

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
2:00 p.m. - 6:00 p.m.
MONDAY, MAY 8, 1978

The House met at 2:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

STATEMENTS BY MINISTERS:

MR. W. CARTER: Mr. Speaker, I am pleased to announce the appointment of Mr. Herb W. Goudie, professional engineer, Assistant Deputy Minister of Fishery Services for the Department of Fisheries. Mr. Goudie succeeds Mr. D. J. Burden, who recently resigned to enter private practice.

Mr. Goudie served for many years with the Harbours and Rivers Engineering Branch of the Department of Public Works of Canada in both Newfoundland and Prince Edward Island. He also worked in the consulting engineering field for eight years, as local Manager of the DeLeuw Cather operation. In 1971 he joined the Newfoundland Fisheries Development Authority as Chief Engineer in charge of its engineering construction programme. On reorganization of the Department of Fisheries in 1973, Mr. Goudie was appointed to the position of Director, Engineering and Fisheries Facilities, in which position he has been responsible for the planning, organization and direction of all engineering and technical services required in the implementation of provincial fisheries facilities and programmes, including both new construction and maintenance.

In this capacity Mr. Goudie has been closely associated with the construction of such facilities as longliner service centres, fish handling shed facilities, fish holding facilities, baited trawl units, water supply systems, ice making facilities, fisheries access roads, and other fisheries facilities.

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

MR. F. ROWE: Mr. Speaker, I would like, on behalf of my colleagues, to congratulate Mr. Goudie, who has been appointed I believe as Assistant Deputy Minister of Fisheries in the Department of Fisheries.

Sir, any dealings I have had with Mr. Goudie have shown him to be a fine gentleman. I have had the greatest of co-operation with him. He is an experienced gentleman in that particular department and Sir, I would simply like to say on behalf of my colleagues that we wish him the best of luck in his new appointment and every success in the years to come.

MR. SPEAKER: The hon. Minister of Fisheries.

MR. W. CARTER: Mr. Speaker, I am pleased to announce today in conjunction with the Canadian Saltfish Corporation, a major step forward in the development of the herring fishery on the North West Coast of Newfoundland and Southern Labrador.

For the past three years the Department of Fisheries has had an agreement with the Canadian Saltfish Corporation to develop the herring fishery of that area. Under the Inshore Fishery Development Agreement with DREE, a number of new facilities have been constructed and others upgraded to permit the processing and handling of high quality herring products. The Canadian Saltfish Corporation was asked by the Province to manage the facilities during the past three years.

The Provincial Government, Mr. Speaker, is now entering into a new phase in the continuing development of the herring fishery on the coast with greater emphasis being placed on encouraging this development by the private sector of the industry as well as the Canadian Saltfish Corporation with the latter now operating without the benefit of any subsidy from the Province.

Under the new agreement the Canadian Saltfish Corporation will operation facilities at Brig Bay, Blue Cove, Castor River South and Red Bay, with facilities at Bartlett's Harbour and

MR. W. CARTER: L'Anse Au Clair being made available to the private sector under a lease arrangement. Proposals for the leasing and operation of these facilities will be called in the next week or ten days.

The facilities under lease to the Canadian Saltfish Corporation will be managed for the Corporation by William J. Burton (Nfld.) Limited. This company is one of the largest and most reputable herring processors and importers in the United Kingdom and is one of the most important customers of herring processed and exported by the Canadian Saltfish Corporation.

This Company, Mr. Speaker, operating through a number of subsidiaries both in the U.K. and Europe, has been in the herring business for over 150 years and currently produces smoked products in the U.K. for export.

The Canadian Saltfish Corporation has worked with the William J. Burton (Nfld.) Limited Company for the past four years and has found them to be a very responsible company and a valued partner in its activities to date. Under the arrangement with the Canadian Saltfish Corporation, the Burton company plans this Fall to install smoking equipment to finish the product in Newfoundland. The company, Mr. Speaker, will be processing in Newfoundland traditionally finished products for export to established European and other markets in Newfoundland herring that heretofore left the Province in a raw, unfinished state, with the final processing being done in Europe.

This new programme, Mr. Speaker, will provide approximately 30 - 35 jobs in the main processing plant at Brig Bay in addition to the jobs involved in the primary processing at feeder plants at Red Bay, Blue Cove and Castor River South.

MR. W. CARTER: The William J. Burton (Nfld) Ltd. company plan to begin operations on June 1, 1978.

The new company will not be purchasing equity in the operation and all facilities will continue to be owned by the Provincial Government.

Mr. Speaker, this I believe is a step forward certainly in the matter of final processing of Newfoundland caught fish especially in the matter of herring because, as I have pointed out in this statement, prior to the entry into the area of the William J. Burton company practically all of the herring caught by our fishermen was exported in barrels with a very small amount being exported as butterfly fillets in a frozen state. So I look upon this as being of major importance to the fishing industry and the start of maybe further secondary processing in the Province of fish caught and landed by our Newfoundland people.

MR. SPEAKER: Hon. member for Eagle River.

MR. STRACHAN: Mr. Speaker, as we welcome the news concerning some of these developments on the Labrador coast and the Northern part of the peninsula, there are certain statements that the minister made here that are worthy of comment. First of all, the minister indicated, and we will take the last point first, on the smoking of the herring here, I am very familiar with it. Ever since 1964 I have been trying and in 1967 introduced a smoking kiln into this Province to try to get the herring into a finished product. He indicates in his statement that it is going to be smoked in this Province and, as I understood him, final processing will be done in Europe. You mean it will be totally packaged, smoked and finished totally in this Province? I welcome this kind of news because I think obviously the vast quantities of herring which we have caught in the past have either gone for very low prices in the herring meal and obviously to get into the finished product has been the way that we have been advocating for years and years that we have to get into this. I wonder, however, whether the minister could elaborate whether

MR. STRACHAN: further down the Labrador coast, such as in the Cape Charles-Square Islands area where there are large quantities of herring caught and they have been suffering from a lack of barrels, a lack of facilities and lack of encouragement, I wonder whether the minister could say whether he mentioned the communities there but he did not mention these communities further down the coast and I am wondering whether these communities will find help and assistance from the Canadian Saltfish Corporation who did not help in the past, they ceased their operation before that area. And there has been considerable problems there. In fact many of the companies have not been paid for much of the herring that they produced last year and many fishermen are still waiting for large sums of money. I also wonder whether the minister in congratulating the Saltfish Corporation here on their move could let us know whether he now agrees that the Saltfish Corporation are doing a reasonable job, because it was, I think, only last week or the week before the the minister criticized severely the Saltfish Corporation for some of its operations. I wonder whether the minister has now had a change of heart in this, one week criticizing the corporation and the next week praising them up for their abilities and so on, I wonder exactly where he stands on that issue?

MR. SPEAKER: The hon. minister.

MR. W. CARTER: I do not know if I may respond to the question, but certainly I would like to. In fact, we are doing the very thing in this agreement that we talked about two weeks ago in that we are now, where the private sector has demonstrated its ability to do certain things, we are now encouraging, as I pointed out in this statement, encouraging the entry into the herring fishery and other areas of the private sector. And maybe in time, who knows, maybe the Crown corporation can be phased out entirely and the private sector can be phased in. But this relates to herring. What I did say two weeks ago was that the Saltfish Corporation does in fact in our view need major surgery, certain

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MR. W. CARTER: changes must be made, It must, for example, receive more support than what it has from the federal government, the body that set it, and that maybe what we are doing now in the herring end of it can very well be expanded to be done in the saltfish itself.

NOTICES OF MOTION

MR. SPEAKER: Hon. Minister of Mines and Energy.

MR. PECKFORD: Mr. Speaker, if I may be allowed to on behalf of my colleague, the Minister of Rehabilitation and Recreation, give notice that I will on tomorrow

MR. PECKFORD:

ask leave to introduce a bill, "An Act To Amend The Welfare Institutions Licencing Act" to ensure greater emphasis on the inspection of welfare institutions in the future. I give notice that I will tomorrow on behalf of the hon. the Minister of Finance give leave to introduce a bill, "An Act To Amend The Conflict Of Interest Act, 1973." On behalf of myself I wish to give notice that I will on tomorrow ask leave to introduce a bill, "An Act To Authorize The Lieutenant-Governor in Council To Enter Into An Agreement With British Newfoundland Corporation Limited And B.N. Rothschild And Sons Supplemental To The Agreement Dated 21st. Day of May 1953 Is theretofor Amended."

On behalf of the Minister of Transportation and Communications "An Act To Amend The Motorized Snow Vehicles And All-Terrain Vehicles Act, 1973".

For the Minister of Consumer Affairs and Environment, "An Act To Amend The Stature Law, In Respect Of Annuities Payable Under Life Insurance Contracts". I have for myself "An Act To Amend Further The Government-British Newfoundland Exploration Limited Authorization Of Agreement Act 1957."

On behalf of the Minister of Forestry and Agriculture, "An Act To Amend The Dog Act 1976." On behalf of the Minister of Education, "An Act To Amend The Local School Tax Act." On behalf of the Minister of Consumer Affairs and Environment, "An Act To Amend The Consumer Reporting Agencies Act." On behalf of myself "An Act To Amend The Mineral Act 1976." On behalf of the Minister of Finance "An Act To Amend The Income Tax Act." If all members agree that I can do that for all ministers.

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVENMR. SPEAKER:

The hon. Minister of Health.

MR. H. COLLINS: Yes, Mr. Speaker, I have the answer to Question No. 52 in the name of the hon. member for LaPoile. He asks what financial assistance towards capital and operating expenses of International Grenfell Association were provided by the government during the current fiscal year? And the answer to that is that on account of hospitals and nursing stations operating expenses are \$9,905,000 and on account of medical and other services, such as public health and dental services, \$2,197,00 for a total of \$12,002,000. He also asks whether the International Grenfell Association requested additional funds and if so give the details of such representations and the response made by government towards the same. The answer to that, Mr. Speaker, is that request from IGA were for approximately \$101,000 more than the amount approved. The reductions were made to bring requests in line with general governmental and departmental policies regarding salary scales, etc.

Question No. 28, the same hon. member asks what was the total number of illegitimate births in the Province for the calendar 1977. At this date we cannot confirm the exact number for the simple reason that the statistics are not available to us yet but considering the registrations to date and looking at the record over the past years it is estimated that the number of illegitimate births for 1977 will be in the order of 1,100.

And Question No. 45, in the name of the same hon. member, asking a statement showing the number of attempted suicides in Newfoundland and Labrador for the calendar year of 1975, 1976, and 1977. The answer to that question is not - this information is not obtainable, not in our department anyway.

And Question No. 47 to ask the Minister of Health to table what financial contributions does the government make towards the hospital at Churchill Falls.

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MR. H. COLLINS: The financial contribution by government towards the hospital at Churchill Falls for the fiscal year April 1st., 1977 to March 31st., 1978 was \$159,000. The second part of the question is how many doctors were on staff at the hospital at Churchill Falls? And the answer is two. The third part is, how many nurses on staff at the Churchill Falls hospital? And the answer is five. And how many other staff

Mr. H. Collins: were employed by the hospital, and the number is five other staff. Question No. 22, in the name of the same hon. member for LaPoile; How many psychiatrists were recruited outside the Province in 1974, 1975, 1976, and 1977? The number is in 1974, none; in 1975, three; in 1976, one; and in 1977, one. In what provinces or countries were these psychiatrists recruited? Two came from England and two from Ireland.

MR. SPEAKER: The hon. member for Naskaupi.

MR. GOUDIE: I ask leave, Mr. Speaker, of the House to introduce an item which is of extreme importance to this Province, I believe.

MR. SPEAKER: The hon. gentleman is asking leave to give a notice of motion?

MR. GOUDIE: No, I just want to bring up this particular point, Mr. Speaker. It is in relation to a national company and its attitude toward this Province. If I have leave to bring it up, I will bring it up; if I do not then I will sit down.

MR. W. ROWE: Tell us what it is? Who is it?

MR. GOUDIE: Simpson Sears.

MR. PECKFORD: (Inaudible) bringing it up.

MR. W. ROWE: Who?

MR. GOUDIE : Simpson Sears.

AN HON. MEMBER: (Inaudible) bringing it up.

MR. GOUDIE: Yes.

MR. W. ROWE: Are we going to get into a debate on it?

MR. GOUDIE: Well I do not want any debate, I am not interested in a debate, Mr. Speaker. All I wanted to do was to get leave to introduce this particular item, and then ask for a resolution of the House.

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

MR. W. ROWE: Let me say a very brief word on this. We all can sort of divine or guess what the hon. member has in mind there, but a number of important matters have been raised regarding national companies in Labrador on this side of the House, and we wanted to debate it, and, of course, unanimous consent has not been given or the Speaker has not ruled that the urgency of debate is necessary. We do not want to keep the hon. member from raising any matter he wants to

MR. W. ROWE: as long as we have the unanimous concurrence of the House, both sides of the House, -

MR. NEARY: To debate it.

MR. W. ROWE: - that we can have a debate and debate the matter and make comments on it as well. We obviously cannot agree to statements being made unless we have an equal opportunity to have something to say on the matter and put some input into the question which is raised.

MR. NEARY: We brought it up the other day.

MR. SPEAKER: The hon. member for Naskaupi.

MR. GOUDIE: Mr. Speaker, if it is all right I will review it with the House Leader and bring in the appropriate resolution at the appropriate time.

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

MR. W. ROWE: Yes. The hon. member should not feel that we are trying to keep him from making statements, Sir.

MR. GOUDIE: No.

MR. W. ROWE: All we are looking for is certain assurances. The matter he is talking about, if it is - we do not but if it is the same one we have been talking about recently in an important matter and should have full discussion in this hon. House. If we could have the freedom of debate as well, Sir, we would gladly consent to the hon. member bringing the matter in.

MR. NEARY: That is right.

AN HON. MEMBER: Why do you think my colleague brought it up today?

ORAL QUESTIONS:

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

MR. W. ROWE: Sir, I would like to direct a question to the hon. the Premier concerning the economic future of the Province. A couple of days ago, I believe last Thursday, a very highly prestigious group, a highly respected group, The Conference Board of Canada, made some statements concerning the economic future of Newfoundland. One of the statements made, Sir, was that the forecast for Newfoundland's Gross National Product in the Coming year, that is, the amount of goods and services produced in the Province annually, will decrease by

Mr. W. Rowe: one percentage point in this present financial year, It decreased by a half a percentage point last year, so we have 100 per cent increase in the decrease in our Gross Provincial Product, Sir. I would like to ask the Premier if this forecast by this highly respected group, The Conference Board of Canada, is in accord with, is in agreement with the government's own economic and financial forecast for the coming year?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: Mr. Speaker, when the business of The Conference Board was brought up last year I understand, and I know the Opposition were in fact opposed to anything they had to say, but I am glad to see that they backing anything they have to say now.

MR. PECKFORD: But I brought it up last year.

PREMIER MOORES: But I might also say, Sir, that ,you know, you want to believe whatever it is you read. But regarding their forecast for this year, that same group about four to five months ago said that they had Newfoundland second to Alberta in growth this year of which they had Newfoundland down for 5 per cent, which we certainly did not agree with. This time it is the lowest or one of the lowest. My hope, Sir, it is going to be somewhere in between. But the fact is that with the - particularly the two strikes at Labrador City and in the mining industry in Baie Verte as well, and also with the unknown date of the uncertainty of the opening up of Labrador Linerboard mill

PREMIER MOORES: certainly regarding the mining industry the production and the value - and it is a huge value per number of people employed - that industry without question will be less than last year when, in the main, it was strike free as far as the major producers were concerned at least. I think in the Labrador City - Wabush area once it goes down for any month or two months or whatever the case may be, it has a traumatic effect on the dollar value of the Gross Provincial Product in this Province, because they are by far the biggest contributor to it, whilst not the biggest employer - it is nothing like the fishery - but certainly they are the biggest contributors to the actual GPP.

The Labrador Linerboard mill, they have assumed, is going to be down for the year and that is why they had the forestry industry in the lower position than it had been last year when Labrador Linerboard mill was open for a certain length of time.

These two areas particularly are of significance. As I say, the mining industry whilst not the greatest employer, certainly has the greatest value of any other industry in the Province. I also would like to say that the forecast for the fishery we think, is comparatively accurate although we are hopeful it will be more optimistic than even they are saying.

MR. W. N. ROWE: A supplementary, Sir.

MR. SPEAKER: A supplementary, the hon. the Leader of the Opposition.

MR. W. N. ROWE: I do not know why the Premier has to get testy and personal about answers to all of these questions. It is certainly simply a request for some information from the government, from the Leader of the Government, Sir. If he wants to give up the job which he

MR. W. N. ROWE: shows every appearance of wanting to, he can gladly go down to the Lieutenant-Governor. I am sure the gentleman to his right might want to take over or maybe somebody to his left, although he is out running his leadership campaign at the moment, Sir.

