: Mr. Chairman, I cannot give the hon. member the answer to the (d) part that he wants. I can only assume. I have not got the information here at my fingertips, but I will undertake to get it for him within the next day or so and provide him with the information. Obviously the area under the Churchill Falls Labrador Corporation, and the lease must have included mineral rights as well. Otherwise there would be no point in having -

MR. STRACHAN: It is not water rights at all. It has got nothing to do with the Lower Churchill or anything else.

MR. PECKFORD: No, no, no. It has to do with mineral rights and mineral rights only here. But I will get more information

Mr. Peckford.

on that. I do know that it has to do with mineral rights that were a party agreement that no longer needs to be held under that agreement and, therefore, can come open. In order for there to be discussion as to how we proceed on resource development in the Province, there must be these lands reverting back. And, you know, the government's expressed intentions through legislation as well as through other statements that have been made over the last years is not to get into the concession system that was so much apart of Liberal policy in the past as reflected in the Liberal administration of the day.

MR. STRACHAN: In the past.

MR. PECKFORD: You know, the present policy as it relates to resource development that the Liberal party has, I am not too familiar with it myself. I only know of ours and that is one against the concession system and one to more claims staking and providing opportunities for many people to competitively get into the business. I do not know if there are any other points that the hon. member wanted me to address myself to. These are the main ones, as I remember them. I will get additional information for the hon. member as it relates to the CFLCo situation. But I do know that it relates specifically to mineral exploration and development which no longer need be part of the agreement.

MR. STRACHAN: Mr. Chairman, the whole argument I had for him here was because it was CFLCo -

MR. PECKFORD: Yes.

MR. STRACHAN: - and as I understood it, CFLCo had obtained the water rights - or whatever pertained to water rights and so on - and it was my understanding, and the whole movement towards the creation of CFLCO, that CFLCo assumed any mineral rights whatsoever.

MR. PECKFORD: There are some awful strange agreements signed.

MR. STRACHAN: And so I was concerned about that. And we are talking here purely about mineral development and not water development -

MR. PECKFORD: Right, exactly.

MR. STRACHAN: - and what the situation is there.

MR. PECKFORD: This is specifically on mineral development.

MR. STRACHAN: Yes, okay. That is my main argument this fact of - and I would like for the minister, if he possibly could, to explain it and bring it back in some time so we could - it is purely mineral and has nothing to do with hydro development in Labrador.

MR. PECKFORD: Right, okay.

On motion Clause 3 carried.

Motion that the Committee report having passed Bill No. 66 without amendment, carried.

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

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

MR. YOUNG: The Committee of the Whole report having passed the followings bills, No. 45, 48, 50, 52, 53, 59 and 66 without amendment and ask leave to sit again.

MR. SPEAKER (DR. COLLINS): The Chairman of the Committee of the Whole report they have considered the matters to them referred and have directed him to report bills, No. 45, 50, 48, 53, 52, 59 and 66 all without amendment.

On motion report received and adopted.

On motion said bills be now read a third time.

On motion the following bills be now read a third time and title be as on the Order Paper.

A bill, "An Act To Amend The Urban And Rural Planning Act." (No. 45)

A bill, "An Act To Amend The Department Of Transportation And Communications Act, 1973." (No. 50)

A bill, "An Act To Repeal The Private Investment Holding Companies Act." (No. 48)

A bill, "An Act To Amend The Statute Law To Permit Designation Of Beneficiaries In Certain Income Tax Savings Plans." (No. 53)

A bill, "An Act To Amend The Legitimacy Act." (No. 52)

A bill, "An Act To Amend The District Court Act, 1976." (No. 59)

A bill, "An Act To Amend The Labrador Lands (Reservation) Act." (No. 66)

MR. CHAIRMAN: Is it agreed that it now be one o'clock? As it is agreed that it now is one o'clock, I leave the Chair until three o'clock this afternoon.

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
3:00 p.m. - 6:00 p.m.
TUESDAY, JUNE 7, 1977

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, my colleagues have not arrived yet to put through some of their bills. May we do Bill No. 63, Order 30?

MR. SPEAKER: Order 30.

Motion, second reading of a bill,

"An Act To Remove Anomalies And Errors In The Statute Law," (Bill No. 63).

MR. SPEAKER The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, this bill is simply designed to correct typographical errors and anomalies in the law, sometimes referred to as the Attorney-General's Statutes Amendment Act, and rather than bring in a bunch of separate bills correcting these errors, it has been the practice to include it in one bill. I move second reading.

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

MR. RIDEOUT: Mr. Speaker, I did not have any advance notice that this piece of legislation was coming up, but if I had I would have advised my constituents in Ming's Bight and I am sure they would be jumping up and down on the flakes. We have no objection.

On motion, a bill, "An Act To Remove Anomalies And Errors In The Statute Law," Bill No. 63, read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. HICKMAN: Order 14, Bill No. 57.

Motion, second reading of a bill,

"An Act To Amend The Crown Lands Act," (Bill No. 57).

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

MR. MAYNARD: Mr. Speaker, the Bill No. 57 has two amendments, or is proposing two amendments, to The Crown Lands Act. One is a fairly routine amendment where we insert the words pertaining to the District Courts having jurisdiction in The Crown Lands Act where now it

MR. MAYNARD: is only the Supreme Court of Newfoundland. The other amendment is a bit more significant. We have been attempting to amend Section 21. At the present time, Section 21 gives the minister the ability or the authority to issue permits to occupy, but only for industrial or commercial purposes. That is, if an application

MR. MAYNARD: is made for a parcel of Crown land for industrial or commercial purpose, the minister may at his discretion issue a permit to occupy that land previous to the survey being done or previous to the official title document being issued. This in some cases is an advantage to the person who is applying for Crown land because it takes a considerable amount of time in some cases to get the actual title document drafted and recorded and if the person had to wait for that it could very possibly mean a year where they would not be able to conduct business whereas if they are given a permit to occupy they can.

Now we have not been able to issue permits to occupy for any other purposes such as agriculture. Quite often we get a request from people who are applying for land for agriculture asking if they can occupy the land pursuant to the lease being issued and we cannot give them that right. So with the removal of the words in the act, the minister will be able to give a permit to occupy for any purpose, whether it is agriculture, residential, summer cabins, commercial or industrial or whatever. And it will in quite a few cases allow people to go ahead with their development in the meantime waiting for the lease or the lease document to be drafted. Normally the permit to occupy is given after it has been established that there is no apparent problem with the Crown land application such as health, environment, and this sort of thing.

The other thing that it will allow us to do, we have had a considerable number of applications and enquiries about the possibility of acquiring land for home gardening. Normally this is in the vicinity of a quarter acre, a half acre or an acre and people are not all that interested in going through the time and expense of getting a formal lease for the land. We have not been able to accommodate them other than the normal lease application route. This will enable us to be able to give them a permit to occupy from year to year a small portion of Crown land for the

MR. MAYNARD: purposes of home gardening. So it will facilitate the people in that regard as well.

That is the explanation of why the amendment is being proposed. There are quite a few other things that hon. members might like to see changed in the Crown Lands Act. However, these are the changes that we consider to be important at this particular time and I move second reading.

MR. SPEAKER: The hon. member for LaPoile, followed by the hon. member for Terra Nova.

MR. NEARY: Mr. Speaker. -

MR. HICKMAN: If the hon. member for LaPoile would yield for one second, I want to introduce someone.

MR. NEARY: Yes.

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, whilst this is unusual, it is an unusual event, I would like to draw to the attention of hon. members the presence in the gallery of a grand old lady from Placentia in the person of Mrs. Annie Patterson, who is ninety-four years of age and who is the mother of the hon. the member for Placentia (William Patterson).

SOME HON. MEMBERS: Hear! Hear!

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I was wondering when I read this bill earlier just what the intention of the government was, just what the intention of the minister was in connection with this bill. And now that the hon. gentleman has told us that this will give the minister the authority to grant a permit for temporary occupancy of Crown land for industrial and commercial uses, I would say, Sir, that we are all greatly relieved. Because, Mr. Speaker, if there is ever a department of government, if there is ever a bureaucracy that was created in this world that causes so much inconvenience and frustration to the people of this Province it is the Crown

MR. NEARY: Lands Division of the Department of Forestry
and Agriculture.

Mr. Speaker, no matter how much we try in this House - and the present administration have tried, the former administration have tried - to improve, to beef up, to speed up the process, to speed up the applications on behalf of people in this Province who wish to

Mr. Neary:

acquire a piece of Crown land no matter how much we try, Mr. Speaker, up to now it has been virtually impossible to speed up the process of applications. And today, it takes just as long today to process an application for a piece of Crown land as it did ten years ago. I do not know but it takes longer.

Mr. Speaker, it takes as high as two if not three years to process an application for a piece of Crown land. I know in my own district of LaPoile, which is heavy on applications for Crown land, Sir, it takes a minimum of, I would say, one year to get an application approved. It is frustrating. It is discouraging. It is retarding growth in this Province. I indicated to the House the other day that there is a gentleman in my district in Port aux Basques who wants to spend a quarter of a million dollars to build a motel in Port aux Basques, a quarter of a million dollars of his own money, he is not looking to the government for a red cent, a quarter of a million dollars that he is prepared to put into a motel himself and he cannot get a piece of land to put it on. Every time he makes application for a piece of Crown land he is told that that one is not suitable, that one is not suitable, try this one over here, and he applies for it, and then he is told that is not suitable.

MR. J. CARTER: What is his name?

MR. NEARY: No, I do not want to mention the hon. gentleman's name because -

MR. J. CARTER: Vague charges! The usual vague charges.

MR. NEARY: They are not vague charges, Mr. Speaker, they are not vague charges. I thought the sun was coming out. I was not expecting to see the hon. gentleman today. I thought we might find him under a rock up in his savoury patch somewhere.

MR. J. CARTER: What charges!

MR. NEARY: Mr. Speaker, it takes a minimum of one year. I know in the Western part of this Province, and my hon. friend, the hon. member for Humber East (Dr. Farrell) can probably verify, the heaviest I suppose number of applications for Crown

Mr. Neary:

land comes from the Western part of the Province for some reason or other.

MR. J. CARTER: Does the member realize that he makes application on the basis for one person in this House saying So-and-So petitioned, wanted a piece of Crown land and could not get it and I hereby ask this House to lay upon the table etc. etc. etc.

MR. NEARY: Mr. Speaker -

MR. J. CARTER: Why do you not do that?

MR. NEARY: - in the last two years, Sir, since I have been representing the district of LaPoile, I would say that I have had more inquiries about Crown land than all of the other matters put together. And I do not think you can blame the people who work in the minister's department, I do not know why the process grinds to a halt, but it does. There has been an attempt to decentralize the situation by putting regional offices on the West Coast, and I do not know if there is one in Central Newfoundland or not. I know there is one in Corner Brook. But it does not appear to have speeded up the process at all.

AN HON. MEMBER: There is one in Gander.

MR. NEARY: There is one in Gander, the hon. gentleman says.

MR. WOODROW: They need more staff, Mr. Speaker.

MR. NEARY: Well, that is one thing. I was coming to that, Mr. Speaker, but -

MR. LUSH: The one in Gander just relays things and all the information is delayed along the line.

MR. NEARY: Mr. Speaker, I do not think that you will find a single member of this House who does not have a complaint about the Crown Lands Division of the minister's department. Some of the people tell me that it is because of lack of staff, that they do not have the field men to go out and do the inspections, the surveys and so forth that are necessary in order that the application may be sent on to the Crown Lands Board. But, Mr. Speaker, I would think that probably one of the cause of the delays is the fact that there are so many

Mr. Neary:

departments of government involved, that one minister has no control over what goes on in the other minister's department. For instance, you have the Minister of Health is involved, the Minister of Municipal Affairs and Housing is involved, Development Control, the Minister of the Environment is involved.

DR. FARRELL: In a motel?

MR. NEARY: I beg your pardon?

DR. FARRELL: In a motel?

MR. NEARY: And the Minister of Tourism is involved when it comes to motels, I suppose. And who else is involved? The Minister of Mines and Energy, I believe his department is involved. Highways, Transportation and Communications, so you have about six or seven or eight departments of government involved, each one an element to itself, an empire unto itself, one department jealous of the other,

MR. NEARY: one group of civil servants not letting the other group in the other department know what is going on, and so therefore the whole thing moves along at a snail's pace. And it is one of the most frustrating things in this Province, for a person, for a Newfoundlander, for a citizen of this Province to make an application for a piece of Crown land. You can mark it down! The application will be in the works, in the machinery, for a whole year, a minimum of a year. I have applications in my own district outstanding for over two years. And when you go back to check on them you are told that it is held up by the Department of the Environment, or, "We do not have a report back from the Department of Transportation yet!" And yet the applications are just laying there. No follow-up, maybe because they do not have the staff to follow-up and the people to get out into the field and make the inspections and so forth. But it is a bad, bad situation, Sir, and I do not know if this bill is going to remedy the problem or not. I do not know if the minister intends to go ahead and use his own discretion, use his own good judgement, just follow the recommendations of the minister's department and ignore the other departments of government. And if they come back—for instance, what would happen if the Department of Health came back and said, "Well, the minister just approved a motel for Port aux Basques but we do not think there is room enough there for a septic tank," and then the motel is half built, what happens then in a case like that?

MR. MAYNARD: The Department of Health could prosecute.

MR. NEARY: The Department of Health could prosecute. Even though the minister has given a permit to go ahead?

MR. MAYNARD: I have only given them a permit to lease the land. I have not given them a permit to build. That is not within my territory, I cannot give a permit to build and I cannot give a permit to put a septic tank in. I can lease the piece of land but I cannot give the permit to build on it.

MR. NEARY: Oh! Well in other words then, this bill is not going

MR. NEARY: to change one thing. I thought it was going to speed it up. I thought the minister would be able to give somebody the permit to go ahead, occupy the land, and if they want to put a motel on it, go ahead and do it.

MR. MAYNARD: Yes, it will cut about half the time down because in the first half of the process it usually goes through Health and Environment and Highways and they come back with their recommendations. And if they do not have any recommendations we will give them a permit to occupy the land. They can go ahead and build and then the lease is drawn up after, the formal document is drawn up after, which cuts about half the time off.

MR. NEARY: Well, I do not get this now. I mean what the minister is saying is that the minister can give a permit for temporary occupancy of the land.

MR. MAYNARD: That is right.

MR. NEARY: But the minister cannot give a permit, for instance in the case of the gentleman in Port aux Basques, cannot give him permission to build his motel. He can go ahead on his own, start in to build his motel, and then the Minister of Health can come along and say, "We are sorry but you do not have sufficient room for a septic tank, so you have to tear it down again."

MR. MAYNARD: Well, he would go get that permission from the Department of Health first, would he not?

MR. NEARY: Well, he would have to go directly then to the various departments himself?

MR. MAYNARD: He could. Yes!

MR. SMALLWOOD: Do the government have a co-ordinator involving all the departments that are involved?

MR. MAYNARD: The Crown Lands Committee. Yes.

MR. NEARY: Well, Mr. Bob Winsor, I think, is the gentleman I have been dealing with for the last couple of years who I find very helpful and most co-operative and he tries to do the best he can, the poor fellow. But I would say that he is probably completely

MR. NEARY: frustrated and one of the busiest civil servants that we have in this Province.

But I just want to get this straight now from the minister. Would the minister just pay attention to what I am saying, because this is very important? This gentleman in Port au Basques is hung up now, cannot spend one quarter of a million dollars! Cannot spend one quarter of a million dollars at a time when we have record unemployment in this Province.

MR. MAYNARD: Can I explain the process without closing the debate?

MR. NEARY: Yes, sure, go ahead and I will just yield to the hon. gentleman and come back at it after.

MR. MAYNARD: When an application is accepted by either the regional offices or headquarters here, it is an application that is made for the lease of Crown land - let us assume it is for a motel. Once it is registered in the Crown lands division, there are referrals sent out to each appropriate department - Transportation, Health, Environment, whatever - and they are given a certain amount of time to reply back whether they have any objections or not. Now once they reply back, if they do not have any objections we are pretty sure that that lease is going to go through, but they have got to get a survey done, they have got to submit the survey, if they have made any mistakes in that when they submit it, they then have to get the lease document drawn up and that takes some time. So instead of waiting all that time, once I know that Health is not going to object to it, or Highways or whatever, I can give them a permit to occupy

MR. MAYNARD: and they can get their survey done, their lease documents drawn up and that takes five or six months, they save that amount of time. It is shortening the process.

MR. NEARY: It is getting a little clearer to me now but really there is not going to be that much time saved.

MR. MAYNARD: About half the amount -

MR. NEARY: If you save a week or two weeks that is about all you will save.

MR. MAYNARD: No. No. It will save months. Months.

MR. SMALLWOOD: You can save, By comparison you can save almost the best part of a year.

MR. NEARY: Well, let us follow through now on what the hon. minister just said. The hon. minister just said that once Transportation, Health, Environment and all the other departments have approved of the site then the minister can issue, rather than wait for it to go to the Crown Lands Board, the minister then can issue a temporary permit to occupy the land, providing everything is in order. That is what the minister is saying. But sure it only takes two weeks after that anyway.

MR. MAYNARD: Oh no. No. No. They have got to get a survey done after that. They might be six months before they get a surveyor to go in and survey the land.

MR. NEARY: Might, but usually -

MR. SMALLWOOD: That is up to them.

MR. MAYNARD: Yes.

MR. NEARY: - nine chances out of ten, Mr. Speaker, the experience that I have had with applicants for Crown land is that they have the survey done in advance, they have it all ready to roll. Because it takes so long in the department, it takes a minimum of a year, I know my people get the surveyors down from Corner Brook, have the survey done, have it in the hands of the minister waiting for the Crown Lands Board to make up its mind whether they are going to get the permit or not. So the procedure that the minister is talking

MR. NEARY: about could I suppose in the case of where a person is living in an isolated area and could not get a surveyor to come in, maybe down in Southern Labrador somewhere, could not get a surveyor, but it is certainly not going to be very much benefit to the people in Western Newfoundland.

DR. FARRELL: It is much simpler from an agricultural point of view.

MR. NEARY: I beg your pardon?

DR. FARRELL: A motel is more complicated but from an agricultural point of view it will really speed it up.

MR. NEARY: Well, from an agricultural point of view, yes, it could.

DR. FARRELL: You are dealing with less problems.

MR. MAYNARD: It means that a farmer could be in production for a year earlier than he would normally be.

DR. FARRELL: But a motel would be even more complicated.

MR. NEARY: What the minister is talking about also is industrial and commercial.

MR. MAYNARD: But I could always do it for industrial and commercial, but I was not allowed to do it for anything else.

MR. NEARY: A motel would be considered to be commercial, would it not?

MR. MAYNARD: Yes.

MR. J. CARTER: Who is this imaginary fellow?

MR. NEARY: Mr. Speaker, I do not know. I just cannot see how it is going to help. It may help, but I cannot see it myself. I think we need to streamline the procedure for processing Crown land applications. I do not know if this is the way to do it or not.

MR. MAYNARD: No. That is another issue but that does not need an amendment to the Act.

MR. NEARY: Well, what does it need? I mean this is what I am getting at. You know this is the problem. The problem is that there must be literally hundreds if not thousands of applications for Crown land outstanding in this Province and most of them have been

MR. NEARY: outstanding for large periods of time. I have been dealing with this just about every other week - Crown lands applications to build churches, to build schools, to build motels. I know there is a fellow out in Port aux Basques who wanted to put up a garage and service station and who was going to get the first General Motors dealership in Port aux Basques.

MR. J. CARTER: Another imaginary person.

MR. NEARY: The first real dealership, direct dealership from General Motors in Port aux Basques, I was two years working on the application, two years! and finally got it approved about a month and a half or two months ago, and I do not know now if it is too late. It may be too late for him now to get the dealership. But it is awfully frustrating, Mr. Speaker, in this day and age when we are trying to develop this Province. I know these applications for industrial and commercial uses should be processed quickly, bang, bang, bang! The minister's department and his officials should be on top of them right away because we are retarding development. We are holding up development in a lot of cases.

MR. H. COLLINS: Procrastination.

MR. NEARY: Procrastination? Well, if procrastination is the thief of time then the hon. gentleman's department I would say is about the biggest thief in the Province. But this is really where the problem lies and maybe in some ways the minister's authority to grant approval for temporary occupancy of the land may be a good thing in some cases where it is being used for agricultural purposes or

Mr. Neary.

something like that ,but I cannot see where it is going to speed up the process as far as people wanting to build houses and use the land for industrial and commercial use, because the minister still has to wait for his colleagues' departments to make their report. You know, I still cannot see it. The only reason that I can see for the slow down in the process is lack of staff. But I think any hon. gentleman of this House can stand up and verify and confirm what I am saying and that is that it is one of the most frustrating experiences that you can have in government, the most! It is far more frustrating than trying to solve unemployment insurance problems, than trying to see that somebody gets a square deal in getting a moose licence, from trying to sort out unemployment insurance problems, trying to find out if there is any housing grants available for people who want to build houses, sorting out problems concerning the environment. Put them altogether and this one tops them all, beats them all. What I would like to see the minister do is to bring in an amendment to The Crown Lands Act or tell us how the procedure is going to be changed so that people can get their applications processed quickly and that they will not have to wait a year, two years and sometimes three years before they get their application approved. And a lot of these applications, I suppose, have been lost in the process and can never be found. I know I have often checked on applications that people thought they had on file a year, two years ago, no record anywhere, lost. lost in the bureaucracy.

Mr. Speaker, this House, despite the fact that we have made a number of attempts in this hon. House when the Minister of Justice was a Liberal sitting where the hon. gentleman is sitting now with the Liberal Party, we brought in legislation - I think we hired Mr. Walter Dalton, if my hon. friend remembers, we hired Mr. Walter Dalton on one occasion - that is right - as a co-ordinator to try to speed up the process of the applications.

Mr. Neary.

But it is a job to beat the bureaucracy. You just cannot do it. It seems to be impossible. They have a stranglehold on the situation. And it is a very, very bad situation indeed, Sir, and I do not know whether the minister can give us any advice on how we can change it, or has the minister just given up like everybody else? Given up in disgust and defeat and admitted defeat, and admitted that there is nothing we can do about it, that we just have to plod on in the same old way, that we can send people to the moon, that we can do all kinds of things in developing new technology, supersonic jets, oceanic surveys, oceanic technology and development, but we cannot speed up the process of processing applications for Crown lands. And the hon. gentleman, the former member for Twillingate, will throw in the towel tomorrow, will resign -

MR. MURPHY: He is not the former member yet.

MR. NEARY: - will resign tomorrow, the hon. gentleman will resign and one of the things that the hon. gentleman can write in his memoirs when the hon. gentleman leaves politics after twenty-seven years as a member of the House of Assembly, twenty-seven years as an active member of this House, can write in his memoirs that he had to leave knowing in his heart and in his mind that there was no way that we could speed up the process for processing applications for Crown land in this Province. Now that is a terrible admission for the hon. gentleman to have to make, and the hon. gentleman cannot wait to get up on his feet now to concur with what I am saying. Many a time the hon. gentleman tantalized me, and I was waiting to get up on my feet and the hon. gentleman was dragging out his few remarks and I am deliberately dragging them out now -

MR. SMALLWOOD: I never dragged out any remarks.

MR. NEARY: - I am deliberately dragging them out now and the hon. gentleman -

MR. SMALLWOOD: I never dragged out any remarks.

MR. NEARY: - the hon. gentleman there now is chomping at the bit, and here I am - every time the hon. gentleman thinks that this is going to be the last word, the end of the paragraph, full stop,- I am going to sit down, the hon. gentleman is getting ready to spring to his feet. Now the hon. gentleman before he leaves this House of Assembly knows how it feels when you have these little whipper-snappers ready to get up, spring to their feet -

MR. SMALLWOOD: Some whipper-snapper.

MR. NEARY: Mr. Speaker, before I take my seat I would like to join with the House in welcoming the mother of my hon. friend the member for Placentia East (Mr. Patterson) to the House today, Mrs. Patterson. I am very glad to see the lady here, Sir. And if the lady is here long enough this afternoon we will see the House move a resolution of loyalty to Her Majesty the Queen. I am sure that Mrs. Patterson will remember a long ways back. I do not know how far back Mrs. Patterson can remember Royalty, but I am sure it goes back a long way.

I want to assure her that her son, who sits on the opposite side of the House from gentlemen over here, is well respected by members on this side of the House, both sides of the House, for that matter. He is doing a good job. I consider him to be a good friend of mine.

MR. SIMMONS: Come on over, 'Bill'.

MR. NEARY: I suppose we have something in common.

MR. MURPHY: Leave well enough alone now.

MR. NEARY: I took a girl out of Placentia Bay, and so in that regard we do have something in common. I am certainly glad to see this wonderful lady here this afternoon and I hope that she thoroughly enjoys this sitting of the House of Assembly. I am sure that if Mrs. Patterson ever had any dealings with the Crown Lands Department, after all these years I am afraid that she would have to agree with my hon. friend the member for Twillingate (Mr. Smallwood) who is only a baby compared to Mrs. Patterson. The hon. gentleman will only be seventy-seven years old Christmas Eve coming. Only seventy-seven and the hon. gentleman wants to give it up already and go and retire.

MR. NEARY: I was reading the other day in a newspaper where there is a Russian 164 years of age and I was wondering if the hon. gentleman, before he passes in his resignation tomorrow, could jet off to Russia and take a look at that gentleman and maybe the hon. gentleman would change his mind.

Mr. Speaker, the hon. gentleman can now have the floor. I have said my few words. I have nothing but strong condemnation for the procedure involved in processing applications for Crown Lands in this Province, and I do hope that when the minister winds up the debate he will be able to tell us that there are improvements on the way.

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

MR. SMALLWOOD: Mr. Speaker, I thank the hon. the member for LaPoile (Mr. Neary) for his very kindly references to me and for his eagerness to resume his seat so that I could have the opportunity to say a word. The first word I have to say is, God bless the lady, the mother of the wonderful member of the House here who is not only a good member, but was even something greater, he was a Confederate, he helped to bring Confederation to Newfoundland. And any lady who had a son who worked for Confederation and voted for it is a lady who has the love and respect of every member of this House, and indeed of every Newfoundlander today.

Because where would we be? Where would we be this afternoon if we had not got Confederation twenty-eight years ago?

Now I will not be making very many more speeches in this Chamber, this is one of the very last of them, even, perhaps, the second last, and I want to offer my hon. friend, the minister, some friendly advice. Governments are made up of a few

MR. SMALLWOOD: ministers, a handful of men, a bare handful, twelve, fifteen, eighteen men in a population of over a have million people. They govern, so it is said, but in governing what do they really do? They meet in Cabinet and they decide on policy. The trouble arises when the policy is carried out or, as is so often the case, is not carried out. Ministers can only decide what has to be done, and the doing of it is in the hands, here in this Province today, of about between 8,000 and 9,000 men and women, and this gets the government into deep trouble around the Province, because the only people that the people know are the civil servants.

How many Newfoundlanders does the minister get to know and come in contact with in the course of a year? thirty, forty, one hundred, two hundred? What is two hundred persons out of a half million?

MR. SMALLWOOD:

And the same thing applies to every minister. It is the civil servants who are in the field that are seen by the people. And the people judge a government, not by the conduct of this or that or the other minister - they judge the government by the conduct, the attitude of thousands of civil servants.

Now I discovered, and I am rather ashamed of the fact that I was in office years and years and years, many years, before I discovered that among the greatest grievances of our people - and the people always have grievances, they have many grievances, they have many complaints, they have many things to complain about - but among the top complaints and grievances of our people has been this question of land grants, land grants or land leases. And I am ashamed to admit that it was years before I discovered the fact that all around the Province there were people who were grinding their teeth and even beginning to hate the government not for anything in particular that I did or any other minister did, but the awful failure of the machine, the governmental machine to deal with this question of land grants and land leases.

Now the hon. gentleman, being himself an outharbourman as I am, will know about this, although if he had been an outharbourman on the East coast rather than the West coast, he would be more accurately aware of what I am going to say.

There have been more rows, more family rows, more neighbourhood battles and fights and quarrels here on the East coast over land, fences, land boundaries, than anything you can think of. About a third of our people are of Irish descent, rather more than a third, and people of Irish descent have a dear and even fierce love of a piece of land. They have. They brought that with them from Ireland. And land, for a great number of people land is a matter of terrible importance. And if somebody wants to get a grant from the government of a piece of land and does not get it, or waits six months, ten months, twelve months, eighteen months, two years, three years, and finally throws up his hands in despair and gives it up, that person carries with him almost to his grave a bitter resentment against the government, the very minister who knew nothing at all about it,

MR. SMALLWOOD: who had no knowledge of it any more than if it were some incident that happened down in the Southern United States or down in one of the Carribean countries. He is the minister. He is trying with his colleagues to govern Newfoundland, to do his best for Newfoundland, while all the time he is being sabotaged and the whole government are being sabotaged by the appalling negligence of civil servants in a matter of absolutely precious importance to tens of thousands of people in Newfoundland.

Now I am ashamed to admit that I was a long time finding that out, because I have been too long out of touch with the common people of Newfoundland. Believe me, Mr. Speaker, the ordinary man and woman, the ordinary family in Newfoundland are not a bit worried about Liberalism and Toryism, NDPism, Socialism, Communism. The average family in Newfoundland is concerned with making a living with a piece of land with a house, with the furniture in the house, with a bingo game, with going to church -

MR. NEARY: 'Another World'.

MR. SMALLWOOD: - joining a Lodge, 'Another World' on TV, and it is on those issues that governments rise and fall. And I am ashamed to admit that I was so long finding it out. And when I did, I looked around for somebody who could remedy it, and the chap I chose was a fellow that I knew well. I had seen the work he did. He was a very bright fellow. He was very bright, he was very intelligent, he was young and he was energetic. And I called him in, I sent for him, and I asked him if he would take a certain job if it were offered to him.

Mr. Smallwood:

Now the chap in question was a very active, energetic party man, he had been in fact the organizer--

MR. MURPHY: The Liberal organizer.

MR. SMALLWOOD: No, not Liberal, of the Young Liberals. I had sent him all around the Province -

MR. NEARY: And his brother is the P.C. organizer.