Let me ask the Premier a supplementary. According to this Conference Board of Canada, Sir, it says that the construction industry in the Province will be down about 2½ per cent this year in its contribution, as I understand it, to the Gross Provincial product. Does this forecast by this group of businessmen agree with the government's forecast for the coming year? - a continued decline in the value of the construction industry in 1978 - 1979?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: Mr. Speaker, first of all, just to comment on the Leader of the Opposition's introductory remarks to his question, Sir, I am not the least bit testy today, I am quite the reverse today, I think - I hope I am.

MR. W. N. ROWE: You are relieved because of the questions I am asking.

PREMIER MOORES: You know, going down and resigning my job and getting someone else to take it I would say, Sir, that of all people who want to attain that under any circumstances the Leader of the Opposition is by far the most ambitious in that regard, and so he should be.

MR. W. N. ROWE: No, Sir. No, sir.

PREMIER MOORES: Regarding, Sir, the construction industry being down 2½ per cent -

MR. NEARY: We are not powerful -

PREMIER MOORES: - from where we - from where we sit, Sir, that is difficult to analyse if it is correct or not. The new hospital construction is coming to an end this year.

PREMIER MOORES: The hospitals were great employers in the construction industry. Certainly from the figures that have been tabled in the House, the road construction and other government expenditures in other parts of the construction industry are up. The Hinds Lake development will have an impact this year, not as great as it will next year. Obviously, Gull Island, even if it gets going this year, will be comparatively minor, in fact. It is a very difficult question to answer, Sir, in detail, but in the main, I would say it will be slightly better than has been forecast by this group.

MR. W. N. ROWE: A final supplementary, Sir.

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

MR. W. N. ROWE: The Premier is in such a good mood, Mr. Speaker, in case you are wondering, because he is relieved at the line of questioning I am taking today. We had a caucus decision, Sir, and we are going to concentrate on scandals every second day and positive measures every other day. I am sure the House, Sir, will be relieved to hear that.

AN HON. MEMBER: (Inaudible)

MR. W. N. ROWE: Well, in terms of the amount of attention that scandals deserve, Sir, we should be at it every minute of the day in the Province here, in this House -

MR. NEARY: That is right.

MR. W. N. ROWE: - from two o'clock in the afternoon until two o'clock the following morning.

Let me ask the Premier this, Sir.

MR. PECKFORD: 1988 (inaudible). Wick Collins is getting to you.

MR. F. ROWE: Oh, yes!

MR. W. N. ROWE: Sir, I live in fear that one of these days I will pick up the newspaper and have Wick Collins

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MR. W. N. ROWE: say, 'Bill Rowe is a good fellow.'

On that date, Sir, I will tender my resignation.

PREMIER MOORES: I live in terror of that.

MR. W. N. ROWE: You live in terror of it. I live in terror of it as well, Sir. But, Sir, the question I am going to ask the Premier, Sir, is he does not seem to be able to make any predictions or forecasts on the economic outlook of the Province. Perhaps one of the most significant indicators, namely housing, he can give us something a little firmer on. According again to this group, Sir, who - I do not know if they are any good or not. The Premier might be able to tell us whether he agrees that this group has any solid forecasting ability behind it or not -

Mr. W. Rowe: but according to this group, Sir, the number of housing starts in 1977 stood at about half of what they were in 1976, with the number of housing starts this year going to be about similar, according to this forecast, to 1977. In other words, about half or a little over half of what they have been in the last, say, two or three years, 1976, 1975 and so on. Will the Premier tell the hon. House whether he agrees with this particular forecast? Is there any room for optimism by disagreeing with this particular forecast or would he say the forecast as to housing starts being down by about 50 per cent is a pretty reasonable accurate prediction for the economy in this particular financial year?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: Mr. Speaker, the Leader of the Opposition once again in his introductory remarks said that I was in a good mood today, Sir, that was exactly four minutes from when he said I was in a testy mood. But once again -

MR. W. ROWE: You told us you were in a good mood.

PREMIER MOORES: - he is 50 per cent accurate on that one, Sir.

The fact is, Sir, that I think this House should get on with the business of the House. I agree with that. When we talk about alleged scandals I will, Sir, be having something to say a little later on that, I think, which may have some bearing on all kinds of people. But that is something we will do a little later. As the member for LaPoile (Mr. Neary) said, Sir, there will be something later, and I will, but I will not now, you know. But the fact is, Sir, the housing starts, the federal government have not released their budget on housing yet. That has held up not just this Province but many other provinces. I say there is a lot of uncertainty as to why not, or a lot of speculation as to why not. We are hoping that the housing starts this year will be better than last year. The fact is with the cost of housing across Canada, particularly in this Province with the cost of housing, it is also fairly obvious that a lot of people cannot afford to build new houses.

Premier Moores: It is something that - it is a sad criteria in our society but it happens to be true. If the federal government can get their budget released, their housing budget, so that the various provinces can take advantage of it, we have every reason, Sir, to think that the housing starts can be better than last year. They will not be as good as the year before last, which was an exceptional year by our standards, but certainly it depends, the success of housing starts will depend to a large degree on the releasing of funds by the federal government.

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

CAPT. E. WINSOR: Mr. Speaker, a question for the Minister of Transportation and Communications. I am sure the minister is aware of a fire on aboard the ferry Clara Hollett that has put that vessel out of commission. My question is to the minister, Has he done anything to get a replacement for that vessel? If not would he take action to do so?

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

MR. DOODY: Mr. Speaker, I heard about the fire on the Clara Hollett this morning on the news. When I arrived in the office, I asked the people in the department to look into it and see what should be done and what could be done, and I sincerely hope they are working on it right now. What immediate steps have been taken I am not in a position to say, but I do know that the department is aware of the problem and are working on it.

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

MR. NOLAN: Yes, a question for the hon. the Premier, Mr. Speaker, if I can get his attention. Did the Premier ever recommend or discuss with the principals of Wabanex Corporation or Mr. Brian Mulroney or for that matters, Mr. Paul Demaraise, contracts for Maritime Power Consultants, a company that is alleged to be owned by Davidson? Or did the Premier ask any of his ministers to arrange any contracts in any way with the group concerned?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: Mr. Speaker, regarding Maritime Power Consultants, Mr. Davidson's firm, and not only, Sir, did I not speak to Mr. Demaraise or Mr. Mulroney - and what the President of the Iron Ore Company of Canada has got to do with Wabanex on Bell Island I am not sure, although he was I guess legal counsel at that time.

MR. NEARY: Are they all - (inaudible).

PREMIER MOORES: Pardon?

MR. NEARY: Mr. Demaraise, the Premier's buddy, owned -

PREMIER MOORES: I said Mr. Mulroney.

MR. NEARY: Mr. Mulroney is there -

PREMIER MOORES: Mr. Mulroney owns it too, does he? Anyone else?

SOME HON. MEMBERS: (Inaudible).

PREMIER MOORES: Mr. Hammond. Mr. anyone else?

SOME HON. MEMBERS: Oh, oh!

PREMIER MOORES: Yes, as legal counsel, Sir, I understand.

The fact is that Mr. Davidson's a famous or infamous firm, Sir, has never ever been to my knowledge, and I am sure I would know if this was the case, no one has ever contacted Mr. Demaraise or Mr. Mulroney or any legal counsel or anyone else to suggest that Mr. Davidson, Sir, would be responsible for any development or any consultant contract for the Wabanex oil storage on Bell Island, Sir, for the simple reason that there is an environmental risk. It is something that has to be studied, and Mr. Davidson being attached to it would be probably the biggest environment risk of all.

MR. NOLAN: A supplementary, Mr. Speaker.

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MR. SPEAKER: A supplementary.

MR. NOLAN: I wonder in the same line, if I may, I believe the Premier last week or in the last few days made some reference to a study on this Grimbsy thing, I am sure he knows what I am talking about. Has the Premier secured the information for the House of who approved the study on a fishing port for Newfoundland patterned after the so-called Grimbsy pattern?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: I do not know where the hon. member was, Mr. Speaker, I do not know if he pays attention in Question Period, I do not know if he hears the Leader of the Opposition's questions, The fact is, Sir, I answered that on Friday.

MR. NOLAN: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. NOLAN: If that is so perhaps for those of us who are less informed maybe than the hon. Leader of the Opposition, he will provide us with the answer now as a matter of courtesy to the House.

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: I answered it then, Mr. Speaker, and I am sure the hon. member can read. Yes, he can read, Sir, and if not he should ask the Leader of the Opposition.

MR. SPEAKER: I had indicated I would recognize the hon. gentleman for LaPoile next.

MR. NEARY: Sir, I yield to my hon. colleague.

MR. SPEAKER: Well the hon. gentleman for Trinity - Bay de Verde, followed by the hon. member for Terra Nova.

MR. F. ROWE: Mr. Speaker, a question for the hon. the Premier. Sir, in view of the fact that I am sick and tired of driving constituency delegations all over the city to the various government departments that are scattered in the city, has the government any intention or plans to build a new government building,

MR. F. ROWE: or an extension to the Confederation Building?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: First of all, Mr. Speaker, I am very sorry the hon. member is sick and tired. Also, Sir, there is no immediate plans right now to build an extension to the building. No.

MR. F. ROWE: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary, the original questioner.

MR. F. ROWE: In other words, Sir, what the Premier is saying is that no arrangement has been made with anyone at all to provide for a new government building or an extension to the Confederation Building. Is that correct?

PREMIER MOORES: I think that is what I said, Mr. Speaker, That is what I meant to say, yes.

MR. SPEAKER: A supplementary.

MR. F. ROWE: Would the Premier mind answering the question? Did the Premier think he said it or did he say it, Sir?

PREMIER MOORES: Both.

MR. F. ROWE: Both.

SOME HON. MEMBERS: Mr. Speaker.

MR. SPEAKER: A supplementary. I am not sure who asked for a supplementary. The hon. gentleman for LaPoile, a supplementary.

MR. NEARY: A supplementary, Mr. Speaker. Is the Premier saying in answer to my hon. friend that there is no deal with Atlantic Place to rent office space and there is no deal with anybody else to put up a new building or to put an extension on Confederation Building, is the Premier saying no to that question?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: Mr. Speaker, first of all the hon. member asked if there was a deal with Atlantic Place as a supplementary to the member who asked if there was an extension planned for the building.

MR. F. ROWE: Or a building.

PREMIER MOORES: Now, Sir, Atlantic Place is certainly not an

PREMIER MOORES: extension to the building. And, Sir, it is also true to say that there is no agreement with Atlantic Place to rent offices at this time. I am not saying there will not be, there could be, there may be, or as my predecessor would say, - he would have said that.

Sir, having said that, there is no arrangement to rent space with Atlantic Place. There is no agreement or understanding to have an extension to this building. I think, Sir, both those statements are simple enough for the hon. members to absorb.

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

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

MR. NEARY: Would the hon. gentleman indicate if the government proposes, as the hon. the Premier I believe indicated a year or so ago, to put up a new building with a new House of Assembly? Is there any arrangement to do that?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: Mr. Speaker, I would be the first to say that there is a need for office space. At the present time I think there are some twenty-five or thirty locations scattered all around this city with various parts of government departments in these various locations. There is no question, Sir, but a consolidation of space is desirable. It has to be desirable under the best terms to the people of the Province, in other words in cost, and this is what basically is being looked at.

There are two suggestions regarding the House of Assembly. One is to - well other than where we are now, one is to have it done in the manner in which a House of Assembly should be, which I think all members would agree, should be a place which is of the highest order of any government building in the Province. It could be located in any new extension, I suppose. But, Sir, what has been given a lot of consideration, and what I think should be given a lot of consideration to is that the old Colonial

PREMIER MOORES: Building, with the proper modifications, and with the proper additions for members' offices, and a proper House of Assembly, with the tradition of that particular building and if it can be done for a reasonable amount of money, what I would personally like to see, Sir, is to see that building done in such a manner as it would be the Legislative Chamber and the place for parliament in this Province.

MR. NEARY: One further supplementary.

MR. SPEAKER: A final supplementary, the hon. member for LaPoile.

MR. NEARY: Is the Premier indicating that there is no arrangement, or is he indicating that there is an arrangement to put up a new building for office space? I am not quite clear. The Premier has me confused. Will the Premier just tell me yes or no: Is there an arrangement or an agreement to put up a new building, that is all.

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: Mr. Speaker, I have already answered once. Maybe if one of the Pages could come I could spell it for the hon. member. It is just n-o, Sir. He can get a translation from his colleague, the Leader of the Opposition.

MR. NOLAN: Mr. Speaker.

MR. SPEAKER: I will hear one final supplementary. The hon. member for Conception Bay South, and then I indicated I would recognize the hon. member for Terra Nova.

MR. NOLAN: Last year in the House of Assembly, and the year previous really, and again this year I asked the hon. Premier if he would consider setting up a committee of the House of Assembly to look into the possibility of examining the extension to the Confederation Building and he in Hansard indicated that it seemed to be a good idea in view of the fuss that arose previously on this matter - is the spelling bee over, Mr. Speaker?

MR. DOODY: Mr. Speaker, I think it is against the rules of the House for people to walk back and forth while an hon. gentleman is addressing the Chair.

SOME HON.MEMBERS: Oh, oh!

MR. NOLAN: Meantime, back to the Premier. Again we get back to the committee of the House on the extension to this building which he addressed himself to on two previous occasions which is evidenced in the Hansard. Again I ask the Premier, will he set up a committee of the House as he indicated he might do a year or so ago, and if so when will he do it?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: The problem has been, Mr. Speaker, not the committee of the House, which basically I think is a good idea - I also think the government could make that decision on its own - I think the problem, Sir,

PREMIER MOORES: is one of finances. And as most hon. members know, this year and last year there has only been so much money for this sort of thing. That being the case that is really the problem as opposed to procedure. If we had the finances to be able to go ahead, I would suggest that this would have been done before and would have been the method amongst others that we would have gone.

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

MR. LUSH: A question, Mr. Speaker, for the Minister of Labour and Manpower. According to the latest developments it would appear that the striking workers at Labrador City have reached an agreement on all items in their dispute with the Iron Ore Company of Canada but I understand that the agreement has not been submitted to the workers for a vote. I wonder if the minister could inform the House as to whose decision was this and why the agreement, why the package has not been submitted to the workers for a vote?

MR. SPEAKER: The hon. Minister of Labour and Manpower.

MR. ROUSSEAU: Mr. Speaker, I was surprised by the headlines in The Daily News this morning. I have talked to my conciliation officer who returned from Sept. Iles over the weekend. As I indicated before a memorandum of agreement is always subject to ratification by the membership.

As I understand it, the monetary package has not been agreed to and so therefore, the situation is not -

AN HON. MEMBER: (Inaudible).

MR. ROUSSEAU: You know, that could well be the case. I do not know if the figures quoted there are accurate or not and I do not know what is in the union's

MR. ROUSSEAU: and the company's minds.
All I can do is report what my conciliation officer tells me. And while there is money on the table, I think there was a break-off in talks, or a recess Sunday, I guess, and today and I presume they will be starting up again in the next day or two. But there is no settlement, as I understand it, on the wage issue.

MR. LUSH: A supplementary.

MR. SPEAKER: A supplementary.

MR. LUSH: Mr. Speaker, the news item to which the hon. minister refers also says the reason why the package was not put to a vote was because the steel workers' membership in Sept Iles and Schefferville did not agree to the settlement. Does this mean that if these workers in Sept Iles and in Schefferville do not agree that the package will not be taken to the voters? Because my understanding is that the majority of the workers were not Labrador City.

MR. SPEAKER: The hon. the Minister of Labour and Manpower.

MR. ROUSSEAU: Mr. Speaker, do not get me wrong. That story may well be correct in another day, another week, another month, I do not know that. I am just saying that at this point in time it is ahead of itself. There may be changes in the monetary package, the union may not accept what is offered, the company may revoke the offer, anything could happen. But the situation is that it could well be the case as outlined in the paper, I do not know that. But the package that is still being discussed at Labrador City and Wabush is the monetary package.

I understand from my conciliation officer that there are still some outstanding items of a technical nature at both Schefferville and Sept Iles and as the member obviously knows, that even if there is a

MR. ROUSSEAU: settlement in Labrador
City and Wabush but there is no settlement in Sept
Iles, or if the railway does not settle there is not
much that will be able to be done in Labrador City -
Wabush.

MR. SPEAKER: A final supplementary. The hon. member for Terra Nova.

MR. LUSH: In view of the fact, Mr. Speaker, that the major item of dispute in this strike was related to occupational health and safety, can the minister indicate what time we are going to get that legislation? Is that going to be presented to the House in the next couple of days? Is it already presented? What is the situation?

MR. SPEAKER: The hon. minister.

MR. ROUSSEAU: The bill was distributed about ten minutes ago. I have talked to my colleague and I would like to give the proper time because it has just been distributed now and I would like to do it maybe in principle later today, if the member is ready, or tomorrow or whenever in principle and then hold clause by clause until later on.