MR. SMALLWOOD: Is he?

MR. NEARY: Yes.

MR. SMALLWOOD: Well, I did not know that. I did not know that. All I knew was that Walter Dalton was a bright, fine young fellow with one disadvantage - he was a Townie! He was not an outharbourman, he was a Townie, but he had travelled all around Newfoundland and he got to understand something of our people. And I called him in and said to him, "Look, I have got a problem, and you could, I think, solve the problem." He said, "Well, Premier, whatever I can do sure I will do it." I said, "All right. I have discovered that there is bitter, bitter resentment among our people, many of our people, over the question of land grants and land leases." And when I enquired into it, I remember raising the member in Cabinet one day, and one after the other the ministers say, "Well, Premier I have to be consulted," another minister says, "Well, my department has to give the okay," another minister says, "Well, so has mine." And I discovered that this matter of applying for a piece of land, a grant or a lease was not a simple matter of asking the Minister of Lands, we used to call him, what was it? Natural Resources, now they have a different title - Mines Agriculture and Resources. Now they have a different title and my hon. friend from St. Barbe (Mr. Maynard) is the minister. And when I discovered the incredible, the unbelievable routine that would have to be gone through before a grant or a lease of a piece of land could be made by the Cabinet, and all were made by the Cabinet as I remember, I suppose they still are, are they?

MR. MAYNARD: No, not now.

MR. SMALLWOOD: No, not now? Well at that time no land could be granted in any way as a grant or as a lease until it was passed by the Cabinet - no, I may be wrong on that. It might be that below a certain size, a certain area, then the minister could grant it.

MR. NEARY: No, Sir, even a Summer cabin had to be approved.

MR. SMALLWOOD: All right, so it had to pass through the Cabinet. But before the Cabinet could grant anything by way of land this, that and the other minister - let me think, there was the Minister of Highways, the Minister of Health, there was the Minister of Mines, Agriculture and Resources, the Minister of Public Works, Highways, Public Works, Health, Municipal Affairs, there were about six or perhaps seven departments of government. Now God help the poor, innocent citizen who is trying to get a piece of land, God help him! Because what happened was by the time it went from this department it got lost, and got forgotten, and was lying on someone's desk who was not a bit worried about it, and then got to another department where the same thing happened, and then to a third department, and a fourth! There was nothing for a year to pass, nothing! It could be two years, it could be three years! Now what was some poor harmless innocent citizen looking for? Was he looking for a bit of grub? Was he looking for a piece of grass? Was he looking for something superdooper, something big, some valuable? No. He was only looking for a piece of land, and - God in Heaven! - is there anything more plentiful in Newfoundland than land? What is there more plentiful except land and air and rocks and water on this Island? And so when a poor harmless, innocent citizen wanted a piece of land and had to wait a year, two years, three years, and sometimes did not get it then because it had got lost and he had to start all over again from the beginning, why, you know, it was outrageous. So I called in Walter Dalton. I said, "Walter, I have got to solve this thing." First of all, I may say, I asked the Cabinet, "Will the Cabinet give me authority to do what I like if I can find a way to overcome this, will you give me the authority?" And they said, "Gladly." And the Cabinet gave me authority. So I was a dictator. In that particular matter I was a

Mr. Smallwood:

dictator. So I called in Walter Dalton, and I said, "Walter, look, if I get the Cabinet to appoint you", - I forget what title we gave him, a land grant co-ordinator. What was the title?

AN HON. MEMBER: An expediter.

MR. SMALLWOOD: Expediter, right. Expediter. I said, "Your job will be this; anyone in Newfoundland from the moment you are appointed who applies for a piece of land will apply to you, and you are the one who will be responsible for .

Mr. Smallwood.

getting the Mines, Agriculture and Resources to okay it, to get the Health Department to okay it, to get the Highways Department to okay it, to get the Municipal Affairs Department to okay it so that the citizen will not be driven from pillar to post."

MR. H. COLLINS: It did not work.

MR. SMALLWOOD: Well, I am sorry to hear that.

MR. NEARY: No, it did not work.

MR. SMALLWOOD: I am sorry to hear that it did not work.

I did hear afterwards, years after I went out of office, that Mr. Dalton had been appointed -

MR. FLIGHT: Because the minister -

MR. SMALLWOOD: Because why?

MR. FLIGHT: Because of the minister's -

MR. DOODY: No, no!

MR. SMALLWOOD: Look, I am in a mood to be generous -

MR. NEARY: And loved.

MR. SMALLWOOD: - and Christian and forgiving, and I do not want to blame anyone. I am only sorry that that did not work. And I take it that the new administration have some other system now whereby, I hope, the idea we had tried to achieve is now being achieved, although from the complaints of the hon. gentlemen here and some choruses on this side to my left, I would rather suspect that it is still not working satisfactorily for the ordinary, harmless, innocent, naive citizen who does not want very much of this life except a little piece of land, an acre, two or three or five acres of land or half an acre or a quarter of an acre.

I offer my hon. friend, the minister, of whom I have heard good reports - I have heard good reports of the minister, the present minister - what is his title? - I do not even know the title.

MR. NEARY: Forestry and Agriculture.

MR. SMALLWOOD: - Forestry and Agriculture. I have heard - I hope he is listening, and not listening to the Minister of Health. He can listen to the Minister of Health any time. He is not going to get too

MR. SMALLWOOD:

many chances to listen to me. I say that I have heard good reports of him. He is an outharbourman, he is a bayman, he is a bay-noddy, he is not a cornerboy. he is not a towney, he is an outharbourman, and he should have lively sympathy for the people of the Province, because in the main it is people of the outports who apply for a piece of land because you do not get too many people in the city here doing that.

Now I am not trying to insult the hon. member for St. John's Centre. I say that townies have a right to live. There is no suggestion from us outharbourmen that a towny not have a right to exist. It takes a lot of people to make up the world.

MR. MURPHY: You should give them a little respect. All I say is that it is not only the people outside the city who are looking for land, but also within the city.

MR. SMALLWOOD: Now let me say this to the minister while I am at it, and let me say this to the government. The time has doubtless come, and the government are to be complimented for realizing this fact, that with 550,000 people now - we are over a half million - with that many people now land on the Island here has become a bit more precious. It is not quite as common. It is not quite as useless. It is not quite as plentiful as it was when our population was half of what it is now, and also before we had a network of roads. I compliment the government on realizing that land has become rather more precious than it used to be, and that they are, therefore, tightening up on the rules and regulations under which land grants, either grants or leases or any other kind of alienation of land to private citizens is done, I compliment them on that. But I appeal to the minister - I would imagine that even out in his own district there must be people who are grinding their teeth at him, and he is not to blame for it.

MR. WHITE: Special treatment in the minister's district.

MR. SMALLWOOD: I would not think that he is that kind of a Newfoundlander, that he is just going to treat fifty districts one way and another

Mr. Smallwood.

one district another way and the one that he treats the other way is his own. I do not think he is that kind of a Newfoundlander.

MR. NEARY: A Gros Morne National Park man.

DR. FARRELL: Applications are way up.

MR. SMALLWOOD: I did not hear the member for Humber East.

DR. FARRELL: Applications to the department have tripled over the last few years.

MR. SMALLWOOD: They have tripled, yes. Indeed they have, because you cannot build 5,000 miles of road and

MR. SMALLWOOD: open up the whole Island with a network of roads and you cannot have your population double without their being a tremendous increase in the number of demands for land of one kind or another.

Sometime when I shed the awesome responsibility of membership in this House, sometime after I have ceased to represent anybody in a particular way in this Chamber, I would like to sit down with the minister and discuss with him in a friendly kind of way the problem of how do you end the appalling and the awesome dissatisfaction and disgruntlement of so many people waiting so long. Is there not some way, is it beyond the wit of man to devise some way whereby within a month or six weeks a citizen gets an answer, yes or no? Is that beyond the wit of man? Does it have to be -

MR. MURPHY: Apparently that is the fact.

MR. SMALLWOOD: What is that?

MR. MURPHY: Apparently that is the fact.

MR. SMALLWOOD: It cannot be beyond the wit of man. As the member for LaPoile says we can put men on the moon.

MR. MURPHY: There are some I would like to send there.

MR. SMALLWOOD: All the things that can be done in the world surely it is not beyond the wit of the government or the minister in particular to come into his colleagues and say, "Look, let us put an end to this stupid and unpopular delay that has existed." Before they came in office, before I came in office, before the Commission of Government came in office, before Monroe and Alderdice and Squires came in office, this is a complaint that our people have always had. The delay, the terrible delay, the maddening, the frustrating delay in getting a piece of land.

I do ask the minister - and I hope he understands that it is with good will that I am saying what I am saying. I am not trying to topple the government, believe me I am not trying to -

MR. MURPHY: You are not very quietly now looking for a job as expediter, are you?

MR. SMALLWOOD: I am not looking for a job. No! I have a job, I have a job that is going to keep me very, very busy seven days and seven nights a week, so I am not looking for a job. I am not trying to become a Cabinet minister, I am not trying to form an administration, I am not trying to topple the -

AN HON. MEMBER: No coalition or -

MR. SMALLWOOD: No coalition. I just am going to creep out and go to work in other fields altogether. So I hope the minister-

SOME HON. MEMBERS: Promises! Promises!

MR. SMALLWOOD: What was that?

SOME HON. MEMBERS: Oh, oh!

MR. SMALLWOOD: Promises, promises! And only time will tell whether these promises are faithfully made with the firm and sincere intention to keep them. So I hope the minister will appreciate the fact that I am speaking with good will, not with maliciousness, but to warn him that very few things can harm a government so much as the frustration of people, decent, ordinary citizens who do not come to the government for very much.

SOME HON. MEMBERS: Hear, hear!

MR. SMALLWOOD: And the people who come for welfare and for certain kinds of benefits are not the people who are looking for a piece of land. The people who are looking for a piece of land in Newfoundland are the cream, you might say, of our population. They really are, you know. They are the cream because when they want a piece of land it is not for speculation, it is not for capital gains, when people want a piece of land it is for to put it to some kind of use. And nothing is so maddening as when they are denied or delayed and are reduced to jibbering exasperation. I do appeal to the minister - I do not know what this amendment has to do, I have not read it -

MR. NEARY: It has quite a bit to do.

MR. SMALLWOOD: Has it something to do with it? Well, I always take the word of the hon. member for LaPoile, and the hon. member for LaPoile never leads me astray. Whatever he might do elsewhere he never leads

MR. SMALLWOOD: me astray.

MR. NEARY: No, Sir!

MR. SMALLWOOD: So I take his word that this amendment we are discussing has something to do with what I have been saying.

MR. NEARY: It does not go far enough, that is all.

MR. SMALLWOOD: I will put it the other way about; that what I am saying has something to do with the amendment.

MR. NEARY: Absolutely.

MR. SMALLWOOD: And I do hope that the minister will take this advice in the spirit in which it is intended.

MR. SPEAKER:

Terra Nova.

The hon. the member for

MR. LUSH:

Mr. Speaker, I do not know what is left to be said after you follow the hon. the member for LaPoile (Mr. Neary) and the member for Twillingate (Mr. Smallwood), but I do want to say a few words on behalf of my constituents who have been affected by the glacial speed by which this department moves with respect to processing applications for Crown lands, this glacial speed which has resulted in loss of money, really, to my constituents with respect to getting better interest rates on mortgages. Because they have been so long waiting for the approval of Crown lands they have watched the mortgages move up from two to three percentage points while waiting. I still have constituents in my district waiting and hoping that they are going to be able to get in on the mortgage rate as it now is. Arrangements are all made at the bank but everything is contingent upon whether or not their applications get approved.

People had to lose money through surveys. It has been mentioned here already this afternoon that things get lost. I have one particular constituent who has gotten his land surveyed on two occasions, each survey costing in the vicinity of \$600. The first survey there is no trace of it anywhere. No one can find it. Nobody knows what happened to it. The second survey apparently - I do not know what caused this, but there was some stipulation that the person was supposed to get a certain number of acres of land surveyed and he exceeded this amount. I do not remember the exact figures, but let us say, for example, he was supposed to get six acres surveyed. He got eight acres surveyed, which is what he thought he rightfully

MR. LUSH: owned - was nullified because he had gotten too much land surveyed. Right now they sent him an application under the squatter's rights so he can reapply. Now I do not know whether the man has to get his land surveyed again under the squatter's rights, but, if so, this will be three times. Three times!

Old age pensioners, people eighty years old trying to claim the land that they lived on for years and years, and now it is going to cost them close to \$2,000 to gain title to it.

MR. CALLAN: That is what the survey alone could cost.

MR. LUSH: That is right! That is right, just the survey alone. I have been at it for them. I have been working at it for them since I have been a member of this House, which is closing in on two years, and they were working a couple of years before that. Four years or there about and still they do not have legal title to the land that they owned all their lives.

Mr. Speaker, if this does not indicate the necessity for speeding up the process in this particular department, I do not know what does. This particular amendment, obviously, is only applying to speeding up or trying to do something to accelerate the process with respect to the claiming of land for industrial and commercial purposes, nothing at all with respect to the land for private individuals.

I raised a couple of questions to the minister a couple of days ago while we were talking about something relative to Crown lands. I just forget what it was. Maybe it was in the estimates. I do want to raise these questions again because they are matters of concern to my own district. I raise them

MR. LUSH: here again to see if the minister can give me some definite response to my queries. I am just wondering what goes on with respect to acquiring lands for industrial and commercial purposes? I am just wondering, for example, if it is within the proximity of a community? I am just wondering if the people in the community are consulted at all as to whether or not they want that kind of development? I know there is one going on in my own district, in Cull's Harbour, and the people are mystified by this particular project. Because as I mentioned at that time, this particular project will interfere with the cutting rights of people there with respect to timber. It was the place where people cut firewood and got wood for logs and this sort of thing. So I am just wondering what the circumstances were, whether the people were consulted or whether we just moved in on them and said, This is going to be an area for industrial and

MR. LUSH: commercial development, for summer homes and this sort of thing and I just wondered what the situation was in this particular respect. And one other point that I mentioned at that particular time that I did not get a sufficient answer from the minister, I do not recall, was what was happening with respect to summer cabins in that area. And I realize that the government is trying to get all of the land surveyed and properly regulated, and I have got no objections to that, but the people with whom I talk with are a bit mystified not knowing exactly what the government's intentions are with respect to putting eviction notices and whatever on their cabins, so I wonder if the minister would address himself to that. But, Mr. Speaker, the thing of grave concern to me is the tremendous delay that it takes in processing applications for Crown lands and, as I have suggested before, it creates an awful lot of frustration and an awful lot of anxiety when it takes so long to get these applications processed and certainly goodness there must be something done, there can be something done.

Already it has been suggested here maybe a co-ordinator of some type would help. You know, do we need to have the involvement of all the departments singly? Can we not have a co-ordinator who is familiar with all the various rules and regulations and requirements of each division or each department that apply to the applications? Is there not somebody who can determine these requirements and let us minimize the number of departments, the number of hands that these applications have to pass through? I think there must be something that can be done, and the idea of a co-ordinator was suggested and if this can be done I am sure that the people of this Province will be happy people. Right now getting land is like getting gold in this Province - the search is just as long. Certainly if the minister can only do something to speed up this process, to change the structure so that people do not have to wait so long, spending money on unnecessary surveys, watching mortgages go up while they are waiting for an application to be processed, certainly there is something we can

MR. LUSH: do to improve this glacial speed by which those applications are approved. Thank you.

MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: Mr. Speaker, I feel that I should just say a few words on this particular bill because any bill that relates to the Crown Lands Act or the area surrounding the disposition of Crown lands in this Province is something which I feel that a great deal of attention should be devoted to.

My first and major consideration is the fact that I have the greatest sympathy in the world for any minister of the Crown in any administration who has the responsibility for the administration of the Crown Lands Act in this Province. My first introduction to it was when this administration first took office and the first portfolio I held was that of Mines, Agriculture and Resources and I will never forget my first introduction to that office, which had been recently vacated by Mr. Callahan, now the publisher of The Daily News, and I asked the Deputy, one of the three deputies there at the time, what was this amazing pile of files doing along the side of the wall, and there was a typewriter and a little desk in one corner. The deputy minister explained to me that the minister used to spend his nights in there with a typewriter, working himself, trying to expedite the flow of paper on the Crown lands thing. Mr. Callahan used to spend whatever spare time was available in trying to process this huge mound of files for Crown land things and he would have them ready in the morning for young - I should not say young, he is almost a - Walter Dalton. He worked very closely with him at that time. Walter was the expediter.

MR. SMALLWOOD: Mr. Callahan was a work hog.

MR. DOODY: He certainly was. Apparently he used to spend his evenings and nights and spare time and whatever with his own typewriter, pounding away on these applications, getting them ready for Walter Dalton to run from department to department to try to expedite them and get them moved through. Since that time the demands for Crown lands, the applications for Crown lands, have increased not

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MR. DOODY: ten fold but one hundred fold. I think there was a period there, shortly after we came in office when there was something like 3,000 back applications for Crown lands

MR. DOODY: piled up, many of them, thousands of them unopened, in an office in the back, three thousand envelopes. And the people down there were rushing -

MR. SMALLWOOD: Three thousand people all grinding their teeth -

MR. DOODY: - grinding their teeth, wondering what in the heck was going on.

MR. SMALLWOOD: - and hating the guts of the government.

MR. DOODY: That is right. Whatever government or whomever, the government is responsible for us not getting this piece of Crown land. And the thing sounds so simple. Let us get a co-ordinator in there who can put all this together and get these things out to the people in the Province and give them the Crown land. Well, that raises, obviously, the two very obvious questions. The first one is, No one man, no matter how brilliant -

AN HON. MEMBER: - is a law unto himself.

MR. DOODY: - is a law unto himself and can make that sort of decision because of the implications. And as society becomes more complex, as the health demands, as the environment demands, as the highways demands, as the planning demands, as the municipal demands and all the other demands become more and more involved it has got to be done through the co-ordination and joint work of all these. I think there was a time - and maybe it is changed now - but there was a time when I was involved, four years ago or more, that I think there were something like fifteen departments and agencies involved in the Crown land area, all of whom had to be consulted because all of them had a legitimate reason. There was a vote in the department, and there probably still is, for errors in granting of Crown land titles to people, which were granted in error. All the searching would be done - all the soul searching would be done, all the departments would be involved, all the papers and the necessary documents would be prepared; the grant would finally be issued after all this agonizing research, and lo and behold, some gentleman would stroll down

MR. DOODY: from the backwoods with an affidavit signed by four sixty-year-old residents of the place saying that I can remember this gentleman's grandfather once had a fence around that area and therefore; his property belonged to Uncle Joe So-and-so whose son now lives in Boston, And we have granted a piece of Crown land to somebody which we had no right to, and we had to compensate them for the survey and for all the other problems and back you go into the same bit again. And the major problem with that is, of course, that this Province has never had a compulsory registration of land. Nobody is compelled to register his land. If I own a piece of land, I can pass it on to my son, he can pass it on to his son, and it does not have to be registered anywhere as long as he has a piece of paper tucked away in his back pocket and he does not even need that if he can get five or six reputable witnesses of venerable people in the community who can sign an affidavit to the effect that 'I can remember when this was once the land of the Doodys.' And the Doodys have not been in the community for four hundred years, they have moved on to greener pastures, they have been shipped out of the Province and are gone back to Ireland. But nevertheless, this is their land, and because of the fact that there is no compulsory registration here, the whole process is fraught with danger. And every time that a Crown land grant is issued, the minister who signs the document does it in fear and trembling because he does not really know if that is Crown land or not Crown land. And the amount of money that it would take to put in a compulsory registration would mean that that amount of money would have to be made available to survey this Province. And that has never been done. And there are grants in this Province, both squatters rights grants and Crown grants and grants given out to merchant societies and grants given out to absentee landlords and God knows what sorts of different permutations of land holdings around this Province.

MR. SMALLWOOD: Almost all of them are over there on the Eastern half or Eastern one third of the Island.

MR. DOODY: That is right.

MR. SMALLWOOD:

Of the rest there are very few.

MR. DOODY:

That is right, but -

MR. MURPHY:

Why? What made that difference?

MR. SMALLWOOD:

The population.

MR. DOODY:

The population is all down here.

MR. MURPHY:

I see.

MR. DOODY:

You look at the Crown lands map of St. John's East Extern, for instance, the Torbay area, you are looking at a jigsaw puzzle of all sorts of little bits and pieces in here and there. But at least there are delineation marks in there and at least there are marks that you can make a judgement on. But when you get into that part of the Province that the hon. member refers to now you do not really know where you are or what you are or who owns what, or if, indeed, there is title or not title to any of it. But that is part of the problem and the major part of the problem, and you can visualize it tied in with the advance in society and the demands on land. There are far more people who are conscious of the fact that Crown land is available, and as land becomes more valuable more people apply for Crown land. And they apply for Crown land for a very obvious reason, that Crown land is relatively very inexpensive. And that raises, I suppose, a bit of a philosophical question: How much longer - and

MR. DOODY: I just throw this out for the sake of consideration by people - How much longer does this government or the future government or any other government feel that it has the right to pass out indiscriminately the Crown lands that are in this Province for whatever reason to whomever? There has to come a time when there has to be a value placed on the Crown lands of the Province because obviously the lands of the Province have got to be one of the basic resources and one of the major assets of the Province. What we pass out today, despite all the frustration of the people who are looking for it, and despite all the legitimate reasons I have for asking for it, and despite the fact that these are the only lands that are available to them to have; and obviously some of these lands, most of these lands, a lot of these lands have got to be made available for building purposes or for industrial purposes, commercial purposes or whatever, the thought has got to be given to the fact that this is not an inexhaustible asset. This is not a renewable resource. Once these lands are alienated, once these Crown lands are passed over to somebody they are gone forever and they are no longer Crown lands. And that is something -

AN HON. MEMBER: Gone?

MR. DOODY: It is gone from the control of the people of the Province to an individual of the Province or to a corporate individual of the Province and it is no longer - these huge areas that you see on the map now as being properties of the Crown will no longer be properties of the Crown and we might very well find ourselves, a hundred years from now, like P.E.I.

MR. SMALLWOOD: Look at England and Scotland; there is virtually no Crown land left.

MR. DOODY: Or rivers. Fortunately this Province has resisted that pressure. The rivers, thank God, and the lakes and the ponds are still -

MR. SMALLWOOD: They have about 60 million people.

MR. DOODY: No, we do not have 60 million people but we do have the benefit of the history of those countries that do. We do not have to go to Great Britian to see what happens. We can just look across the Gulf at P.E.I. and see what happens. The people in Prince Edward Island now have not got a tree to call their own. There is no Crown land and once it is alienated to an individual and an individual owns it he can dispose of it as he sees fit until suddenly legislation is imposed on the backs of the people which says, "Although you own that land and it was ceded to you and it was given to you and the thing has all been registered properly and so on, you are not allowed to sell it. You cannot dispose of it." So there are many -

MR. SMALLWOOD: The minister will realize that there are 120,000 people living on this total of 2,000 square miles.

MR. DOODY: That is right.

MR. SMALLWOOD: There is a lake in Labrador bigger than that.

MR. DOODY: I was going to say it is one of our more progressive municipalities.

MR. SMALLWOOD: Yes.

MR. DOODY: But nevertheless it is an example of what can happen and might possibly happen here and that is why I say that the treatment of Crown lands in the Province has got to be handled with some thought and it has been handled with some thought so that any legislation that moves forward in the right direction.

MR. NEARY: You are going to have the Minister of Justice back to the doctor again if you do not sit down.

MR. DOODY: Were you down to the doctor today?

MR. HICKMAN: I was dangerously close to it.

MR. DOODY: In that case I will carry on now.

MR. NEARY: Let us finish him off now.

MR. DOODY: I did not realize I was getting the gentleman upset because it is something that I really am interested in.

MR. SMALLWOOD: The minister is speaking like a true Harbour Main man.

MR. DOODY: Now there is an area in which I defy anybody to find some -

MR. NEARY: Do not forget Bell Island. They have got some great land problems over on Bell Island.

MR. DOODY: That is right. But they are not Crown, they are Dosco. There is land in Harbour Main, if somebody can try to untangle the web in Harbour Main district and try to find out whose son's mother's cousin's brother in Boston owns which piece of what part of the land, You cannot find a piece of land to buy but that is not the Crown Land Act.

MR. SMALLWOOD: Move a fence half an inch and there is a war right away.

MR. DOODY: Right away. That is right. That is right. They are very volatile, emotional and wonderful people.

MR. NEARY: I like that last part.

MR. DOODY: I have tremendous respect for the people out in Harbour Main. I wish I had an opportunity to tell a few stores but I guess I will have to wait for the Throne Speech for that.

MR. NEARY: When you are writing your memoirs.

MR. DOODY: No, the Throne Speech, some stories that I have learned since I have gone up around there about the Confederation battles and the Harbour Main feelings and the -

MR. SMALLWOOD: Is the minister not a Harbour Main man?

MR. DOODY: No. No. I was born here in St. John's.

MR. SMALLWOOD: A townie! A corner boy!

MR. DOODY: Corner boy. Right from Allen Square, St. John's Centre, the old part of St. John's.

MR. SMALLWOOD: God forgive the minister. God forgive him.

MR. DOODY: Well, Sir, we all have something to live down but I hope that is the worst of my sins when it comes to judgement. Anyway, the people of Harbour Main have looked after me so I would hope for the indulgence

MR. DOODY: of the House in this regard. Anyway, so that is about all I have to say about that. I think that the future of Crown land disposition is something that has to be examined and thought about as we move forward in our great rush to get rid of them and to facilitate the demands, commercially and industrially and domestically, and I think that it is time that we should seriously start thinking about do we have the right to pass out these lands, even though people have legitimate needs for them, free of cost. Is there not a possibility that some price should be fixed, not necessarily a standard price, maybe some formulated price for lands because they are

MR. DOODY:

the property of not only this generation but future generations, I just mention that in passing as I commend the minister for bringing in this particular amendment to the Crown Lands Act, because it will expedite the movement of these various applications in his department. And nobody, as I say, in this House appreciates more than I - there are some who appreciate as much as I who have had that position - the difficulties with which he has to live under down there in that department taking all the slings and arrows for the various decisions that are made in many other departments but for which he has to take the ultimate responsibility in Crown Lands. I think he has done a remarkable job so far in putting together a new organization down there and hauling together a new division of Crown Lands, in effect, and I think that things are moving a lot more faster than they ever were, and I just want to say that I commend him on this piece of legislation.

SOME HON. MEMBERS: Hear, hear!

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

MR. J. CARTER: Mr. Speaker, the land under consideration at the moment is basically building lots for municipalities and Summer cabins, and I certainly agree that it is important that these building lots be made available more easily than they have in the past, and that this is a very good step forward. This small change in the legislation will do something to simplify this procedure. In talking to the minister a few minutes ago, he explained to me that the only grants that are made, the only land grants that are made are made to municipalities, and they are only made to municipalities on the receipt and approval of a proper plan. But the idea in the background is still that these large grants will be parcelled up into building lots, presumably serviced by the municipality or by some agent of the municipality, and then sold, and the people who get them will have clear title. But my own particular beef or my own particular hobbyhorse is that it is impossible in the Island of Newfoundland

MR. J. CARTER:

or on the mainland of Labrador to get hold of a large parcel of land for either farming or for forest management, and I think that this is a pity. The minister will reply that you can get a lease or a management grant for as much land as you can show that you can use, but I would go further and say that this is not the same thing. Now we have had a budget. We have a lot of unemployment. People are talking about a shortage of money and no investment. And I would like to suggest right here and now that if it were possible to get reasonably large blocks of land for either farming or forestry, forest management or for any other approved purpose - and I am not suggesting that they be grants, that they be given outright, I suggest that people be required to pay for them, to pay some reasonable charge - if this were possible, I suggest that our economy would take an immediate upturn. In my view it is the most important single step that this government could take to make large blocks of land available for sale, with reasonable restrictions, and after submission of a reasonable plan for eventual use, and not allow people to sit on them, just to accumulate land and sit on it and go to Boston or go away or leave it to their grandchildren, but land that they can have and hold forever and pass it on to their heirs, and develop -

AN HON. MEMBER: Who will sanction it?

MR. J. CARTER: - full complete title.

Now I am not suggesting that they be given it. They would buy it or rent it, rental purchase. There are all sorts of ways of getting it. But I think it is a great mistake to hold on to land and not allow the users of land the full ownership of it. It is a psychological thing, I realize it. It is a psychological thing. Some members may not think that it is that important. But I think that a person who wants to develop land for his own purpose is unable to

Mr. J. Carter:

really put all of his effort, his best effort into it unless he owns it, and this is most important. And although I realize that this is outside of the scope of this particular amendment, Mr. Speaker, and that I suppose if I were - if the Chair were to be strict about it I could be asked to stop talking. Still I feel I would like the minister, if possible, to address himself to this problem and comment upon it, and I would recommend that he give this matter some very serious thought.

MR. SMALLWOOD: Before the hon. gentleman sits down and the minister closes the debate, - I lost him for a while, then I missed him, and I am sorry I did miss him - is he saying in effect that any citizen who genuinely wants a piece of land should be able to get title to it, fee simple title from the Crown, pay for it probably, pay for it in cash or pay for it spread over a period, provided he uses it, and if he does use it, to have absolute title and to be able to pass it on to his heirs? Is this what he is arguing?

MR. J. CARTER: Yes, Mr. Speaker, and I am also suggesting that such a piece of land should not be, although it would be given and the title would be absolute, I am not suggesting that this land would not be subject to some restriction; it may be very well zoned agricultural, it may be permanently zoned forest or arboreal, it may be zoned any number of things, it may be zoned for pasture, the person purchasing this land would have to accept reasonable restrictions.

MR. SMALLWOOD: But having done so -

MR. J. CARTER: Having done so, having done so -

MR. SMALLWOOD: Having done so and he dies, the new owner is subject

MR. J. CARTER: - he leaves it to their heirs.

MR. SMALLWOOD: to the same conditions?

MR. J. CARTER: - he leaves it to - well, obviously land, an area is subject to restrictions, not a particular piece of land, but let the Crown land -

MR. SMALLWOOD: But not a particular owner now.