MR. SPEAKER: I indicated that I would recognize the hon. gentleman for Windsor-Buchans next.

MR. FLIGHT: Mr. Speaker, my question is to the Minister of Health who is just about to take his seat. Would the minister confirm or give the House details on, as we understand, the rumour that in testing the sprinkler system in the Health Sciences Complex last week there was a malfunction or there was some trouble and extensive damage was done to the walls as a result of rusty water being sprayed all over the Health Sciences Complex? Would the minister confirm if that is right and would he give the House the extent of the damage, the value of the cost of repairing the damage?

MR. SPEAKER: Hon. Minister of Health.

MR. H. COLLINS: Mr. Speaker, I will certainly undertake to take the matter up with the General Hospital Corporation and see what information I can get. I will gladly pass it along to the hon. member when I get it.

MR. FLIGHT: A supplementary.

MR. SPEAKER: A supplementary.

MR. FLIGHT: Would the minister also while he is getting the information to the first question also get the information and advise the House as to who will bear the cost of any repairs as a result of those damages?

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

MR. STRACHAN: My question was for the Minister of Justice but he is absent so I will address this question to the Minister of Municipal Affairs since he knows a little bit about the business. In Labrador West and Labrador City there is an affair called the Carolgate Affair, they call it locally. I wonder whether the minister could indicate if the books seized in October 1976 and the books of the town council and of companies which were seized in 1976 and investigated by the RCMP and passed on to the Minister of Justice, whether any decision has been come to relating to charges being laid, or whether the books which have never been returned to the town council or to the companies, whether they will be returned to them and whether the people who have been maligned in this affair by no charges being laid for over a year and a half or almost two years, whether there will be some action taken in the very near future to right what seems to be a very bad wrong in this situation?

MR. SPEAKER: Hon. Minister of Municipal Affairs.

MR. DINN: Mr. Speaker, I have no idea when the police investigation will finish nor do I know when the books will be returned, I hope they will be returned soon. I have been talking to and calling the Minister of Justice on a periodic basis just to find out what the story is on it. To my knowledge the complete investigation is on finished, I do not know whether charges will be laid or not but until such time as it is finished and the police decide what they should do with the evidence or the books of these companies and the town, I just do not know what the situation is.

MR. STRACHAN: A supplementary.

MR. SPEAKER: A supplementary.

MR. STRACHAN: Could the minister indicate whether the meeting with Mr. Brian Mulroney or others, with Mr. Hickman or others from Labrador City in which town engineer Tom Keough was finally suspended in agreement with the minister, to be finally suspended from his position and he is now taking the town council to court on the basis that charges have never been laid up to this time and he is charging defamation of character. Could the minister indicate whether he did have anything to do with this decision to suspend someone in view of the fact that he has just said and just stated that no decision has been made concerning investigation and concerning charges and no charges have been laid, yet he has assisted IOC to suspend a city engineer who is now blamed for the situation.

MR. DINN: Mr. Speaker, with respect to my assisting IOC or anyone else, I may have acted as a messenger for the Department of Justice who said that whilst they are investigation allegations with respect to the town and the function of the town and the financial administration of the town, that the manager should be dismissed for that period of time until the investigation is complete; I may have acted as a messenger but outside of that no official function at all.

MR. STRACHAN: A supplementary, Mr. Speaker.

MR. SPEAKER: A final supplementary and then the hon. gentleman for

MR. STRACHAN: In his position as messenger then, and seeing the minister is a messenger rather than a policy maker, could the minister indicate whether it is normal to keep someone on the payroll of a town council for a year and a half, a year and nine months and then, without charges being laid, as a messenger, decide to suspend or layoff that member against whom charges have not been made by the RCMP or by the Department of Justice? What the minister is saying is two different things.

MR. I. STRACHAN: The man is now charging defamation of character in a court case coming up this Thursday against the town council, and the minister has recommended his dismissal yet he has said that he is not aware of any charges having been laid or if there will be charges laid.

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

MR. J. DINN: Absolutely, Mr. Speaker, what we have our allegations of wrongdoing and the police are investigating that. In my opinion and in the opinion of the Department of Justice, and wisely so, a person is innocent until proven guilty, so he is temporarily out of a job until he is guilty of such allegations as are before us. So he is innocent.

AN HON. MEMBER: Order, please!

MR. J. DINN: The manager is innocent until proven guilty and he is being paid whilst the police investigation is going on and if there are charges -

MR. S. NEARY: He was fired on the 1st. of April.

MR. SPEAKER: Order, please!

MR. J. DINN: Well, I was not aware that he was fired on the 1st. of April -

MR. S. NEARY: The hon. gentleman should be aware of it.

MR. J. DINN: - but he was, as I understood it - and if he was fired he was fired he was fired by somebody other than I. But as I understood it he was relieved of duty until the investigation was completed, if he was fired and I would assume that he was fired for a reason for cause and they should show cause.

MR. SPEAKER: I have indicated that I would recognize the hon. member for LaPoile next. Before the hon. gentleman asks his question, I would like to welcome on behalf of hon. members to the House of Assembly twenty-four grade

MR. SPEAKER: five students from Holy Cross School in St. John's accompanied by their teacher, Mr. Slaney. I know hon. members join me in welcoming them.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member for LaPoile.

MR. S. NEARY: Is the hon. the Premier coming back in his seat anymore today, Sir, to answer questions?

MR. MURPHY: No, he cannot be here all the time.

MR. S. NEARY: While I am waiting for the hon. the Premier to come back I will put the question to the hon. Minister of Mines and Energy and if the hon. gentleman cannot answer it then perhaps maybe the anti-Shaheen spokesman can answer it, the Minister of Transportation and Communications. What about the First Arabian Corporation? We are hearing rumours that they have made a proposal to government or to the receivers. Have they been in the Province to take a look at the oil refinery? Is there any proposal now on the table from the First Arabian Corporation?

MR. SPEAKER: The hon. minister.

MR. PECKFORD: To my knowledge, Mr. Speaker, there is no such proposal from the First Iranian Corporation.

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

MR. SPEAKER: A supplementary.

MR. S. NEARY: In other words, I can assume from what the hon. gentleman said that the government have not promised the First Arabian Corporation that they would pick up the tab for any damages resulting from their taking over the oil refinery as a result of the advertisement that appeared in the paper the other day from the Shaheen group?

MR. SPEAKER: The hon. minister.

MR. BECKFORD: Absolutely not, Mr. Speaker, there is no such commitment by government.

ORDERS OF THE DAY

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

COMMITTEE OF THE WHOLE

MR. CHAIRMAN: Order, please!
Bill No. 5, section 33. The hon. member for Eagle River,

MR. I. STRAGAN: Mr. Chairman, we were discussing I think on Friday the forfeiture of mineral holding should it be so necessary and I was asking the minister, I think, at that time the situation concerning in particular Reid Newfoundland, and I wonder would the minister respond again to the situation there with Reid Newfoundland. Are there negotiations, have they come to fruition, will there be payment to Reid Newfoundland since it is important in this matter? Will there be payment to Reid Newfoundland for the large tracts of land, large parts of this Province which they own by deed? Are there going to be payments, negotiations? And if not, then what is there? Is there any agreements being made with them? Has there been any discussion with them? Have they come to the minister and discussed the situation concerning the introduction of this bill and the carrying out of this bill, because obviously any company such as Reid Newfoundland

MR. STRACHAN:

with large concessions would obviously be very concerned about the introduction of this bill. I am wondering exactly the state of affairs or whether we are going to have to wait and see what occurs down the road? I wonder if the minister could inform us of the exact situation with Reid Newfoundland because it is an important matter and it may be, of course, a very important matter concerning the precedents it may set with other companies down the road and the regaining of land which companies hold or the encouragement to use land or explore land? And I understand full well that he talked here only of mineral rights - that obviously we are talking in the Reid Newfoundland situation that we cannot get back under this bill our water rights or our forest rights - but we are talking only of mineral rights. But obviously the case is very important since it is a precedent in regaining the mineral rights on that tract of land, and other bills of a similar nature could be brought into play on this situation.

Are there any negotiations for the return of the mineral rights from Reid Newfoundland to this Province, and exactly what position are we in vis-a-vis this bill?

MR. CHAIRMAN: (Mr. Young) The hon. the Minister of Mines and Energy.

MR. PECKFORD: Mr. Chairman, we have spoken over the last several months, as I indicated on last day, on Friday, we have been talking to the Reid people. There has been no settlement or no agreement or no undertaking by either side, and hence, when this bill comes into force it will apply, of course, to the Reid people. Now you do not necessarily set a precedent, if, in fact, down the road we

MR. PECKFORD: do have an agreement with Reid Newfoundland, because most of the other larger holders of mineral rights have only mineral rights, whereas with Reid you are talking about a different situation where they have rights to everything including, as they think, the wildlife and therefore establish their price accordingly, so you do not necessarily set a precedent, albeit it would not be the right thing to do. If it is the right thing to do in Reid you might have other companies coming in looking for similar kinds of circumstances, but in the Reid case they are not out to explore for minerals. They got accidentally almost, or incidentally in any case, back decades ago, all the rights to the land, whereas the rest of the companies who are applicable under this Act are eager to explore many parts of their holdings. The fact that they are not willing to explore it to the extent that we would like it is the reason why the bill is in in the first instance. So to answer the hon. member's question as specifically as I can, there still could be an agreement with Reid. I do not know. As of this moment, and I met with some of the Reid people only about two weeks ago, there is no agreement, and an agreement does not seem that likely to me in the short term. But I cannot, of course, eliminate that sometime down the road there might be an agreement between the Government of Newfoundland and the Reid people as it relates to their mineral rights. At this moment there is not. And they will have to abide by the terms and conditions set down under this new Act. And that is what that is right now. And until such time as government is able to establish an agreement with Reid, they will have to live under the terms and conditions of this Act and pay tax accordingly if, in fact, they do not themselves or with

MR. PECKFORD: some other company spend the sufficient amount of money to cover the amount of tax that would normally apply under the Act. But that is where it is, and I agree with the hon. member that they do have some fairly large holdings, and not only that, but from a mineral point of view some very interesting holdings that many companies would like to get involved with. Over the years the Reid Company have been involved with companies and individuals as it relates to the logs or the pulpwood on some of their land, but they have not been all that active as it relates to minerals. So perhaps this just might stimulate them or spur them or motivate them to enter into some agreements with some either small mineral companies or large ones to do some exploration on some of those Reid lots so we can get something going there. But I cannot rule out the possibility of an agreement down the road. There is none now - no commitment, undertaking on anybody's part and it would seem some time before there will be any such agreement in my view as I read it from my meetings with them.

MR. STRACHAN: Mr. Chairman.

MR. CHAIRMAN: (Mr. Young) The hon. the member for Eagle River.

MR. STRACHAN: Could the minister indicate exactly what his relationship has been with companies? The companies have come to the minister on the introduction of this bill has been in front of us now for what? Last year there was discussion on it -

MR. PECKFORD: Yes, last year, and then I held off to give them more opportunity.

MR. STRACHAN: - that is right, give them more time because they were coming back, they wanted more information, they wanted to discuss it; there may have been some

MR. STRACHAN: small changes, there had to be some small changes from a point of view of the Department of Justice and so on.

MR. PECKFORD: Right.

MR. STRACHAN: Could the minister indicate to us, not only in the Reid Newfoundland situation but other companies but well because Reid Newfoundland could quite rightly say that, "Here we are with a deed and a title which is legal in the law of this Province and here you are with a bill which in essence is whittling away our title." There are many other companies obviously which can do the same, and of course the reply is, "What we are trying to do in this case here is not to forfeit lands; our idea obviously is to stimulate exploration of these lands." And to Reid Newfoundland or anyone else there is an obvious way out of this situation and that is to, as you say, co-venture systems or joint venture systems with other people and to develop the minerals because there are some interesting holdings. Could the minister indicate to us what the situation is vis-a-vis the other companies, other companies' statements and how they regard it because I understand that some of the companies are not too happy with this bill. I would venture to guess most of the companies are not too happy with this bill. But many of the companies cannot be too happy with this bill, especially companies who are sitting on land who have no ongoing exploration. So exactly what is the situation with them? Are we in an uncomfortable situation or position with them? Has there been any changes made in the last year to the bill because of their discussions with the minister and what they forwarded to the minister? Exactly what did the situation concern? The forfeiture clause of course is the most important clause of all -

MR. PECKFORD: Right. Right.

MR. STRACHAN: - in this case here.

MR. PECKFORD: Mr. Chairman, as the hon. member has indicated, there are companies around who were not very happy with this bill when it came in in draft form, when it was sent to them. And I guess there are some still around who are not very happy. Reid Newfoundland would be one of them. L.M. and E. were never very happy, were not happy a couple of months ago, and I do not suppose they are happy now, But I did sit down with them again when I was in Toronto on business doing with St. Lawrence and I took the opportunity to go meet with some of the principles in Labrador Mining and Exploration Company and once again review the whole thing with them. And they were very unhappy. There is correspondence on file from Brinco back a number of years ago where they expressed a fair amount of opposition to it but they have not in the last year, for example, The Brinco group have not in the last year come forward again and reiterated their points or even ongoing negotiations that I have had with Mr. Delaporte, as the hon. member knows, and other people in - you know Dr. Grimbley and other people in the Brinco organization have not even mentioned it.

So I think for the most part, even the Price people, the Brinco people, not so much Labrador mining because they have still been fairly negative towards it, but everybody else seems to more or less have reluctantly accepted the inevitable, that it is going to come and that they can live with it.

Then my final action before this act was brought before the House again this session was to, at the recent mining convention here in St. John's, that I once again asked all the mining interests, and they were all present, to before the act was introduced into the House this Spring, that I would give them a final opportunity to present their views on it, anybody wanted to further make the arguments

MR. PECKFORD: that they were making earlier or new arguments or whatever, and I had nothing, no negative response at all from that meeting. They were all positive. I had many, many companies come to me asking and requesting and really imploring me to ensure that the act was brought in in this session, that it was a good piece of legislation overall, that it was going to spur exploration. So all I got was positive back from it, to go ahead with it, even from the larger companies like Noranda, which had no concession agreements and would like to get in on some of the Price property and some of the Brinco property and they are eager to see some additional lands come available because they have a pretty large stake in this Province, Noranda does. They spend a lot of money here each year in exploration. So if anything it has been overall positive by the companies who are directly effected, except for one or two, and very positive for those who may be effected down the road in the sense of getting at new property. So overall it has been extremely positive and I was delighted to see that most of them now take that attitude.

I suppose my final comment will simply be, it was much easier dealing with the Mineral Impost Bill and having it sold than it has been with the oil and gas regulations, and yet they are coming along, too.

MR. STRACHAN: One last point here; obviously it is under this clause here that any future court cases will rest, the argument and court cases; does the minister see by bringing in this bill that there may be in the future, maybe the near future, any court

MR. STRACHAN: case resulting out of this bill because, obviously, companies that have holdings, and large holdings, see this as an assault on their holdings, especially the couple that he mentioned there, for instance, who may feel this way, that their rights have been whittled and for that they are receiving no compensation. That is in essence what they are asking for, compensation or payment for giving up their rights. Of course, that is in section 34, the no compensation ruling.

MR. PECKFORD: Right.

MR. STRACHAN: Could the minister indicate to us whether he feels that the superality of this bill will be maintained and does he envisage court battles over this section of forfeiture of lands or mineral rights under this section here?

MR. PECKFORD: From our talks with the companies, Mr. Chairman, we do not foresee any court cases. I think the only one that is remotely possible would be in the Reid case, but we do not foresee it anywhere else. In that case we think it is a remote possibility that they might attempt court action. We are assured by people in the Department of Justice and other people in the field that the provisions outlined in the act cover any court case that might be brought against us by individual companies. But the only one that we foresee, and it is remotely possible, would be the Reid Newfoundland people. The other companies have never ever indicated that and to my knowledge will not take court action as a result of the act, so we feel fairly confident on that score.

MR. FLIGHT: Mr. Chairman,

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

MR. FLIGHT: Mr. Chairman, I want to ask

MR. FLIGHT: the minister - it may be a very simplistic thing to ask, but assuming we have one of the multinationals such as Price (Nfld.), Brinex, Brinco, Asarco who are sitting on holdings in the Province and they decide they are quite happy to pay the tax as imposed, and in lieu of paying that tax show no great desire to explore to the extent that we would need exploration to determine whether or not there are deposits in the areas, or again, they work and they find a deposit, they uncover a deposit the extent of which is not necessarily known unless there was massive exploration but they decide that they will put off further exploration till a later date, that type of thing, what will the minister's attitude be? Will he be happy or will the government be happy with the fact that they are paying the tax and that is it, who cares? Or will at some point they say, We are sorry, it is more advantageous to us to have those concessions explored?

MR. PECKFORD: I think our approach would be, Mr. Chairman, that in the unlikely event some company came upon a fairly large ore deposit which was commercial and they were going to try to sit on it or just leave it there and pay the tax, I think government would view that very dimly, and I am sure that action would be taken to ensure that they brought it on. It is very unlikely that somebody in the mineral industry, who is out to make money on minerals would suddenly reverse itself and say, No, I do not want to make money on minerals and I will leave that in the ground.

Now the hon. member no doubt is getting at a sort of an international or multinational corporation who for some reason that we perhaps cannot conceive of right now would want to keep some commercial deposit in the ground because of something else somewhere else. In that unlikely event I am sure we would have to

MR. PECKFORD: bring in amendments to increase the tax or to do something to push that company to bring into production what we know to be a commercial ore deposit. And I think that is the way you go. I do not think you put in anticipatory legislation necessarily, because it is an unlikely occurrence in any event and an unusual occurrence. But if it did occur I am sure this government would not be hesitant in taking the kind of action that was needed to make sure that that ore deposit got into production, I am positive of it, and no doubt any other government.

MR. FLIGHT: Mr. Chairman, just a point of clarification. Another event that I can foresee that the minister knows of, is particularly in the base metal markets. The markets are either worse or as bad as they have been for the past thirty years - it is still possible to make money in the mining industry even with the markets as bad as they are in the base metals - so what I am saying is, if a company right now has uncovered a deposit of copper, lead or zinc -

MR. PECKFORD: Right.

MR. FLIGHT: - they know that it may not be to their advantage, and they do not need it in order to keep the company going, it may not be to their advantage to mine that, to do further exploration work or get into cost of development because they know they will make twice as much money, or they will anticipate that five years or ten years down the road the markets will pick up and then they will come in and mine it. But what I am asking is what assurances do we have to protect ourselves from the position of the companies calling the shots that they mine when they want to mine and not when it is probably more advantageous to us.

MR. PECKFORD: The only thing

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MR. PECKFORD: is that our own department monitors the situation and we know of any ore deposits that are available. I can say now, Mr. Chairman, to put the hon. member's mind at rest, there is no ore deposit in Newfoundland discovered known by the government that is not in production and is commercial.

MR. FLIGHT: Say the companies.

MR. PECKFORD: No, say the government.

We know, for example, that the Tulk-Skinner property right now, given the grade and given the tonnage, that it would lose money.

MR. FLIGHT: Given the market.

MR. PECKFORD: Obviously, because of the markets, and because of the price of copper. And, you know, our marketing of the commodity prices exchange leads us to believe, and people in the business lead us to believe that it is going to be a while before copper really regains any kind of high price like it had in the 1960's for quite some time. For example, let us take the uranium deposit now in Kitts-Michelin - the market situation, the kind of tonnage there - the Kitts property has small tonnage, 300,000 or 400,000 tons at the most, very high grade - Michelin, very low grade uranium, but high tonnage. And because they are separate and try to mix together it is - you know, Brinco is still looking at it again and will spend a lot of money on it again this year trying to devise ways and means of bringing that whole thing onstream to be environmentally safe and yet provide jobs and to make a few dollars at it. But that is not altogether clear. That is the only one right now that is close to being a mine, a deposit that anybody knows about. There are no others. The tungsten deposit in Grey River is too small.

MR. PECKFORD: There is silica down near LaScie which is too small, there is copper all around Green Bay, there is copper in Crescent Lake down near Robert's Arm in my constituency, there is copper on Pilley's Island, all kinds of it, millions and millions of tons of it, but it is very low grade, just below 1 per cent and you just cannot bring it on; you would have to tear half a cliff away to get a few tons. But I think the only thing I could tell the hon. gentleman is that I think the staff in the mines branch of the Department of Mines and Energy are of a sufficient quality now and the kind of information that we demand that the companies give us through the Mineral Act that we can ascertain very quickly whether a deposit is commercial or not. For example, what we did in the Kitts-Michelin case is a really good example of it. When we saw that thing, as extensive as it was, with the kind of information that Brinco had to give us, we did not even take our own word for it of just how much the tonnage was; we went out and got a consultant and put him to work on it to bring in a report just to counteract or compliment or whatever the information that our own people in the field, our own geologists, said. So we have a real grip on that as we do with the Skinner and Tulk properties.

But I appreciate the fear that the hon. member has and recognize that at any time in the future that government can identify that a mineral deposit is commercial, I think the responsibility lies upon government to insist on the companies - in the first instance in co-operation with the companies - to get it into production right away and if they fail this House is going to have to deal with it through legislation. I agree with him.

MR. STRACHAN:

Mr. Chairman.

MR. CHAIRMAN: (Mr. Young) The hon. the member for Eagle River.

MR. STRACHAN:

My colleague here must therefore

agree that the one weakness in the bill is that valuable small holdings can be sat on for a considerable period of time and that someone can play the speculative market, they can play the futures market on that valuable small holding and obtain, therefore, far more in capital gains than they would ever have to pay in an impost bill such as this here. That is what I see is the only real problem with this bill here, and that is why I was talking the other day of some kind of sliding scale or something like this. Could the minister indicate whether if this does occur or there is evidence of people playing the markets, for instance, and transferring ownership and selling ownership and shares and so on, whether the government would be prepared, therefore, to move in, because someone could sit, obviously, for ten years and say, Well, the market is economical now but it is going to be more economical in ten years time - who knows what the situation is going to be? - and give the government the reasons why they are not developing it, Meanwhile they have 14,000 acres which produce \$3,000 per year in impost tax and they could say, 'We are prepared to pay \$3,000 a year in order to play the speculative market, the futures market. And I wonder whether the minister can indicate to us whether there are any plans at the moment to bring into this bill or would it occur, something in this nature, which will prevent such a situation occurring, because obviously it would be very difficult

Mr. Strachan: for the minister or the government to dictate to a company that it is commercial now, you must move now. Because, for instance, in uranium it may be commercial now, but if you wait four or five years it may be more commercial, and more valuable. One of the things that I am always concerned about in uranium is that, as I have seen indicated, that the uranium may be taken out from here and refined in a primary stage in a form of yellow cake. But I am concerned about other countries stockpiling Canadian uranium because of future energy demands and energy needs for them, when it seems to me in many cases such uranium may be better left in the ground in this Province, for instance, or for the use of this Province whoever needed that kind of situation, either not maybe for energy, but certainly for other uses later down the road as technology develops. And I think it is a very serious situation because there are two contradictory arguments there, one to push for commercial exploration and exploitation of the resource which this bill is aiming to do, and companies can find ways around it; another one is to decide that possibly it is best for us to leave it remaining there rather than allow it to be stockpiled in many countries, I especially refer to West Germany here, who are stockpiling in vast quantities of uranium as I understand and other countries as well. And the uranium market is quite a funny and tricky market. I just finished reading about a uranium ship which disappeared by Israel takeover and so on, and the whole situation in Australia. And I am wondering whether the minister could indicate specifically how he intends to tackle this situation because I see it developing a number of issues.

For instance, the question might be that with energy from the Lower Churchill we may be prepared down the road to think of our uranium enrichment plant for this Province - maybe there are environmental issues which concern us which we cannot get into - and sell something in the raw state, that it may be better to tell the company to hold on, do not develop it right now. Hold on for ten years time or seven years time or five years time because we think we can put the energy source together with your mineral, and we can therefore develop a secondary industry in this Province. Exactly

Mr. Strachan: what is the relationship in this bill here to that kind of situation which may occur and I think possibly could occur?

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

MR. PECKFORD: There are two points there, Mr. Chairman, as I see it; one is the business of the small deposits and whether in fact we are covering ourselves. As I indicated on Friday and Thursday night this bill is designed primarily to deal with large land holdings and to get companies to explore more than they have been because of these large concessions that were given back ten or fifteen years ago and which they are going to hold for a long time to come. So our whole aim is to get at companies that have large acreage over all periods of time, with very minimum expenditures. But you still have your problem with your small holding. There is no question about it. It is not designed to deal with your small holdings.

But as I indicated before, the whole question of the small holding is one that is not of prime concern to government here right ^{now} because we know the situation well enough that we can say with a fair amount of confidence that there are no small holdings on which there are commercial deposits of ore which are just sitting there and being speculated with on the future ^s markets. We can make that statement knowing it full well to be true. So therefore it does not present an immediate problem to us. So we must get at the immediate problems immediately and the future problems futurely, so that down the road if sometime somebody does and we hear of Reid Newfoundland or some other small acreage holder having a commercial deposit, and we will know about it, well then we are going to have to deal with that when that time comes. I do not think we can anticipate it necessarily. And so sometime in the future we might have to grapple with that when that time comes, I do not think we can anticipate it necessarily. And so sometime in the future we might have to grapple with that it might be next year or it might be the year after. But we are grappling with

MR. PECKFORD: with the immediate problem to get more exploration dollars into those areas which are not being explored enough because of concession agreements made years ago, and to try to reverse that trend and hopefully this Act will do it.

Number two, on the uranium side in Labrador you have got the other side of the coin. As the hon. member says instead of pushing to try to get something in operation perhaps it would be better to delay because we might be able to, through Lower Churchill power or some other power down the road, use it as uranium enrichment plant to be developed in Labrador, to export a finished product rather than a partial product - just take it out of the ground and ship it off somewhere else and have it refined. And that is the chance that you always take whether you go now, develop now as much as you can or whether you wait, and you have just got to play your chances, that is all. I mean, you have got to weigh the advantages and disadvantages in every particular case.

MR. PECKFORD: In the case of the uranium I suppose if additional uranium were discovered in Labrador I think the case would be better. Right now there is not enough of uranium discovered down there. The only known deposits of uranium of any size are the two already mentioned, the Kitts-Michelin deposits. Now there is a whole belt of ore there but there is no guarantee; we do not know if there is any more uranium there or not. If we had the situation like they have in Saskatchewan, well then I think you would have a better case to make and then, as my colleague next to me is saying, the federal government has a lot to do with how much you can store in any case. The Canadian Government's provisions now, I forget how much it is, you have to have so many million tons know in Canada for so many years, a ten or fifteen year supply before you are allowed to export. That whole export business of uranium in Canada is another matter. But if we had the kind of reserves that they are talking about in Saskatchewan, I think we would be in a much better position to wait for a couple of years and make sure we had an uranium enrichment plant. I suppose somebody could look back at us ten years from now and, let us say, that the Kitts-Michelin thing gets off the ground in the next year and a half or two years and say, "You should have waited for ten years and then you would have been in position," you know, but hindsight is a wonderful thing I guess.

But at the present moment I think we are still trying to debate in our minds. There have been no final decisions on whether to let Kitts-Michelin go ahead or not because Brinco have not made a decision either and have not come to us for sure knowing whether they want to go ahead or not. They are looking at doing Kitts alone, they are looking at doing Kitts and Michelin, they are looking at doing Michelin, they are looking for markets in the United States as well as in Canada. If they could get the kind of situation that Dennison got, as I said the other night, no doubt they would do it because all you have in Kitts-Michelin right now is a five or six year mine, that

MR PECKFORD: is all you have, You have not even got an normal life of a mine which is about ten years. Eight to ten years is the normal life of any mine really, but in this case you are talking five years and away she goes and that is all of it. So we are examining that uranium thing very carefully. I note that the hon. member mentioned West Germany is stockpiling uranium. Yes, they are. As a matter of fact, the situation got so serious over there that they went to Russia and got some uranium from Russia, which was not very nice of the West Germans to do. Here they are in NATO and all the rest of it and they were forced to go to Russia to get some uranium because Canada had put the freeze on last Winter, Australia was not producing enough to supply their needs, and they were not able to get it from anywhere else and they were in a real bad way. They still are. I remember having a meeting in this building about a year and a half ago with some people from West Germany, part of The European Economic Community, and when I brought up the Canadian uranium exports they almost jumped right out of their seat and became very, very mad; they lost their cool and were no longer diplomats on behalf of EEC, but were shouting and bawling about how bad the Canadian government was, and whether we as one Province could do something for them to change their minds. They were very sensitive on that whole uranium thing.

MR. FLIGHT: Mr. Chairman.

MR. CHAIRMAN: Hon. member for Windsor-Buchans.

MR. FLIGHT: Mr. Chairman, just a simple point of clarification here. I would like to ask the minister about the rights of companies - again I am thinking about the bigger ones, the multinationals. He seems to understand very clearly the position between, for instance, using the ASARCO - Price (Nfld.) agreement, he seems to be very clear but it is a complicated affair. The general public at large in the immediate sense do not understand it. There is no question about it, there is a co-tenancy arrangement in effect in the immediate Buchans area.

MR. FLIGHT: ASARCO has got concessions in Newfoundland where there is no co-tenancy arrangement with Price (Nfld), it is solely ASARCO, right?

MR. PECKFORD: There is still some left. Yes.

MR. FLIGHT: Now what is the government's position?

I am not sure that this bill addresses itself to it or necessarily would, but in as far as trading, transferring or selling rights, concessions, does the Province have a right to veto or does the Province retain the right to authorize such transfers of concessions, trading of concessions by trading off one block of land for another or what have you? What is the Province's position in the transferring of concessions from one company to another or one individual to another?

MR. PECKFORD: I do not know, Mr. Chairman, I honestly do not know whether the concession agreement does include in it provision- somebody in the House might know; I do not know if anybody here knows whether there is a provision in most of the concession agreements which allows for if they were going to transfer it they cannot do it and it must come back to the Crown. It would seem to me, off the top of my head, it would come back to the Crown. The Crown would have something to say about it before they could do that because it is a concession between the Crown and the company concerned and surely there was some clause in the agreement which allowed that if they were to transfer all those rights, concession rights to somebody else that the other party would have something to say in it. I am only speaking from -

MR. DOODY: There are really no two alike.

They are all different.

MR. PECKFORD: No, I know they are all different.

There was no such thing as a policy for signing concession agreements; it was done individually so that each one you would have to go through, so I do not know if it is there or not. But I can undertake to find out for the hon. member you know.

MR. FLIGHT: I just point out to the minister that if there is not, and if transferring of concessions is legal without the approval or without the awareness of government, you could have a situation where Asarco, for argument sake, could pay their impost next year and Price say to Asarco at some point during the year say, "Look, here is a chunk of land included in the impost you paid," because they are not paying on an acreage basis, they are simply paying a tax based on their holdings. So these holdings can be decreased or increased without changing the tax they pay. So I could understand an outfit like Asarco and Price, who have already got a co-tenancy arrangement, that they could be trading concessions back and forth at considerable savings to either one of the companies.

MR. PECKFORD: I think we know if any land changes hands, you know.

MR. STRACHAN: Under section 36 and 37, where it deals with third party interest because it discusses this quite specifically, and 36 and 37, "The effect of third party payments," and I was also concerned. Maybe we could leave that and get through with this section and get to it when we come to section 36 and 37, clause 33 eh?

On motion clause 33 through clause 35 without amendment, carried.

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

MR. STRACHAN: I missed number 34 but I can probably discuss it in here. The fact that no compensation is payable to any person when

MR. STRACHAN: they forfeit the right. Let us get on to 36 for the third party right to pay tax, and this is of course the point brought up by my colleague from Windsor-Buchans, and 37 of course is where it will affect third party payment. And this is what bothers me is that in essence somebody can pay the tax which is owed on a mineral holding.

MR. PECKFORD: Yes, that is specific though as it relates to mortgages and mechanic's lien, is it not?

MR. STRACHAN: Yes, that is right. My argument is basically this that it may not be desirable for government to allow someone to pay a tax on a property and therefore obtain a mortgage or some holdings or whatever it is without it first reverting to Crown and Crown deciding whether the new parties concerned, for instance, are obviously people they wish to have that right to the mineral right. For instance, I could think that in some cases there may be an argument between Commodore and Brinex on related properties and so on for instance where Commodore might be interested very much and paying taxes and Brinex were not going to pay the taxes on large holdings. And it may be that the whole situation is complicated here.

Could the minister tell us exactly what happens when -

MR. NEARY: Commodore has a map, by the way, showing that the vein does run through one of the Brinex companies.

MR. PECKFORD: Well, I wish they would show it to us.

MR. NEARY: They did show it to the minister. I checked it out the other day after the minister gave us the information in the House.

MR. PECKFORD: No, they have not.

MR. NEARY: They have shown it to the minister -

MR. PECKFORD: That is another one of your scurrilous information bits that has no foundation in fact, I am afraid.

MR. NEARY: It does have foundation in fact. The president of Commodore told me himself.

MR. PECKFORD: That is why I said it did not have any foundation in fact.

MR. STRACHAN: Could the minister then indicate to us what is going to happen in this case? Is the land going to revert back to the Crown?

MR. NEARY: There is no heresay on this side. It is all facts.

MR. STRACHAN: I think it is a very important -

MR. MURPHY: It is tough enough for me to follow one but to try to get two.

MR. F. ROWE: You were right the first time.