MR. J. CARTER: Let the government or let the Crown Lands say that this area is arboreal or this area is agricultural or this area is this or that or the other, and then let the land within that area be sold or granted or leased, permanently leased or lease back or some method of purchase so that the user can have this land absolutely and forever and to pass on to his heirs subject to the same restrictions.

MR. SMALLWOOD: The same conditions.

MR. J. CARTER: The same conditions and restrictions. And I think, Mr. Speaker, this would do more to revive the sagging, flagging economy of this Province than any other single thing the government could do.

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

MR. W. CALLAN: Mr. Speaker, I want to go on record as having agreed with the previous speakers, Of course, there is no question about it that this Crown land problem is an awful headache for an awful lot of Newfoundlanders who are trying to get a piece of land to build a house on or to build a Summer cabin. The Summer cabins I am not too concerned about, but it is the man who is out there waiting for months and sometimes two or three years to get a piece of Crown land approved to build a house on. These are the people that I agree with and I sympathize with wholeheartedly.

I wanted to just take a minute to go on record, of course, stating that I believe, as former speakers have said, that something should be done, and I think that something could be done. I know the hon. House Leader on the opposite side is anxious to get this bill passed and so on. And in a way I think I agree with him when he said just now that somebody, that he thought it might take five minutes to get this bill through, and so far I think we have gone about an hour,

AN HON. MEMBER: An hour and a half.

MR. W. CALLAN: An hour and a half, is it? Actually I suppose it would be just as well if the bill had gone through in five minutes. and for the sake of what happens as respect of anybody talking, this

Mr. Callan:

goes for people on both sides of the House, because we have heard some good suggestions from the Opposition on various topics, doing away with the school tax system

MR. CALLAN: and that sort of thing but nothing is ever done about it, nobody heeds it. The member for St. John's North (Mr. J. Carter) and the member for St. John's East (Mr. Marshall) stand up from time to time and also make suggestions, say that the government should do things differently and they are never heeded. So for me to stand up here for ten or fifteen or twenty minutes again it would be a voice crying in the wilderness, I am sure.

MR. MURPHY: When we are all on the one mind it is time to quit then.

MR. CALLAN: But, Mr. Speaker, the topic was brought up that the number of applications for Crown land have tripled in the last three or four years and I agree with that. I think the majority of them are for residential purposes and I think that is correct as well, that the most of the applications are from people who want to build houses. Now the member for Twillingate (Mr. Smallwood) gave us reason for that. The land applications have tripled because, of course, the number of miles of road have been increased and that sort of thing.

But I believe the main reason, the main reason why the number of applications have tripled and the main reason why people are so frustrated is because we have new housing systems, Newfoundland and Labrador Housing, for example. You can borrow money there and you can borrow money from the bank. Years ago, not too many years ago, most Newfoundlanders were building their own homes out of wood that they cut themselves and so on and they did not have to go to mortgage companies to get loans. And of course one of the stipulations that a mortgage lender has is that you have clear title to your land. And so the minister knows that I have talked to him about some friends of mine and some people, constituents of mine, who have been waiting for months and I have made several phone calls to hear a fellow say, "Well, their application has been on my desk for six weeks. We did not have a secretary to type it up," or something. And then I talk to the health inspector at Harbour

MR. CALLAN: Grace and I say that you should be getting this application now in a couple of days from the St. John's office, and two weeks later I check with him again and he still has not got it and you wonder why and what happened to it. And of course the other thing that was brought up was about applications getting lost completely, never found. The member for Terra Nova (Mr. Lush) mentioned cases where people had spent \$500 and \$600 on surveys and suddenly their application was lost.

Before I sit down I would like to make a couple of suggestions, Number one, I am wondering is the same system - is this how it is done in other provinces? Does it take months, does it take years in other provinces? Or has the ministry looked at the way Crown lands are dispensed, you know, the applications are dispensed in other provinces? Is the process speeded up in other provinces, not only in other provinces but in other parts of the world, other countries, I suppose, for that matter? I think a look should be taken at other provinces in particular and see what can be done to speed up this process.

Before I sit down I think we are onto the topic in the last several days in particular of public enquiries. It seems to me that for applications to be lost, as they are, perhaps there is a need there for a public enquiry to look at the whole Crown Land's Act.

MR. MURPHY: I wonder if Dick Tracey is very busy?

MR. CALLAN: I do not know if Dick Tracey is busy but -

MR. DOODY: If Dick Tracey is not busy the judges are.

MR. CALLAN: Still there is something terribly wrong and there is something happening. Why are these applications just suddenly lost? I mean somebody should account for it. Why are they being lost? How? Why? I think an investigation is in order there as well as in any other thing that we have seen happen.

MR. SPEAKER: Hon. member for Kilbride.

MR. WELLS: Mr. Speaker, I know that the government -

MR. NEARY: The roof is going to come right off his head today.

MR. WELLS: But we will have to calm him or get the doctor in.

MR. MURPHY: Housekeeping bills, you know, straightforward.

MR. WELLS: I shall not be very long, but I must say that this has been a good little debate with a lot of interesting suggestions.

AN HON. MEMBER: There is nothing 'little' about it.

MR. WELLS: Well, it is more lengthly than the hon. minister thought. But anyway I have to say with regard to another commission of enquiry that we have just about run out of judges now. I do not know who we would get to conduct it. But I think on this question of Crown lands, I have encountered over the years a good many people who have been disturbed at the delays. Now part of that has to do, I think, with the bureaucracy. You see, we come back to our problem in Newfoundland, we expect the government to do things as well as private enterprise and it just cannot be done. And it does not mean that the people who are employed by government are not just as good as those employed by private enterprise, but let us face it: if you have a government, that job of producing Crown grants as compared with a department - or not a department, but a business in private

Mr. Wells.

enterprise to do the same thing, One will produce about half or a third as many as the other, and that is part of the problem. One way in which it might be approached is that - I offer this as a suggestion - if the individual who wanted the grant were given the opportunity to go out, get his survey - that is one of the most time consuming things, because he has got to get a surveyor; it cannot be done in the middle of Winter when there is four or five feet of snow on the ground, he has got to wait until the surveyor feels the weather is right; he has got to find the time, the surveyor has then, to do it - but if the individual were given all the right to go ahead, get the general location approved, come back with a survey, then go, if necessary, and get everything, like the various approvals, permits and everything, his deed drawn up and then come back to the department only to have it executed by the various officials who had to check, make sure it was right and execute it, it would probably be done an awful lot quicker than leaving it to the government department to prepare it. Because I know something from my days in the Civil Service about these, and they go to at least three or four departments, and they sit on the desk for the various officials until they can get at it. And let us face it, it is not a matter of urgency. Because the salary - and I am not knocking the officials - but the salary of the officials at the end of the month does not depend on how many Crown grants they have processed. And there you have the dilemma of government in a nutshell. You know, nobody's productivity is measured directly by their pay cheque, and this is the problem, and this is why private enterprise can do things, in my view, twice or three times as well as they can be done by government.

MR. NEARY: It might be a good idea if you put -

MR. WELLS: Well, you never know. Look, if you hire an expediter and say, Expedite these Crown grants, you will get so many expedited. But if you give him \$100 for every Crown grant he expedites, you will see them go through like you would not believe. Now let us

Mr. Wells.

face it. You know, we say, What can be done? What kind of regulation, what kind of change in law? No kind, I will tell you that right now, until there is somebody who has an interest and a legitimate interest that effects his income in getting the thing through. So maybe if we gave it to the individual and said, You go out and get your own thing done and pay for it yourself and bring it back; we will have somebody sign it when it is ready and meets with our approval, maybe that would help with the bottleneck.

Two other suggestions: One, I think, the Minister of Finance made an awful good point when he said, We cannot perhaps go on forever giving away valuable Crown land. And maybe if you had two systems, one of Crown land for sale, and one of Crown land for gift, as you like, or grant or lease under the current system, you might separate the sheep from the goats in that respect and have two sort of systems. And the ones that are for sale - I think the member for St. John's North had a good suggestion there - that a value should be set on Crown land, not on all Crown land necessarily. I think we should not if we can avoid it get away from this marvelous custom which is out of kilter with the rest of the world, but is one of the nice things about Newfoundland where you can get something for nothing, namely, a piece of Crown land - or next to nothing. But at the same time I think we should delineate areas of Crown land that you can go in and buy as a commercial transaction and pay for. That is something that we might also consider. Because there would be some enterprising people who would be prepared to buy and pay for it, and would be, I am quite sure, prepared to do something with it, maybe to grow wood for sale to the paper companies or whatever. But I think we should give people that opportunity and get a bit of revenue besides from the sale of lands. So all in all I think if this bill does anything to expedite the speed with which these things can be processed, it will be excellent. But at the same time we should not expect too much of government departments. It is not

Mr. Wells.

private enterprise. It is government. And the longer I live and the more I participate in this process, the more I believe that government cannot do anything half as well as private enterprise. If I am here another two or three years, I am sure I will be saying that I do not think government can do anything one-third as well as private enterprise or a quarter as well. God help us in Canada. We are over-governed. And the more we expect of government, and the more areas we expect government to get into and to function in, I think the sadder the people we are going to be. And I do not have a great deal of hope for us in that sense. It is less government, not more government that we need. In any event I think this bill is a step forward,

Mr. Speaker.

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

MR. ROWE: Mr. Speaker, I found the comments of the member for Kilbride (Mr. Wells) interesting but it is philosophical. I do not think it is practical. I do not think it will ever be done what he was suggesting. Unfortunately, it will never be done. And what we are looking at here is something that is being done by government, and we got to find out some solutions to the problems that are encountered in

MR. ROWE: the granting of Crown lands in this Province. Now some five years ago I rose in this House and spoke to this particular subject when I represented the district of St. Barbe North, and I pointed out the difficulty that people had in trying to get land for the simple purpose of building a home, how we had three and four children, married, and still living with their fathers and mothers, with children of their own in the same house.

Now I have the honour of representing yet another district, since St. Barbe was wiped out, and five years later I am encountering exactly the same problems. No difference whatsoever, no improvement whatsoever over the past five years. I did make a suggestion five years ago, Mr. Speaker, and the reasons for the suggestion were as follows: It is not really the Crown Lands Division of the Department of Forestry and Agriculture that makes the decisions as to the granting of Crown lands. It is the clearing house, the vehicle for which the applications are accepted and the applications are rejected or accepted, but the real decision makers as far as the granting of Crown lands for any purpose is concerned in this Province, are other agencies of government such as the Department of Health, the Department of Highways with respect to ribbon development, the Department of Municipal Affairs and Housing with respect to the Development and Control Division and other agencies of government.

What I find very disturbing, Mr. Speaker, is when a gentleman puts in an application for the simple purpose of providing a home for his family he has all of these various civil servants from the Confederation Building, from the different departments of government going out and

MR. ROWE: looking at that Crown land from the point of view of the Department of Highways, or from the point of view of the Department of Health, or from the point of view of the Development and Control Division of the Department of Municipal Affairs and Housing. What I find very disturbing, Sir, is that the people who have made these applications tend, obviously, to go up and converse with these people coming out from the various departments of government. And each one of these people representing the various departments of government, if they are asked, - what is the story? Is this likely to go through? - are more likely to answer in the affirmative because in some cases it is a fact that their report is going to be in the affirmative. But although you might have ten referrals back to the Crown lands division saying yes, you might have one referral coming back saying no, and that rejects automatically the Crown lands application. And the people who are conversing with these representatives from the various departments of government are sort of given the impression by these people that in all likelihood their application will be approved. So what do they do? They start to set up the forms for their basements, for the concrete. The next step, another guy comes up from the Department of Highways and he says, Now how does this look from the Department of Highways point of view? Oh, it looks fine, no problem here. The next thing he is pouring the concrete for the basement.

Then somebody comes up from the Development Control division and they say, How does it look from the point of view of the Department of Municipal Affairs and Housing?

MR. ROWE:

It looks very good.

No definite commitment in writing or anything like that, so the next thing the guy has the frame up for his House. Then after the expenditure of a few thousand dollars the individual gets the answer back from the Department of Forestry and Agriculture, from the Crown Lands Division, that his application has been rejected because of the Clean Air, Water and Soil Authority or something, one out of the ten or twelve referrals.

I think it is a crying shame, Sir, that we should have this kind of a complex and unbearable situation. Like the member for Twillingate (Mr. Smallwood) says, surely this cannot be beyond the wit of man to try to be able to devise some sort of a system to expedite and make the waiting period a lot shorter.

I suggested several years ago, Mr. Speaker, that we have one agency of government under the control of the Crown Lands Division and they take in these various representatives from the other departments and they operate as a unit instead of all these referrals going out and getting lost as indicated by some members here this afternoon in these various other departments, just one single agency that takes care of the applications from Crown Lands. And instead of having referrals to the Department of Health, to the Department of Municipal Affairs and Housing, to these

MR. ROWE: other agencies of government, get these so-called experts from these various agencies of government serving on the Crown Lands Committee or in the Crown Lands Division and that will be their sole job - instead of these applications going to a certain individual who has that position for a few months and then the next thing you know, another individual has that particular position for another few months, then we have a different individual, and this is the type of thing that is going on. And the only thing that I can suggest is that until we have one single agency, one group of people processing these Crown lands applications, we will continue to see these very serious delays costing people unreasonable and unnecessary sums of money and undue delays for their applications.

Now that the Minister of Justice is back in the Chambers, Mr. Speaker, I would like to direct a question to the Minister of Justice and hope that he can provide an answer. I can understand the House Leader's concern with trying to get these house-keeping bills out of the way, but these housekeeping bills in this case happen to be with house building.

MR. HICKMAN: What?

MR. ROWE: House building, building of homes in some cases.

MR. HICKMAN: Oh, yes.

MR. ROWE: You know, broadening it a bit. And as the Minister of Justice well knows, there is an area in the Cavendish/Whiteway/Green's Harbour area - let us put it this way - in the Trinity South area.

MR. HICKMAN: Right.

MR. ROWE: There is a strip of land that was formerly owned by the old Reid Railroad Company which, I understand, has since been turned over to the CN, which, I understand, for a great number of years representation has been made to try to get that CN land, or old railroad property as it is called in the district of Trinity South, reverted back to the Crown so that people can make application for land for residential

MR. ROWE:

purposes.

What we have out there now, if the minister takes a drive along the South Shore of Trinity Bay he will notice a tremendous number of trailers and he will say, 'Why how come we are having all of these trailers in this section of the district?' if he took a drive throughout the whole district. And the reason is not good salesmanship on some person selling trailers. It is the fact that people will not build a house on that particular land because they cannot gain ownership of that land for the simple reason that they cannot apply for Crown land lease or grant because it is not Crown land, it is all railroad property. And they do not know when they are going to be asked to move off that land so they live in a trailer so they can move the trailer, at least, off that land. We have corresponded and talked about this privately and the minister had undertaken to do something about this last year this time. And I will not go into the details of the cause for the delay because I think it might be a little bit embarrassing for the minister, not personally, but for an individual or so in his department; but could the minister indicate to the House now what representation has been made to the federal government or CN to try to get that land reverted back to the Newfoundland Crown? And I am sure there are other districts that must be affected by this same kind of a situation and I hope that the minister can provide us with a little more details and that it is being looked into.

But there is only one individual, Sir, in the whole district, a reverend sir in Green's Harbour, who mistakenly was granted the land on the old railroad property, and rather than have the house bulled down, as they say - knocked down, torn down - this gentleman was able to get an Order in Council from the Parliament of Canada or the Cabinet, from the federal government, granting him that land. Well he is the only person to my knowledge who was able to do that. However he managed it is beyond my comprehension, but he managed it. But there are hundreds of other people who just cannot build along the Southern Shore of Trinity Bay there for the reason that I have stated. And I hope the minister can throw

MR. ROWE: some light on it and give the House -

MR. HICKMAN: I cannot give you the story on it right now, but I will get a report for you on it.

MR. ROWE: Well, I mean, that is what the minister indicated to me last year, Mr. Speaker.

MR. HICKMAN: I thought it was long since resolved between you and the gentleman, you know -

MR. ROWE: It is not a gentleman, no.

MR. HICKMAN: All right.

MR. ROWE: It is an undertaking that - I do not have the letter here -

MR. HICKMAN: Between the person -

MR. ROWE: - so I have to go by memory. The minister wrote me a letter stating that he was having his officials look into this matter -

MR. HICKMAN: Right. And they did not get back to you.

MR. ROWE: - with the federal government and CN.

MR. HICKMAN: And you have not heard back from them since.

MR. ROWE: And there was a reason that I will not give the Chamber now -

MR. HICKMAN: Okay.

MR. ROWE: - a reason why there was - there was an oversight for the last few years and that was the reason for the delay. Now we have -

MR. HICKMAN: That oversight was not mine.

MR. ROWE: That is what I am trying to indicate,

MR. ROWE: that is what I am trying to say to the minister, that it was an individual or two in his department and an oversight was the cause of the delay before-

MR. HICKMAN: You will find out.

MR. ROWE: - and the minister promised a year ago to get the matter settled as quickly as possible.

MR. HICKMAN: Right.

MR. ROWE: Now this is one year later, "As quickly as possible"? I would not want to see the minister -

MR. HICKMAN: I thought we dealt directly with you on that but I will find out.

MR. ROWE: -procrastinating on anything.

MR. HICKMAN: Anyway I will check on it.

MR. ROWE: Anyway the minister will take it as notice, I take it, He said he does not have any information to give to the Chamber.

But I would just like to close by saying that I am very, very disappointed and frustrated and disturbed that after five years, having moved from a very remote Northern district, St. Barbe North, and brought the problem to the floor of the House of Assembly five years ago, to have to stand up five years later in representing a district that is not quite as remote, and find the problems are even worse than they were five years ago. It is just unreal. It is unbelievable. And I could suggest to the minister that the way that this can be solved is simply getting one agency, the Crown Lands Division, if you wish, and bring in the people from the Department of Highways, bring in the people from the Department of Health, bring in the people from the Department of Municipal Affairs and Housing or the Development Control Division and all various agencies of the government, bring them in to the Crown Lands Division so they work as a single unit, and I think that in itself would make the operation of the Crown Lands Division more efficient, because I can state quite categorically, Mr. Speaker, that the Crown Lands Division, that division

Mr. Rowe:

does not make the decisions. The decisions are made for them by their referrals or the referees, whatever you want to call them. They sent out for advice from these various agencies of government, the referrals come back and all the Crown Lands Division does is say, Well, look, ten say yes, but one says no, the application is rejected.

And one other point before sitting down, Mr. Speaker. I have reason to believe, and I do not have any documentation, but I have reason to believe, whether deliberately or unconsciously, that these various regulations of the various departments are not being applied fairly and equally throughout the Province.

MR. H. COLLINS: What do you back that up with?

MR. ROWE: Well, I will give the hon. Minister of Health, who is obviously more of an expert in this than he is in the Ministry of Health, an example.

MR. H. COLLINS: This is the first time I have seen the member sitting down here for about two weeks.

MR. DOODY: Do not be unthankful.

MR. H. COLLINS: Shame.

MR. ROWE: Would the hon. minister like to know where I have been for the last two weeks?

MR. H. COLLINS: No. It is not relevant.

MR. ROWE: Yes, he is right, and if it is not relevant, it is not important, and it is none of his bloody business either.

SOME HON. MEMBERS: Hear, hear!

MR. DOODY: Shame.

MR. ROWE: Now, Mr. Speaker, -

SOME HON. MEMBERS: Oh, oh!

MR. CALLAN: The hon. minister is losing his suntan.

MR. ROWE: Yes, if I am away from the House it is for good reasons, Mr. Speaker. If I am away from this House of Assembly it is for very good reasons, It is not for vacation purposes, I can assure the minister.

Mr. Rowe:

Now , Mr. Speaker, if I can return to the point I was trying to raise, I will give the House of Assembly an example. A gentleman in a certain community in my district wants to build a club.

AN HON. MEMBER: A what?

MR. ROWE: A club.

AN HON. MEMBER: A lounge.

MR. ROWE: A lounge.

MR. WHITE: A beer parlour.

MR. ROWE: Not a beer parlour, a reputable club.

AN HON. MEMBER: A cabaret.

MR. ROWE: Now he made his application to the Crown Lands Division some years ago, and he has had visits from various agencies of government who had given him every indication that this piece of land outside of this community would be approved. As it turned out the gentleman in question's application was rejected for two reasons; because it was just outside of the community, and outside of the boundaries of the community;and it was considered to be ribbon development, Ribbon development! The famous old phrase, ribbon development!

MR. ROWE: The only thing that disturbs me, Sir, is this, that in the last two years two other gentlemen in two other communities in the same district that I represent have built a club just outside the boundaries of the community in exactly, relatively speaking, the same kind of a location. Now I ask the minister how come that you can have certain people getting their grants approved, or their applications approved, to build a club or any other residence - I can give several examples of residences that have been built outside the Town of Bay de Verde, for example, and Old Perlican, that have been built on the roads leading out of these communities - but some other people apply for Crown land grants for the purpose of building a home and they are told, "I am sorry, you cannot build a home there because the Development Control Division says that this represents ribbon development." But within the last couple of years other people have been able to fence off land and build homes on these same areas. Now I have not mentioned any names, I am not saying that there is political patronage involved here because as it happens I do not think there is in these instances.

MR. PECKFORD: Is it possible there were differences?

MR. ROWE: It is just possible. All I am saying is that the law is not being applied or the regulations are not being applied equally for some reason.

MR. PECKFORD: Could the reason, will the possible reason be -

MR. ROWE: It is a mess.

MR. PECKFORD: - that the sewerage disposal -

MR. MURPHY: Type of soil or something.

MR. PECKFORD: -No. The sewerage disposal that one applicant was going to put in would meet health requirements whilst the other applicant had a very rudimentary type of sewerage disposal -

MR. ROWE: Of course. Yes.

MR. PECKFORD: - so therefore one would be approved on health reasons, the other one would be rejected.

MR. ROWE: I feel like I am looking at a badminton game!

MR. MURPHY: No, they want to know the exact -

MR. ROWE: The minister is absolutely correct. I mean, the people who have enquired as to why their applications have been turned down have gotten these kinds of answers.

MR. PECKFORD: Right. It seems pretty reasonable.

MR. ROWE: But in the examples that I have just listed that is not the case. There is no reason. In fact, the club that I am talking about has been, you know, designed by an architect and everything is perfect. All the referrals have been positive except one and that is 'ribbon development.' Then you go South on the shore and there is one club that has been build in the last year, and there was one club under construction while I was running around during the election.

MR. PECKFORD: Are they under development control?

MR. ROWE: Yes. I know all of these applications go before the Development Control Division.

MR. DINN: -- That is the division has it now, right?

MR. ROWE: Well, I wish the heck the poor gentleman in question, after having saved and scrounged and paid architects and waiting to put his forms in after two or three years would get an affirmative answer.

MR. MURPHY: Have they got their liquor licence? That is where the money is, not in building a club.

MR. ROWE: Yes. Right. But I thought I should bring this to the attention of the House of Assembly because it is not unique to the district of Trinity - Bay de Verde -

MR. PECKFORD: No, it is not.

MR. ROWE: - by any stretch of the imagination. I still say, and I go back to a point that I made originally that if this was centralized to a greater degree under the Crown Lands Division -

MR. ROWE: Look, the minister is probably shaking his head because he has a Development Control Division down there with a man in charge of it, but that is for municipalities and surely - now that raises another point. I was hoping that this would be a short little speech, but that raises another point. The municipalities, some of whom were elected, some of whom were appointed by the Lieutenant-Governor in Council, do not have any more control over their own jurisdiction than I do over the Funks.

AN HON. MEMBER: That is not true.

MR. ROWE: It is true.

MR. PECKFORD: I thought you had a lot of jurisdiction over the Funks.

MR. ROWE: It is true because, Mr. Speaker, the applications for Crown land that would go before the Crown Lands Division that fall within the jurisdiction of a municipality would presumably be Crown Lands would ask for a referral from a municipality. Now I would think

Mr. Rowe.

that what goes on within a municipality would almost be the whole and sole jurisdiction within reasonable consultation with the various departments of that particular municipality. But I am getting complaints from various municipalities that they are not masters of their own destiny in these municipalities. They have their mayor and council, they have their chairman and councillors or what you, or members of the local improvement district, but everything is forced down their throats by various arms of government. But they really do not make the decision. That is just a complaint that has come to my attention.

SOME HON. MEMBERS: Oh, oh!

MR. MURPHY: My God, "Jerry", will he be quiet?

MR. DINN: Within a municipality or outside.

MR. HICKMAN: This is totally irrelevant.

MR. ROWE: Yes, well, look if the ministers are so interested in interjecting during one's comments, Sir -

MR. DINN: Okay, I am sorry.

MR. ROWE: - I would really sincerely hope that the Minister of Municipal Affairs and Housing and the Minister of Justice and the Minister of Health, who seem to take a great interest for some unexplainable reason, would stand up and make some contribution during the debate. It is as simple as that.

MR. HICKMAN: Like so many of your colleagues who are so fed up they have left the Chamber.

MR. ROWE: Mr. Speaker, I hope the Minister of Justice now will get up and explain the old Reid property, railroad property, and if the Minister of Municipal Affairs and Housing can enlighten us with respect to the Development Control Division and ribbon development, and the Minister of Health, whatever he was getting on with over there, can make some contributions to the debate, I wish they would do so, Sir.

MR. SPEAKER: The hon. member for Bay of Islands.

MR. WOODROW: In rising to speak on this very important topic, I first of all want to sympathize with the minister because he has one of the hardest jobs that any minister of this Province has.

SOME HON. MEMBERS: Hear, hear!

MR. WOODROW : And in saying this I want also from the bottom of my heart to congratulate the minister. He is a good minister, and he knows Forestry and Agriculture. I have talked with him on several occasions, and I have travelled with him, and he really knows what he is doing. He knows the road he should be on, but the whole thing in fact is bogged down in some way. And I suppose I would have to agree with the member for LaPoile (Mr. Neary) and the hon. member for Twillingate (Mr. Smallwood) and join in the sentiments of all members who spoke on this bill or this topic, and it could be summed up in one word, and that word is 'frustration.' Now I feel that if every member of this House got up to speak - in fact, perhaps, they would like to have a word to say on this important topic, this important bill - they, too, would use the word 'frustration.' And really what this frustration is happening to is simply the ordinary people of this Province. In fact, I had many occasions since I became a member of the House of Assembly, and I do not know where to tell people to turn. In fact, it becomes so frustrating it almost on times really drives one mad. In fact, I get sick and tired and upset that we cannot help people, in fact, the ordinary people of this Province to acquire a piece of property. And as the hon. member for Twillingate said, he said, "Well, what they are looking for is a home."

MR. NEARY: That is right.

MR. WOODROW: They are looking, in fact, for a place to live, for a place maybe to grow a few potatoes or a few vegetables, something of that nature. And it frustrates their whole life. Now I recall last year when the former minister spoke on this - we were on a bill something like this - and somebody asked him why

MR. WOODROW:

can you not get the applications through? And I could almost quote verbatim from what he said. He said, If I had 2,000 hours, I could get the applications that I have on my desk through at the moment. Now what does it mean? It would also mean that he would have to employ more staff. And perhaps as I speak here I should also mention Bob Winsor. He was mentioned by the hon. member for LaPoile (Mr. Neary). He is the man to whom, I understand, all ministers go to. And he must be a terribly busy man. In fact, he is very prompt in getting answers. I do not know how in the name of goodness he does it. Now we have, as the hon. minister knows, we have a division in Corner Brook. But what is wrong over there?

MR. HICKMAN: That is not Crown lands.

MR. WOODROW: No, we have a division of - what do we have? We have Crown lands and agriculture, is it not? In any case, whatever it is, it certainly applies to what we are talking about.

AN HON. MEMBER: Right. Right you are.

MR. WOODROW: And the problem is, the accommodations are too small. The accommodations are too small and the staff too small. So what do you get? You get people coming in - in fact, I received a letter last week which if I had it I would not mind reading it to the House, how people that get so disgruntled. In fact, who are they blaming? They blame the civil servants and the like. In fact, they end up, 'I do not know who to blame.' And it almost ends up, I would say, in a fist fight. Now that is really how serious the topic is. And I have even seen mix-up in names; for example, it could be John J. Smith or it could be John R. Smith, things of that nature.

SOME HON. MEMBERS: Oh, oh!

MR. WOODROW: Now also in my district at the present time there are a couple of people trying to set up a park. It was only last week, in fact, they asked me for God's sake to try to intercede on their behalf -

AN HON. MEMBER: What -

MR. WOODROW: - and I come back and I get through to somebody - it is approved in principle - and in fact, you know, these particular people in question they have at least \$70,000 involved. They have their property and their homes mortgaged. And we need so many of those private parks in the Province at the present time as people are again trying to do some sheep raising and cattle raising and the like. And I can assure you that the whole thing, and I feel the minister also realizes this, is very frustrating. He must get fed up on times as well. This business of going to every department, I am not saying we should not have to do it, but if there were only some way to expedite it! If there were one agency. I believe as the member from Trinity - Bay de Verde (Mr. Rowe) said, If there were only one agency. I do not know how in the name of God it can

MR. WOODROW: be done. Not even the hon. member from Twillingate (Mr. Smallwood), who has been in the House of Assembly for some twenty-seven years, I do not think he even knows the answer. But I think it would be good for the best heads in government to sit down and try and find out some way to solve, in fact, this puzzling problem. At least I certainly find it that way, and from what I heard this afternoon here in this hon. House of Assembly and from the letters I have had from my own constituents, and in fact from people in other ridings as well, it is the same old story - frustration, discontent. What is going on? Now what the answer is I do not know and I am not saying the minister has the answer, but I hope the debate that has taken place in this House this afternoon will perhaps help in some way to bring an answer to a problem which is very frustrating for, I would say, all the people of the Province of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

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

MR. MAYNARD: Mr. Speaker -

MR. SPEAKER: The hon. minister.

MR. MAYNARD: It is always refreshing to be the minister in charge of Crown Lands because you get so much praise for the efficiency in dispensing lands.

AN HON. MEMBER: (Inaudible) anyhow.

MR. MAYNARD: I am certainly glad I did not bring in a full Act because we could have been here for all summer.