MR. STRACHAN: The hon. member had been right the first time, you know.

But anyway the point is that could the minister tell us exactly, because that is very important as to whether that land, the mineral rights revert to the Crown and the Crown then pass them on to whoever wishes it, or can by the payment of this tax a third party obtain that without the expressed permission of the Crown just by paying the taxes owed on any particular year or before the forfeiture clause comes into place. Obviously if the forfeiture clause comes into place then it will revert back to the Crown.

MR. PECKFORD: Yes. Right. There is no problem there.

MR. STRACHAN: But in this case here where the third party is prepared to pay the tax, there could be situations which become very, very difficult because in many cases one never knows who pays the tax for whom or who is paying the tax or who is getting it. My main concern is whether the land really reverts, the mineral rights revert to the Crown.

MR. PECKFORD: Obviously, Mr. Chairman,

MR. PECKFORD: it does not here under this section. All it does - it is sort of a legalistic kind of situation, I mean I do not think it really addresses itself to what the hon. member is talking about. If somebody, any person who is a mortgagee in respect of the hold or any part of mineral holding or is the holder of a registered mechanics lien or "(c) has a right to obtain any kind of an interest in a mineral holding" because it was part of the agreement, or is a mortgagee, execution creditor or mechanics' lien holder in respect of all or any part of the estate of the taxpayer "unless if it was not forfeited, in this case it is not forfeited, the company still has it and the company for some reason or another did not do what it was supposed to do and therefore there is a mortgagee outstanding there or there is a mechanics lien or somebody had a right in any case, well then the normal process - we would know who is paying it and they have the right to pay it. They have the right to pay the tax if they are not exploring on the land to the degree that the government wants. But it is more exceptions to the rule rather than the rule here which are identified and it does not necessarily mean that somebody else would get the land and we would not know who it was and then they would not be doing what they were supposed to be doing on it. I mean it is fairly specific here on whom it refers to so I do not really see the problem that the hon. member sees there. It is theoretically possible, but when you look at the provisions of the act itself under thirty-six I do not see any real problem there. There is no forfeiture obviously because if there was then there would not be any need of this section. It is where the company still has ownership or had ownership and because there was a mortgagee or because there was a mechanics lien or because

MR. PECKFORD: somebody else had some other rights, part or whole, then they will be forced to pay that tax on behalf of the company to whom they have some interest on that land. And so we will - in other words, we are safe-guarding or ensuring that we are going to get paid that tax or that amount of money is to be spent for those particular groups of people.

MR. CHAIRMAN: Shall Clause 36 carry?

On motion Clause 36 carried.

On motion Clauses 37 through to 45 carried.

MR. STRACHAN: Mr. Chairman, Clause 46.

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

MR. STRACHAN: This Clause here to make regulations under this Act, or -

MR. PECKFORD: That is right.

MR. STRACHAN: Amendments and so on.

MR. PECKFORD: That is right. Which have to be tabled in the House then after they are approved by the Lieutenant-Governor in Council.

MR. STRACHAN: Yes. Could the minister then when he is finally wrapping up indicate to us there are certain things here which obviously down the road would have to be brought out of play, and we will look for quite soon I would imagine in some cases the argument of new regulations or extra regulations or amendments to this Bill, because there are some specific questions in mind.

MR. PECKFORD: On the regulations, they would just cover the points mentioned under (46) fixing the duties of the assessor and other officers in specific terms and persons appointed governing the form of returns to be made under this Act, because if you will remember back in the first early sections of the Act, you know, the forms that were going to be done were given in a general way, prescribing facts and information to be contained in the returns. That would all come under the regulations. Respecting expenditures, exploration work, and pre-production development that may be approved by the Minister of

Mr. Peckford: Mines and Energy. If you remember, it was up to the Minister of Mines and Energy and then we would have to make regulations, the department would, and have them approved by the Lieutenant-Governor in Council as related what we would consider to be used to go against the paying of the tax. In other words, for example, in the Brinex case now, in Kitts-Michelin, if they went and said they were going to have a mine here and the government agreed and all the rest and they went down the road to do it, then they start spending additional money on not exploration work necessarily but pre-production, how much of their pre-production expenses would we consider to be justified to go against the amount of tax they would have to pay on all their lands, you see? So I think that would have to be defined. Prescribing the rate of interest on taxes, any arrears thereof, prescribing the manner and time in which the impost levied is to be paid, prescribing - so we will have, no doubt, regulations. I have not seen them yet, but no doubt we would have regulations within a month or so after the passing of this Act to ensure that these specifics were covered because the companies are going to be asking right away for the specifics so that they can get it to their lawyers and get it to their accountants in order to get the forms done out.

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

MR. STRACHAN: Mr. Chairman, I am finished the bill except for one small point, if I could have leave of the Committee to go back to it a little bit.

MR. PECKFORD: Okay.

MR. CHAIRMAN: It is agreed.

SOME HON. MEMBERS: Agreed.

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MR. STRACHAN: The question basically that I am asking is, Could a company such as Reid Newfoundland - and it was under the section I missed there when the Chairman went through it, (36) and (37), and no compensation - could any companies feel, and rightfully so, I would think, that any negotiations that they may have to sell land was being slowed down by government? Because obviously in slowing down any negotiations to sell land back to the Crown, for instance, or rights back to the Crown, inadvertently slowing it down, you would be whittling away the amount of money that they are claiming for it. For instance, if they are asking for \$6 million and they are owed \$2 million in taxes every year, the Crown by right could say, Well we will sit here for three years and argue with you and finally when we have argued with you, under this condition here there is no compensation whatsoever, in which case then we are all balanced and equal we will take your rights by forfeiture and you get no payment at all for your rights. You know, there is a situation there, right? And I would think that right now there is a situation in which they would say, 'Right now we are liable for taxes under this bill -

MR. PECKFORD: Yes.

MR. STRACHAN: 'Can we come to an agreement? And we want such and such a figure - \$6 million or \$8 million, whatever it is,' and government offers them \$1 million or much, much lower than what is necessary and needed or they require, and by government slowing down the process and dragging out negotiations they are incurring, of course, the debts under this bill until, in essence, for large holdings everything could be square, or in fact, they could even carry on to where they would have to pay us. So what

MR. STRACHAN:

is the situation then under this no compensation clause?

MR. PECKFORD: That would be two separate issues. I do not see them the same. I mean if they built up a debt, well of course there are offences and penalties under the act they would have to pay if they did to start with, leaving number two. We would claim that they would have to pay the taxes for that length of time one and two, then negotiate any price for the mineral rights as separate from it. I mean you would not necessarily build it up or I would not consider that to be payment for the land. I would think that would be separate. Any taxes that Reid Newfoundland incur over the next couple of years they will have to pay it, otherwise we would issue the penalties or they would forfeit the land. So I do not see the hon. member's point as it relates to this.

MR. STRACHAN: My point simply is that the Crown by stating that we could come to an agreement with you tomorrow to pay you for your rights and your mineral rights for instance, \$2 million, but we do not want to pay you. We do not want to get into that kind of a situation, set precedents for that kind of thing. We do not think it is necessary or need to. Therefore by delaying tactics the Crown could, and the companies obviously are frightened of this, I would think, the Crown could therefore delay the final negotiations or negotiations for sale. So that the amount of taxes owed by Reid Newfoundland could equal the sale price for the mineral rights and be transferred back to the Crown.

MR. PECKFORD: So?

MR. STRACHAN: So they get nothing for the sale of the mineral rights. Sure they get the \$2 million which they now owe in taxes. You understand?

MR. PECKFORD: Yes, but -

MR. STRACHAN:

So the Crown has the right by delaying negotiations, I would see it, in fact if I was wanting to be unfair to Reid Newfoundland right now, I would obviously if I wanted to be unfair I would obviously say to Reid Newfoundland, well we will talk about it tomorrow and we will talk about it in the next six months and we will talk about it next year or two years from now and we are still trying to negotiate a final price for their mineral rights, let us say, as separate from the rest of it. Then when you finally come to an agreement on price you say well now that is fine, now you owe us this in taxes so we are square. You get nothing. But the Crown by delaying - surely that is not wrong. I mean surely if I go for taxes on the one hand to the Crown and they are trying to negotiate a price to sell the land which is what they are doing now to the Crown -

MR. FLIGHT: They allow the tax to build up equal to what the -

MR. STRACHAN: Sure. They allow the tax to build up equal to it and then wipe them out by delaying tactics, you know.

MR. PECKFORD: I do not see that as being a realistic alternative from our point of view. I mean, they would have to pay the taxes. I mean they just would not build them up. They would be penalized under the act in any case. So if they were saying they were going to pay us \$2 million and we did not want to accept it, well then down the road that value would go up no doubt before we would agree and there might be \$6 million plus the taxes that they owe.

MR. STRACHAN: That is right.

MR. PECKFORD: Exactly. But the only thing that would change would be the value that we wanted to place on their mineral rights because their taxes would have

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MR. PECKFORD:

to be paid or otherwise they would lose the land in any case under the act.

MRS. McISAAC: If the taxes were not paid they would?

MR. PECKFORD: Yes.

MR. STRACHAN: I do not know if the minister is aware of this, possibly different wave lengths or something.

MR. PECKFORD: I know. I know what the hon. member is saying -

MR. STRACHAN: You know the point I am at?

MR. PECKFORD: I do not feel that -

MR. STRACHAN: I am saying that the Crown could by delaying tactics in any situation -

MR. PECKFORD: Sure! Sure!

MR. STRACHAN: - Cause taxes to increase so as to wipe out any monies due that company in right of their sale to the Crown or whatever else it did.

MR. PECKFORD: Right! Right!

MR. STRACHAN: And that is what I would regard right now as Reid Newfoundland's position, and I would imagine Reid Newfoundland's worry at the moment would be that if this is this proclaimed law tomorrow then they are immediately liable to the payment of impost tax.

MR. PECKFORD: Right.

MR. STRACHAN: And they will have to pay it every year. Whether we pay it every year or pay it in two years time after they negotiate a deal with the sale back, it is immaterial, Well, pay it every year.

MR. PECKFORD: Yes. Exactly. This Act is not subject to any agreement we sign with Reid Newfoundland. This is an Act, full stop.

MR. STRACHAN: That is right. So they pay it.

The point is what I am saying is that it makes no difference how Reid Newfoundland pay their taxes; every year, which they will probably have to under this thing, the government by slowing down and by delaying and by negotiating with them, and keeping negotiating with them can wipe out their sale price.

MR. PECKFORD: Yes. Sure we can.

MR. STRACHAN: And I am wondering if there is any protection for companies under that kind of thing that if they have entered serious negotiations, the clause there of no compensation means that it makes no difference.

MR. PECKFORD: Right. Under this Act it makes no difference.

MR. STRACHAN: I wonder whether there is leave to allow difference in taxes will cease, or will there be a situation in dragging out negotiations?

MR. PECKFORD: Yes, until such time as we are into a position to culminate or settle an arrangement with Reid Newfoundland or somebody else this stays in effect as it is. Then if under negotiations agreement is reached with Reid which is in some way different from or subtracts from or adds to this, well then you would either have to have an amendment to this bill or a separate bill in which it would say that this one no longer applies or something similar, you know, but until that time comes, you know, government has that I suppose that kind of advantage if the hon. member wants to look at it that way.

SOME HON. MEMBERS: Oh, oh!

MR. STRACHAN: Could not the minister agree that it is taken away from Reid Newfoundland that it would possibly be an advantage to the Crown which is built into this bill -

MR. PECKFORD: Yes, I said that.

MR. STRACHAN: - an unfair advantage, for instance, in the case of Commodore, or maybe there is little tiffs between the government and Commodore at the moment or anybody for that matter - it does not interest me, I am just using that as an example - that a government could force them to give up their land, and this would be unfair to me, unfair government pressure on holders of mineral rights in order to allow other people to take over or whatever way we want to work it. To me there is some argument here in that no compensation, I know that that worries us.

SOME HON. MEMBERS: Oh, oh!

A bill, "An Act To Authorize An Impost Upon Certain Mineral Holdings In The Province." (Bill No. 5).

That the Committee report having passed the bill with amendment, 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. Chairman of Committees.

MR. CHAIRMAN: Mr. Speaker, the Committee of the Whole has considered the matters to them referred and have directed me to report having passed bill no. 5 with amendment and ask leave to sit again.

On motion report received and adopted, amendments read a first and second time, Committee ordered to sit again presently by leave.

MR. HICKMAN: Order 5, bill no. 12.

Motion second reading of a bill, "An Act To Repeal The Government - Pyramid Mobile Homes (1959) Limited (Confirmation Of Agreement) Act." (Bill No. 12)

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

MR. W. ROWE: I moved the adjournment of the debate, Sir, the other evening. I would like to say a few brief words on this bill, Mr. Speaker, because this bill is important not for what it necessarily does itself although that is important enough but what it symbolizes in this Province. This act repeals the Government-Pyramid Mobile Homes (1959) Limited (Confirmation of Agreement) Act, 1974 and extinguishes any right, title or privilege in relation to that act of Pyramid Mobile Homes (1959) Limited or its successors in title. It wipes out, Sir, the right, title and interest of Pyramid Mobile Homes which were granted by this hon. House in 1974 a couple of years after this administration came to power.

I listened with interest to the member for Placentia (Mr. Patterson) the other day giving the reasons for it, for the necessity of now taking back, extinguishing, doing away with all the rights and titles so far as this House is able to do so of that company. It is just another sad chapter, Sir, in the general

MR. W. ROWE:

economic history of the past six years. Because, as I said, this bill and when it is passed into law, this act, represents, symbolizes what has been going on in this Province since 1972.

My hon. colleague, the member for LaPoile district (Mr. Neary) mentioned some examples the other night which are similar to this particular bill and which are related to the general topic being discussed as a result of being so similar, Sir, to that particular bill. We are talking about shutdowns. We are talking about extinguishment of economic interests. We are talking about companies and individuals who have not been able to carry on in business or never got off the ground or were stillborn or were shutdown or closed down during the tenure of this present government. Come By Chance Oil Refinery closed down under the tenure of this particular government. Labrador Linerboard Mill in Stephenville shut down, Mr. Speaker, by this government. The woods operation related to that in Goose Bay-Happy Valley shut down under the tenure of office of this particular government. The Hawkes Bay Woods Operation, the St. Lawrence Mines, Mr. Speaker, shutdown under the aegis, under the stewardship of this present administration. The Steel Mill in Donovans, an effort to get a steel mill going there, Sir, and employ a number of scores of people in that particular industry shut down under the operations, under the stewardship of this present administration. This car wreck company, whatever the name of that was, set up by this government, Affiliated Metal, set up with the best wishes of this government and subsequently, post-haste closed down under the stewardship of this government.

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Tape 1927

IB-3

MR. W. ROWE:

The Blow Me Down Fish Meal plant in Curling shut down,
closed down under the operations of this government.
Sawmill closures, Sir, all over the Province. Operations -

MR. FLIGHT: Daily.

MR. W. ROWE: Daily, my hon. colleague from Windsor-
Buchans (Mr. Flight) says and reluctantly I am forced
to agree with him. Daily we see that kind of an operation,
often helped by the government, for some reason or other
left in the lurch, not encouraged enough

MR. W.N. ROWE: or because of the general economic decline fostered by the negligence and incompetence of this present administration allowed to go out of business. Falcon, Sir, apparently gone into receivership. A great article here in Atlantic Advocate on that company, an effort to get into small electronic components, underwater electric connectors, as I understand it. In the Atlantic Advocate the May edition of 1978 - Newfoundland Investment keeps new industry in Canada. A big write-up on what a tremendous effort that is. And I would say, Sir, that judging from the people who were involved in that that they did make a masterful effort to keep that going. But again closed down or allowed to close down under the operations, under the tenure of office of this government.

The Buchans mine, Mr. Speaker, symbolized again by this bill, "An Act to Repeal The Government - Pyramid Mobile Homes Limited (Confirmation of Agreement) Act," the Buchans mine we see looming in the distance, and not too far in the distance either, as another example of a close down, a shut down with no efforts made by this government whatsoever to turn it around in any way, to help economically the people involved by the establishment or re-establishment of other industry. The list, Sir, reads like - The ancient Egyptians had a Book of the Dead, Mr. Speaker, where they used to inscribe all the names of Pharaohs and notables who died over the eons, over the years, over the centuries, over the millennia, a Book of the Dead. We should, Sir, somebody suggested to me there the other day, we should put down in the Confederation Building lobby the Newfoundland and Labrador Book of the Dead so that anybody who comes into this seat of government, the seat of the Parliament of this Province, can go over and commiserate with or otherwise extend consolation of some sort to this government because of all the bereavements they have suffered in the industrial development over the past five or six years.

MR. NEARY: In memoriam, it should read.

MR. W.N. ROWE: In memoriam, it should read.

MR. F. ROWE: We should add the government to that list now.

MR. W.N. ROWE: The government will be the biggest shutdown of all.

AN HON. MEMBER: The government will be the last shutdown.

MR. W.N. ROWE: Yes, but that time is fast approaching as well.

Interfish, canning herring and shipping it to Norway, as I understand it, Sir, shut down under the auspices of this government. RKO Industry making electrical components in Stephenville, born, struggled briefly, killed under the auspices of this government. Martime Bedding in Stephenville, Sea Mining in Port au Port, no action there - shut down, Pack Atlantic Stephenville Fish Processing, exactly the same thing again, Sir. As a matter of fact, Sir, the number of industries which were either closed down or never got off the ground in the Stephenville area since the advent of this government in 1972 fills just about eight pages, double spaced type written pages, Mr. Speaker. Alcan Aluminium Wire and Cable Manufacturing, inactive since 1972. Bison Brewer Company closed down. Dunphy's Fisheries there in the Harmon Complex closed down. Interfish Limited, I mentioned that. Pack Atlantic Limited closed in 1974. Labrador Linerboard, I have mentioned. Maritime Bedding and Upholstery I have mentioned. Northland Forest Products closed in 1975. Newfoundland Forest Products closed in 1972. Newfoundland Iron Works, I believe, according to the note here, I do not know what became of it. It seems to have been closed out or is in the process of closing out. Norse Net Limited, fishing nets and gear, closed in 1974. RKO Industries I have mentioned closed in 1973. Aviation Services, which is an operational and service type industries we are into now, closed in 1974. Book World closed in 1974. Harvey and Company Limited had an operation out there in the Harmon Complex closed since 1972. Stephenville Bakery closed in 1972. Prime Building Trades Limited closed in 1974. Connors Brothers closed in 1974. B.L. Clarke Limited, D and M. Motors, Down Air Limited closed in 1975.

MR. W.N. ROWE: Mr. Speaker, Mini Meat and Fish Market closed 1974; Power Plumbing and Heating closed 1974; Prime Building Trades closed 1974; Quality Bakery closed 1972; The Spinning Wheel closed 1975; Sullivan's Mechanical and Electrical closed 1975; Stephenville Electronics closed; TPL Limited closed 1975.

The Newfoundland and Labrador Book of the Dead, Sir, symbolized by this bill, "An Act To Repeal The Pyramid Mobile Homes And Government Agreement Act, 1974." All this does, Sir, is symbolizes the number of industries which have closed their doors under the tender ministrations of this government on the other side of the House.

Now, Sir, surely Your Honour may say to yourself, Surely there must be another side to this balance sheet, it cannot be all death and dying economically in the Province? Surely since this government came into power there must be something to symbolize, something which is opposite to this act which symbolizes the economic death of scores and scores of industries since 1972? There must be something on the credit side of the ledger.

Well, Sir, aside from, as I have mentioned earlier, the possibility of the zinc operation there in Daniel's Harbour which, of course, was well underway, or the viability was well proven before this hon. government ever came into office, aside from that, Sir, I defy any member of this House, on either side of this hon. House to indicate one industry of any kind which this government has been successful in either attracting, or developing, or fostering, or keeping going for a substantial period of time, not one, Sir, in six years. Not one single industry. Instead, Sir, the balance sheet is somewhat lopsided and, as I say, symbolized by this bill here which gives, I suppose, the - what would you call

MR. W.N. ROWE: it? - the Extreme Unction to the Pyramid Mobile Homes or even beyond that. It is the last rites, it is the actual burial of that particular industry. And not one, Sir, we cannot come up with one that symbolizes some degree of success in the industrial policy of this government.

Not only has there been deaths and dying economically and industrially, Mr. Speaker, but there have also been a number of stillbirths, I suppose you might call them. They never were born although they were ballyhooed about by this government, particularly when it came to electioneering and election times, a number, Sir, we all remember. One non-start, one stillbirth, the second oil refinery down in Come by Chance was an absolute certainty if you listened to the Premier of this Province and his colleagues in the days and weeks leading up to the 1975 general election, An absolute certainty the second oil refinery! And, I suppose, it was not a month later or two months later before not only did we not have a second refinery, but the first one had gone up the spout as well.

The petrochemical complex which was again ballyhooed at the appropriate times, when this particular government was looking for votes and support from people, Sir, the petrochemical complex would rear its head once more. The tunnel across the Straits of Belle Isle, the development of the Lower Churchill: Again, at the appropriate election time reared its head and was pushed and fostered by the government and \$100 million of public money down the drain in an effort to win back a few scraps of power as the government of this Province once more.

The Lower Churchill; something else, Sir, which was a stillbirth, which died aborning, which never saw the light of day, which you can also put

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MR. W.N. ROWE: in the Newfoundland and
Labrador economic or industrial Book of the Dead.

Well, Sir, if you want to
get into the laughable monstrosities then you can come
up with hundreds of examples from the Twillingate by-
election, or from the Bonavista North byelection, or the
Exploits byelection, or the Ferryland byelection, the
things that were from blueberry pie factories, Sir, to
heavens knows what -

MR. W. ROWE: herring barrel factories, you name it, Sir, these were promised during these appropriate occasions for making political promises. They did not die aborning, Sir, there were not stillborn, they were never conceived, those particular examples of industrial failure. So, Sir, it is a shameful record which we see exemplified and symbolized by this bill, Bill No. 12, here today.

We should all go down to the lobby of the Confederation Building, Sir, and open up a book, it would be a book with several hundred pages in it, with ten or twelve names on every page, and we could put on that book the number of industries which this government either promised and did not produce, or which promised and made a half-hearted effort in producing, which were stillborn, or industries which this government presided over the close down, or the destruction of, or the negligent mismanagement and the incompetent operation of to the extent that they never did or they went out of existence with extreme economic consequences to workers and unemployed people in this Province.

And if the government, Sir, can come up with a book of industrial life as well to put by the side of it down in the lobby of the Confederation Building, I would be the first one to admire it and to praise it to the people of this Province. But, Sir, it would be the shortest book in the history of the world, it would be a book like the one you buy - when you go to a bookstore sometimes you will see a book with a title on it and you open it up and the pages are all blank. I forget what they call it now, there is some name on it -

SOME HON. MEMBERS: Oh, oh!

AN HON. MEMBER: Oh, no!

MR. W. ROWE: The Liberal Party contributions perhaps,
I would agree.

AN HON. MEMBER: The Nothing Book.

MR. W. ROWE: The Nothing Book. That is right. The Nothing Book, Sir, that is what they should put down there.

MR. W. ROWE: That is what they should put down there. On the one side the Newfoundland and Labrador Industrial Book of the Dead; that would be bulging, Sir, bulging with pages, there would be names in fine print, it would look like flies or mosquitos were squashed by the millions in it, Sir, if you would look in it and see the names of companies and industries which were forced or allowed to close down or never got off the ground in this Province. And right by its side would be the book of economic life and industrial life in this Province, the Nothing Book, which you could open up, Sir, and find in its pristine whiteness nothing whatsoever, not one example, Mr. Speaker, not one single example of an economic success fostered or helped along by the government, the PC government of Newfoundland and Labrador. And this Bill No. 12, Sir, should be framed and put up in every building in this Province, in every home in this Province as symbolizing, as being the most perfect symbol of this government's economic and industrial policy over the past six or seven years.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. minister.

MR. DOODY: Mr. Speaker, I understand the hon. member for LaPoile (Mr. Neary) is inviting me to a champagne party.

MR. NEARY: No, the hon. gentleman had a big one down in Argentina when they opened up.

AN HON. MEMBER: Only like water.

MR. DOODY: Yes, it was. I must say it was very weak. It was very, very poor quality champagne, not up to the standards that I had grown used to on Allan Square at all. Mr. Speaker, in moving second reading of this particular bill, it is something that I do with regret. The hon. member for Twillingate (Mr. Rowe) is absolutely correct when he says that - and the hon. member for LaPoile (Mr. Neary) - when they mention the fact that I was one of those instrumental in attracting this particular company to

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Tape No. 1930

AH-3

MR. DOODY: the Province. I remember distinctly the hon. member for Twillingate (Mr. Rowe) who was then, I think, the member for White Bay South spoke in terms of praise at the time when the bill was introduced in the House. He was lavish in his praise and mentioned the fact that it was an example of how government should deal with companies such as this in making no concessions and giving them no commitments. And it was aptly said and correctly so, this particular group of people, who were an extremely tough crew, they were out for what they could get and it took us a long while indeed to hammer out the bare bones of an agreement with them.

The

MR. DOODY:

Government of Newfoundland conceded nothing and gave them nothing. They got from us an agreement that in the event of the closedown of their plant because of the American Naval authorities repossessing their premises in Argentia, then the Government of Newfoundland would in a declining scale over a period of years, depending on how quickly they were forced out, if at all, would recompense them for the money that they had spent and would accordingly try to find them alternate accommodations. And that with the addition of maybe \$18,000 or \$20,000, something of that nature for some infrastructure repairs, water, sewerage, lighting and so on, was the entire commitment of the Province to that particular operation except for the fact that we welcomed and encouraged their establishment in Argentia.

It was, we felt, an opportunity for the people in that area to obtain much needed employment at minimum cost to the Province. I have no regrets on that score and I am sorry that the company did not succeed. I do not think that they really tried very hard to succeed. I do not really believe that company acted in the best of faith in a great many instances. I know that from day one they operated on a minimum wage schedule. The Carpenters and Joiners Union, who were trying to unionize the employees, had a terrible time in their efforts so to do and they never were successful. There was a huge staff turnover and the operation was plagued with difficulties from the beginning, as the hon. member for Placentia (Mr. Patterson) pointed out a little while ago in his remarks. It was an unfortunate operation that was started with the best of intentions.

MR. DOODY:

The hon. member for Twillingate (Mr. W. Rowe), the Leader of the Opposition, has listed off a number of ill-starred and unfortunate economic and industrial ventures which had been started in this Province by an administration whose name we are forbidden to mention because it is not in dealing with the protocol of the House to speak of other administrations or other governments.

AN HON. MEMBER: The old former administration.

MR. DOODY: The old, former administration under the old, former leadership who have not associated in any way, shape or form with the new Opposition, the new, permanent Opposition. These people, when they list their Doomsday Book or their Book of Nothing or their Book of Misdeeds or their Book of Omissions and Commissions list very accurately the fact that the Alcan wire factory out at Stephenville closed down. It was open on the assured market of the Upper Churchill development. It was given an assured, guaranteed market for the supply of wire cable with no competition from anywhere else. Under what circumstances these agreements were reached and how it came to happen is something that I have no intention of getting into at this particular time. I know the day after the Upper Churchill finished and the final ton of wire was sold to the Churchill Falls Corporation, the Alcan people arrived in here and said, We are finished with your captive market, we are closing down our operations and we are moving now to Brazil. And that was their contribution and interest in the Province of Newfoundland.

I am surprised at the audacity and nerve of the hon. members opposite to recite with straight faces

MR. DOODY:

such fantastic industrial ventures as Maritime Bedding and Pack Atlantic and some of these other sad, unfortunate mistakes which occurred and were foisted on the people of the Bay St. George area, which never had an opportunity of surviving, which unfortunately were put in place out there and as a matter of fact there were parts of that Harmon Complex out there which looked like Belevedere Cemetery, the tombstones which were erected by that government which is now permanently in Opposition, will be there for a long while to come - to remind people in this Province what can happen when industrialization is undertaken without proper thought and proper attention to the consequences.

I am afraid, Sir, that this Pyramid Mobile Home, while it is not listed in that particular category it did not take the Province of Newfoundland down the road for \$13 million or more as the steel mill did, or the unfortunate amounts of money that are invested in the Labrador Linerboard situation or the Come by Chance situation. I am afraid we cannot compete with the previous government on that score. We can hold our heads high in saying that we do the best we can under the circumstances. We are sad indeed that the Pyramid Mobile Homes factory did not work. That

Mr. Doody: does not mean that we will cease in our efforts to attract industry to the Argentinia area, and I sincerely hope that we can bring some meaningful employment to the people in that area as soon as we complete the deed of transfer with the Government of Canada. And, Sir, I move second reading.

SOME HON. MEMBERS: Hear, hear!

On motion, a bill, "An Act To Repeal The Government - Pyramid Mobile Homes (1959) Limited (Confirmation of Agreement) Act," read a second time, ordered referred to a Committee of the Whole House presently by leave, carried. Bill No. 12).

MR. PECKFORD: Order 6, bill No. 9.

Motion, second reading of a bill, "An Act To Amend The Adoption Of Children Act." (Bill No. 9).

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

MR. BRETT: Mr. Speaker, this is a simple amendment to the Adoption Of Children Act 1972, and it requires that the written consent to an adoption of a child be given only after the child is seven days old. And at present there is no such restriction in the Act.

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

MR. NOLAN: Just glancing at the bill, Mr. Speaker, I would assume that this is brought in and I - the minister merely gave us the bare bones in the explanatory note, of course. I assume that this is brought about that he, his department or in fact parents may have had some sad experiences where, I would assume, that an adoption may have come about maybe the day of the birth, for example, and there would be trauma or a great emotional upset perhaps a few days later. I am assuming that this bill is designed to cover this type of eventuality which I understand has happened in the past, which would give a mother, a parent time to reflect at least for a few days before there is a legal obligation to part with the child.

The other question of course that arises is that there are cases that we know about where a mother may want very well

Mr. Nolan: before she goes into the hospital to have the child to - she may have decided to have the child adopted immediately, shortly, almost immediately following the birth of the child, and I believe, and I am speaking now of course not with any direct knowledge, but I would assume that the department or parents have had some sad experiences in this regard.

So I am assuming, and I am subject of course to the minister giving me a little more explanation on this, that this bill would be designed, I would hope, to give the mother an opportunity to reflect, to think about it even if only for a short while before signing the final documentation which irrevocably, I would assume, would have the child part forever legally at least from its natural mother, I am assuming this is the case here. And I do not want to hold the Committee up but I rise merely to make sure that this is the case and for those who would want to, as some have in the past and no doubt will in the future, have decided before the birth of a child that they want to have it adopted even before they go into the hospital, I suppose that some kind of an arrangement could continue to be made, as has been made in the past and probably as being made now, but legally the official papers at least will not be signed until seven days have elapsed. At least this is my understanding of the bill and I would certainly be happy to welcome any additional information from the minister or for that matter from any of my colleagues present.

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

MR. POWER: I have a question for the minister with regard to The Adoption Of Children Act. I came across a very unfortunate circumstance of late where the natural mother of a child, and an unwed mother in this case, when she is about to be married and wishes her child to have the name of her husband, does that mother and father then have got to go through the complete adoption process as you would if were adopting a child that was totally strange to your household? Does the minister intend

MR. C. POWER: to have an amendment to this part of the Adoption Act so that the natural mother of a child can adopt that child and have that child possess the name of her husband without going through the natural adoption process?

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

MR. RIDEOUT: Mr. Speaker, I just have a question that I hope the minister might be able to clear up when he rises to close debate. I wonder if the minister could tell us how long information pertaining to adoptions are held by his department. I have recently run into a case where I was seeking information on behalf of a constituent where the information they told me was no longer held. Now granted this is I think something like seventeen or eighteen years past. So I wonder if the minister could tell us how long the information is held by his department and what are the regulations governing the release of such information. For example, if the natural parent or a grandparent, or someone, of that nature, wish to will some property or money to a child that had been born illegitimately and had been adopted, is there any provision for that to be done now? I am not saying that you have to make the party concerned aware of where it is coming from or things of that nature, but it seems to me that there should be some provisions along those lines. I am especially concerned about that and I am concerned about how long the information is held and what process is used in destroying information that the department have on adoption cases.

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

MR. NOLAN: I would like also to address myself just very briefly to that in connection with what my friend has said. There have been a number of stories, national news stories, about children who have been adopted some years ago and who now seem to be going through a process as they reach adulthood and so on, some of whom are married. I am thinking about stories that have emanated from the United States and other parts of Canada where they are seeking out their natural parent or parents and through various means they have traced them down. And

MR. NOLAN: there are psychologists apparently who say that this is a good thing and they should be helped, aided and so on. I am certainly not going to comment on that one way or the other because I do not know, but I am wondering what is the position of the department, if there is in fact an official position, as I assume there is, on this? I mean, if a child were adopted, say, twenty years ago and if that child now were to come to the department or the officials and say that they want to find their natural mother, for whatever reason, what if any assistance are they given or is the file closed? In fact, is there no file at all? That is a very interesting point that is rising more and more now, that apparently some children as the years and years go on want to find their natural mother, and it will be interesting to see, I would certainly be interested in hearing, what the minister might say in that regard; whether as my hon. friend says the file is disposed of after a certain number of years or months, or if in fact there is some permanent record somewhere and, therefore, if there is a permanent record to what extent is one entitled to see it, particularly if it is the child concerned.