I would like to comment on a few of the things that have been said in the debate this afternoon. I should know it that very little pertaining to the actual bill has been discussed, but the whole ambit of Crown lands has. And I suppose that is appropriate in some cases.

We are well aware, Mr. Speaker, that there are problems in the processing of Crown land applications. We have been

MR. MAYNARD: aware for some time. And a lot of the procedures are being changed to try to speed up the process.

MR. DOODY: May I ask leave of the hon. minister for just a second?

MR. MAYNARD: Yes.

MR. DOODY: This will not take more than a moment, but I know it is a matter that the House and indeed the whole populace of the Province is very concerned with and that is

MR. DOODY: the Waterford situation and the result of the union meeting this afternoon. As I announced to the House this morning, the government very reluctantly agreed to go along with the mediator's report. There were various items in there which would not have been conceded over the negotiating table but which government is willing to concede because of the length, the duration of the strike and the seriousness of the situation and so on. But in any event apparently it availed us nought because the union met this afternoon and we have just received the report that they have rejected the mediator's offer and we are back where we started and quite honestly, Sir, I do not know where we go from here or what we should do from here. I quite sincerely feel that the gentleman who did the mediations did a fair and honourable and decent job in trying to find a common ground for both of us to get together on.

The hon. member from Eagle River mentioned earlier this morning that perhaps this compromise should have been achieved earlier and then this impasse would not have lasted as long as it did. I think that those of us who have read the report can see why it was impossible to achieve that kind of rapport between the two sides. The position that the mediator suggested was very far from either of the positions of the two, and he pointed out specifically the fact that it was a very dangerous move indeed for any party in a collective bargaining situation to place as a precondition the resolving of one particular item in a collective bargaining package. So that is why the situation could not have been resolved without the help of a mediator, or preferably an arbitrator, but that was unacceptable to the union, as we pointed out earlier. Unfortunately now the mediator has come in and he has come up with his suggestions, many of which, as I have said, would be expensive to the Province, but we have accepted them, as I mentioned earlier, but unfortunately that has also been rejected.

I pass that out for the information of the House, certainly not for the value of the House for there is certainly nothing

MR. DOODY: of value in it. Where we go from here I honestly cannot say, Mr. Speaker, I guess we are just going to have to sit down and start struggling and worrying about it again. There are conflicting reports from various sources about the number of people who are present at the meeting and the number of votes for and against and so on, and I do not think it is opportune to go into that and I do not think I will.

I just want to give this to the House for its information and I thank the hon. member for having yielded the floor.

MR. LUSH: Mr. Speaker, would I be able to say a few words?

MR. SPEAKER: The hon. member for Terra Nova speaks on behalf of the Leader of the party.

MR. LUSH: I just want to say that we share the regret of government that the offer was turned down. Of course there is very little to be said at this point until the reasons are given by the union for their rejection, and we hope that the reasons will be forthcoming so that we can all study them and make rational statements about them. But at this point there is very little to be said other than to say that we are certainly regret that the union turned down the offer by the mediator but as I have said before we have to wait for the union's reasons for objecting to be able to access the situation fully.

MR. SPEAKER: Hon. minister.

MR. MAYNARD: Mr. Speaker, I will try not to take too long because surely the House Leader wants to get on with a little legislation. I will say that when I first went into the department in 1972, late 1972, after my colleague the Minister of Finance had been there for a few months, both of us came to the conclusion that the administration of Crown land in the Province at that time, or the administration of any land in general was what could be termed at the best to be

MR. MAYNARD: unorganized chaos. Normally you can find organized chaos but this was a little bit worse than that.

The situation was that the Crown Lands Division had not changed in any policy formulation, it had not changed

Mr. Maynard:

staff in terms of numbers since back in the late 1930's and the 1940's. Of course, the situation in Newfoundland, as it has all over the world, has changed considerably in that time. Land is no longer considered as being limitless and available for whatever purpose; land was beginning to be considered as a resource to be managed properly.

We have set about in the last five years to look at every possible method of speeding up the processing of Crown land applications, and I think in many cases we have been able to accomplish that. We have not reached as far as we would want to reach. And I can assure the hon. member for LaPoile (Mr. Neary), who asked whether or not we have given up on it, that we are not given up on it. Every day we are looking for new corners to cut off, new short cuts to take. It is frustrating, it is not only frustrating from the public point of view, it is frustrating from the administrative point of view dealing with Crown lands. So do not anyone get the idea that the staff in the Crown Lands Division and the minister of that department are quite happy with the methods that are being used, the system that is being used. I am certainly not happy with it, and I know my staff are not.

However, you do not change overnight a 200 year system that has been ingrained. There is just no way of doing it. There have been a lot of ideas put forward over the past four or five years by various people, and on both sides of this hon. House, there have been a lot of ideas put forward by people outside of government, and a lot of these ideas have been looked at, and some of them have been implemented into procedures. We will be devising another new set of procedures within the not too distant future which I will be announcing in the House or if it is after the House is closed will be announcing it outside.

The ideal situation, of course, Mr. Speaker, is to have all land in this Province identified, all land registered, and

Mr. Maynard:

every land transaction to have a mandatory registration on it. In order to do that it would literally mean surveying almost every inch of this Province, and, of course, the cost associated with that sort of a project is staggering. We cannot do it because we do not have the money.

However, we are trying to get a handle on the ownership of land in this Province as much as possible within the ambit of the legislation that we have and within the financial capabilities that we have.

One of the keys to being able to deal with Crown lands application, of course, is pre-planning. And there is a considerable amount of pre-planning going on now in the many municipalities around the Province which was helped by Municipal Affairs and Housing. Once pre-planning has been done, a housing assembly area has been set up or an industrial park or wherever it is much easier for us to be able to deal with the Crown land application, because we do not have to do all of the referrals to so many different agencies that we would normally have to do.

The other type of pre-planning is for Summer cottage development which we have been doing over the past two or three years, and the most applications that we get are for Summer cottages. The residences may be ahead of them, but certainly they are pretty equal. And pre-planning for Summer cottage development therefore is a necessity in order for us to be able to deal with the applications as they come in.

The big step that we have taken, the biggest step, and although it has not shown itself in any great amount of efficiency, increased efficiency at this point in time, has been the decentralization of Crown Lands administration.

MR. NEARY: There is no staff. What about staff?

MR. MAYNARD: We are putting more staff on. By the way, I might point out since 1972 the staff of the Crown Lands Division has doubled. There is more staff coming onstream now for the regional offices. We have more staff approved. We are slowly moving

Mr. Maynard:

all of the records out into the regional offices, and hopefully within the next year or so, Mr. Speaker, we are going to be able to deal with Crown land applications totally on the regional level. That is the aim, that is what we are aiming for. And the only time that the application will come in here is for the actual drafting of the lease, the lease document. The referrals to various departments will be sent out in the region. Let us take an example from Corner Brook; the application would arrive in the Crown Lands office in Corner Brook. The referrals would be sent out the Health, Environment, and Municipal Affairs people or whatever is appropriate in Corner Brook instead of being sent out from here.

MR. NEARY: Development Control, do not forget them.

MR. MAYNARD: Pardon?

MR. NEARY: Development Control.

MR. MAYNARD: I cannot forget Development Control.

MR. MAYNARD: The hon. the Minister of Municipal Affairs asked me a little while ago if I wanted that division and I said, No, thanks!

MR. NEARY: No, wipe it out.

MR. MAYNARD: We do have to go through the referral system with other departments, Mr. Speaker. It is pointless for us to approve a lease for Crown land if the person is not going to be able to get a permit from Health, or Highways or whatever, and this is exactly why the referral system is there. We are not in the business of giving away Crown land just for the sake of giving it away; we are in the business of trying to plan and trying to control the land in the Province, land management, if you will, and therefore we have to work with the other agencies.

There may be some ways to cut corners on that and we are looking at various means. All in all, Mr. Speaker, all I can say is this particular amendment that we are putting through here today will allow people to speed up development, especially in agriculture or Summer cottage development, once we have ascertained that there should not be any problems with the actual lease, in some cases, speeded up by a number of months while the lease is being drafted and all the necessary documentation is being done.

I am sure that there will be other amendments that will be needed to the Crown Lands Act, but, as I indicated, a lot of the changes that have to be made do not need legislative changes, they are changes in procedures and policies. We have to look at every possible way of changing the procedures and policies so that it will be easier and consequently a lot less work for us to be able to deal with Crown land applications. I move second reading.

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

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

MR. CHAIRMAN: Order, please!

MR. HICKMAN: Bill No. 57.

On motion, clauses
1 and 2, carried.

Motion, that the Committee
report having passed a bill, "An Act To Amend The
Crown Lands Act," without amendment, carried. (Bill No.57).

MR. HICKMAN: Bill No. 63.

On motion, Clauses 1
through 17, carried.

Motion, that the Committee
report having passed a bill, "An Act To Remove
Anomalies And Errors In The Statute Law," without
amendment, carried. (Bill No. 63).

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

MR. CHAIRMAN: It is moved that the Committee rise, report progress and ask leave to sit again. All those in favour "Aye", contrary "Nay", carried.

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

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

DR. COLLINS: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bills 57 and 63 without amendment and ask leave to sit again.

MR. SPEAKER: The Chairman of the Committee of the Whole report that they have considered the matters to them referred and have passed Bills 57 and 63 without amendment.

On motion report received and adopted.

Committee ordered to sit again presently by leave.

Bills ordered read a third time now by leave.

MR. HICKMAN: Bill 57.

MR. SPEAKER: Bill 57. Now can the hon. House Leader tell me the order number because otherwise they have different number.

MR. HICKMAN: Order 14, Bill No. 57.

MR. SPEAKER: Order 14, Bill No. 57.

On motion, a bill, "An Act To Amend The Crown Lands Act," read a third time, ordered passed and title be as on the Order Paper.

MR. HICKMAN: Order 30, Bill No. 63.

MR. SPEAKER: Order 30.

On motion, a bill, "An Act To Amend Anomalies And Errors In The Statute Law," ordered passed and title be as on the Order Paper.

MR. HICKMAN: Mr. Speaker, before we go back into second readings and in view of the fact that Her Majesty's representative will be seeking admission to the House within a few minutes, I would beg leave of this House to move a resolution of loyalty to Her Majesty on this day which is the Twenty-Fifth Anniversary of Her Majesty's Accession To The Throne, at least it is the day chosen in the United Kingdom. Do hon. gentlemen agree?

MR. SPEAKER: Does the hon. minister have leave to introduce resolution?

MR. HICKMAN: Mr. Speaker, as hon. members are aware, Her Majesty, Elizabeth the Second, succeeded to the Throne on February 5th., 1962 and was crowned as our Queen on June 2nd., 1953. Today is marked as the day of celebration in Great Britian marking the Twenty-Fifth Anniversary and consequently I move the following resolution:

That on this day of celebration in Great Britian, marking the Twenty-Fifth Anniversary of the Accession of Her Majesty, Queen Elizabeth the Second to the Throne, this House do convey to Her Most Gracious Majesty as Queen of Canada the warm and heartfelt congratulations of the Government and people of Newfoundland and Labrador on the completion of twenty-five years of devoted and inspired service to Canada and to all of the peoples of the British Commonwealth and express to Her our constant and unswerving loyalty and allegiance to the Crown.

AN HON. MEMBER: Hear! Hear!

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I have no hesitation at all in seconding that resolution, if it requires a seconder. Her Majesty and myself, I believe, have something in common, we are both the same age. I am not sure if we were born on the -

MR. MORGAN: Thirty-nine, that is all.

MR. NEARY: I am not sure if we were born on the same day or not. But, Sir, there has been a resurgence

Mr. Neary.

in the interest in the royalty in England, and that is born out by events. I think anybody who was watching television last night could not help but being impressed with the great turn-out. I think millions and millions of people have turned out out of respect for Her Majesty, and I join with the hon. minister in sending of this letter or this message of congratulations and of loyalty to Her Majesty, the Queen.

MR. SPEAKER: Is the House ready for the question?

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

MR. SIMMONS: We, in the official Opposition, would just like to verbalize our complete support for the resolution. We think it is entirely appropriate that we ought to take this formal step at this time on the occasion of Her Majesty's Twenty-Fifth Anniversary, and we want very much to be identified with it and give it our complete endorsement and support.

MR. SPEAKER: Is the House ready for the question on the resolution? Those in favour "aye." Contrary "nav." Carried.

MR. SPEAKER: Order, please! What is the Order of the Day?

MR. HICKMAN: Order 16.

MR. SPEAKER: Order 16.

Motion, second reading of a bill, "An Act To Amend The Western Memorial Hospital Act, 1947." (Bill No. 60).

MR. SPEAKER: The hon. Minister of Health.

MR. COLLINS: Yes, Mr. Speaker, this is a bill which is brought about by the fact that some hospitals, and particularly Western Memorial Hospital in Corner Brook, keep their books, as it were, on a calendar year basis and, of course, we all know that in the Department of Health and the Provincial Government, the fiscal year ends March 31. This bill will require the Western Memorial Hospital to keep its books in accordance with the Provincial fiscal year. I move second reading.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I just want to take a moment on this bill to ask the hon. gentleman if the hon. gentleman is including the old Western Memorial Hospital or will it include both institutions now, or is the other one under a separate department? The old hospital, as the House probably is aware, has been turned into a home for geriatric care, I think it is a pilot project that is being conducted in the Province. Is that under the same board or a different board, and will the financial statement of that institution be required to be published in the paper the same as the Western Memorial Hospital? Could the minister just tell us, you know, the relationship between the two now in the city of Corner Brook?

MR. COLLINS: Yes, Mr. Speaker -

MR. SPEAKER: Order, please!

If the hon. minister speaks now he closes the debate.

The hon. Minister of Health.

MR. COLLINS: - the old Western Memorial Hospital, part of it is being used, sixty beds are being used for extended care, commonly referred to as a geriatric ward, and that is still being operated by the board which operates the new Western Memorial Regional Hospital. But the accounting, of course, is separate because it is a function really of the other department, the Department of Rehabilitation and Recreation. But it is operated by the same board and the requirement will apply to both of them. But the old Western geriatric ward, the ward being operated by -

MR. SIMMONS: (Inaudible).

MR. COLLINS: What is going on now? What is the trouble?

MR. SIMMONS: We mean the minister no offence -

MR. COLLINS: Is there something wrong with you two?

MR. SIMMONS: -we were just wondering why the Minister of Health was not speaking to this bill?

MR. COLLINS: That is being nasty, 'Roger' Look, I used to know you -

Mr. Collins: Mr. Speaker, I used to know the hon. member years ago -

MR. DOODY: When he was a man.

MR. H. COLLINS: And everybody thought that he was God's gift to humanity around Newfoundland, a great schoolteacher, a great brain, and everybody listened to a lot of things he said, but what a let down! What a let down! What a disaster! What a - I was going to say disgrace, Mr. Speaker, but I withdraw that now in case I might have to withdraw it afterwards.

But to answer the hon. member's question, both of the institutions are operated by the same board.

SOME HON. MEMBERS: Hear, hear!

On motion, a bill "An Act To Amend The Western Memorial Hospital Corporation Act, 1947," read a second time, ordered referred to a Committee of the Whole presently by leave. (Bill No. 60).

MR. HICKMAN: Order 24, Bill No. 65.

Motion second reading of a bill, "An Act To Amend The Solemnization Of Marriage Act, 1974."

MR. SPEAKER: The hon. Minister of Health.

MR. H. COLLINS: Yes, Mr. Speaker, hon. member will remember that last year we brought in this great reform legislation, a new bill, "The Solemnization of Marriage Act," which does a lot of things for a lot of people. At that time we included in the Act that the district court judges would be permitted to act as marriage commissioners. For some reason my colleague, the Minister of Justice, tells me that the district court judges are busy people and they do not feel as if they should be required to perform this duty and this amendment takes that into account so it exempts the district court judges from acting as marriage commissioners. I move second reading.

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

MR. LUSH: Mr. Speaker, I am wondering if this is the bill that brought into existence the issuers of marriage Licences? I suppose this was the one and I got some great concern about this particular aspect of the bill that created these issuers of marriage licences. I am not certain how these people got selected. I have got certain -

MR. NEARY: Talk to your buddy from Baie Verte - White Bay.

MR. LUSH: - I have got certain misgivings about it. There are at least three people in my district who were consulted to take these jobs, people who had all the information come and people who thought that they were going to be the people selected, people who thought that they were going to be the issuers of marriage licences. I have just forgotten the exact procedure now, but I know in two cases the people concerned were recommended by the magistrate in the area, I believe that is how the thing had to come about. They were recommended by the magistrate and then there came along a piece of paper from the Department of - well there are two departments I believe, first it was under -

MR. RIDEOUT: Provincial Affairs.

MR. LUSH: Yes, first it was Provincial Affairs and that is who sent out all the information to the people telling them the rules and regulations under which they were to operate and so it was just a matter of a little bit of time for it to be made official, and these people were waiting and then all of a sudden something happens, they hear that some other person in the community was selected, and then when they start looking into it they were told that it was put under a new department, it was under a new department and -

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

MR. SPEAKER: A point of order.

MR. HICKMAN: The principle of this bill, and there is only one principle, is whether or not district court judges should be removed from the position of marriage commissioners; these are those who perform marriages. That is the only principle of the bill.

MR. NEARY: Whether what?

MR. HICKMAN: The principle of the bill, the only principle of this bill is to remove district court judges from the position of marriage commissioners. That is all that is in the bill.

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

MR. SIMMONS: Mr. Speaker, the minister is really being unfair here. What this proposes to do is to amend the act itself and it would seem to me that some latitude ought to be allowed. My friend was just getting into a brief example of where I would, without anticipating him, where another amendment is certainly required to the act to prevent the kind of abuse that he was referring to, the kind of political hanky-panky that was giving an example of, and I believe that is germane and relevant to the principle of the bill and I would submit that he ought to be allowed to continue without harrassment from the Government House Leader.

MR. SPEAKER: On that point of order; if hon. members will regard

MR. SPEAKER: Bill No. 65, actually what is on the left, the explanatory note, rerroduces what is 61 as it now is. What is on the right reproduces what that section will be if this legislation is passed. There is only one difference

Mr. Speaker:

and that is the dropping of the phrase "district court judge". The only effect of this bill is that if it is passed the mayors of cities referred to, magistrates and family court judges will be marriage commissioners, and district court judges will no longer be. So actually the bill is so precise and limited in its application that it would be impossible to say anything else as a principle, I mean, the principle of whether there should be a Solemnization Of Marriage Act or how people are appointed or not appointed. The bill does only one thing and it drops "district court judges" from the list, It does nothing else.

So the principle of the bill, the totality of the bill is whether district court judges should be dropped or not dropped from the section.

The hon. member for Terra Nova.

MR. R. LUSH: Mr. Speaker, I thank you for your ruling, and I thought that the bill would give the leeway of talking to the total ramifications of the Solemnization Of Marriage Act and of all of the things related thereto. But I will go along with the Speaker's ruling, and I will talk about the political hanky-panky at some other time.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, the hon. Minister of Justice did not make it clear why district court judges had to be dropped. Is it because they are over worked? Do the burdensome responsibilities that they have mean they cannot handle this? Or is it because the mayor in the city of Corner Brook and the mayor in the city of St. John's are ex officio anyway, they can marry anyway.

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: They are also concerned that there might be some question arise sometime as to the adequacy of a licence etc. which might be appealed to them.

MR. NEARY: And they might have to sit in judgment, is that it?

MR. HICKMAN: That is right.

MR. NEARY: That is the main reason, that the district court judges at some point may have to sit in judgment on some of the civil marriages that are conducted. But in the meantime the Mayor of St. John's and the Mayor of Corner Brook, this really is what the bill is saying -

MR. HICKMAN: Yes.

MR. NEARY: - can perform the duties that are now performed by the district court judges.

MR. H. COLLINS: The original bill said that, including the judges, and we are taking away the judges as marriage counsellors.

MR. NEARY: Yes, I know what we are doing, we are eliminating district court judges. I want to find out why, you know? I thought they might have been over worked, but the minister says, No, that is not the reason at all, because we are going to have a district court judge down in my hon. friend's new courthouse down in Grand Bank, and I want to know, I was very concerned about -

AN HON. MEMBER: A new courthouse? Where? Where?

MR. NEARY: I was very concerned about the fact that the gentleman who will be occupying that first building that has been built since Confederation, built in fifty years, a new courthouse in Grand Bank, the district court judge will not be able to perform marriage ceremonies, and I was very concerned about that and I wanted to find out from the minister.

But when the minister is clueing up the debate could the minister tell us how it is working now? What happens when the mayors of these two cities, say, are defeated in the election coming up in November, will their successors automatically then be able to marry people? Will it be automatic?

MR. HICKMAN: Yes.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Okay, Sir. I mean do not get mad, do not get mad about it.

SERGEANT-AT-ARMS:
Governor has arrived.

Mr. Speaker, His Honour, the Lieutenant-

MR. SPEAKER:

Admit His Honour, the Lieutenant-Governor.

MR. SPEAKER: Your Honour, hon. members have asked me to inform you of a resolution passed unanimously by the House of Assembly today, a resolution of congratulation and loyalty to Her Majesty Queen Elizabeth II. I would like to read the resolution and then to ask you, Your Honour, to transmit it to Her Majesty.

The resolution is as follows: Resolve that on this day of celebration in Great Britain marking the 25th anniversary of the accession of Her Majesty Queen Elizabeth II to the throne this House does convey to Her Most Gracious Majesty as Queen of Canada the warm and heartfelt congratulations of the government and people of Newfoundland and Labrador on the completion of twenty-five years of devoted and inspired service to Canada and to all the peoples of the British Commonwealth and express to her our constant and unswerving loyalty and allegiance to the Crown.

SOME HON. MEMBERS: Hear, hear!

HON.-G.A. WINTER: (Lieutenant-Governor) Mr. Speaker and members of the House, in Her Majesty's name I thank her loyal subjects for this expression of loyalty and it will be with much honour that I convey it to her.

MR. SPEAKER: Your Honour, it is my agreeable duty on behalf of Her Majesty's dutiful and loyal subjects, her faithful Commons in Newfoundland to present to Your Honour bills for the Appropriation of Supply and Supplementary Supply granted in the present sessions.

A bill "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending The Thirty-First Day of March One Thousand Nine Hundred And Seventy-Seven And For Other Purposes Relating To The Public Service" (Bill No. 56)

A bill "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending The Thirty-First Day of March One Thousand Nine Hundred and Seventy-Eight And For Other Purposes Relating To The Public Service" (Bill No. 38)

HON G.A. WINTER: (Lieutenant-Governor) In Her Majesty's name
I thank her loyal subjects, I accept your benevolence and I assent
to these bills.

MR. SPEAKER: May it please Your Honour, the General Assembly of the
Province has in its present session passed certain bills to which
in the name and on behalf of the General Assembly I respectfully
request Your Honour's assent.

A bill " An Act To Provide Uniform Minimum Standards
Of Conditions Of Employment In The Province." (Bill No. 34)

A bill "An Act To Amend The Income Tax Act." (Bill No.76)

A bill "An Act To Amend The Retail Sales Tax Act, 1972."
(Bill No. 77)

A bill "An Act To Amend The Tobacco Tax Act."
(Bill No. 78)

A bill "An Act To Amend The Insurance Premiums Tax
Act." (Bill No. 79)

A bill " An Act To Amend The Labrador Lands (Reservation)
Act." (Bill No. 66)

A bill "An Act To Amend The District Court Act, 1976.
(Bill No. 59)

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

(Bill No. 52).

A bill, "An Act To Amend The Statute Law To Permit Designation Of Beneficiaries In Certain Income Tax Savings Plans."

(Bill No. 53).

A bill, "An Act To Repeal The Private Investment Holding Companies Act." (Bill No. 48).

A bill, "An Act To Amend The Department Of Transportation And Communications Act, 1973." (Bill No. 50).

A bill, "An Act To Amend The Urban And Rural Planning Act." (Bill No. 45).

A bill, "An Act To Amend The Crown Lands Act." (Bill No. 57).

A bill, "An Act To Remove Anomalies And Errors In The Statute Law." (Bill No. 63).

HON. GORDON A. WINTER (Lieutenant-Governor): In Her

Majesty's name I assent to these bills.

MR. SPEAKER: Bill No. 65. The hon. member for Baie Verte-White Bay.

MR. RIDEOUT: Mr. Speaker, I believe I have forgotten the couple of points that I wanted to make.

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

SOME HON. MEMBERS: Hear, hear!

MR. RIDEOUT: Thank you, Your Honour.

I just have a couple of questions to ask the minister, Mr. Speaker. The minister made reference to the great reform that the Solemnization Of Marriage Act was. It is too bad that we cannot get into a discussion on that. Unfortunately, we cannot. I just want to ask the minister whether or not any consideration has been given to appointing extra issuers of marriage licences in communities around the Province? In my district, for example, you have one in Baie Verte, one in LaScie on the Baie Verte Peninsula, and people in Westport and Burlington area have complained that sometimes they come to see those people and they are not there. They have to be driving all over the place to get a marriage licence. I am wondering if the minister has given any

MR. RIDEOUT:

consideration to appointing at least - I would think that there could be one appointed in every community, could there not the same as you may have a Justice of the Peace or a Commissioner of Oaths or something of that nature -

MR. SIMMONS: Or two, one Liberal and one Tory.

MR. RIDEOUT: to issue those licences? I think the minister should take that under advisement rather than have our people driving all over God's farm to get one of those licences before they can get married.

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

MR. STRACHAN: Mr. Speaker, this morning I talked on matters pertaining to topics outside of wedlock. Seeing that my wife is here I might as well get back on the subject and start talking on matters pertaining to wedlock. The Minister of Justice states that this bill is to move district court judges out of having to sit or be issuers of marriage licences and so on. And my colleague from Terra Nova (Mr. Lush) here was ruled out on irrelevancy on the topic that he was getting into the issuers of marriage licences and was totally outside of this here. So maybe we can get back to it around the backdoor. Maybe the minister can explain to us if possibly the reasons for taking the district court judges out of this, as he states here, is because they may to sit in judgement on

MR. STRACHAN: marriage licences or the cases of issuance of marriage licences, and maybe because of the very issuers of marriage licences my colleague from Terra Nova (Mr. Lush) was talking about because they are so inexperienced and there has been so much hanky-panky with these people that in essence possibly the reason why the district court judges are moved from being the issuers of this is because they have got to sit in judgement. They will be over loaded, they will be over worked having to deal with the mistakes and the -

MR. HICKMAN: We have not had one yet.

MR. STRACHAN: - the mistakes and the - I can imagine there would be a great deal of mistakes. I can see in isolated communities some of the people when I look down the list, with no reference to them, but some of the people who are there who have got very little basic education, I can see some of the marriages are really going quite astray somewhere and there could be quite a mess in some of the marriages and certainly if we get some of the political marriages that we imagine will occur through the appointment of the -

MR. HICKMAN: - bond to be.

MR. STRACHAN: - of the issuers of licences according to my colleague from Terra Nova (Mr. Lush) then the district court judges will be over worked. So possibly you should think of removing a great deal more of the people out of the issuers of marriage licence including some of the people they appointed under the original order, some of the people who are good political friends of the members opposite.

MR. DOODY: Somebody -

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

MR. H. COLLINS: Mr. Speaker, why the district court judges are being removed I do not think is something for this House to debate or anything else. We did appoint district court judges along with

MR. H. COLLINS: the Mayor of Corner Brook, and magistrates and the family court judge in the original bill last year as marriage commissioners, and we have received a request from the district court judges that they would like removed from the requirements of the act and that is what this particular amendment does and I have no argument with that.

Even though the other question asked by my friend the hon. member for Baie Verte was completely and thoroughly and utterly out of order I can say to him that the marriage licence issuers which were put into place last year are working quite well. I have not received a single complaint, not one complaint from any person in this Province who have been married, or prospective brides and grooms, or from any clergyman which tells me -

MR. NEARY: They have not been married long enough.

MR. H. COLLINS: - which tells me, Mr. Speaker, that the provisions of the act are being followed and it is meeting with the satisfaction of the people of the Province, Not a single complaint have I received. I am happy to move second reading of this very important piece of legislation.

On motion a bill, "An Act To Amend The Solemnization of Marriage Act, 1974," read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. HICKMAN: Order no. 20, bill no.61.

Motion second reading of a bill, "An Act To Amend The Adoption Of Children Act, 1972."

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

MR. BRETT: Mr. Sepaker, this amendment deals with the problem that people who adopt children that were not born in the Province are having difficulty getting the birth certificate of the child registered. This amendment now will facilitate that problem. Actually

MR. BRETT: the amendment will enable the Register General to issue a birth certificate for a child born outside of the Province, adopted in the Province, indicating where the child was born and then a copy of the birth certificate and the adoption order will be mailed to the person in charge of registration in that Province. Just a housekeeping thing.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Just one quick question on this. Could the minister, I can see that there are all kinds of complications - does this have to go through the new immigration judge that is appointed here in the Province, the child is born outside of the Province, outside of Canada. You know, would it have to go through the immigration judge, you know Judge Carnell, that was set up recently?

MR. BRETT: No.

MR. NEARY: No, just go through the department. In other words there is no immigration involved at all.

MR. BRETT: No, I cannot answer that question.

MR. NEARY: I mean is this just outside of the Province, in Canada or outside of Canada?

MR. BRETT: Outside the Province.

MR. NEARY: In another province or a country

MR. NEARY: so it could be a foreign country, and if there are any complications there as far as immigration are concerned?

MR. BRETT: Not that I know of.

MR. NEARY: I see.

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

MR. RIDEOUT: I think my friend from LaPoile (Mr. Neary) hit on a very important point here. I can understand in another province there is no problem with an immigration judge or whatever, but the explanatory note says another province or country. I do not believe it is good enough in respect of the minister's situation and maybe he should seek advice on this. I do not believe it is good enough to say, "Not that I know of," We have to be sure of what we are talking about here. This is an amendment to the Adoption of Children Act that in a little while is going to become law and we are going to be stuck with it. So before we get stuck with it I wonder could the minister find out? It says province or country in the explanatory notes and certainly 'or country' then the Canadian Immigration Department would have to be involved in it, would they not? I think the question is a legitimate one and I would advise the minister to check before we leap.

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

MR. HICKMAN: Mr. Speaker, we are not seeing a problem that is not there. This bill is simply to facilitate getting an adequate birth certificate for a child who has been adopted under the provisions of our laws. Now if there is an immigration law which says that a child born in the United States or Great Britain or anywhere else cannot be admitted to Canada,

MR. HICKMAN: then obviously that child could not be adopted under the Adoption Act of Newfoundland. This is after the adoption has been completed, a child has been duly and properly adopted in the Province and wants to have an adequate birth certificate within the Province.

MR. RIDEOUT: Can you adopt a child without a birth certificate?

MR. HICKMAN: Oh yes. The birth certificate, as I understand it, follows the adoption.

MR. RIDEOUT: To change the name.

MR. HICKMAN: I do not think there is a problem there.

On motion, a bill, "An Act To Amend The Adoption Of Children Act, 1972," read a second time, ordered referred to a Committee of the Whole House, presently by leave.

MR. SPEAKER: Do hon. members wish to call it six o'clock? Agreed.

Before doing so I have been asked by the members of the Press for permission, and I ask hon. members now, to carry television and to take photographs and make recordings of what it rumoured or anticipated to be that of the resignation of an hon. member perhaps tomorrow or the near future. I have to ask for unanimous consent and I shall do so.

MR. J. CARTER: Mr. Speaker, I withhold unanimous consent. The rest of the hon. gentlemen can be as unanimous as they like but my memory is not that short.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! Order, please! It has been agreed that it be called six o'clock and I leave the Chair until eight o'clock this evening.

PRELIMINARY

UNEDITED

TRANSCRIPT

HOUSE OF ASSEMBLY

FOR THE PERIOD.

8:00 p.m. - 11:00 p.m.

TUESDAY, JUNE 7, 1977

The House met at 8:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order 29.

Motion, second reading of a bill,

"An Act To Amend The Child Welfare Act, 1972," (Bill No. 69).

MR. SPEAKER: The hon. minister.

MR. BRETT: Mr. Speaker, this amendment updates the definition of neglected child in the Child Welfare Act, 1972 to make it more responsive to present day neglect situations. And there is a whole list there. Under Section P there are twenty subsections. It is very long, very cumbersome, and this amendment will shorten it quite a bit and make it much more effective.

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

MR. RIDEOUT: I was expecting a little bit more than that.

Mr. Speaker, let me just make a couple of points I noted in this bill today. Let me say first of all that I think it is time that this Act - having read through the explanatory notes as they used to be in this particular Act - let me say I think it is time that the Act be updated and, you know, we are proud of that. There are just a couple of points that I would like to mention. I wonder if the minister when he rises to close debate could give us some indication of how the enforcement of this Act goes. You know, when I look at the Act things look pretty broad to me. A neglected child means a child who is without proper supervision or control. Well, you know, you can interpret that fairly okay, but the second part, a child who is living in circumstances that are unfit or proper for the child, you know, how do we go about deciding this kind of stuff? Does the minister have officials who go about the Province investigating children who fall under the meaning of this Act and so on? And what about the enforcement of it? These are just a couple of questions that came to my mind when I look through it. Basically it would be the enforcement, how do the minister and his officials go about enforcing this Act? Maybe he could tell us something about that before he closes the debate.

MR. SPEAKER:

The hon. member for LaPoile.

MR. NEARY:

Mr. Speaker, there are a number of questions I suppose that we could ask the minister about this particular piece of legislation, Sir. The first thing that I would like to start off by asking the minister is -this is a very serious problem in this Province. When I was Minister of Social Services and Rehabilitation I do not think it was considered as a major problem. I do not know if, you know, in the last five or six years if it has developed into a big problem. I would like for the minister to tell us also apart from whether or not it has developed into a problem, if there is any problem now with battered children in this Province. We have heard quite a bit about battered wives and about having halfway houses and what have you for battered wives, but what about battered children?

Mr. Neary.

Mr. Speaker, I do not know if the hon. gentleman would have any statistics or not on this particular matter, I do not know if the hon. gentleman's officials are out in the anti-room ready to write little notes or to whisper in the minister's ear on this particular piece of legislation, but I would consider it a major reform, although the minister did not stress really the importance of the bill too much, but it is a major reform. It gives the Director of Child Welfare all kinds of authority. And I would think, Mr. Speaker, that rightly so. But I would not think, Sir, that the problem is all that great that we have that many children being neglected and sleeping around in outhouses and barns and motor cars and that sort of thing. You run across it once in awhile. And I would think that the cases that you probably come across are not within the age limit specified in this act anyway. But what happens to these children when they are taken under the care of the Director of Child Welfare? Are they placed in foster homes? Are they placed in the girls training home or the boys training homes? Just what happens to these kids that are found sleeping around and wandering around the streets all hours in the night and sleeping in barns and outhouses and what have you?

Mr. Speaker, I do not think there is anything more heartbreaking in this world than finding a boy or a girl ten or eleven or twelve years of age wandering around in public places bumming. And I notice that according to this act that they are not even allowed to go in a public place to sell a newspaper. I presume these are licenced establishments that the minister -

MR. BRETT: That is the old one. That is taken out.

MR. NEARY: Oh, that is taken out, is it?

MR. MURPHY: They are not allowed in the beer parlours or anything.

MR. NEARY: No, they are not allowed. That is right, and rightly so. Really, it is against the law of this Province for anybody under the age of eighteen years - the Minister looks like Andy Clyde tonight.

MR. DOODY: The next chance will be the mental hospital.

MR. NEARY: Well, there is no secret ballot.

But, Mr. Speaker, there are a lot of good aspects to this bill, and I believe the minister should spend a little more time in closing the -

AN HON. MEMBER: What is the drinking age?

MR. NEARY: The drinking age is eighteen. I believe it should be -

MR. DOODY: It is nineteen.

MR. NEARY: No, the drinking age - what is the voting age, eighteen now?

MR. DOODY: Nineteen.

MR. NEARY: The voting age is eighteen, and the drinking age is nineteen. I think it should be moved up to twenty-one myself.

AN HON. MEMBER: How old are you?

MR. NEARY: I am twenty-nine and one-half and still holding. No, I am the same age as Her Majesty, the Queen. Now, how old is the Queen?

MR. DOODY: Twenty-nine and one-half and holding.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: I would not want to be in the place, Sir, of the people who have to make the decision of whether Idi is going to be allowed to land in Dublin or not, or land in London. But anyway, you have got to give one credit to the hon. gentleman. He is determined. He is persistent. He is going to go anyway whether he is wanted or not. He is something like the member for St. John's North (Mr. J. Carter), you know. He gets elected

Mr. Neary.

somehow or other whether the people want him or not. And nine chances out of ten they do not want him, but they just vote for him anyway. I do not know if they vote for him to get rid of him for four or five years, get him out of there.

But this is a very good piece of legislation. It spells out - I think probably the minister would agree that the Director of Child Welfare already had the authority anyway, but I think this spells it out

Mr. Neary:

in more detail of what is to be considered as an abandoned or a deserted child.

But, Mr. Speaker, how cruel must parents be to abandon their children, and to leave them sometimes in houses by themselves - the father may be in prison, the mother may be on the street or left home temporarily or permanently, and leave kids in houses by themselves. I remember when I was minister I came across this a few times when we had young children left in the homes: the father had probably flown the coop, the mother was away on the Mainland somewhere, probably visiting some relatives, and neighbours would bring it to your attention, because nine chances out of ten that is how you would find out about these cases anyway is that some neighbour will bring it to your attention. In this case, I suppose under this bill now the police in their rounds, in carrying out their ordinary routine duty could probably report cases like this to the Director of Child Welfare.

It is not a bad piece of legislation, Sir. It forbids children to beg in public places, to frequent taverns, pool halls, gambling rooms, so forth and so on.

AN HON. MEMBER: That is the wrong part you are looking at.

MR. NEARY: It is the wrong part I am looking at.

AN HON. MEMBER: See the appeal section.

MR. NEARY: Well, where am I over here? No child -

AN HON. MEMBER: On the left is the old, the right is the new.

MR. NEARY: No, I am looking at the right part. I am looking at "An Act To Amend The Child Welfare Act." A neglected child means a child who is without proper supervision or control. A child who is living in circumstances that are unfit or improper for the child. A child in the care or custody of a person who is unfit, unable or unwilling to exercise proper care over the child. That is a judgment decision. That is one the minister will have to be very careful about. A child whose life, health or emotional welfare is endangered. That is a kind of a judgment decision too that the minister is going

Mr. Neary:

to have to be very careful about. I hope that the minister does not - some of these clauses in here are judgment decisions and I hope that the minister does not rely too heavily on psychiatrists to determine whether or not a child's life, health or emotional welfare is endangered.

MR. BRETT: Trust psychiatrists.

MR. NEARY: I beg your pardon?

MR. BRETT: Trust psychiatrists.

MR. NEARY: Well, I do not know if the hon. gentleman read the article in The Weekend there about two weekends ago about psychiatrists, but if the hon. gentleman did I am sure that he would have some misgivings about whether or not you can trust these gentlemen or not.

When I was Minister of Social Services, Mr. Speaker, when we had some of these children that are referred to in this bill at the Boys and Girls Training Homes, I will never forget the first visit that I made to the Boys Training Home down at Pleasantville. It was about 7:00 o'clock one evening, I arrived unannounced and I walked in and I said to the supervisor, I said, you know, "I came to take a look at the institution and see what the children are doing and so forth." And he said, "Well, come on in." So I went in. And he said, "Well, they are lined up now getting their pills". I said, "What pills?" "Oh," he said, "They all got to get their sleeping pills." Now these are children, Mr. Speaker, referred to in this bill, ten, eleven, twelve years of age, thirteen years of age, and when I went in, sure enough, here they were lined up, there was a little medicine closet there, and there was somebody in there picking -

AN HON. MEMBER: (Inaudible).

MR. NEARY: I wonder would my hon. friend mind, just keep it down a little bit. They were taking down the pill boxes and each one was getting their pill. And I said to the supervisor, "What is going on?" "Oh, he said, "They have got to have their sleeping pills and their tranquilizers before they go to bed." I said, "What?" He said, "Oh, yes these kids were taken down and assessed by a psychiatrist, and

MR. NEARY:

the psychiatrist recommended sleeping pills and tranquilizers and in the morning they will get another pill to pep them up."

"Well," I said, "What kind of a recreation -

AN HON. MEMBER: Where was this?

MR. NEARY: I beg your pardon?

AN HON. MEMBER: Where was this happening?

MR. NEARY: This was at the Boys Training Home and the Girls Training Home -

MR. DOODY: Can you get that extended to the House of Assembly?

MR. NEARY: -where you have boys and girls ranging anywhere from say nine, ten years of age, up to sixteen years of age.

AN HON. MEMBER: It is the same in other places, I suppose.

MR. NEARY: Well, I am coming to that. But anyway, Mr. Speaker, I said, "Well, what kind of a recreation programme do you have here?" "Oh, we have no recreation programme." "You have no recreation programme?" "No." "Well," I said, "would it not be far better, instead of giving these kids sleeping pills, to take them down there to the King George V Park, where my hon. friend the member for Kilbride (Mr. Wells) can go down and he can outrun anybody in this House. How many laps can the hon. gentleman do now, say, in an evening or a morning when the hon. gentleman is out jogging? How many laps of that park?"

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

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

MR. HICKMAN: Certainly the ability of the hon. member for Kilbride (Mr. Wells) to run has nothing to do with the battered child.

MR. DOODY: He could never out lap the member for LaPoile.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: How many laps can the hon. Minister of Justice do? The hon. member for Kilbride, I bet you, can do thirty or forty laps of the King George V Park, no problem at all. But these kids that I am talking about -

AN HON. MEMBER: The Minister of Justice probably could not make one.

MR. NEARY: I beg your pardon? How many laps can the Premier do? The Premier spends all his time at the nineteenth hole. But, Mr. Speaker, the point that I am making, Sir, is this; I do not know if it is change or not but these children when they were taken into custody, taken in the care of the Child Welfare, they were put in there, they had very little recreation, they were fed these sleeping pills and tranquilizers and it would make no wonder later on, Mr. Speaker, that some of them would become drug addicts.

MR. J. CARTER: Were any of the children epileptic?

MR. NEARY: No, but I enquired and I was told that some of them were emotionally disturbed. Now they were not emotionally disturbed to the extent that if you took them down to the King George V Park and ran them around there ten or fifteen or twenty times and make them so tired that when they came in they would almost be too tired to take off their clothes, that would be much better to them than a sleeping pill.

MR. BRETT: (Inaudible).

MR. NEARY: No, Mr. Speaker, I checked this very carefully and I know that - it is unfortunate, by the way, that sometimes very emotionally disturbed children have to be put in with ordinary kids because there is no other place you can put them. There is no institution, You cannot put them into Waterford, you have to put them in the Girls Training Home or the Boys Training Home.

MR. DOODY: Most of these people are emotionally disturbed.

MR. NEARY: No, they are not emotionally disturbed. No. Most of them are the kind of boys and girls we are talking about in this bill, they are neglected children or they come from a broken home.

MR. DOODY: Yes, but that disturbs their emotions, does it not?

MR. NEARY: Mr. Speaker, it does not disturb the child to the extent that you have to put them on tranquilizers, if you had a good recreation programme. Well, as a result of that and what I saw going on in the Girls Training Home, I managed to persuade my colleagues to get a recreation centre built down at the Boys Training Home, which is now the Girls Training Home at Pleasantville, a gymnasium. They built a beautiful gymnasium down there and -

MR. DOODY: They call it a gymnatorium.

MR. NEARY: They may have some grandiose name on it but anyway I wanted to shut down that medicine closet. My hon. friend, the doctor down there, I think probably knows what I am talking about and will agree with me that they take the line of least resistance,

MR. NEARY: rather than, you know, rather than having pillow fights at night, kicking up a little fuss like children would do, they wanted them to be as little trouble as possible so the thing to do was to give them a sleeping pill or a tranquilizer and get clear of them for the night. And they are doing the same thing, I am told, down at Her Majesty's Penitentiary.

AN HON. MEMBER: And they are doing it in other places.

MR. NEARY: And they are doing it in all sorts of other places and -

DR. FARRELL: And they are talking about contact pay and everything else.

MR. NEARY: I beg your pardon, Sir.

DR. FARRELL: And they are talking about contact pay and everything else.

MR. NEARY: Yes, and if anybody should be getting contact pay it should be the people who meet these people when they are - for instance, the doctor that has to deal with these

MR. NEARY:

people the first time they come in contact with them, because it is then they are violent. But after that they are tranquillized.

MR. DOODY: You mean the doctors are underpaid?

MR. NEARY: Well, I would not say that but I would say that the doctors and nurses, as my hon friend knows, that come in contact with these people, that make the initial contact -

MR. WELLS: That would be the Outpatients Departments and Emergency Entrances.

MR. NEARY: Yes, I would say, Mr. Speaker, that it is not the first time that a nurse had her uniform ripped off, not the first time. It is not the first time that a nurse or a doctor was attacked; it is not the first time that the police had to be called to the Emergency Department to protect the staff, not the first time, I do not think.

MR. DOODY: Sounds like some of my discussions during the Waterford strike.

MR. NEARY: Yes. I would say as my hon. friend probably knows and my good friend, the member for Humber East (Dr. Farrell) probably knows, and there maybe other members of the House who know that sometimes you have to call the police to protect yourself against these people. And you are lucky sometimes to escape with your life. And sometimes I would not be a bit surprised that they smash up the furniture, smash up the equipment, they try to get in the morgue, they try to get in the cubicles where they have people getting blood transfusions and this sort of thing. I would not be a bit surprised that this goes on, I would not be at all surprised.

MR. DOODY: It does.

MR. NEARY: But, Mr. Chairman, getting back to this bill -

SOME HON MEMBERS: Hear, hear!

MR. NEARY: Somebody sidetracked me there. I think it was the member for Kilbride but it was an interesting observation.

MR. NEARY: But I hope, Sir, that the programme has changed. At least I started to change it and I even got these kids that we are talking about in this bill, I even got them out in the Navy Cadets and all that sort of thing. Give them their freedom, do not make them feel like prisoners, treat them like their own parents - well, not their own parents but treat them like ordinary parents would treat them and I think that in that way the department and the Director of Child Welfare would be doing a good service and doing a good job.

But it is a half decent piece of legislation and I have no hesitation at all in supporting it.

MR. SPEAKER: Hon. member for Eagle River.

MR. STRACHAN: The House Leader does not want us to speak on it so that is as good a reason as any to get up and speak on it for forty-five minutes.

SOME HON MEMBERS: Oh, oh!

MR. STRACHAN: The purpose of the bill of course is just to streamline the definition of a neglected child and not get into it as such. But, however, I want to get into it a little bit and in as much as my wife worked for two years at a girls home in St. John's, in fact was the person who met wayward girls and so on when they first arrived there and handled them. Then she worked also on the Labrador coast with Indian children and Eskimo children in which the neglected child has a great deal of reference to because, let us face it, in many cases - and one can be as romantic as you like about the native way of life and so on, but there is a high instance of neglected children.

MR. NEARY: It is higher in Northern Labrador than in any other part of the Province.

MR. STRACHAN: Oh, I would say without question it is higher in Northern Labrador than anywhere else in the Province and it is higher in native communities than it is anywhere else in Canada. And if someone wants to spend some time with me the Winter I can show you some terrible cases of extreme neglect. I wonder if the

MR. STRACHAN: minister could explain a little bit, it streamlines it in that it does not make it specific. We do not go through these specific things which makes it more in modern language as such. I know from his workers in Main who handle Davis Inlet as well as other communities that we have a great deal of children there who are left alone for long periods of time. There is nothing for a child seven or eight years old to be living for three or four days without any parents, who will wander around and come in at four in the morning, and that is normal. I think what has happened here is that we have a pendulum swing in which is a laissez-faire attitude - let people be free, let people operate attitude and at the same time we are not teaching, as we should be as well, the change in our ideas about how children behave, there should be discipline: people must be taught discipline. What concerns me greatly in the

MR. STRACHAN:

neglected child and the Child Welfare

Act here is that these children are our future generations. And I can assure you that as far as Northern Labrador is concerned and some of the communities and so on, our future generations are not going to come up to much on the basis of how it is going now. And there seems to be a whole breakdown of the system and one is almost afraid in some cases - and I know my wife was in one case, and I, myself in some cases - one is almost afraid of stepping into these kinds of situations. I know that the welfare officers whom I have known, the last three or four now that I have known in Northern Labrador, probably faced one of the hardest jobs anywhere in this Province. The present one does, I believe, an excellent job with neglected children. In handling children he often has to have, in cases where he is taking a child, he often has to have a police escort - many, many times; in fact, I have escorted sometimes as well - police escort in order to get children out of homes in which either violence or extreme neglect or whatever is going on in that home. And he, himself has been molested. His life has been threatened many, many times. But I think what I am trying to get at here is to redefine the thing and get this into the Act, but I think that there needs to be a more comprehensive system of trying, within the school system with a disciplinary system, to the parents and within children, within the courts, because in many cases, these cases come up in front of courts and there is nothing more exasperating for a welfare officer to have gone through some of the trouble and difficulties he has, only to find out that in court he can do nothing about it, or the police can do nothing about it, and back the child goes to the family or the parents and two weeks later he is back doing the same job again. And this goes on in many, many cases.

I know that there is a great deal of child beating - wife beating is probably the most common occurrence for native people, and child beating. And although I agree that we must look upon it in an understanding kind of way, I believe that many of the do-gooders and bleeding hearts of our society who come to the North and so on tend to bend over backwards towards the rights of a native person and do not look at the

MR. STRACHAN: rights of the child. Because as I was getting on this morning with this illegitimacy business we were talking, the child has rights, and surely some of these rights must be the fact that it should get fed three times a day, at least three times a day, and many children will go all day in school without breakfast, all day without any food whatsoever. Surely they should get fed. Surely they should have a roof over their heads and a bed to sleep in, and many do not have beds to sleep in. And surely they should be brought up in certain conditions and certain ways which a child welfare act is supposed to spell out. But what has tended to happen, I think in many cases, is that we have bent over backwards in the attempt to be non-racist or non-patronizing or non-righteous, and we have bent over backwards and allowed a great deal of freedom and a great deal of non-interference into cases in which the children's rights have been taken away from them by parents or relatives they are living with and have been totally neglected. And as soon as one enters into it - and I know in many cases now my wife just refuses point blank to get involved in it and will not get into it even though she knows the child may die or may become ill - she will not get into it because she is past the stage of being called names and having abuse and so on directed at her as a righteous person and so on, and as a person who is interfering and patronizing and looking after and so on. And we do not believe in mollycoddling children, but I believe at some time or other when one is called upon you have to go in and do some things because a child has rights as well.

But I bring up this point because I feel very strongly about the whole Child Welfare Act. I am sure that Mike Dunphy and so on in Nain could tell a number of stories here that would shock the living daylights out of people in the House here. And although this streamlines it, I just wonder if the minister could explain in closing off this evening how we can develop a more comprehensive and educational - because I am sure that we are going to have to take steps, at some time or another we are going to have to decide that, criticized or not for being racist or whatever it is, we are going to have to take steps because what we are doing

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MR. STRACHAN: is allowing our future society to erode. And we are going to have to take steps and regard the child as having rights, and these rights must be protected. And we have to step in and do these things if it is a matter of taking a child out of a house or

MR. STRACHAN:

taking away from home.

I have had a number of cases where people, usually not native people, but people who are associated with native organizations, will lambast you or paste you because you are moving into it and you are interfering. But a child must be removed from a home in these kinds of situations and taken elsewhere.

In a small community you cannot take a child and put it in another home, because if you do then that home is now molested by the parents who come after their child. I have seen many children who are wandering around without a home and so on because they are not wanted at home. They have been moved from home to home, and when you see a ten, eleven or twelve year old who has had five homes in the last year and is still wandering, still moving on to the next home, it makes you wonder exactly what our system is doing. I feel we must move in there, we should start standing up for the rights of the child and have the guts to say so, and take the knocks and the rubbish and the nonsense that people will throw at us, who feel that because we are doing so we are interfering with the home. I often wonder if, with their interference, they know what a home means.

A home to them often is a different thing altogether. They see the home and they see the rights of the parent and they see the rights of the parent to live within a cultural society, but they do not see the rights of the child to be brought up in certain ways. I think that the rights of the child come before any cultural rights or rights of parents in cases like this where the child's health and life is being endangered, whose education is being damaged and the child perpetually goes down the road.

MR. STRACHAN:

There are people in some communities who probably have the highest incidence of crime per head in this Province. There is no question of that. When 75 per cent of a community have been to jail at least once in their life, there is something wrong somewhere. There is something wrong with the criminal system which puts 75 per cent in jail, or there is something wrong with the system that brings up children to lead them to this neglect and this lack of education and this way of going down the road. I think it is a combination of all kinds of factors, but the argument that I am getting at here, in the Child Welfare Act and the renaming of it, is that surely it is about time that we started taking measures as well as educational processes and put a comprehensive plan together with some teeth, some guts, declare it and stand up for it. And let the do-gooders and the bleeding hearts, who are all around us and are with us for a year and gone the next year off to fresher pastures or new paradises, let them nail us and let them knock us because in the end they will be gone on somewhere else to create their little Utopia, while at the same time we are left with children who are in this kind of state.

So I make an appeal to the minister on their behalf. What I am saying I am not saying out of lack of knowledge. It is something which is depressing. It is very often depressing to see the children board boats - in fact last year there were five children all under the age of fourteen who disappeared, could not be found, and were not found until three days later when they turned up in Hopedale, they had gone on the boats. In one case, what was most disturbing was that a couple of the children, the parents did not even report them missing. They were gone three days and they did not even report them missing.

MR. MURPHY: They were probably glad to get clear of them.

MR. STRACHAN: Well, probably they just did not count heads or did not pay attention.

MR. MURPHY: Would alcohol be the main cause of this family case? Is alcohol involved?

MR. STRACHAN: I think it is alcohol related, there is no question about it. There is also a great problem with native people in that they do have a free way of life. They believe in freedom and so on, but the thing that amazes me is that I cannot buy that argument altogether because it was only ten years ago, in the community of Nain where I live, that a curfew was imposed at nine o'clock, imposed by the elders of the community. The elders of the community were elected from the - half were appointed by the church, but half were elected from the community. We had a curfew imposed and at nine o'clock at night the elders went around - different elders for different nights of the week - and they went around and all children under the age of sixteen, all native children and settlers' children, all children of the community under the age of sixteen had to be inside, at home. In fact, it was only about fifteen years ago that the elders during their curfew traveled with whips, with a dog whip. Very seldom anyone was hit, but it was a sign of authority. The thing that amazes me is that we have swung from one pendulum in the North in which, regardless of what the Moravian Missionaries were and what the IGA was, we have swung from one pendulum of too strict, rigid, Teutonic, Germanic rule, which the people themselves adopted and took as a measure of

MR. STRACI

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I think he requires praise for the act in a non-

patronizing, non-paternalistic fashion and so on. But the situation

does require, I think, something more than just the streamlining of

an act. I think it requires possibly putting a great deal of our

heads together and coming up with something which will make it work,

because I believe that the basis is there to turn this thing around.

Obviously people themselves must be committed. The parents must be committed.

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Mr . Strachan.

And obviously if the parents are not committed to that you cannot walk into every home or every other home and take the children away. But something needs to be done on the whole basis of it. And otherwise what we are going to do is that we are going to bring up generations in Labrador who are spiteful, frustrated, bitter, hateful and already this is showing; already this is showing.

MR. MURPHY: Not only in Labrador.

MR. STRACHAN: I agree, but I am only talking from my own experience in Labrador. But already this is showing and people are becoming extremely negative and are starting to become polarized in their ideas. And you will find, for instance, that people in Northern Labrador and in the homes we are referring to, native people can get a home for \$15 a month, a \$30,000 bungalow for \$15 a month, and I have no argument with it. I have totally and absolutely no argument with it. If native peoples do not have the ability or live in areas in which they cannot earn that kind of money, and they pay \$15 a month for a \$30,000 bungalow, fine.

Unfortunately, out of the community of Nain, for instance, there are two people paying the \$15 a month. The last twenty-five or thirty homes built, they do not pay. They just do not pay it. Why pay it? And what we are doing is that children themselves are developing this attitude. The children are moving from home to home and moving around, and the whole thing is just breaking down totally because I think that if we are going to give this kind of thing then we must give it with some kind of responsibility and some kind of accountability. And what is wrong is that government is spending far too much money on native peoples in the wrong way, in that they are given large sums of money without any accountability, and this is what is happening in the homes here.

MR. MURPHY: Years ago, those beautiful homes.

MR. STRACHAN: Yes, although North West River is a little bit different case, and I think David's Inlet is too. At David's Inlet, you may remember, they did not want the homes. These were imposed by us.

Mr. Strachan.

Houses were not wanted by the indians of David's Inlet. They were Naskaupi Indians who travelled. And as soon as they got their homes, in Summer they used the homes for storage and lived in the tents on the beach and in Winter they put the tents up inside their homes and hung them from a peg in the roof and took the doors out, because essentially -

CAPT. WINSOR: They took the partitions down.

MR. STRACHAN: That is right. Because essentially and although you look into it, and you say that that is wrong, they did not want the home in the first place. The tent was far warmer than a big bungalow which they cannot heat and which a wood stove will not heat, and the warmest thing they have is a comfortable, well-designed tent, well-placed and so on. And so I think we made mistakes there, and I think we made mistakes with many of the cases here that we walked in and we forced things in the name of progress that were not progress at all. And this has happend in the case of North West River too to a certain extent.

MR. NEARY: There is not a tent left down there now.

MR. STRACHAN: Yes, there are two tents.

MR. STRACHAN: And in fact Davis Inlet has moved, half the community has now moved and gone up Changau Bay. They have now rejected the community and there is quite a number of open homes and they have gone up Changau Bay which is about twenty miles up and -

AN HON. MEMBER: Under sail?

MR. STRACHAN: Yes, back under canvass.

MR. NEARY: There was only one tent in Davis Inlet.

MR. STRACHAN: Yes, the old woman, the old woman's tent.

MR. NEARY: Yes.

MR. STRACHAN: No, they have gone back. And in fact they are far happier under tent and far happier out of a large community -

MR. NEARY: Oh, they were made for that. There is no doubt about that. That is right.

MR. STRACHAN: - than they are within the community and the community does nothing for them. But on the other hand the Inuit people, and what is happening is very different and they are happy, many of them are, within the community and the children are learning a whole way of life which is neither native, nor is it white, nor is it anything, and it has no values whatsoever and that is the generation we are being faced with. They have no recreational facilities, they have no way of doing anything, Children will spend most of the Winter and Summer breaking windows and fooling around, going around, playing with things, tearing things up, beating it down because they have nothing to let their energies out with. And they have the ability of going out in boats, many of the younger ones and so on and it is an extreme case of what is happening elsewhere in the Province but I state this because associated with it is the violence that we see so much of and I think something needs to be done before we go on too long.

MR. SPEAKER: The hon. member for Mount Scio.

DR. WINSOR: I want to compliment the member for LaPoile (Mr. Neary) and Eagle River (Mr. Strachan) for their comments. Everything they said I have agreed with. My comments really are more in semantics

DR. WINSOR: of the bill. I am sure that the intentions of the minister and his department had the utmost intent, I think that the problem that I see would be from the legal draftsmen and I just throw this out for your consideration. When you say "neglected child" means a child, the term itself "neglected" means of intent to be neglected. But when you go down to (4) "whose parents or surviving parent or guardian or other person in whose charge he may be cannot by reason of misfortune, disease or infirmity properly care for," eliminate the rest of it but look at that, I would suggest - before that go over to section -

AN HON. MEMBER: That is the old -

DR. WINSOR: The explanatory note?

MR. HICKMAN: The legal draftsmen with their -

DR. WINSOR: Section 7, a child who has no living parents, who has no person willing to assume responsibility or with a legal responsibility for its maintenance -

AN HON. MEMBER: That is not right.

DR. WINSOR: No. That is in the new act.

SOME HON. MEMBERS: Oh, oh!

DR. WINSOR: The explanatory note is the old bill.