MR. SPEAKER: Order please! I understand the hon. member for Baie Verte-White Bay yielded to the hon. member. Has the hon. member for Baie Verte-White Bay completed his remarks?

MR. RIDEOUT: Mr. Speaker, I have finished.

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

MR. C. BRETT: Mr. Speaker, as the hon. member suggested the exact purpose of the amendment is to give the mother some time possibly to discuss, in the case of an unmarried mother, to discuss such a major decision as adoption or the giving up of her child, probably with her parents and maybe even with the putative father if the putative father is known. It is a fairly major decision in the life of any mother, I suppose, to give up the child knowing that she is never going to see that child again. I suppose it is also a major decision in the life of the child as well. I have had the most unpleasant experience of having to take children from unmarried mothers and I can assure you

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Tape No. 1933

JM - 3

MR. C. BRETT: that it is one of the most traumatic experiences that anybody can go through. We do not really run into that many sad experiences but then we do not necessarily see the unmarried mother after the child is taken, so really

MR. BRETT:

we would have no way of knowing just how bad things are. But to the best of my knowledge we have not really had that many sad experiences.

With respect to the changing of names or a natural mother wanting to adopt her child, it is true that we have to go through the whole adoption procedure now. We have looked at it. You know it is sort of a long way around and there have been some complaints about it. We have not made a decision that we would change it. Of course once a child goes beyond the age of, I think it is twelve - I am not sure - the child can have its name changed through the Change of Name Act.

With respect to giving out information, say, years and years after an adoption, we do get an occasional case and we had one in the department not too long ago and this is a very touchy subject. You can appreciate that if a child were adopted, grew into an adult and, say, fifteen or twenty years later came back to the department wanting to know the name of the natural parents, there are a lot of things to consider. First of all, the natural mother, it is quite possible we would not be able to find her to start with. If we did, it is possible that she could be married and would not want the history of her past revealed to anybody. So we have to take into consideration not only the child who was adopted ten or fifteen or twenty years ago, we also have to take into consideration the natural mother and the natural mother's family at this particular time. So it is something that we are very, very careful about. It is pretty well left up to the discretion of the Director of Child Welfare at the moment and I think in some cases we have advised who the natural parents are,

MR. BRETT:

but in many others we have decided not to.

Now I am sorry but I do not know if it could be taken to the Supreme Court or not. I know that an adopted child, if that child were born out of wedlock, has the right to inherit not only from his or her natural mother but also from the adopted parents. The files, I believe, are kept indefinitely. But, as I say, we are very, very careful about this and we certainly take a long, long look at it. We cannot just do it indiscriminately, that everybody who is adopted could walk into the department and say, I want to know who my mother was and who my father was. Obviously it is something that has to be handled with great care and we do just that.

MR. NOLAN: But the difficulty is then, I mean could the minister or his officials be charged with discrimination as a result. You know, how do you decide to let this one know and not that one, who the natural mother is?

MR. BRETT: I do not know if there is a written policy on it, but as I say at the moment it is pretty well left to the discretion and maybe sometimes we would be discriminating. But, you know, the same as the officials of the department decide if an adoption application is approved, also in this case they would pretty well decide whether or not a child should know who its natural parents are. But I cannot answer the question. It is possible that the thing can be taken to the Supreme Court. I am not sure. But the records are kept indefinitely.

MR. RIDEOUT: Before the minister finishes, the minister said the files are kept indefinitely. Has there not been a cleaning out of files in the minister's department over the last two or three years? What happened? Are they microfilmed or what? I was advised that the file was not there.

MR. BRETT: It is quite possible. My understanding, and again I would have to check it with my officials, is after an adoption is completed a file with all the information is taken and sealed and placed in the vault and I was not aware that there was a time limit on it, but there might be and again I repeat I would have to check with my officials. But I know it is sealed and placed -

MR. MURPHY: It is removed from the active files.

MR. BRETT: Oh removed from the active files, definitely, but sealed and placed in a vault.

MR. NOLAN: On the business of the Supreme Court, I mean, is that not in itself a bit dangerous or is it not? I mean, I am assuming that if a child comes to the department or to the minister or the officials and has the wherewithal and the finances to pay the court costs and high legal fees and so on, then they can get the information from the department. If they are not so financially fixed, then they cannot. Surely this in itself is wrong. Is it not?

MR. BRETT: Well, Mr. Speaker, I cannot debate it intelligently because I am not sure that it can be taken to the Supreme Court. I would have to check it with my officials. I am not certain that it can go beyond my department.

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. (Bill No. 9)

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Tape No. 1935

AH-1

MR. SPEAKER:

Motion, second reading of a bill,
"An Act Respecting The Rehabilitation Of Disabled Persons."
(Bill No. 17)

The hon. Minister of Rehabilitation and
Recreation.

MR. HICKEY:

Mr. Speaker, the purpose of this bill is to define precisely what the responsibilities of the Department of Rehabilitation and Recreation are with regards to the physically and mentally handicapped of the Province. Under the legislation the existing programmes which are already in place will continue. The legislation provides for the right to appeal, appeal from an individual or a group of handicapped people the decision of the Director of the Rehabilitation or the department or the minister or what have you. It also enshrines the rights of the physically and mentally disabled of the Province to services to provide the necessary training, the facilities in terms of equipment, any equipment that might be required to enable the individual to function to the fullest degree and to enable that individual to take his or her place in society in terms of attempting to be self-sustaining in terms of employment. It does not, however, Mr. Speaker, preclude the department's responsibility to assist financially either in part or in total those people who might participate in various programmes and may not necessarily succeed, so that it is to broaden the services which are available to disabled persons. I think, Mr. Speaker, the most significant part of this bill is that up to now, and since 1954, whatever services that have been provided the disabled either from physical or mental handicap in the Province has been done so by order A Minute In Council. And up to now the rights of those people have not had the benefit of a statute or legislation and so really the most important part of this whole legislation is in fact that it enshrines those rights forever on the law books of the Province. And as I

MR. DOODY: said, it also provides the vehicle that was non-existent up to now and that is the appeal board whereby a person or a group can appeal the decision of the Director of Rehabilitation or the department or whatever.

I might say, Mr. Speaker, that the department has for quite some time, and prior to the department the division of rehabilitation have been providing programmes which are covered in this legislation. Of course we provide sums of money to various organizations which have or hold as their aims the assistance or helping the handicapped persons in the Province.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, what this bill does really as the hon. gentleman said, Bill No. 17, "An Act Respecting The Rehabilitation Of Disabled Persons," it enshrines in legislation all the things that have been done since Confederation in this Province and probably - well just merely puts down in law really what we have been doing all along. There are no new programmes in this particular legislation, there are no commitments on the part of government. It just enshrines into law, into legislation, things that we have been doing all along, things that have been built up down through the years that we now take for granted. So all this bill does is really put it in the form of an act to make it the law of the land. It does not, for instance, Mr. Speaker, guarantee people who are disabled, whether they be children or whether they be adults, it does not guarantee them, for instance, that they are going to be able to get any more wheelchairs than they have been getting all along. Something that always concerned

Mr. Neary:

me very much was the fact, was the trouble that people, parents and people had to go through to get a wheelchair for a little child who was disabled or a cripple, or even an adult for that matter. They had to go out sometimes to service clubs and to try and persuade the service clubs to buy a badly needed wheelchair for a physically handicapped adult or a physically handicapped child. And, you know, that is something that you would almost take for granted that you would give, that the Department of Social Services or the Department of Rehabilitation and Recreation would give a physically disabled person. In actual fact it is not something that they are entitled to according to the law. They are not entitled to them, the minister knows that. How many times did I have to go to a service club and ask them to raise enough money to buy a wheelchair for a crippled child, or for a crippled adult for that matter, who was in bad need of a wheelchair. And in a lot of cases they did it and in some cases they had too many projects on the go and they were unable to undertake this project. And so wheelchairs have had to be passed around from one disabled person to another. Sometimes they would have to wait until the person who had the wheelchair died, and when they died then they took the wheelchair and gave it to somebody else. And the organizations referred to in this legislation who do get grants from government cannot afford to buy all of the wheelchairs that are necessary.

I mean, we can afford to send the Norma and Gladys all over the world, we can afford all kinds of money for entertain and booze and government aircraft and hunting trips and all kinds of other things, but we cannot afford, Mr. Speaker, to buy a crippled child a wheelchair, or buy a crippled adult a wheelchair. That is something for hon. members to think about. My hon. friend the member for -

MR. MURPHY: How many did the hon. member provide when he was a minister? How many thousands of wheelchairs, when you squandered all of the money in the Province, on old, foolish projects?

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Mr. Chairman, it might interest the hon. gentleman to know that I managed when I was there, as probably the hon. gentleman from Trinity North (Mr. Brett) and maybe the hon. member for St. John's East Extern (Mr. Hickey), I managed to scrounge a few

MR. MURPHY: We know what you scrounged, the hon. member (inaudible)-

MR. NEARY: Now well that is right, The hon. gentleman may have scrounged a few but it is job to get it past the officials in the Department of Health or in the Department of Social Services. And the same thing, Sir, applies to hearing aids, that you would almost take it for granted. And my hon. friend over there from Harbour Main-Bell Island (Mr. Doody) has reminded me the same thing applies to dentures, and that is true, Sir.

MR. MURPHY: We put the rates up.

MR. NEARY: Not only cannot - I beg your pardon?

MR. MURPHY: Tripled the rates.

MR. NEARY: Not only cannot people who are -

AN HON. MEMBER: Flight fair.

MR. NEARY: Well, do not fight over it, I mean, the hon. gentleman said what I am saying is true. And the hon. the Minister of Consumer Affairs can disagree with it if he wants to.

MR. MURPHY: I said he tripled the rates since we took over.

MR. NEARY: I beg your pardon?

MR. MURPHY: I said they tripled the rates.

MR. NEARY: They tripled the rates.

MR. MURPHY: They tripled the rates.

MR. NEARY: But I am just pointing out some of the weaknesses, they were there when I was there. I tried to change some of them, much to my disappointment that I could not.

MR. MURPHY: Chagrin.

MR. NEARY: No, not chagrin, well, maybe that too. But I did try to change it, Sir, and so this bill is not going to change any of that. There is going to be no more money made available for disabled persons than is available at the present time. The handicapped people, the physically handicapped and the mentally handicapped people who now are

MR. NEARY: in desperate need of upper and lower dentures will still not get them because of this bill. They will not get the badly needed eyeglasses that they need. You have got to be a Philadelphia lawyer to be able to cut around the present legislation to get a pair of eyeglasses for people. I managed to stretch the law to the extent that the department conceded that they might be able to give eyeglasses to parents of children going to school to help their children do their homework. I managed to get it stretched that far before I got booted out.

AN HON. MEMBER: Both parents?

MR. NEARY: Pardon?

AN HON. MEMBER: Both parents?

MR. NEARY: Not both parents, just one parent.

AN HON. MEMBER: Not both?

MR. NEARY: No. If it happened that the mother left. home or the mother was dead, and the father was the head of the house or the mother could not read, and the father was helping - I will tell you one thing, the officials and the bureaucrats they looked rather askance at giving a man a pair of glasses. You could scrounge a pair of glasses out of them for a woman, because you could say well the woman was helping

MR. NEARY:

them with their homework. But they could hardly believe, the bureaucrats and the mandarins in this building and outside this building, they could hardly believe that the head of the house, the man, the male, would be helping his children with their homework. You would almost have to beat them over the head to get a pair of glasses for him even though he may be the only member of the family surviving, as my hon. friend -

MR. MURPHY:

No one would disbelieve the principle in that but the amounts of money involved, I think, then everybody would -

MR. STRACHAN:

They said glasses were out of the question .

MR. NEARY:

Well, I mean, it is a matter of priorities and that is my argument. Then what about crutches, Sir? What about crutches?

MR. CALLAN:

The tinted glasses are just cosmetic.

MR. NOLAN:

Tinted glassed are not cosmetic.

MR. CALLAN:

Well, I was told by a doctor.

MR. NEARY:

What is that?

MR. NOLAN:

Who did you go to?

MR. CALLAN:

Tinted glasses are cosmetic only.

MR. NOLAN:

You must have gone to a veterinarian.

MR. NEARY:

Tinted glasses are cosmetic only. Well, I do not understand that, but then I could say the same thing about crutches, Mr. Speaker. How many times have I had to go around, and I am sure hon. gentlemen have done the same, go around and find out somebody in the community who had a pair of crutches so you could get them

MR. NEARY: and give them to some poor fellow who had his leg amputated. Fortunately the hon. gentleman, I do not believe, has ever needed the services of crutches.

MR. DOODY: Indeed I did.

MR. NEARY: Well, maybe the hon. gentleman did.

MR. DOODY: I still have them now. They are too small for me but I still have them home. No, I do not have them, actually, I donated them for a worthy cause.

MR. NEARY: Well, that is right. I am certainly glad to hear that, Sir, because -

MR. DOODY: And a couple of steel braces, too.

MR. NEARY: Well, I am just rhyming off the list here now. I am coming to braces and I am coming to shoes and prosthetic devices and all that sort of thing. This bill, Sir, will not make any of these facilities, any of these services available to disabled persons, unfortunately. I am wrong? No, Mr. Speaker, I am not wrong. All it will do is enshrine in legislation the policies that are in existence at the present time. Is that not correct?

MR. DOODY: It is important to have these braces enshrined in legislation.

MR. NEARY: It is important to have these rights enshrined in legislation. It is also important to get our priorities straightened out. We in this House should be aware of the fact, we should be aware of it but sometimes we are not. I do not know if my hon. friend from Carbonear (Mr. R. Moores), who is now going to take my newspaper that I have not read yet, is aware of the fact that if you want to get a pair of crutches for a man or a woman, an adult who had one leg amputated, does the hon.

MR. NEARY: gentleman realize the trouble that you have to go through?

MR. R. MOORES: Yes, I do.

MR. NEARY: Has the hon. gentleman ever tried it?

MR. R. MOORES: No, I have not.

MR. NEARY: Well, it would be worthwhile for members of this House to try it sometimes, to look for a wheelchair, to look for a pair of crutches, to look for prosthetic devices, shoes and braces.

MRS. MCISAAC: In some cases, hospital beds.

MR. NEARY: Well, a hospital bed! My God, I am telling you, they are like hens teeth!

MR. R. MOORES: Hens teeth?

MR. NEARY: You might get one from the Red Cross. They have three or four maybe in some communities. Most of them are usually out and you have to wait until the person who is occupying it dies before you can get it to pass it on to somebody else.

Now these are some of the programmes that I would like to see updated. I would like to see us get our priorities straightened out in this House. We look at all the money we are squandering on waste and extravagance and as the hon. gentleman said, well, maybe there was money wasted and squandered while I was fighting for these things. Maybe there was.

MRS. MCISAAC: There are still lots of hospital beds available -

MR. NEARY: Well, there are lots of hospital beds available but the trouble is that they will not give them out.

MR. MURPHY: Well, where would they be?

MR. NEARY: They are in the hospitals, or they are stored. They are hospital beds. The hon.

MR. NEARY: Minister of Recreation and Rehabilitation will be well advised to find out the number of hospital beds that are stored or that have been thrown on the dump. They take them out and they just throw them on the dump. How many hospital beds are stored in this Province? How many hospital beds will now become surplus as a result of the opening of the Health Sciences Complex? Can all this stuff be put in a bank somewhere that people could draw on when they need it and then when they do not need it return it? I mean, surely there must be some way. It is not beyond our ability to find a solution to this problem.

But it is a very serious matter, Sir, for a lot of people in this Province. I am glad

MR. NEARY:

to see that we are going to enshrine in legislation what is there. But I would like to know what we are going to do about some of the problems that I just outlined, and they are real. They are there. Every member of this House if he is doing his job in his district at one time or another has encountered a heart-rending situation, a kind of a predicament that would tear the heart out of any man. I am sure we have all had it. I am sure the hon. member for Exploits (Dr. Twomey) has encountered it. And sometimes we say to ourselves, why do we have to put up with this, why do we tolerate this in the bureaucracy and then why do we tolerate this from the mandarins!

You would think it would be nothing at all and here is a man who has got both of his legs amputated, he has been sent home from hospital, from DVA or wherever it is - not DVA, because DVA would give him a wheelchair - but sent home. And he goes to his own home and he has to be put on a couch and you say, Well, there is no problem here, all you have to do is call up the department. The man cannot work. He has no money. He will never work another day in his life. He has got five or six kids in the family. There is no problem to pick up your phone and call the welfare officer or call the department. He is guaranteed to get a wheelchair because there is no question about it. Has my hon. friend ever tried? And did my hon. friend get any results? The hon. gentleman nods his approval that he has tried it and he sits there poker-faced when you ask him if he got any results. And I would assume the answer then to the question is no, or maybe once in a while he made a little progress, maybe picked up a secondhand one somewhere. But generally speaking my

MR. NEARY:

hon. friend is right, the answer is no. There is no assistance for these kind of people, although you take it for granted; you just say, Well, you know, if you told it to somebody they would say no, this is not happening in a civilized country, in a civilized world. It is one of these things, Sir, that has been neglected down through the years. It is something that concerned me very much when I was minister of that department and I believe it is something that we should take a look at in this hon. House in the future.