This is really what I wanted to bring to your attention, the child who has no living parents, who has no person willing to assume responsibility, I would suggest that a deprived or neglected child means a child (inaudible). The other suggested change I would like to see, you go to 10 and 11, who habitually frequents any tavern or in 11, who being under the age of fourteen habitually sells something. But you go down to 15, who is found having in his possession any obscene picture, drawing or printed matter, I would like to see the minister consider, who habitually is found having in his possession any obscene picture, drawing or printed matter, because I am quite willing to consider that ninety per cent of the people within my hearing tonight at certain times in their life under sixteen years of age had been caught with a picture or drawing

DR. WINSOR: could be under this act considered a neglected child, which is rather I think an unfair -

MR. MURPHY: No, that is '72 act you are reading, that is all excluded.

MR. ROWE: Go over to your right.

SOME HON. MEMBERS: Oh, oh!

MR. MURPHY: - that second page and the fourth page are the extracts from the old act 1973.

DR. WINSOR: I see. I see. Fine.

DR. WINSOR: I certainly would in Section 7 - the child who has no living parent or has no person willing to assume responsibility. I still feel strongly that to consider a child a neglected child where I think the child is really a deprived - and if the wording could be considered a deprived or neglected child rather than just a neglected child.

MR. NEARY: That is right -

MR. MARSHALL: Tell him you will propose it in Committee.

DR. WINSOR: And we will in Committee propose a change and we should do that at the appropriate time.

MR. MARSHALL: That is right. That is good.

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

DR. COLLINS: Mr. Speaker, at the request of the House Leader, I would like to say a few words on this Act - just a few brief words.

The hon. member for LaPoile (Mr. Neary) mentioned the children, particularly in the Boys Home, and I am sure that the hon. member has presented the picture as he saw it, but I wonder if he did not exaggerate a little. The hon. member does paint a very vivid picture. I have had some contact with the Boys Home both when it was down at Pleasantville and at the present situation out on Waterford Bridge Road. And I know the hon. member did not mean to leave this impression, and I do not think this impression should be left, that the staff in both those places, I felt, was absolutely exemplary in their concern for the boys and in how they tried to promote activities for the boys. I mean, the people there, hour after hour, day by day - I did not mean the visiting staff, but the staff in situ - these staff members endeavoured -

AN HON. MEMBER: Staff in what?

DR. COLLINS: At the place.

AN HON. MEMBER: In situ.

DR. COLLINS: In situ. These staff members endeavoured to take the boys off on fishing trips. They endeavoured to take them to various

DR. COLLINS: sporting activities. I know that one staff member in particular set up a carpentry shop using some of his own tools and his own materials. He also got some of these materials through a service club to assist him. So as I say, I am sure the hon. member was painting a picture to emphasize something. I am sure he did not mean to leave an impression that these children - these boys in particular - in these Homes are just put there, put on some sort of medication and not given any care and attention. Some of these boys are hard cases, if one wants to use a colloquial term, but nevertheless it is amazing how well they are handled by the staff.

Now on the Act itself -

AN HON. MEMBER: What about five or six years ago?

DR. COLLINS: Well, I am thinking of more recent years. I cannot comment five or six years ago.

I would like the minister, if he would, to pay some attention to one part of the new bill, that is Section 8(b) which reads, "A child who is in care or custody of a person who refuses or fails (b) to permit such care and treatment to be supplied to a child when it is considered essential by a duly qualified medical practitioner." I am just a little bit concerned about that. That issue arises not infrequently in hospital where, say, a child needs a blood transfusion and the parents or the people in charge of the child belong to a particular religious persuasion, and quite legitimately, often the child has to be taken in care for treatment to be given. But the point I would like to raise is that I am a little concerned about a duly qualified medical practitioner. There is a judgement involved here. I do not think that a single person might be capable always in arriving at a conclusion that would be valid in all people's minds, and I would prefer to see that duly qualified medical practitioners or medical practitioners with a consultant - something along that line. I would be a little unhappy to leave that just in the hands of one person despite that person being a medically qualified practitioner and that person dealing with an area of health care.

Dr. H. Collins:

At the last point I would just like to make, I was most interesting in hearing the hon. member for Eagle River (Mr. Strachan) describing some conditions in Labrador and they certainly sound appalling. I do not think the same conditions apply to child care on the Island here so much, but that is not to say that there are not neglected children. I would say, in my experience anyway, the greatest neglect of children on the more populated part of the Province is in regard to nutrition. Many children are junk fed, All one needs to do is go into the supermarkets and see what goes into the supermarket baskets, often with young mothers pushing them, to see the quantity of soft drinks and chips and other junk foods, or go out to some of the malls and see the children being taken by their mothers hand nibbling on junk foods. This is a very serious problem. The Canadian Nutritional Survey a number of years ago showed a high incidence of iron deficiency in Newfoundland children. I think it was the highest rate of iron deficiency in Canada, and of course iron is one of the elements one gets out of the better foods such as meats and so on and so forth.

And the other, of course, part of child neglect that we all are aware of, I am sure, is the children who are exposed to T.V. to incredible lengths. This is a form of child neglect. And not only does it expose them to the various unwelcome or uncouth aspects of T.V. but it diminishes their other forms of recreation and exercise. And it is a problem, I do not know how any legislature could possibly deal with, but I think it is a very real problem, and instead of decreasing it seems to be growing.

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

The hon. Minister of Social Services.

MR. BRETT: For the benefit of the hon. member for Mount Scio (Dr. R. Winsor) I do not know if he understands the bill now in that the explanatory note or what was in the bill or what is now, but once it passes on this side is what will be in the bill. So the

Mr. Brett:

section that you asked to have changed actually is not in the new bill.

The enforcement of this Act; one of the hon. members on the other side wondered how it is enforced. Of course it is done by the social workers around the Province. In some cases the workers themselves find the neglect; in other cases it is brought to their attention, possibly by neighbours, or by a doctor or a nurse, somebody other than the worker. If in the opinion of the worker there is neglect, then the matter is taken to the courts; and of course the decision is made by the magistrate whether or not the child is to be declared neglected.

Last year legislation was brought into the House whereby it is illegal for anyone to withhold information that they might have regarding neglected children. A lot of people would think twice before they would bring this sort of thing to the attention of a social worker or a doctor, but this legislation does make it illegal for anyone to withhold such information. If a child is declared neglected, depending on the degree, I would suppose, it may be sent back with its parents; if the child is made a temporary ward it could be sent back to its parents under the supervision of the Director of Child Welfare, or the child could be placed in a foster home or of course in one of the institutions.

Somebody asked me if we have more child neglect in the Province now than we used to have. I would say, yes, but I do not have any statistics here. But I would say that more incidents are being reported than there used to be. But I would not say that the incidents of neglect in the Island part of the Province anyway are of a serious nature. There are some, but I do not think

Mr. Brett:

it frightening. No doubt the incidents of neglect in Labrador are higher. I am aware of this. I thank the hon. member for the kind things he said about our social workers. Far too many people see our social workers as somebody who dishes out dole or money; naturally this is only one of their many functions. I am very happy that he could make some complimentary remarks about them.

SOME HON. MEMBERS: Hear, hear!

MR. BRETT: I was not aware that the pendulum in Labrador had swung from a real strict rule to the case where the parents are being protected more so than the children. The Act of course is designed to protect the children, but it is possible for cultural reasons in Labrador the Act is not being carried out as it should. Maybe it is something that the hon. member would like to discuss with me sometime.

As I said when I introduced the bill, this particular section was long, it was cumbersome, it was outdated and the whole purpose of this amendment is to streamline the bill and to make it more effective.

On motion bill read a second time, ordered referred to a Committee of the Whole presently by leave.

MR. HICKMAN: Bill No. 86

Motion, second reading of a bill, "An Act To Amend The Department of Social Services Act, 1973".

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

MR. BRETT: Mr. Speaker, what this amendment does is make provision in the Act for these positions that are outlined here, Director of Field Services, District Administrator, the Minister, The Regional Director, The Social Worker these positions were not defined in the Social Services Act. They just were not mentioned in the Act. So all the first clause does is to define the positions, and in the second clause would amend Section 4 by providing for the appointment of the officers named in Clause (1). That is all it does, simply that. It makes provisions for the positions and then

Mr. Brett:

sets forth their function and so on in the second clause.

On motion bill read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. HICKMAN: Order 17, Bill No. 58.

Motion, second reading of a bill, "An Act To Amend The Hospital Act, 1971."

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

MR. H. COLLINS: Yes, Mr. Speaker, this bill contains a few amendments to The Hospital Act. There has been a considerable amount of discussion with the Hospital Association in Newfoundland. Some of the items which they have requested are reflected here and some of the items which we have suggested and which they have agreed with are also reflected in the bill. The explanatory notes, Mr. Speaker, go a long way towards explaining what the various amendments are. Clause (1) would permit an increase in the number of members of Hospital Boards. Clause (2)

MR. COLLINS: would amend the act with regard to the financial year, changing it from the end of the calendar year to the 31st of March in any year, the new fiscal year. Clause 3 would eliminate any distinction between scheduled hospitals and other hospitals so that in entering into agreements with the various hospitals you would not have any difficulty. Clause 4 would provide that the Lieutenant - Governor in Council would have the power if it so desired to assign to any hospital board the supervision, direction, and control of matters relating to health services in any particular district. And the legislation reads that the Lieutenant-Governor in council may do that, and we think that that is important because in a number of cases where we have hospital boards administering a hospital which serves a region, very often it is necessary to have some regional input from the board, not only the members of the board but the whole administration unit. Clause 5 would - I have already dealt with that one, Clause 5 would change the date upon which the hospital authority is required to submit its yearly budget. Clause 6, Mr. Speaker, would provide that patients' files and so on would - it would be possible for patients' files to be made available to people, mainly people doing research. It is becoming more and more evident from the requests which are coming to the department, especially now that the Health Sciences Complex is coming on stream, the university involvement and so on that people involved in research might need to have access to patients' files, and with the written consent of the patient this amendment would make that possible.

The act would also amend the existing schedule which has to be changed now for two reasons or one reason mainly, and that is that the new Carbonear General Hospital has come on stream, I mean opened since the schedule was set up in the first place, so we are adding Carbonear General Hospital. And in the schedule, Mr. Speaker, I am not sure if I can move the amendment or not; the

MR. COLLINS: House Leader can probably tell us if there is a need for an amendment in Item 23 in the schedule where it refers to - 24, I am sorry, where it refers to Western Memorial Hospital. We should insert between Memorial and Hospital, 'Regional' so that that Item 24 in the schedule becomes the Western Memorial Regional Hospital.

Mr. Speaker, as I have said all of those items have been discussed with the Hospital Association, the Medical Association and other interested groups and we think that all of the amendments are worthwhile and necessary in our continuing efforts to provide better health care for the people of the Province.

MR. SPEAKER: Hon. member for Baie Verte-White Bay.

MR. RIDEOUT: I want to get rid of the Government House Leader for a few minutes. Mr. Speaker, there are a few points in this bill that I think should be thoroughly debated before we give our approval to it. Section 1 enlarges the hospital boards I believe it is from six and fourteen to eight and eighteen. Right! Now, Mr. Speaker, I want to have a few words to say about hospital boards. I would like for the minister to tell us on what basis he goes about appointing representatives to the hospital boards?

SOME HON MEMBERS: Hear, hear!

MR. RIDEOUT: For example, I have heard criticism as far as the - I do not know what you would refer to it in this regard. It is called by a couple of names now. The M.J. Boylen Hospital in Baie Verte is referred to here; the new name down on the Baie Verte Peninsula is the Baie Verte Peninsula Health Center. Apparently the act should be amended again because there is a big sign down there saying Baie Verte Peninsula Health Center but here it is still referred to as the M.J. Boylen Hospital.

I have heard a lot of criticism from communities and groups around the Baie Verte Peninsula, Mr. Speaker, about how representatives are appointed to serve on the hospital's board. For

MR. RIDEOUT: . . . example, one of the largest groups on the Baie Verte Peninsula is the union, the Steel Worker's Union representing workers at Advocate Mines and representing workers at Rambler Mines. That union, as far as I know - and I have this on authority of the president, I suppose it is good authority have never been approached when it

MR. RIDEOUT: comes to the appointment of a union representative to serve on the hospital's board, yet every little community council around the riding - not only community councils, but development associations, the whole bit. There are fourteen or fifteen or sixteen or seventeen or eighteen now under the new act, representative of those little groups sitting on the hospital's board. And the union contends, Mr. Speaker, that it deserves to have at least one representative on the hospital's board. Now personally I do not find that too much to be upset about and I would hope that the minister could take that under consideration and tell us when he rises to close debate on what basis they go about picking representatives to serve on the hospital's board. They are not elected as far as I know. They may 'phone up the community council or the local improvement district or something of that nature and ask them to appoint a representative to the hospital's board. On the same basis, I believe, some approach should be made to the union, which I say again, Mr. Speaker, for emphasis is the representative who represents one of the largest single groups on the Baie Verte Peninsula. I would assume that the same applies to a hospital in Labrador City or the same may apply to any number of hospitals across this Province where the largest single representative of a single group is left out without any representation on that hospital's board at all, I believe the union has a good grudge. I believe they have a case. And I do believe that the Minister of Health should give every consideration to their desire to be represented on the hospital's board

For example, the fish plant in LaScie, Mr. Speaker, I do not know if it is by design or co-incidence, but that particular operation has somebody sitting on the hospital's board. Like I said, I do not know if it is by design or by co-incidence, but they have somebody sitting on the hospital's board. Now, you know, Advocate Mines, I suppose, have somebody sitting on the hospital's board. As far as I know there are representatives of Rambler Mines. But the representative of the Labour movement has not even been invited, to my knowledge and from the information that has been passed on to me by the president of the union, has not even been

MR. RIDEOUT: invited to have a representative of their organization sit on the boards. And I am not talking about a small service club - Lions or Kinsmen or something like that - I am talking about the group that represents the largest single group of people on the Baie Verte Peninsula. I believe they have every right, especially when there are seventeen or eighteen people sitting on that board. I believe they have every right to have some representation on the board and I would hope that the minister would give consideration to that and make some reference to it when he speaks to close debate.

Now, Mr. Speaker, if there is one clause in this particular bill that worries me, it is Clause 4. The Act is amended by adding 21(a) and it says, 'The Lieutenant-Governor in Council may by order assign to any hospital board, supervision, direction and control of any matter or thing relating to the health of the public in the district served by the hospital board, where in his opinion, it is necessary or desirable so to do, and towards the effective exercise of such supervision, direction or control, the Lieutenant-Governor in Council may confer upon and entrust to that hospital board any of the powers and duties conferred or imposed by any statute on the minister or any officer of the department.' Now, Mr. Speaker, I am worried about that particular clause and I am worried about it for a couple of reasons particularly as they relate to my own district - I do not know what happens in others - I am worried about it for a couple of reasons related to my own district.

We have, as I indicated earlier in my few remarks, the Baie Verte Peninsula Health Centre, commonly referred to by many as the M. J. Boylen Hospital. Also we have a doctor and a nursing station in LaScie. Does this particular clause mean that the Baie Verte Peninsula Health Centre can now, whenever it sees fit, by the authority of the minister, eliminate the hospital and doctor that operates in LaScie? That is a concern of mine and I am sure it will be a concern of the residents of LaScie. Also, Mr. Speaker, when you consider the fact that we have 2,000 or 2,100 people living in that community, 500 or 600 working in a fish plant with all the dangers that are so entailed in working

MR. RIDEOUT: in a fish plant, we need some medical service in that community, not thirty-five or forty miles away in Baie Verte. I am scared, Mr. Speaker, that the intent of this clause is to allow hospitals like the Baie Verte Hospital to have conferred upon them the authority by the Minister of Health to eliminate those little - I suppose if you were talking about education you would call it a feeder school. Well, this little feeder station that exists down in LaScie - that -

MR. H. COLLINS: Do you think about -

MR. RIDEOUT: The hon. member does not know better; the hon. member has a concern. It is up to the Minister of Health to talk about that when he gets up.

MR. H. COLLINS: If the hon. member -

MR. RIDEOUT: I am raising the concern.

MR. H. COLLINS: Okay, my turn will come.

MR. RIDEOUT: Yes, your turn will come. That is right. And I did not interject and tell the minister he should know better when he was speaking. I am just saying what appears to me. It appears that the Lieutenant-Governor in Council can pass the operation of any district, and I believe it says 'district' - yes - things relating to the health of the public in a district served by a hospital board. Well there is a hospital board, Mr. Speaker, operating out at the M. J. Boylen Hospital in Baie Verte. And if the Minister of Health and his Cabinet colleagues decide that the LaScie area can better be served by having all the health operations in that area absorbed under the hospital board at Baie Verte, can they not do it under this Act, under this Clause? The minister, I hope, will address himself to that. The authority is there for the Lieutenant-Governor in Council, the minister and his colleagues, to pass the day to day operation of that particular district over to the board - right? And that is the concern that I am expressing.

And, Mr. Speaker, more - well, equally important - not more important, but equally important is the health care

MR. RIDEOUT: situation that exists in Englee at the present time. The minister is aware, as I am, that there is a nursing station operated in Englee by IGA, but a direct grant is paid from this government or from the Province to IGA to operate that particular nursing station. Now in Roddickton there is a sort of small hospital which again comes under the auspices of IGA. Now, Mr. Speaker, I know that IGA is very interested in closing out the nursing station in Englee.

MR. PECKFORD: I thought it was closed out years ago.

MR. RIDEOUT: No, it was closed out, I will tell my hon. friend from Green Bay, years ago -

MR. PECKFORD: Yes.

MR. RIDEOUT: - until an election was called in September, 1975 when a certain gentleman arrived down there to announce it was going to be opened again and a nurse put in. The minister is as aware of this as I am.

MR. PECKFORD: More power to him, I would say.

MR. RIDEOUT: More power to him, I agree. I agree with it. But I will not sit back, Mr. Speaker, and have under the guise of a piece of legislation - the shoving in under of a way to close down that station again. The rumour has been going around that community for the last four or five months, aided and abetted, I might say, by some people associated with IGA. IGA wants to close out the station - I do not make any bones about that - the Department of Health would like to see it closed out.

MR. H. COLLINS: That is not true.

MR. RIDEOUT: Unfortunately the Department of Health, Mr. Speaker, made a political decision in 1975 to open it. And I will say

June 7, 1977

Tape 3962

EC - 5

MR. RIDEOUT: to the Minister of Health -

MR. PECKFORD: How do you know that the Department of Health wants it closed down?

MR. RIDEOUT: How do I know that the Department of Health - well, it was closed down for years -

MR. PECKFORD: Yes.

MR. RIDEOUT: - oh, I do not know - what? The minister may know better than I do - it must be closed down for five or six years - eight or ten years maybe, and it was not reopened -

MR. H. COLLINS: I do not know.

MR. RIDEOUT: - until it was very quickly found out that one of the issues in the election campaign was that the people wanted it opened. They wanted it open for years and years but it was never reopened.

MR. MURPHY: The Liberal regime must have closed it down.

MR. RIDEOUT: The Liberal regime closed it down, sure. I am making no bones about that.

MR. MURPHY: We opened it up.

MR. RIDEOUT: And you opened it up. That is right. But do not ever forget, Mr. Speaker, who opened it up.

MR. MURPHY: Who? I do not know.

MR. RIDEOUT: And if it comes to the point of closing it down there is going to be one racket on somebody's hands in Englee. The rumour - not the rumour! I talked to IGA. They would like to sell the station, get rid of it. But the Department of Health happens to be providing them a grant every year. IGA does not own the station. The government of Newfoundland owns it and they are providing IGA with a grant every year to keep that place going. But I can see in this particular clause, Mr. Speaker, as well as the - related to LaScie - I can see in this particular clause things relating to the health of the public in the district served by the hospital board, "where in the opinion of the Lieutenant-Governor in Council it is necessary and desirable to do so," to give IGA the authority to close that down and get the government off the hook.

June 7, 1977

Tape 3962

EC - 6

MR. PECKFORD: Okay, is there a hospital board in Roddickton?

MR. RIDEOUT: Not in Roddickton, but Roddickton comes under St. Anthony, obviously.

MR. H. COLLINS: Neither board in St. Anthony.

MR. RIDEOUT: Pardon?

MR. H. COLLINS: Neither board in St. Anthony.

MR. RIDEOUT: Is there not a board in St. Anthony?

AN HON. MEMBER: Yes.

MR. RIDEOUT: Yes?

MR. H. COLLINS: No.

MR. PECKFORD: No, there is no hospital board in St. Anthony so that therefore this would not apply unless there were a hospital board there.

MR. H. COLLINS: The IGA down your neck now. You have got the United Church down your neck.

MR. PECKFORD: IGA is the only one there, and IGA is not a hospital board.

MR. RIDEOUT: Pardon?

MR. H. COLLINS: You will get the IGA down your neck now. You have got the United Church down your neck.

SOME HON. MEMBERS: Oh, oh!

MR. RIDEOUT: What is the minister talking about, the United Church?

MR. H. COLLINS: The United Church Hospital in Baie Verte. Keep going and you will hang yourself.

MR. RIDEOUT: Mr. Speaker, the Minister of Health is just as naive as he looks and that is saying something. The United Church down my neck or anybody else's neck! The United Church operates the hospital in Baie Verte! They have two or three or probably half a dozen United Church people serving on the board. I would doubt if they are even a majority of the board, you know, and the Minister of Health

MR. RIDEOUT: down there sitting so snugly in the corner - 'Now you have got the United Church down your neck.' All he is worried about is getting something down somebody's neck. I am just pointing out to the minister some concerns that I see in Clause 4, and if it does not apply to Englee, well let the minister squirm out of LaScie. It certainly applies to LaScie.

MR. PECKFORD: There is nobody arguing that one.

MR. RIDEOUT: Do not be talking about the United Church down somebody's neck. It is time for somebody to get down the minister's neck or get on the minister's back -

MR. H. COLLINS: Is that so?

MR. RIDEOUT: - and try to get him off his rear and start doing something in the Department of Health.

MR. H. COLLINS: Someone has to carry you fellows.

MR. RIDEOUT: Yes, somebody has to carry us, but it is certainly not the Minister of Health.

Now, Mr. Speaker, these are a few of the concerns that I see. No. 1 is the appointment of people to hospital boards. I think the representative of large groups in any particular area has a right - especially when it is appointed;

Mr. Rideout:

if those Hospital Boards were elected or something that would be a different situation. But you have all of the little, small communities being represented, you have the companies being represented, but you do not have any representative of the working man whatsoever in the sense that the unions, I know in Baie Verte, are not represented on the Hospital Board. You have the churches, not only the United Church, there are more churches out there than that and they all got somebody on the Hospital Board, but there is nobody there from the union.

And, Mr. Speaker, I want to say a word on Clause (6). I do not have too much objection to Clause (6) the theory behind it, the principle behind it. We have to co-operate in medical research. I am all for that. But Clause (6), let me see, Clause (6) giving the fine of \$500 in default of payment to a term of imprisonment not exceeding thirty days for people who abuse this right of going into hospitals and using hospital files and so on, I am not so sure, Mr. Speaker, that is deterrent enough to safeguard the rights of patients in our hospitals. I just pass that out as a comment. Conceivably it could happen that you could have people - it is very confidential information that you find in the files of a patient at a hospital, and if you have some loose-mouthed or loose-tongued individual, whether he be a researcher or not, spreading individualized material all over the place, I am not sure if \$500 is enough deterrent to take care of that type of thing. I believe we should be concerned about protecting above all else the right of the individual, while at the same time realizing that we have a responsibility to aid research groups and so on in their research in the medical field.

So, Mr. Speaker, there are a few of the observations that I have, and I hope the minister will respond to when he rises to speak.

SOME HON. MEMBERS:

Hear, hear!

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

MR. NEARY: Mr. Speaker, first of all I would like to say that I am in favour of this bill. I am in favour of seeing that all of the hospitals in this Province are placed under Boards. I think that if Boards are properly constituted, members of the Boards carefully selected, that a Board can do a better job, Sir, than having the hospital operated directly under the Department of Health.

Now having said that, I firmly believe that there are certain things, certain rights that the Department of Health should not give up, and one of those rights would be the purchase of drugs and equipment and so on. I do not think that every Board should be allowed to do their own purchasing of drugs and that sort of thing. I think the Province could save a tremendous amount of money by having the Department of Public Works and Services -

AN HON. MEMBER: They are doing that now, are they not?

MR. NEARY: Well, I do not know if they do it or not. I want the minister to tell me. Some of them do it. I do not know if the General Hospital, for instance, which probably purchases more drugs and supplies than any other hospital in Newfoundland, I do not know if they purchase through the government's Purchasing Agency, which is the Department of Public Works and Services, or if they purchase on their own. But if they all go off on their own, go off in different directions, then it is going to cost the taxpayers of this Province a lot more than it would if you had just one central agency doing all of the purchasing. So in that regard I think there should be a number of things that should be kept under the control of the government.

Mr. Neary:

Mr. Speaker, I suppose the classic example of how efficient a Board can operate a hospital in this Province is in my own district of Port aux Basques.

AN HON. MEMBER: One of the finest Boards.

MR. NEARY: Yes, I have been told by the officials of the Department of Health that it is one of the finest Hospital Boards in the whole Province. And I was chatting with my friend, the member for Humber East (Dr. Farrell) there a few moments ago who confirmed that this is a fact, that under the circumstances, with this old wooden building that they have out there, with the overcrowding that they have in that hospital, with the lack

MR. NEARY: of facilities, I am told that they are doing an outstanding job, they are doing a magnificent job. I am glad that the Minister of Health confirmed recently to me in writing that when hospital construction resumes again in this Province that Port aux Basques would receive top priority -

MR. H. COLLINS: High priority.

MR. NEARY: - would receive, yes, would be one of the communities that would receive top priority.

MR. H. COLLINS: High priority.

MR. NEARY: High priority as far as - Well, Mr. Speaker, the hon. gentleman told me that Port aux Basques would receive top priority, but since then the Premier told us that when new construction resumes the hospital in Grand Falls was going to get top priority. The Premier told the Regional Hospital Board on the Burin Peninsula they are going to get top priority. The Premier told the people out in Clarendville they are going to get top priority, and the minister tells me Port aux Basques is going to get top priority. So we are going to have a sort of gang up there now at the top.

AN HON. MEMBER: The top ten -

MR. NEARY: But I think the minister -

MR. DOODY: Any result on the poll yet?

MR. NEARY: No, Sir, we have not made the tabulation yet but I must say I do not think I got a ballot today. I am up now close to 400. Maybe it is the isolated communities have not reported yet, Petites, LaPoile and Grand Bruit. But, Mr. Speaker, they do need a new hospital in the Channel - Port aux Basques area in the worst kind of a way and I think the minister will agree that Channel - Port aux Basques should be one of the top three. There is no question about that. I am glad that the minister nods his approval. It is badly needed, Sir, and recently the hospital board itself made an offer to the government, I do not know if they made it in writing or not, that they would undertake to finance the construction of the

MR. NEARY: hospital and make the interest payments for the next year or so on their own, just to get the hospital started, just to show how conscientious and how determined they are, Sir, and how badly that new hospital in Channel - Port aux Basques is needed. But this board is doing an excellent job and we certainly have to take our hats off to the members of the board in Channel - Port aux Basques. And there are other boards in the Province - the board in Corner Brook doing a magnificent job, the board down at the General Hospital I think is doing a pretty fair job, and there are a lot of others as well.

DR. FARRELL: Most of the board we are agreed on.

MR. NEARY: Generally speaking, I believe, yes, the boards all over the Province are doing a good job. We have a good quality of membership.

DR. FARRELL: High quality.

MR. NEARY: High quality on the boards and the only thing is that we were told a few years ago that within a matter of a short time that all hospitals in the Province would be under boards. But I believe somehow or other the pace has slowed down considerably. Well it has, Sir. I remember when I represented Bell Island here in the House of Assembly there was some talk when Dr. Rowe was the Minister of Health - and a good Minister of Health, I might say - we talked about placing the Dr. Walter Templeton Memorial Hospital under a board. Well, that was back in 1974 I believe it was. When did my hon. friend -

AN HON. MEMBER: '75.

MR. NEARY: '75, back in '75.

MR. MURPHY: He was here from '72 to '75.

MR. NEARY: Well we talked about it about two years before that so we talked about it in '73, '74 thereabouts and still the hospital has not been put under a board and there are a number of other hospitals scattered around the Province -

MR. DOODY: That is one of the main ones. A number of things that the hon. minister has mentioned to me that should be done over there, a lot of it is not being used and should be used for old age care and so on. We are working up a deal on that sort of thing. You know we are trying to make some progress.

MR. NEARY: Well, I hope that the hon. gentleman does not agree to turn it into an home for the aged. I hope that will not happen.

MR. DOODY: That is not what I said. There are wings -

MR. NEARY: Well, okay. Well, I am glad to hear that but nevertheless I think -

MR. DOODY: - quite serious over there.

MR. NEARY: Yes. That is right. I agree and it was one of my big complaints just before I -

MR. DOODY: As a matter of fact, our old friend I was talking to, that is one of the things I was talking to him about shortly before he decided to make his last trip to St. John's, his advice I was soliticing on that.

MR. NEARY: Yes, our late departed friend.

MR. DOODY: Yes.

MR. NEARY: Well, I do not know if they are doing any surgery in the Bell Island Hospital now or not; I do not believe they are.

MR. NEARY: If they are doing surgery it is of a very minor nature.

But, Mr. Speaker, having heaped a little bit of praise on the volunteers, the men and women who man the hospital boards in this Province, I do not think that we should overlook the hospitals that are run by the various religious denominations, St. Clare's Hospital, the Grace Hospital, the Jackman - what is that one down in Labrador City?

MR. H. COLLINS: Captain William Jackman.

MR. NEARY: The Captain William Jackman Hospital in Labrador City that is run by the Salvation Army, the Boylen Hospital down in Baie Verte run by the United Church.

AN HON. MEMBER: The Grace Hospital.

MR. NEARY: The Grace Hospital - no, I have not forgotten the Grace Hospital, run by the Salvation Army. I might just say in passing that in none of the bigger hospitals, the big hospitals in St. John's that are under the care and control of the religious denominations, there are no abortions in any of these hospitals. The only abortions that are performed in hospitals in St. John's, so I am told by the Minister of Health in answer to a number of enquiries that I have made by putting a question on the Order Paper and by asking the hon. gentleman oral questions, is down at the General Hospital.

AN HON. MEMBER: A butcher shop.

MR. NEARY: The hon. gentleman calls it a butcher shop.

MR. DOODY: Too bad that board was set up down there.

MR. NEARY: The Therapeutic Abortion Board, the hon. gentleman is referring to. I do not know who set it up but it was -

MR. DOODY: The hon. -

MR. NEARY: The hon. gentleman keeps telling us that it was set up under the Criminal Code, I believe, of Canada. Well if it

MR. NEARY: was it reports to nobody. I never heard, Mr. Speaker, in my life, I never heard of a board that reports to nobody. But the Therapeutic Abortion Boards at all the hospitals apparently, from the information given to us by the hon. gentleman, report to nobody. They are a law unto themselves. And, Mr. Speaker, let nobody kid themselves in this hon. House, Sir, that we do have in this Province abortion on demand, that we do have one or two Dr. Morgantallers in this Province and I would not be a bit surprised one of these days, the way they pass out honorary degrees over at Memorial University to Canadians, that one of these days Dr. Morgantaller will be brought down from Montreal, brought over here to the University and be given an honorary degree.

MR. MURPHY: Be citizen of the year.

MR. NEARY: Yes, he will probably end up the citizen of the year.

MR. DOODY: How do you think the name abortion graduate would apply to you?

MR. NEARY: That joke, Sir, we got off that joke before the minister came in the House. The minister has only been here since 1972. Somebody cracked that joke back in 1970 I think it was or '71.

MR. MURPHY: Longer than that.

MR. NEARY: Well, I mean it is not funny anymore, you know.

MR. ROWE: Why, was it funny then?

MR. NEARY: It was funny then. I think it was my hon. friend the hon. gentleman from St. John's Centre (Mr. Murphy) who first made that wisecrack in this House that got a few laughs.

So here you have a situation where you have a board within a board and yet, as Your Honour well knows, there is no control. They answer to nobody. I am not going to discuss the morals of whether or not we should have abortion on demand in this Province, but I really believe, Mr. Speaker, and I am sure Your Honour as a medical man will

MR. NEARY: agree with me, that the board should answer to somebody.

MR. J. CARTER: Make them answerable to you.

MR. NEARY: Somebody set up that board and they are set up under certain terms and conditions and regulations and they should answer to somebody. But according to the minister they answer to nobody. All that is required under the law, so the minister tells us, is that there has to be a board. But they do not. I have been trying to find out for the last month and a half in this House -

MR. DOODY: They were set up with a minister at the time.

MR. MURPHY: The minister of what?

MR. DOODY: The Minister of Health at the time.

AN HON. MEMBER: In 1970.

MR. DOODY: 1970.

MR. NEARY: In 1970 the Minister of Health established a Therapeutic Abortion Board at the General Hospital.

MR. DOODY: And gave them the terms of reference.

MR. NEARY: And gave them the terms of reference.

MR. DOODY: And they have been operating under it ever since.

MR. NEARY: But would the minister tell me who they report to?

Or who controls them? Who scrutinizes their -

MR. DOODY: It is in the terms of reference that the then minister set up. Who was the then minister?

MR. NEARY: What is in the terms of reference, who they report to?

MR. DOODY: You were a member of the Cabinet then.

MR. NEARY: I have asked the Minister of Health on a number of occasions

Mr. Neary:

in this House, I have put questions on the Order Paper, and I have asked the minister, To whom are this crowd responsible?

MR. DOODY: Is this a new concern or were you concerned when you were in the government of the day?

MR. NEARY: When I was in the government, Sir, I doubt if there were any abortions going on in this Province.

AN HON. MEMBER: There were quite a few -

MR. NEARY: Last year there were 411. I am told that this year in 1977, there will be over 600 abortions done in this Province.

MR. HICKMAN: In 1970? Oh yes. That is when the abortion -

MR. DOODY: That is when it was authorized by -

MR. J. CARTER: Probably authorized by the hon. member.

MR. HICKMAN: It is not a Board, it is a Therapeutic Abortion Committee.

MR. NEARY: Committee, okay, well a Board, a Committee. It is the same thing. A Therapeutic Abortion Committee. Would the Minister of Justice kindly tell me who that Committee reports to? Am I going to get an answer or will I still be left in the dark when I am finished?

MR. H. COLLINS: I would be happy to answer the hon. member, but if I rise and speak I close the debate. But I will respond.

MR. NEARY: Well, will the hon. minister make a note and tell me who that Committee answers to, and if the reports and documents and records are scrutinized by anybody? Or are they on their own? And is there any research done into the damage that is done to the patients, to the females who have had abortions done in this Province? I have asked the minister a number of questions. I have asked for the age grouping. I was shocked when I saw in the paper that children ten years of age and over had abortions done in this Province. I have asked the minister if any research is being done to find out the damage that is being done to the females, if there are any repercussions later on. How far the pregnancies were advanced before the abortions were done, the technique that is used in our hospitals for conducting

Mr. Neary:

these abortions, and so forth and so on, a whole raft of information. And so far the minister has refused to produce the information.

But I am more interesting in finding out at this moment: who scrutinizes the work of this Committee? Who are they responsible to? On what grounds will they grant approval for abortions? First, back in 1970 and 1971 the years that my hon. friend is talking about, my understanding was that the only grounds on which you could get an abortion in our hospitals in this Province was on the grounds of life or death involving the patient.

MR. DOODY: That may be so, but my understanding is that the term of reference have not changed since they were set forth by the then minister. But I may be wrong, you know.

MR. NEARY: Well then, somebody must be gone hog-wild, gone off on their own. And I would like to know what happens to the fetuses or is it fetu, fetee?

AN HON. MEMBER: Fetuses will do.

MR. NEARY: Fetuses, Perhaps Your Honour could give me some guidance on this. Fetuses, is that proper?

AN HON. MEMBER: Fetuses.

MR. NEARY: What happens to the fetus? No, I am not looking at one over there now from St. John's North, but it would be interesting to find out what happens to the fetus?

AN HON. MEMBER: That is fungus over there.

MR. NEARY: That is fungus over there. Yes, probably from having his hands down in the savoury patches for too long.

Now, Mr. Speaker, while we are on this bill, I want the minister to give us a bit of information on this Therapeutic Abortion Committee. It is about time we found out something about it. And then when we find out about it we will be able to examine our own consciences, then we will be able to take a stand one way or another, but at the moment we do not have the information in front of us. The Pro Life Committee have been trying to get some

Mr. Neary:

information out of the hon. minister. I believe they put the same question to the minister that I put to him, who this crowd answer to, this Committee? How often do they meet? Do they ever meet? What reasons, on what grounds will they grant approval for abortions? Interesting questions, Sir, and questions that should be answered by the hon. gentleman.

Now Clause (6), Mr. Speaker, of this bill is also a very interesting clause. For the benefit of hon. gentlemen, Sir, this amendment would provide that patients, persons authorized in writing by patients, government departments, physicians and other hospital authoritizes would have access to hospital records. This amendment would also provide that persons

MR. NEARY:

engaged in health and medical research would have access to hospital records. Well, I would hope, Mr. Speaker, that this would now give relatives of patients, relatives of people who pass away, that it would give these people, these relatives who want information, will give them freedom of information. Because up to now, Sir, it is my understanding, and I have had a little bit of experience in this, it is my understanding that the relatives, the relatives of people who pass away - for instance, let us say that it is a husband and his wife passes away - cannot get a true death certificate, cannot get a death certificate showing the real cause, the real reason for the death of his wife. Does my hon. friend the Minister of Justice know that? Is the hon. gentleman aware of that?

MR. HICKMAN:

They can demand that.

MR. NEARY:

They can not!

MR. MURPHY:

Sure the undertaker has to have a certificate of death.

MR. NEARY:

The undertaker does not have the real cause of death. And what my hon. friend - You're-Digging-'Em - from Harbour Grace was here, the hon. gentleman would tell us.

AN HON MEMBER:

That is the embalmer.

MR. NEARY:

The embalmer, the undertaker if he was in the House-

MR. MURPHY:

The gentleman with the lay away plan.

MR. DOODY:

They are stacked up like cordwood outside his premises.

MR. NEARY:

Mr. Speaker, I had an experience sometime ago, Sir, when an elderly lady, an elderly lady was released from the hospital, released from one of the hospitals here in the city and was taken around the bay to one of these nursing care homes. And the lady was delivered at the home at five o'clock in the evening and at seven o'clock the lady was dead. And the relatives went to the undertaker, they went to the doctor - the doctor was over in my hon.

MR. NEARY: friend's district, by the way, in Carbonear - the doctor refused to give the relatives a death certificate, refused to tell them the cause of death because the lady was sent in for an autopsy. And the family suspected that the woman fell over a stairs and died of a broken neck. There was an autopsy performed and the doctor the pathologist who did the autopsy refused to give relatives the information, refused to tell the relatives the cause of death. They felt there was negligence involved, carelessness in looking after that woman within the two hour period that she was in that nursing home.

And right to this day, Mr. Speaker, the relatives of that lady have not been able to find out the true cause of death.

MR. DOODY: Surely that has to be pursued when you are making your insurance claims and so on?

MR. NEARY: I will tell the hon. gentleman about a case I had a few months ago. The minister is aware of it -

DR. FARRELL: Could I just make a remark?

MR. NEARY: Sure, if the hon. gentleman wants to.

DR. FARRELL: To my certain knowledge when I was in practice, with the consent of the next of kin I could give a copy of the death certificate, and also to the insurance company with the consent of the next of kin. Just to clarify that one point at the moment.

MR. NEARY: Yes, Mr. Speaker, I have no doubt at all but my hon. friend did that, but today you are dealing with a different animal altogether.

MR. J. CARTER: Are these real cases the member is bringing up?

MR. NEARY: Yes, they are real cases.

MR. DOODY: Why is it that you are not on television?

SOME HON MEMBERS: Oh, oh!

MR. DOODY: Why this is incredible. It was only a couple of months ago that I had a relative die and had no difficulty for the insurance purposes in getting the cause of death from the doctor.

MR. NEARY: Well, I can tell the hon. gentleman that I had a case, and the Minister of Health is aware of it because I had to take it up with the minister and his deputy, a case of a lady in Port aux Basques whose husband passed away and there was some CN insurance involved, and the insurance company would not pay the lady the insurance until she produced the death certificate, and she could not get it. The doctor out in the Channel-Port aux Basques Hospital would not give it to her. I went down to Vital Statistics down here on the ground floor and they would not give it to me. They will give you a certificate, yes, they will give you the same one the undertaker has that does not show the cause of death.

MR. DOODY: It just says she is dead.

MR. NEARY: That is right.

MR. DOODY: Which they probably figured out anyway.

MR. NEARY: And she went to the undertaker, that certificate was no good. The insurance refused point blank to pay the insurance unless she could produce a death certificate showing the true cause of death. And I had to go to the Minister of Health and I had to go to the minister's deputy, and finally the minister's deputy got it straightened out with the insurance company some way or other and the lady finally got her money. But she still does not know the real cause of death of her husband.

MR. DOODY: Are they sure he is dead?

MR. NEARY: Well, that is a good question.

MR. DOODY: But I mean that. I do not mean that facetiously.

MR. NEARY: And I am told, Mr. Speaker, that the reason this information is withheld is that the doctors are afraid that they will be sued for malpractice.

Mr. Neary.

And I believe, Sir, it is about time in this Province that we have had a few cases of malpractice brought before the courts. Now I am told also -

MR. J. CARTER: Give me an example of malpractice.

MR. NEARY: Yes, I can give the hon. gentleman an example of malpractice. And there are people in this House who -

MR. J. CARTER: There is one standing there right now.

MR. NEARY: - there are people in this House who can confirm - oh, the hon. nasty gentleman who would not give permission this afternoon for the cameras to come in to televise the farewell speech of the hon. member for Twillingate (Mr. Smallwood) who is leaving politics. The hon. gentleman would not approve. How narrow-minded and small and bigoted can you get? How low-down can you get? The only one in the House who would not agree, that skinful of hate from St. John's North. But, Mr. Speaker, I realize that I am getting off the subject here. Incidentally, I hope the hon. gentleman will reconsider that because the hon. gentleman's own members are embarrassed over it. And the hon. gentleman should reconsider.

MR. J. CARTER: They are embarrassed they did not jump up first.

MR. NEARY: The hon. gentleman should reconsider when there is a little bit of history in the making. Let it be recorded for prosperity and do not be so narrow-minded and small.

MR. J. CARTER: Neary's believe it or not.

MR. NEARY: Mr. Speaker, an example -

MR. DOODY: Look, at your benches, look!

MR. J. CARTER: Yes.

MR. NEARY: Well, here I am leader again.

MR. DOODY: That is right. The Phantom Army.

MR. NEARY: The next time this happens, Sir, when I become a leader, I will be on that side -

MR. DOODY: That is right, and the benches will still be empty.

MR. NEARY: - and there will be nothing on this side.

MR. DOODY: The House will be empty.

MR. NEARY: But, Mr. Speaker, an example of malpractice.

MR. DOODY: Is there any bit of life in the Opposition?

MR. NEARY: The hon. gentleman loves me. He loves it. The hon. gentleman gets a little bit nasty with me once in awhile, but, you know, what life would there be in this House if I was not here.

MR. DOODY: If you were not here I would have to send back my cheque.

MR. MURPHY: - \$3.50 and \$4.00 just to see him over -

MR. NEARY: I did not see the hon. gentleman over to the Arts and Culture Centre the other night to see me playing the triangle with the St. John's Symphony Orchestra.

MR. MURPHY: No, I got as far away as I could from that scene.

MR. NEARY: And the hon. John Crosbie blowing the whistle. The reason they gave him the whistle, I suppose, was that they figured he had more wind than I did.

Mr. Speaker, an example of manpractice.-

MR. DOODY: What did the triangle look like?

DR. FARRELL: Crosbie blew the whistle on him.

MR. J. CARTER: Tell us what a triangle looks like.

MR. NEARY: It looks like the hon. gentleman's head.

No, that is square, I am sorry.

But, Mr. Speaker, I am told and there are people in this House who can confirm what I am saving, is that -

MR. J. CARTER: A rag bag of fairytales.

MR. NEARY: - there was a case within recent years where an X-ray was read wrong. The X-ray was brought into the operating room -

MR. J. CARTER: Prove that.

MR. NEARY: Mr. Speaker, can we get this gentleman back in his savoury patch!

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Mr. Speaker, the X-ray apparently somehow or other was reversed. It was turned around, and there was supposed to be a pin put in this particular gentleman's leg and lo and behold the doctor put the pin in the wrong leg. Now gentlemen may laugh at that, but there was another case within the last few months where the same thing happened to an old lady, and after major surgery the pin was put in the wrong hip.

MR. SPEAKER: Order, please!

I feel I do have to intervene and bring up the point of relevance unless the hon. member can relate it to one of the clauses under consideration.

MR. NEARY: Clause (6).

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I will look forward to interest to the relevance connection.

MR. NEARY: Mr. Speaker, the point that I am making under Clause 6 is that there are too many mistakes covered up and doctors bury too many of their mistakes.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Oh, the hon. gentlemen are having a great laugh, a great joke, a great joke. But it is a very serious matter, as Your Honour is probably aware. It is about time we had a few malpractice cases

MR. NEARY: in this Province. Somehow or other, people are too timid. They too often take the word of the physician and they are just brushed off when they know in their hearts and in their souls that there is something wrong.

I think my hon. friend the Minister of Finance and myself could probably tell the House of a case of a gentleman who was almost in perfect health, a perfect specimen of a human being in perfect health, and they kept probing and rooting at him and researching and making a guinea pig out of him. They finally persuaded him to have surgery done. They said, Well, you know, this may or may not be wrong with you, we are not sure. The poor fellow could have lived to be one hundred.

MR. H. COLLINS: How does this relate to clause 6?

MR. NEARY: It clearly relates to clause 6, in getting information about patients.

MR. H. COLLINS: We are talking about patients' files and the registry.

MR. NEARY: Well that is what I am talking about. Up to now that information was not available.

MR. COLLINS: (Inaudible)

MR. MURPHY: And not leave a file in the place.

MR. NEARY: There should be more freedom of information. I do not know whether this bill is going to do the job or not, but these are points, Mr. Speaker, that have to be made. Can a lawyer, under clause 6, go and ask for the information from the hospital or from the doctor's office? I think that is very relevant to the bill, Mr. Speaker, and there should be no statute of limitations as far as malpractice

MR. NEARY: is concerned.

Now, as Your Honour is aware, there is a Canadian Medical Protective Association that pretty well covers medical practitioners, doctors, surgeons and so forth who make mistakes. It is proven that they make mistakes. They have this insurance. I have no doubt that some claims have been made out of this Medical Protective Association in this Province, but I do not ever remember a case of malpractice being brought before the courts of this Province. There will be sooner or later. I know there was a gentleman up the Shore here, and I believe he still has his signs up, who -

MR. NOLAN: Up in Seal Cove.

AN HON. MEMBER: Be discreet now.

MR. NEARY: Who?

AN HON. MEMBER: A Mr. Morgan.

MR. NEARY: A Mr. Morgan.

MR. J. CARTER: It is a disgrace to bring it up.

MR. NEARY: It is a disgrace to bring it up?

MR. J. CARTER: No truth in it at all.

MR. NEARY: I see.

MR. J. CARTER: Proceed with it.

MR. NEARY: I hope whatever the hon. gentleman got in his mouth, Sir, is sticky enough that it will lock his two jaws together so that he will not be able to open them for another week.

Mr. Speaker, there have been, Sir, a number of questionable, I suppose, practices going on in this Province.

MR. J. CARTER: Smears! Smears!

MR. NEARY: No, these are not smears. The hon. gentleman sitting in front of my hon. friend

MR. NEARY: there can probably confirm some of the things that I am saying.

MR. J. CARTER: Name names.

MR. NEARY: Yes, I could name names if I wanted to.

MR. J. CARTER: Then do so.

MR. NEARY: I am not going to, I am attacking the system. I am not a smear artist like the hon. gentleman, Sir, who is a character assassin, who has attacked the hon. member for Twillingate (Mr. Smallwood), the former Premier of this Province, night and day, who hates the hon. gentleman with a passion.

AN HON. MEMBER: He likes him.

MR. NEARY: The hon. gentleman is just a sadist. He is a sadist. The hon. gentleman - something must have happened to him when he was a little boy. He hates the world so much, he hates everybody so much that he has some kind of a psychological hang-up, Mr. Speaker, and I -

MR. SPEAKER (COLLINS): Order, please!

I feel that the word 'sadist' is unparliamentary and I am sure the hon. member would like to retract it.

MR. NEARY: I beg your pardon, Sir.

MR. SPEAKER (COLLINS): The word 'sadist' is unparliamentary.

MR. NEARY: I believe this is the first time that word has been used in this House, calling a member a sadist, Sir, and if it is unparliamentary I retract it.

Mr. Speaker, I do hope that this clause 6 will give more freedom of information, that the relatives and friends of people who are in hospital, people who cannot help themselves in a good many cases, and

MR. NEARY: in some cases relatives who are survivors of people who have passed away - a husband or a wife, or a son or a daughter - that this will give them access to the files so that they can have the information that they require at their finger tips, and if necessary that they can govern themselves accordingly and if they have to take appropriate action that they will be able to do so. I hope that this will open up the files in the hospitals to lawyers, For instance, if my hon. friend wanted to send a lawyer in to examine the file to get some documentation in writing from the hospital records then the solicitor should be able to do it.

DR. FARRELL: I think that is legal at the moment.

MR. NEARY: Well, I doubt very much if it is legal. They are very cautious, very cagey. Doctors are very, very cagey about giving out information because they are in deadly fear that they are going to be sued for malpractice. And so, Mr. Speaker, having made these few remarks I hope that the hon. gentleman will respond, especially about the Therapeutic Abortion Committee. I would like to find out about that.

MR. H. COLLINS: You are after giving it all.

MR. NEARY: The hon. gentleman says I have given the House all the information. The hon. gentleman will get up - I know, I can almost read his mind - the hon. gentleman is going to get up and say, "Well, why do you not go and ask the Minister of Justice up in Ottawa?" I am asking the Minister of Health for this Province who operates the General Hospital, who appointed the board at the General Hospital, not the politicians up in Ottawa, not the Government of Canada, not the ministers up in Ottawa, although abortions is a federal jurisdiction. I realize that. The minister runs that hospital down there and I want to know if the minister has ever questioned, as Minister of Health, has ever questioned the workings of the Therapeutic Abortion Committee down at that hospital to find out what they are doing, or as my hon. friend, the member for St. John's

MR. NEARY: Centre, pointed out a few minutes ago, are they running a slaughter house down there? It is about time, Sir, we put our cards on the table and I will be interested and anxious to hear what the hon. gentleman has to say on this matter.

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

MR. STRACHAN: I will exercise the right to be wrong; there is a section in clause 6 which I bitterly oppose, strongly oppose. I think it opens up a good deal of misuse of hospital records and funds so I think possibly I should read through this subsection here and go through - The subsection 3 states, "that a patient or former patient of the hospital, controlled by the hospital authority, or if that patient is an infant or under disability, the records or information can be supplied to the parent or the guardian of such a person. (b) A person authorized in writing by a patient or person referred to in paragraph (a) can also be supplied with information from hospital records." So far I have no argument whatsoever, even if it is a lawyer, for instance, provided that lawyer is given permission by the patient to look it up. That itself I still do not like because it opens up a tremendous can of worms. But the section that I object to is section (c) which gives authority to an agency or department of any provincial government or the Government of Canada or an official thereof, acting in his official capacity, or any other person designated by the minister," and then it goes on, "or a physician." I have no argument with the physician part, but what it does is gives the authority to any official appointed by the minister, or any agency or department of government to go into a hospital and look up the records or go through the records of patients in the hospital and extract information, and I think totally that it is an abrogation of rights. It means that anyone for any

MR. STRACHAN: purpose whatsoever can go in and obtain records and I have seen instances of this in which it has been wrongly used, not only against the person, because, as the minister can point out, there is a penalty clause, that if someone uses it wrongly a publication or disclosure may or could be detrimental to the personal interest, reputation or privacy of a patient, For a physician, or a member of the staff and so on, guilty of an offence, there is a conviction of \$500. But it gives the right virtually to anyone under any pretence to state that they belong to an agency of government to walk into any hospital in this Province whatsoever and ask for the records of a patient in the hospital, or a past patient at the hospital, and look through the records and obtain a whole

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medical history of the person. And I think that is totally wrong, absolutely wrong, and should not be allowed. There is no authority in the world, apart from a doctor/patient relationship, there is no authority in the world, apart from the patients themselves giving the authority to look up their records, or a hospital within its own context, there is no authority in the world should be ever given to any agency or department of any provincial government or of the Government of Canada to go in and look up the medical records of patients in hospitals.

MR. H. COLLINS: That is not right.

MR. STRACHAN: That is what it states here. Now I think that should be deleted totally, wiped out. I have seen examples, for instance, in which - and you can see all kinds of pictures that could arise out of it. If you wanted to you could walk in, for instance, on abortions - that anybody could manage to get themselves certified, or state, "I am an agent of a department of government or an agency of government" to walk in and start looking through abortion records. And then you state there is a penalty put in here of \$500. They could find out, for instance, the names and the whole works of people who have had abortions, for one reason and another. That is purely a personal relationship between the person in hospital, the patient, and the doctor, or the hospital board who make the decision. It is not the right of any member belonging to an agency of government under any pretext or pretense to walk in and look up the hospital records. Similarly, the case of someone who is - people, for instance - and I have heard many people tell me this, people who have venereal disease, for instance, many of their objections to going to get treated, especially those who are wary and afraid, many of their objections to going to get treated is that they do not have a doctor/patient relationship, that they are afraid that these records are open and can be obtained by anyone under any pretense. And it says so here. In fact, it gives them the right here that any person can walk in and obtain these records.

MR. COLLINS: It is limited.

MR. STRACHAN: It is limited? I do not see

it being limited in any way whatsoever. It states quite clearly-

AN HON. MEMBER: It is not limited.

MR. STRACHAN: - this does not apply. "No hospital authority shall allow any person access to or disclose to any person any information contained in the records of the hospital authority except"- and it goes on to state, - (c) as I am saying -- "an agency or department of any provincial government or the Government of Canada or an official thereof acting in his official capacity or any other person designated by the minister." And that is not limited. To me that is wide open.

MR. RIDEOUT: That is right.

MR. STRACHAN: That is wide open, and it means anybody of any agency, Statistics Canada, a fellow looking in for Statistics Canada or looking for information on medical research - and I also think that Clause (4) also opens it up. I have seen a situation of people walking into hospitals with a set thing in their mind to create a picture in their mind, and looking through records, extracting records of people and enumerating them and using the records, not the person, but using the figures they have obtained from that in a public fashion. It has been done. And many people are afraid, virtually afraid. Many young people are very much afraid of going in and getting treated for certain diseases, social diseases - regardless of what they are. they are illnesses. Or many people are afraid of going and getting treated for various things, because they know - or even if they do not know they are worried by the fact that if it was a strict doctor/patient relationship there would be no problem. But they know that people can walk in and obtain any records whatsoever.

I know in the past - and it has changed now, because we are now in a communication system - but I know in the past in Labrador North that people could listen in to the radio and get the medical health of any person sick in the community in the North, because information on patients was transmitted at that time by AM wave bands, and single - not single side bands, but wave bands,

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and you could pick it up on any radio and you would tune into it, and you would hear the medical records. You would find out. If you knew an accident occurred, you would tune in and you would find out the names of patients and what had happened to them. Now that has virtually gone now, because we are now on single side bands, and we are now on microwave. But what is happening is - I saw people previously this Winter walk into a hospital and ask - and state that they had permission, and they had no more permission than the man in the moon - state their permission to look through the records of the hospital and obtain, for instance, the number of cases of abuse, alcohol abuse, or the number of cases of wife beating or the number of cases of this or the cases of that. And that information is privileged, is personal. It is totally a relationship between the person and the doctor and no one else, absolutely no one else. No one should be given the right, and that is what that clause there does. It gives anybody belonging to an agency or department of any provincial or federal government

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or an official thereof acting in his official capacity, it gives him the right to walk in, or any person designated by the minister.

AN HON. MEMBER: What clause?

MR. STRACHAN: Clause 6 (c). Now it also states and it says, Well if you do that, that can be taken care of in 5. Subsection (5) states - or Subsection (6), I am sorry, "Every person who contravenes subsection (5) is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 and in default of payment to a term of imprisonment not exceeding thirty days."

AN HON. MEMBER: Big deal!

MR. STRACHAN: That is a big deal. Absolutely. First of all, you have to prove the case. How can you prove that they disclosed or published this? In many cases you can do it by smear, by malicious intent, by gossip, by rumour. If someone wants to find out what abortions are, and who has had abortions in St. John's, or who has had abortions in Such-and-Such a place, then all you need to do is say you are an agent of government, work for government, walk into a hospital, and generally the doctors or the nurses there who could be called by your authority would turn and give you the records and you could look through the records and come up with various pieces of information which one could use. That is in the worst case we could imagine, but it could be done. And, in fact, this virtually gives you authority to do it. I think that that Subsection (c) should be stricken completely out of the record.

SOME HON. MEMBERS: Hear, hear!

MR. STRACHAN: It should not be in the bill. It violates a person's privacy, it violates a person's relationship with his doctor and with the hospital. It should be stricken totally from the bill. Also in Subsection (4) "Every hospital authority may permit a person engaged in health or medical research access to the records of the hospital authority for the purposes of research," and it qualifies it a little. Here again I am concerned. I am not concerned with the point of medical research, but how do you define health or medical

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research? There are a great many people working on sociology degrees,

AN HON. MEMBER: And anthropology.

MR. STRACHAN: - and anthropology degrees and so on, who are looking for information and who have gone into hospitals. We in Northern Labrador are studied to death anyway. They know everything about us, whether we got a thumb gone, or a frosted toenail or whatever it is. They know everything about us, the whole works, and they have gone in and obtained records and written theses about it, collected information, published information on it, and the trouble is not only to that person but to that community, these people who are publishing their theses and publishing their information which they have gained from hospitals are giving that community essentially a bad name. Again it is back to the same old thing, I hate to mention it but it has generally been - regarded in this Province because of this kind of information.

For instance, Stephenville has had a bad name in this Province because records were obtained, extrapolations made to suit the picture, and they came up that Stephenville was the highest in the Province in venereal disease. This was then published in newspapers. How can you ever argue that someone was doing it wrongly or maliciously, that somebody should be charged and fined \$500 after their community has been nailed to the wall.

AN HON. MEMBER: Same as St. John's.

MR. STRACHAN: Whenever he talks about it for the next while, whenever he thinks of Stephenville is as a good placed town. It is too late then. The fact is that people who are looking for that kind of information should have no access, no right whatsoever to any medical records in a hospital. And that is why I am arguing this, if it is pure medical research let us tighten it down and state that it is pure medical research for internal medical reasons. But to allow this to expand so that somebody from the institute of medicine, or whatever we got over there, or somebody who is closely related to them

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from the Department of Sociology working on a degree there can come and start looking for information, and start going into hospitals and obtain information and then use it in the form of a thesis or use it for publication, then I think that is totally wrong.

Subsection (4) I would like to see tightened up very specifically, that it can be only used totally within a hospital context or a hospital situation. That no one, absolutely no one from the Department of Sociology or Anthropology can obtain any records whatsoever. And I do not care whether the records are the colour of your eye or whatever the records are, they are none of their business. It is your private information,

MR. STRACHAN: and it should be none of their business and they should not have it. So I think that Section 4 I could possibly allow but certainly Section 6(c) I think that throws everything wide open. No wonder people are afraid; no wonder young women and young men who just so happen to contract those certain diseases and so on are afraid to go and get treated. It would mean that they feel all the time that if they do so that these records are going to be made public and it is going to be held against them, always held against them. And do not tell me it does not occur, it does. It does absolutely within hospital situations. I am certainly sure that if someone like that wished to go and see the Deputy Speaker across there as a patient, dealing with him as a patient that there would be a trust relationship there. Surely if someone walked up and said, "I belong to a government department and I am collecting information. I would like to know how many people you referred for abortions last year," I am sure that the good doctor there would say, "It is none of your business. My business is with my patients. It is that kind of strict relationship. It is not for me to sit and give out information to you, information that you could use," or the names of people and so on. And I am sure he would do it. So why should we do it -

DR. COLLINS: A point of order, Mr. Speaker.

MR. SPEAKER: A point of order has arisen.

DR. COLLINS: I want to make it perfectly clear that I have not referred anyone for an abortion, either last year or any other year.

MR. MURPHY: You picked the wrong subject there.

MR. STRACHAN: Yes, absolutely! I was just using the doctor as an example. It could be any doctor for that matter. I just intended that if someone came surely the information you have, whether it is how many teeth were pulled or how many things you referred or this or that and so on, that the information you have is of a very personal relationship. Otherwise if you do not have that personal relationship then you lose all trust and you, I am certain would

MR. STRACHAN:

suffer for it in the long run.

But what I am stating is that this section here gives the right to people who have no right in the world, and it also allows other people who might wish to use that right to go into hospitals, go into nursing stations - and I would think there especially; I can imagine in a general hospital that it would be very difficult to get some of that information, I do not know. Some of the bigger hospitals, more expertise hospitals and so on, they would have experienced people there at records, experienced people who would say that you need authority from the board, or you need to go and see doctor so and so. But there are a great deal of cottage hospitals, a great deal of nursing stations in this Province who have confidential information on patients and the worry here is that when someone approaches them, in many cases a nurse or somebody on night shift, on night duty, will turn things over to them and they will go through the records and obtain them .

Without getting into it too much longer, I know of a case in which a group of people for their own specific purpose wanted information in a Northern Labrador community about medical problems in the community, and they went to the hospital and told them they had authority from St. John's, and they were not questioned because the person who was on duty did not know, and they sat and looked through the medical records of every person in the community. And as far as I am concerned if I had been there I would have run them out or drowned them or thrown them over the wharf or whatever else had to be done with them. But this is the kind of feeling that people have, that they can come in, and I object intensely - not for my sake but for the sake of people in the community because in my case there is no problem and I can defend myself - but in cases of people there in the communities and so on there is a desperate situation when people from outside can come in there and obtain information in the guise that they need that information for something else, they

MR. STRACHAN: have to write their theses or do their studies or make their plays or whatever else it is with the information they have obtained.

So I appeal to the minister that I have no argument with the fact of patients of obtaining the thing, I have no argument with Subsection 3(a), 3(b), I really have

MR. STRACHAN: no great objection to 4 (a) and (b) in that there are sufficient restrictions there. Subsection (a) states that the medical research, in the opinion of the hospital authority, it is in the public interest that the research be done. So there is qualifying things on that research. And (b) that the hospital authority is satisfied in writing that a person engaged in the research understands the provisions of subsections 5 and 6, which are the subsections on liability, including the fine, the sentence and so on, the offence.

So here we are stating to a hospital authority that somebody engaged in medical research, we have qualified it and restricted it in such a way that they can only use that on being given permission in writing. But in subsection 3 (c), we throw it wide open and say that any agency or department of any provincial government, or Government of Canada, or an official thereof, acting in his official capacity, or any other person designated by the minister can walk in and get medical records, and it does not make sense. It just does not make sense. I think it leaves the situation wide open, wide open for abuse, and I think it requires changing, absolutely, and I will fight it, I will argue it if I am the only one on this side. I will argue that it is a violation to the freedoms of people, it is a violation of the relationship between doctors and patients and should not be allowed. You have virtually admitted it by the fact when you stated, "Somebody engaged in health or medical research," which is a far more pointed thing than somebody just being a member of an agency. Somebody engaged in health or medical research must obtain in writing that the hospital's authority is satisfied in writing that a person engaged in the research understands the provisions of subsections 5 and 6. So what you are stating then is that you are implying to that person who is engaged in medical or health research with doctors in hospitals and so on that before he can get at the medical records he must understand everything that is in here; he must ask for permission

MR. STRACHAN: in writing and understand the clauses and the clauses outlined here. And then anybody off the street, from the Department of Consumer Affairs and Environment or the Department of this or the Department of that, can walk in and say, "I am a member of a government department and I wish to look at your hospital and medical records," and they have all the authority in the world to go down to the medical records - nothing asked for in writing; they are not asked if they understand the penalty clauses, and the penalty clauses are nothing anyway, \$500 is little. They are allowed and given all the authority in the world to walk in there and go through the medical records of patients in hospitals or past patients or whatever else it is. And I think it is totally wrong. I hope the minister will appreciate the point I am making. I hope that he will understand and try to move it out. He can defeat us by outvoting us, but I ask him in all decency and common sense to understand it is a very wide open clause. He says it is restricted. I do not see any restrictions at all on it. There are no restrictions whatsoever on that clause 6 (c). There are restrictions on clause 4 (a) and (b) dealing with health and medical research, but there are no restrictions on the fact that any member of an agency or of a department of any government or any other official can obtain a -

AN HON. MEMBER: Are you still at it?

MR. STRACHAN: Yes, I am still on it and I will continue for my forty-five minutes until the minister will concede to me that there is a point there, because I get furious about these kind of things. I have seen medical information used wrongly, not by doctors, not by the professional people, but used wrongly by people who have had access to medical records.

AN HON. MEMBER: That is clause 4.

MR. STRACHAN: Clause 6 (c).

AN HON. MEMBER: 6 (3) (c).

MR. STRACHAN: 6 (3) (c).

MR. HICKMAN: Give us an example of what you are talking about.

MR. STRACHAN: Give you an example?

MR. HICKMAN: Yes.

MR. STRACHAN: People have come to a community, because a community is a closed community they have wanted information. They have wanted information on child abuse. They have wanted information on wife beating. They have wanted information on incidents of venereal disease. They have wanted information on miscarriages. They have wanted that information on the basis that they are carrying out sociological research for a thesis and they have come to the hospital, stated they have authority from the university, obtained that information and used that information and described a picture. I do not have the thesis with me but I can get it.

MR. HICKMAN: No. No. No.

MR. STRACHAN: And described a picture.

MR. HICKMAN: But when you say 'information' are you talking about - it is one thing to go into a hospital or clinic and say, 'How many cases of venereal disease did you have in this clinic here last year?'

MR. STRACHAN: No, no, they are asking for access to medical records and this is what this gives them, the right to access to medical records.

I do not want to get into this, but we had a situation recently in which the Mummers are producing a play on Labrador, "Weather Permitting". The Mummers look for background information on a community. What right has anyone, be they Mummers or be they sociologists - and I agree with much that the Mummers do, much of their work, good political theatre and so on, one can smile at some of it, much of it is good - but what right have they to come into an isolated community and go to the hospital and tell them that they want to look through the records, that they have authority to look through the records, or they can look through the records, and certainly go through the records of people in that community to obtain information, because that community does not have it all broken down.

MR. HICKMAN: They could not get it under this section.

MR. STRACHAN: No. One second. My argument is it should be very clearly stated that people have no access to any medical records except doctors and within the hospital structure. I do not think that I should be able to walk into any nursing station or any hospital and state that I am doing a little statistics on the Labrador coast or on Fogo or the Straight Shore or somewhere like that, that I want some information and in which case I give them some facts that they can give me the information and they say, Well, look through the records.

MR. HICKMAN: I agree totally.

MR. STRACHAN: I have no right in the world, and it has been done.

MR. HICKMAN: No problem there.

MR. STRACHAN: No problem there, but the point is here, you are giving people the right - an agency or department of any provincial government or the Government of Canada or an official thereof acting in his official capacity, or any other person designated by the minister can obtain medical records. Then you start saying if he uses it wrongly then he can be penalized for it - \$500.

MR. HICKMAN: Right.

MR. STRACHAN: If he uses it wrongly - penalized \$500.

MR. HICKMAN: Are you saying -

MR. STRACHAN: That to me is totally wrong because information of that nature, \$500 does not pay for it.

MR. HICKMAN: Right.

MR. STRACHAN: - Does not pay for it. \$50,000 maybe, and two years in jail, but it does not pay for it. If he has committed an offence - anyone has committed an offence obtaining medical history of a patient, \$500 is nothing - chicken feed. And what I am stating is that when you compare that section there to the Sub-section 4(a) and (b) -

MR. HICKMAN: Yes.

MR. STRACHAN: - in which any person involved within the hospital system in health or medical research, any person involved in that must, number one, before he can get at the medical records must, in the opinion of the hospital authority, it is in the public interest the research be done. In other words, within a hospital structure anyone wanting to carry out health or medical research must prove to the hospital authority that that research is of benefit to the public.

MR. HICKMAN: Why do you not - you know, what the hon. gentleman is saying is -

MR. STRACHAN: No, let me finish on (b). And then he must go to the hospital authority -

MR. HICKMAN: There is nothing wrong with (a) and (b).

MR. STRACHAN: Oh, there is nothing wrong with that there.

MR. STRACHAN: I made my initial mistake when I first went off. I find nothing wrong with 4(a) and (b), because what you are stating is that people can carry out health or medical research and there are constrictions on it. The constrictions are that it must be approved by the hospital authority and (b) that they are satisfied in writing that the person engaged in the research understands the penalizing restrictions - right?

MR. HICKMAN: Right.

MR. STRACHAN: Now we slip back into section 3(c) -

MR. HICKMAN: Yes.

MR. STRACHAN: - and 3(c) - what we are doing is giving people outside of the medical field, belonging to agencies or departments of government or officials of the minister or anyone else for that matter in that kind of broad sphere, we are giving them the right to come in and obtain medical records from a hospital. They do not have to go to hospital authority -

MR. HICKMAN: Right.

MR. STRACHAN: - they do not have to go and satisfy it in writing.

MR. HICKMAN: I am just thinking out loud -

MR. STRACHAN: Section 3(c) needs to be wiped out -

MR. HICKMAN: Yes, or -

MR. STRACHAN: - that is all - wiped out.

MR. HICKMAN: No, no. There are times -

MR. STRACHAN: There are no times outside of health.

MR. HICKMAN: Oh, yes, there are. I have seen cases -

MR. H. COLLINS: (Inaudible) ministers.

MR. HICKMAN: Yes. I have seen cases in court where that question has arisen and where the judge has ruled that he - you know, a claim for damages for personal injuries -

MR. STRACHAN: Yes.

MR. HICKMAN: - where - oh, and

MR. HICKMAN: I remember there was a divorce case a couple of years ago in our courts where someone from the Waterford Hospital, some doctor said, I am not going to give up this record. The court said, You will give it up forthwith because, the judge said, I cannot arrive at a meaningful decision without this information. Now what I am wondering is, there are occasions -

MR. STRACHAN: Okay! Okay! There is a possibility in some case like that, But I do not see it. I can see that possibly on a decision of - I do not know how you legally put it, but I do not mind that kind of argument. What I am arguing about is that is needs to be deleted, 'agencies of government'.

MR. HICKMAN: This whole section is -

MR. MURPHY: This is sort of an amendment to fit in with the other one.

MR. HICKMAN: The point I am trying to make, Mr. Speaker, is that this whole section is obviously designed to protect the confidentiality of medical records, but 3(c) could conceivably infringe upon or water down that confidentiality beyond a desirable -

MR. STRACHAN: It throws it wide open.

MR. HICKMAN: Why not put in there, because there are occasions when it will be very necessary, I suggest, for some agency, maybe, to have a look at a medical record. Why do you not put in there, 'Pursuant to a court order'? Make it mandatory that if a government agency wants access to my medical record, and it is in the public interest that they have it, let them go and satisfy a court that it is necessary.

MR. STRACHAN: Of course. No question

MR. STRACHAN: about that. That is what a court is there for, in any cases, legally, where information would be required.

MR. HICKMAN: Or some -

MR. STRACHAN: I have no argument on that kind of basis. My argument is that that is too wide open. You could have four or five people come in from government, legitimately, under authority of that, and say, I am a government official, I have been sent to get medical records, I want to look at them, and obtain them. A fifth fellow could come in, and the people are so accustomed to the medical records being wide open that they can just walk in and say, Oh I have been sent down from such and such a department, I am employed with such and such a department and I want to look into the medical records of this and that and they can sit down and go through the medical records. I do not agree with it. I just do not agree with it.

It may be fine if you want to get lost in the General Hospital in St. John's or something like that. In smaller communities, where things are so privileged and so personalized, and where rumour and gossip can wipe people out overnight, where there are politics being played in communities, and people are in a dragged down system working, as soon as people get up and so on any little smear thing will do then, anything that gives rights to access.

Who is going to stop the Minister of Social Services' welfare officer if he is on a vicious argument, or vicious debate or battle in a small community with someone, who can therefore say, I have access to the medical records in Nain, or Hopedale, or Makkovik or wherever hospital, and walk in and tell the nurses, I have access to them? Therefore, he gets

MR. STRACHAN: the information, whatever the information is.

I may be using extreme examples, but I think I want to use extreme examples because I have seen examples of it being used. I understand in most cases it is harmless information that people are collecting, but the possibilities are there and have been in the past. The possibilities are there and in which case \$500 for retribution, for a fine, or thirty days imprisonment for someone misusing medical information on me or you or anyone else -

MR. HICKMAN: Would the hon. gentleman agree that this section would be entirely correct if (c) were changed to put in the provision 'only pursuant to a court order'? Because if that is so -

MR. STRACHAN: If that is so I will sit down.

MR. HICKMAN: Good! - the Law Clerk will draft it and have it ready for Thursday in Committee.

MR. STRACHAN: Yes, I agree that will be okay. Thank you.

MR. SIMMONS: Mr. Speaker, my first words must be those of congratulations. You look well fitted for the task, Sir, and I welcome you.

Mr. Speaker, just a word or two on this. The member for Eagle River (Mr. Strachan) has touched on his concern here and I was pleased to hear that the Minister of Justice may well have come up with a way round the problem which was posed by my colleague from Eagle River.

Now the fact of the matter is that this authority which would be granted under the - I want to get the ear of the Minister of Justice. I may be

Mr. Simmons.

able to clear this up quickly. This authority which would be granted under 6 (3)(c) is in effect now. It probably should not be. I cannot find anything on the Statute Books but I have not done a thorough search. But a department of government issued a memorandum in early May requiring employees of that department to indicate on all medical slips in future the nature of their illness.

MR. HICKMAN: This is not the issue here.

MR. SIMMONS: No, no, no. But what I am saying - no, no, maybe not, and I am open to the minister's guidance on it - but what I am saying is that the effect of 6 (3)(c), and I am not debating its merits. In other words, I understand there may be some change in it. But if you will just look at it without the proposed change for the moment, without the court order -

MR. HICKMAN: Yes, I know. We agreed on changing it.

MR. SIMMONS: Yes, yes, but I am saying that without - the fact of the matter is that while the change could get embedded here in the proposed amendment, the fact is that at the moment there is at least one department of government which is requiring its employees to state the nature of their illness. If they have been away for a day or a week, they must not only have a certificate from the doctor saying that they have been away for a legitimate purpose, the instruction has gone out now to those employees that they must state the nature of that illness.

MR. HICKMAN: Yes, but that has got nothing to do with the Hospitals Act at all. That is an employer/employee matter. There has been many an occasion where an employer has suspected that there has been abuse of sick leave, you know, and he has said, Fine, you know, to an employee, every second week you are off, and you tell me you are sick. I want to know what your illness is. And the Hospital Act does not cover that. It does not even deal with it.

MR. SIMMONS: What I am saying to the Minister of Justice is that the authority which for some strange reason the Minister of Health is looking for here under (c) is already operative. I do not know where the department concerned gets its authority to do it. But at the moment now the requirement that an agency of government can get information is already operative. That is what I am saying to the minister.

MR. HICKMAN: That is asking.

MR. SIMMONS: No, no, just very briefly. I do not want to take the time of the House, because I realize the schedule the minister hopes to keep to, but, look, just very quickly. A memorandum effective immediately for all employees who may be required to produce a medical slip: (1) the medical slip must state the nature of the illness; (2) the medical slip must show the dates the employee was off work due to illness; (3) the medical slip will not be accepted with any signature other than the examining doctor. Now I can see the case for the latter two, the dates and the certification by a qualified doctor that the person was indeed ill. But to require the employee to be required in order to get back on the job to state the nature of his illness is an infringement on his rights, an invasion of privacy.

MR. HICKMAN: Is it? You know, this is so far removed from this act! But you know, is it? I am off every week. I miss a day or two. I come in and I say I have been sick.

MR. SIMMONS: No, no, not you being sick. But suppose you come back with a certificate from your doctor -

MR. HICKMAN: All right. I come in with a certificate from a doctor simply saying, Alex Hickman has been sick for two days, and he signs it. Finally the employer surely is going to say to me, What kind of illness do you have? you know. Do you have lung cancer? Because if you have lung cancer, we should not have you in here, there is something wrong with the environment. Do you have a contagious disease? What do you have?

MR. SIMMONS: But it is the medical -

MR. HICKMAN: But this is an employer/employee problem that is always present where you have people, you know, let us not fool ourselves, flogging the sick leave.

MR. SIMMONS: But you cannot have a situation, you cannot have a situation certainly where the person is required to state the nature of his illness. He may have some good reason why he does not want to state. It is not pertinent, for example. The kind of enquiry that you pose then as coming from the employer, is that not a series of questions for the medical specialist to ask the patient rather than the employer?

MR. HICKMAN: If I am the employee, I could say, No, I am not going to give it to you. What I am getting at is then you look to the Labour Standards Act to see if that is unfair labour practice. But it is totally unrelated to the bill that is presently before us now.

MR. SIMMONS: Well, except in this regard I submit. Where does that department - and I am not being coy, I am not sure of the department. It may be the Department of Transportation, I am not sure of that. But, you know, there is no department on the memorandum I have here. It just says, Inter-departmental memorandum. And where does that department get the authority to do, to ask for that information which would be provided under (c)? I am saying to the minister, Is there already somewhere else where that authority is given in a statute? That is what I am saying.

MR. HICKMAN: I do not think you need statutory authority for that at all. I think that any employer can ask for it.

MR. SIMMONS: Can ask for it, -

MR. HICKMAN: Right.

MR. SIMMONS: - but making it a condition of continued employment is another matter.

MR. HICKMAN: That is right.

MR. SIMMONS: But I agree with the minister that the issue of the employee-employer relationship is quite apart from this Bill.

MR. HICKMAN: Yes.

MR. SIMMONS: But I rose, and only intended to rise briefly to inquire as to whether there was some authority in a statute that the minister knew of, which in effect -

MR. HICKMAN: I am not aware of it.

MR. SIMMONS: Okay.

MR. HICKMAN: I know it is not this one. You know, I know it is not this one.

DR. FARRELL: If there is an insurance claim involved you must state the nature of the illness. But if it is just a matter of time lost -

MR. SIMMONS: This is a condition of continued employment.

SOME HON. MEMBERS: Yes.

MR. SIMMONS: And I agree with the minister it is an issue that could best be pursued elsewhere, and I am not wanting to get the Committee -

MR. H. COLLINS: (Inaudible) element of risk.

MR. SIMMONS: I am sorry? Oh no, no, no. I can see that this aspect is not related, but I did inquire as to whether there was something in the statutes that took care of the matter raised there, and the minister indicates, without a thorough check, there probably is not -

MR. HICKMAN: Yes.

MR. SIMMONS: Now do we understand, for the benefit of my colleague, do I understand that you are going to attempt to draft in the -

MR. HICKMAN: I will not bring this bill before Committee tonight, we will draft something for Thursday in Committee to take care of it.

MR. SIMMONS: Yes, okay.

DR. J. COLLINS: Mr. Speaker, this bill is not a partisan document. This piece of legislation is brought in in an attempt, I am sure, to improve the health services of the Province. After I had read the proposed bill I had some misgivings about it, and I had already discussed them with the hon. minister, and he was kind enough to discuss it with me at the time.

I would just like to cite the concerns I had in actual fact have largely being covered already. I was concerned about Section (4) where the Lieutenant-Governor in Council may give a hospital board the authority for the health care services in a region. Now this has been mentioned before in relation to a specific instance where a facility might there be closed down at the action of the hospital board. I do not have that concern in a specific way, but I have it on a broader basis. A hospital is only one part of the total spectrum of health services; however, it is a very powerful part. It is a very expensive part. I do not have the figures right in front of me now but something like 80 per cent of all health care costs in the last seven or eight years have gone into the hospital aspect of the health care, the hospital service of the health care system.

My concern here is that by giving the total authority for health services in a district to the hospital it would unduly orientate the care services in that region to the hospital. I am certainly not against hospitals, I have spent a lot of my working life in hospitals. I know the work that is necessary in hospitals. But I would emphasize that a hospital is only one part of the thing,

Dr. Collins:

and a hospital is not always an appropriate part of the health care system for specific situations. I am particularly concerned at the present time about the massive growth of out-patients in hospital. I think that out-patients services in hospital are often inflated, they often give less than the services that can be given by other means. That is just one example. So I am concerned about this. I do not know if this is just enabling legislation or if it is the intention of the departments to proceed in this direction. But I would urge them to look at this very carefully, and not use this section to in any way sidetrack the possibility that the health care services in a regions may be given to a body that is not identical with the board of a specific hospital.

The second concern I had was Section (6) Subsection (3). It seems to me, and this has been mentioned there, this is rather loosely worded. I will not labour Section 3 (c), which the hon. Minister of Justice has said will be looked at, but even Section (a) and (b) it says here that a hospital authority may not allow any person access to records except a patient or former patient or a person authorized in writing. It does not even say that it is only that patient's records, If you read that strictly, a patient could have access to any records. Now that I know is almost a ridiculous comment, but nevertheless it just indicates that this section is loosely worded. And I would think that whole

DR. COLLINS: section might well be reworded. In section 6, subsection 3 (d), "If a physician or other hospital authority within or without the Province, if the physician or hospital is in the course of treatment of the patient concerned," I think that this is important. I think that medical records cannot be kept segregated where there is a confidential relationship between the patient and a doctor. I think that often what happens in another country, another province or what have you can have very direct bearing on the treatment of the patient so I would like to see that section retained.

Under subsection 4 (a) and (b) does put some restriction on the use of medical records for research purposes but I am a bit concerned that they do not go far enough. As the hon. member for Eagle River (Mr. Strachan) has mentioned, some enquiry goes under the name of research when in actual fact it hardly warrants that name. I know that hospital staffs are very concerned about the openness now to which patients' records are made available. I was at a meeting not too long ago where this point was argued very forcibly and very vehemently, that much of this enquiry would not pass close scrutiny, the results from the enquiry may be given undue emphasis, it may mislead, no one wants to restrict research that would be good for the patients of a hospital or for the health care generally. But much of the enquiry is not likely to be valuable in that way. I would like to see a section go in there where research projects should have a definite protocol drawn up and that that protocol should be assessed by an authoritative body before hospital records be made available for the enquiry purposes. As it stands now, almost any form of enquiry could be pursued just with the permission of what is called here "hospital authority." Now that hospital authority may range all the way from the board to a medical director or to a director of a hospital who has no medical training and really has no insight or orientation towards medical research. It might be just someone just who happens to be at the head of the

DR. COLLINS: administrative aspect of the hospital and he might see nothing wrong with a pursuing enquiry or allowing an enquiry to be pursued when in actual fact it is a worthless exercise and not only that it might well be a dangerous exercise.

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

The hon. Minister of Health.

MR. H. COLLINS: Mr. Speaker, first of all I would like to thank hon. members for the detail in which they have debated the bill. I will try and respond to some of the comments which were made. The hon. member for Baie Verte - White Bay (Mr. Rideout) made reference to the M. H. Boylen Hospital in Baie Verte. That hospital was and still is, of course, operated by the United Church of Canada. About a year ago, maybe a little less, about a year ago the department entered into negotiations with the United Church of Canada and the medical people at the hospital too of course, in an endeavour to bring about ways and means whereby the hospital could be operated under a properly constituted board. The negotiations, I might add, were very protracted. It took months and months and months and finally we did reach an agreement whereby the United Church agreed to put the hospital under the operation of a board but only to the extent that the United Church of Canada would have the final say in terms of the membership of the board. Naturally the Lieutenant-Governor in Council would have to put a stamp of approval on it. But what I am saying, Mr. Speaker, is that for all intents and purposes the United Church of Canada appointed, for all practical purposes, the members of the board.

The hon. member made reference to the fact that it is useful, and it certainly is, to have labour representation on hospital

MR. COLLINS.

boards. And any of the new boards which I have appointed, I have always made sure to the best of my knowledge that a union representative has been appointed, and also, insofar as possible - and we found it generally possible - to appoint some women to hospital boards as well. And I can think of the Carbonear Board and the Notre Dame Bay Memorial Hospital Board, the Gander Board, the Grand Falls Board and other boards which have been appointed for the first time or reappointed. But in the case of Baie Verte, it is a little bit different because of the relationship with the United Church.

With regards to members' comments on giving hospital boards some area of responsibility and so on in the region, we have found that this is most necessary. It derives sometimes, you know, from the grass-roots level. I think the hon. member will remember it himself that we have talked with, I think, Burlington in the hon. member's district whereby they have started negotiations with the hospital board in Baie Verte in terms of trying to establish a clinic, etc., but in a close-working relationship with the hospital, because we believe that this is necessary in a great many cases where lab and X-ray equipment is available, where proper interpretations are possible and I believe that that is a way whereby we can bring about a better service to the whole region if we regionalize the approach rather than have the Department of Health do all the work there.

With regards to the hon. member's question about Englee, I cannot say that I remember the full story on Englee, but I know I did write the hon. member two or three weeks ago outlining our position on Englee. And I would not want to try and say what was on the letter. I have not got it here. But I would hope that that would satisfy the hon. member and the people in Englee.

Mr. Speaker, with regard to Section 6, my colleague, the House Leader, has indicated that we will redraft a clause to replace Clause 3 (c). And I would also say

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that we will have a look at the total Clause 6 in the event that there might be something else there which we should change, and we are willing to undertake to do that before the bill is presented at Committee stage. I take pleasure, Mr. Speaker, in moving second reading.

On motion, a bill, "An Act To Amend The Hospitals Act, 1971, read a second time, ordered referred to a Committee of the Whole House on tomorrow.

MR. HICKMAN: Motion 17, Bill No. 82.

Motion second reading of a bill, "An Act To Amend The Members Of The House Of Assembly Retiring Allowances Act."

MR. SPEAKER (Dr. Winsor): The hon. minister.

MR. HICKMAN: Mr. Speaker, this is a bill of the hon. Minister of Finance, but he is not with us right now. The explanatory note indicates that it is primarily a tidying up of certain clauses in the bill to make it more meaningful. I move second reading.

On motion, a bill, "An Act To Amend The Members Of The House of Assembly Retiring Allowances Act." read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. HICKMAN: Motion 10, Bill No. 83.

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

MR. HICKMAN: Mr. Speaker, this bill, well again the explanatory note sets forth very clearly what is intended. It eliminates the post of Assistant Registrar of the Supreme Court. We have never had one, cannot get one, never will get one. We have a Deputy Registrar instead. There are some very old estates down there going back a hundred years or more, but the Registrar has some monies on hand he wants authorization to pay in the consolidated revenue with adequate protection should anyone, any error ever turn up. And the last is simply housekeeping so that the High Sheriff of Newfoundland can keep a more accurate or a more modernistic jury list.

I move second reading.

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

MR. SIMMONS: Mr. Speaker, would the minister indicate when this might go to Committee? It will not be tonight obviously.

I would prefer it to be left over until Thursday. The only lawyer in our caucus, the Leader of the Opposition, is out and he may - I am not sure, but he may want to have something to say on it.

MR. SPEAKER (DR. R. WINSOR): Is it the pleasure of the House that the said bill now be read a second time. Those in favour "Aye", Contrary "Nay".

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

MR. HICKMAN: Order 31, Bill No. 71.

Motion second reading a bill, "An Act To Amend The Embalmers And Funeral Director Act, 1975".

MR. HICKMAN: Mr. Speaker, I move second reading of the bill.

On motion a bill, "An Act To Amend The Embalmers And Funeral Director Act, 1975", read a second time ordered referred to a Committee of the Whole House now by leave.

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

COMMITTEE OF THE WHOLE

A bill, "An Act To Amend The Solemnization Of Marriage Act, 1974." (Bill No. 65)

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

A bill, "An Act To Amend The Child Welfare Act, 1972." (Bill No. 69)

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

A bill, "An Act To Amend The Embalmers And Funeral Directors Act, 1975." (Bill No. 71)

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

A bill, "An Act To Amend The Department Of Social Services Act, 1973." (Bill No. 86).

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

A bill, "An Act To Amend The Members Of The House Of Assembly (Retiring Allowances) Act." (Bill No. 82)

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

MR. HICKMAN: It is moved that the Committee rise, report progress and ask leave to sit again.

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

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

DR. COLLINS: Mr. Speaker, The Committee of the Whole have considered the matters to them referred and have directed me to report bills no. 60, 61, 65, 69, 71, 86, and 82, all without amendment and ask leave to sit again.

MR. SPEAKER: The Chairman of the Committee of the Whole report that they have considered the matters to them referred and have passed the following bills without amendment, 60, 61, 65, 69, 71, 86, 82, and ask leave to sit again.

On motion report received and adopted.

On motion Committee ordered to sit again on tomorrow.

On motion said bills be now read a third time.

A bill, "An Act To Amend The Western Memorial
Hospital Corporation Act, 1947." (Bill No. 60)

A bill, "An Act To Amend The Adoption Of Children
Act, 1972." (Bill No. 61)

A bill, "An Act To Amend The Solemnization of Marriage Act, 1974," (Bill No. 65).

A bill, "An Act To Amend The Child Welfare Act, 1972," (Bill No. 69).

A bill, "An Act To Amend The Embalmers And Funeral Directors Act, 1975," (Bill No. 71).

A bill, "An Act To Amend The Department Of Social Services Act, 1973," (Bill No. 86).

A bill, "An Act To Amend The Members Of The House Of Assembly (Retiring Allowances) Act," (Bill No. 82).

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, Wednesday, June 8, 1977 at 3:00 P.M. and that this House do now adjourn.

On motion the House at its rising adjourned until tomorrow, Wednesday, June 8, 1977 at 3:00 P.M.