It is not politics. There is no politics in that, as my hon. friend knows. My hon. friend was a welfare officer and I am sure my hon. friend, because of the rules and regulations that were laid down mainly by the bureaucrats, my hon. friend many is the time when he felt he should be saying yes, was saying no in these cases because he had to follow the rules and regulations that were laid down here in this building. And I am sure my hon. friend from Trinity North (Mr. Brett) has felt the same way and any member who has run up against it.

There are times when you feel like - you know, you would say, "surely this cannot be happening! Why have people not rebelled in the streets? Why have we not had a revolution?" But the tragic part of it is that these people are scattered all over the Province. If they were ever organized into a group maybe they could become effective. But there is a case here, and there are two or three cases down in my hon. friend's district, down in Bay of Islands. There may be two or three cases or a half a dozen cases out in Bonavista North. There are cases on Bell Island. I know that to be a fact. And

MR. NEARY:

there are cases in Harbour Main. I know that to be a fact. And there are cases in LaPoile district. I know that to be a fact. And there are cases in St. George's and they are all over the place. Not enough of them to bring down the government but, Sir, anybody who has an ounce of humanitarian -

MRS. McISAAC: What about bedpans?

MR. NEARY: There is another example, a bedpan. Try to get a bedpan. So, Mr. Speaker, we are putting through this bill today, bill 17, "An Act Respecting The Rehabilitation Of Disabled Persons". It is going to do nothing, Sir, to cure or to remedy the problems that I just outlined, I think my hon. friend would be the first to admit that. Nevertheless we are going to vote for the bill because we think that the rights of disabled people should be enshrined into legislation. But let us keep it in the back of our minds for future reference when we are talking about the needs of the ordinary people of this Province, when we are squandering money on booze and cocktail parties. The next time the hon. gentlemen throw a big booze party remember that there is some little crippled child out there who needs a wheelchair who cannot get it because of the bureaucratic regulations that we have in this Province.

MR. SPEAKER: The member for St. John's South - Conception Bay South, I am sorry.

MR. NOLAN: Thank you, Mr. Chairman, or Mr. Speaker, from Carbonear.

SOME HON. MEMBERS: Hear! Hear!

MR. NOLAN: In connection with this bill there are a number of things that are provided here that might be new, if one wants to take a look at it, for example, there is the appointment, apparently, the provision for the appointment of a new director. Is that correct? Would the minister agree with that? It is not.

MR. HICKEY: It is already there.

MR. NOLAN: It is already there. I see.

MR. HICKEY: He is already in the department. He has his title changed.

MR. NOLAN: There is not a new director to begin with.

MR. HICKEY: Not a new position.

MR. NOLAN: Not a new position.

MR. HICKEY: He just had his title changed.

MR. NOLAN: And also the Appeal Board is also there?

MR. HICKEY: That is new.

MR. NOLAN: That is new. So we do have something new, do we not? So we have this Appeal Board to be set up and apparently the Cabinet can appoint to the board the assistant deputy minister of rehabilitation. He is to be acting as chairman, I understand, and two other persons who will be designated by the minister from the senior officials in the department other than the director, - an officer, clerk or employee in the department who is not a member of the board shall be designated by the minister as secretary of the board and the secretary shall keep full records and so on. Any disabled person affected by the decision - the one question that comes up on the Appeal Board situation is this, that what provision is there, maybe I missed it here, for a disabled person to be a member of the Appeal Board? I mean, we look at officials, that is what we have, officials, more mandarins, but how about the people directly affected, a disabled person? Why not have a disabled person or

MR. NOLAN: more on the Appeal Board? Why not? The minister, I would hope, would consider it. And if he is going to consider it, maybe he might call his officials together so we can do that before we pass the bill.

AN HON. MEMBER: Do what?

MR. NOLAN: Having a disabled person on the Appeal Board. I think the minister would find with various groups and so on involved with disabled and rehabilitation that it might strike a responsive cord if you have someone there who can adjudicate appeals one way or another and look upon it from their vantage point as perhaps few people can. So I seriously plead with the minister to consider having a disabled person who will serve on the Appeal Board rather than merely those who are officials of the department concerned. I strongly, very strongly urge that on the minister. I hope that in case I am not present my colleagues here who may be when this bill goes on through the House will not let it go through unless there is some provision for a disabled person on that Appeal Board, which is brand new, so that they will be given an opportunity to lend their experience to a very, very important group that is being set up and provided for in this bill now.

This bill provides, it may be very well provided in other acts, but let us find out. Let us look at the powers of the minister here. "Declare any group, organization or association," is this all covered in another act, another bill? No. Would the minister come in and give us the benefit of his wisdom. "Make grants to any group, organization or association," - Now how about this here, "Purchase, lease or otherwise acquire any real property that the minister deems necessary for the purpose of exercising any of his powers under this act." Now then, are we in the public money? Are we into the acquiring of property and if so, how does one go about it? And I hope that the minister will sell, lease, exchange or otherwise deal with real property so acquired. I mean, what provisions apply to the purchase, leasing, selling, renting or whatever it is of the property in this particular case? It is alright to say it might be some group, but it says here the

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MR. NOLAN: minister with the approval of the Lieutenant-Governor
in Council may declare any group, organization or association incorporated
or not to be

MR. NOLAN:

in need of rehabilitation services. Well that is fine. Does that mean a political group can have a grant too of some kind? Pardon?

MR. DOODY: You have need for rehabilitation?

MR. NOLAN: Well I would say that judging from some of the comments that I have received and no doubt my hon. friend opposite has received there is probably no group in this Province more in need of rehabilitation.

MR. DOODY: I thought you were asking on your own behalf.

MR. NOLAN: No, no. I was asking on the minister's behalf.

So, I hope that the minister will certainly not set up this appeal board without definitely making provisions for a disabled person to be a member of that board. And there are other items perhaps we can get into. I do not know if other hon. members want to address themselves to this. But to say that there is nothing new in there, there is something new, a number of things that are new, and I believe they are worthy of our attention. So if there are any other members I will certainly not delay the Committee if they want to comment on it now before the minister speaks.

MR. CHAIRMAN: The hon. member for St. John's South.

DR. COLLINS: Mr. Chairman, I just want to ask the minister if he would be good enough to clarify just two points for me in regard to this bill. I am thinking of those disabled persons who go to a public educational facility, such as, say, the university. It may be required for them to go into residence there. I mention this because I know of a specific instance. And this is sometimes difficult to arrange because these people can be so disabled that it is hazardous for them to be resident

DR. COLLINS:

unless there are particular services for night watchman duties. I am just wondering if there is any provision in this bill to take care of that situation. Now one thinks that perhaps something cannot be done for the individual but perhaps something could be done for a group of such disabled persons. If there is not an arrangement made these people are actually excluded from educational facilities and educational services, or at least it would be very difficult for them or perhaps very expensive for them to achieve the particular educational pursuit that they have in mind.

The other point I would like clarification on is, I suppose it would come under 1 (d) and that is in regard to a disabled person who needs to travel outside the Province for care, usually medical care, I suppose, or health care as opposed to, strictly speaking, rehabilitative care although it is difficult to separate the two. It certainly would be for palliative or curative care anyway. And in the present situation travelling outside the Province and the supply of escort and the supply of hotel rooms and so on and so forth for the escort in the city outside the Province is the responsibility of the person or, if it is an underage person, of that person's parents. Now I am quite well aware that where need arises there is a means of assisting from the public purse. I am just wondering if this 8, section 1, subsection (d) now permits the minister to pick up the tab for such people travelling outside the Province in terms of transportation costs and also in terms of escort costs.

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

MR. BRETT: Mr. Chairman, I wanted to express just one very brief but rather important thought. With respect to

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MR. BRETT:

the provision of wheelchairs, bedpans if you will, somebody mentioned that among others in the Province of Manitoba the government has supply centers in various

MR. BRETT:

parts of the Province. Now if government is to supply every needy person with a wheelchair or crutches or bedpans or whatever, it is obviously going to amount to millions and millions of dollars and I do not think this government or any other government can afford it. But I would suggest and I think government will be looking at setting up supply centers in some of the major areas of the Province. For example, if a person comes out of hospital and needs a wheelchair for a month or two or whatever, then that particular appliance can be borrowed from the center, kept for as long as necessary and then returned. This is what is being done in Manitoba and I would assume that our government will be looking at such a programme maybe next year.

MR. SPEAKER:

Hon. member for Conception Bay South.

MR. NOLAN:

If I may just make a couple of observations in connection with equipment. I had a call the other day from a gentleman who had a child who was deaf and apparently with the use of a hearing aid you can hear the noises or whatever within the immediate proximity but in school apparently there is an apparatus which I understand - and this may not, by the way, directly affect the minister, maybe through the Department of Education there is an appliance where the teacher uses the microphone, it is hung around or hooked on apparently and so with this apparatus the student can hear what is going on, it is a great aid. Now it is a bit expensive, it may be \$1,200 or more. I am wondering if the minister is familiar with the type of thing I am talking about? Why I raise it here is because I have in conjunction with the Minister of Education been holding meetings for some time now, the last year, to provide for a class, which by the way will be in the Conception Bay South area, for blind children, those who are presently in the Halifax School for the Blind, some of whom are now at the point where they can come back and go into so-called normal school. In fact I believe they are now about to advertise for a special teacher

MR. NOLAN: for this and there is special equipment for example for this as I am sure the minister knows. I hope, by the way, that the minister, when this class is set up, may have an opportunity with his colleague to go out some day and take a look at it. I think he would find it very enlightening and heartening and a good piece of work, in my opinion. The Minister of Education and his officials did a considerable amount of work.

But on the apparatus for the deaf child that I referred to, I was told by the gentleman who called me that out on the West Coast, Corner Brook or in that area, that they may have that piece of equipment provided, I do not know if it is through rehabilitation or through the school board or what but it is there, apparently, he says. I do not know this to be a fact, I do not know this to be a fact at all, that there is such a piece of equipment being used in school out there, one or more, I do not know. So I do not know if this directly affects the minister but if he has any information on it I would certainly be grateful, I know he may not be able to provide it right now but I would certainly like to hear about it so that through the press perhaps it could be publicized so that that person can call again or make some additional enquiries.

Also the minister is going to, it may not be provided here - the minister knows I am sure of the crying need in this Province in public buildings, in commercial establishments, in schools and so many other things so that there is access for those who are in wheelchairs and so on. You will find, for example, in many of the great commercial department stores that a person in a wheelchair cannot get through, cannot get in, and I am hoping that - I know this has been discussed before and the minister of his own volition, no matter how well intentioned, could not do it anyway - he would have to have the Minister of Public Works and all other ministers in fact - to start bringing in some very firm legislation that provides for no public building to be built that

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MR. NOLAN: would deny, as has been done in the past, that would deny access to those who are handicapped. I am sure the minister has certainly discussed this in the past and I hope that any new information he may have to shed on this will be provided to us because it is very important, very important indeed that where we have the authority for provincial buildings that they not be hired, engaged, bought, sold or built for our purposes unless we have provisions so that handicapped using wheelchairs and so on can readily gain access. And also perhaps we could use our influence with municipalities also to see that some provision is made because

MR. NOLAN: there are a lot of people who are voiceless in many ways and it is only through the minister and his officials and through this House that we can address ourselves to these problems that are cronic, absolutely cronic and so desperately needed by so many people who are handicapped and who need various devices of one kind or another which they have now been deprived of. But surely we in our own public functioning, whether it is in the erection of buildings for public purposes or not or in commercial establishments and the like, that we will try to make provision to see to it that they are well thought out and that permits will not be granted unless there is provision to assist these people to see that they can gain ready access without going through some of the real torture that they have had to do so often in the past, or in fact be denied access altogether, and I suppose this applies in schools also in some instances. But that is the only point or points that I wanted to raise in that connection here now for the minister's consideration.

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

MR. L. WOODROW: Mr. Speaker, we decided we would just say a few words about this bill also because in all of our districts we come up against people unfortunately who are afflicted in one way or another. But I, Mr. Speaker, had the honour of being the chairman for the Red Cross for two years in the city of Corner Brook and I know that in many instances the Red Cross provided wheelchairs and crutches and the like. Also, Mr. Speaker, the clubs, like the Lions Club and Jaycees and other organizations, they also have been very understanding and have worked quite a lot on providing these things as well. I sometimes wonder that if we provided as the hon. member for LaPoile said, if we gave them everything I wonder would we be taking away the challenge from the various organizations because in fact they do this as an act of charity and I feel sure that the hon. member would not want to take this challenge away -

AN HON. MEMBER: They cannot speak for themselves (inaudible)

MR. WOODROW: This may be true but by the same token I do not think

MR. WOODROW: we can overlook the good that has been done by these organizations. They have done a terrific amount of good. Well actually it was not mentioned in the debate on this bill so I thought it would be in order to bring it before the Chair.

MR. NEARY: Wait now. I said the only ones who gave these people anything was the service clubs.

MR. WOODROW: Well, you know by the same token the hon. member for LaPoile, because he says we should do this and we should do that, but I think in all fairness and justice there is only so far any government can go. There is only so much can be done.

MR. NEARY: All you have to do, my son, is cut out a few booze parties and a bit of extravagance and waste and there it is.

MR. WOODROW: However, Mr. Speaker, I thought I would mention that and I thank you very much for your attention.

MR. NEARY: Oh, he caved in!

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

MRS. MCISAAC: One brief point, the provision of wheel chairs is good wonderful, and we need them. There are quite a few people in my district who need wheel chairs and quite a few have them through the Red Cross and Lions Club and different organizations for which I and they are both grateful. But it does not end there. I will give you a specific example, Mr. Speaker. In St. George's, for instance, we have a couple of people who are in wheel chairs and who have been crippled for years and will spend the rest of their lives in wheel chairs but who are making an effort to upgrade their education and to do something worthwhile with their lives. And this is where I think we can be of some assistance in providing transportation for them, and not only providing the transportation but making sure that they have access to the main road to avail of that transportation. Now I speak of a specific instance where last year we had a gentleman who was travelling to Stephenville to the upgrading school

MRS. MACISAAC:

and I happened to be in the town office at the time there for a couple of weeks last year training and was successful in getting the town to keep his driveway cleared so that he could get his wheelchair down to the road or get down to the road in the wheelchair for the gentleman who was driving him to Stephenville to pick him up. But now this may not necessarily happen next year, and he could very well find himself in the position where he is snowed in every morning. In fact, on several occasions last year the town equipment did not get the roads cleared in time and he missed school. But there must be some way that maybe the Department of Rehabilitation and the Department of Transportation - the minister just left, I hope he can hear me - can get together and maybe solve it. There are very few of those people in wheelchairs who are making this attempt to get to school every morning. Maybe through some co-operation between the two departments they may be able to have the Department of Transportation equipment make just one cut to the gentleman's door in the morning so that his wheelchair can be brought down to the main road in order to get him in school.

Now there is more than one, there are two or three just in my district alone. And I do not think it would be all that much of an effort for the Department of Transportation equipment to just run up there and make one cut so that the wheelchair can get down to the road. This is the problem that we are running into in the area. We have got people who are disabled who want to get an education, who want to upgrade their education and yet there is no way in the world that a gentleman can take that wheelchair and drag it through two feet of snow

MRS. MACISAAC:

in the morning. So I hope that maybe through joint effort with the Department of Rehabilitation and Transportation they can find a way to get the wheelchairs to the main road.

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

MR. SIMMONS: Mr. Speaker, first just a word of advise for the member for Bay of Islands (Mr. Woodrow): I am a little concerned with his vicious attack on my colleague from LaPoile (Mr. Neary) a few minutes ago. He should not be too outspoken. He might want to return to the fold one of those days.

MR. NEARY: The first Liberal candidate declared in the 1975 election.

MR. SIMMONS: That is right, the fold he left so hastily in 1975. He may wish to return some day. I can understand he finds it difficult to defend this particular government on rehab because he does not believe what they are doing. He knows as a former man of the cloth and a very active worker with the Red Cross, he knows full well that if there is anywhere where the record of this government is truly abysmal, it is in the area of the disabled person. Nowhere, Mr. Speaker, will this government have as much to answer for when it is all over, when the reckoning is done as in the area of the disabled person and how little this government has done.

Mr. Speaker, as a result there are literally thousands of people across this Province, some, as my colleague has said, without wheelchairs which they need, some without eyeglasses which they need, some without the attention they need on a daily basis, thousands of them, Mr. Speaker, who are literally living out lives of quiet frustration, not because they want to, because in

MR. SIMMONS:

their circumstances they have no other choice given, that the government lacks the compassion or the priority to do something about their cause.

Mr. Speaker, the cause of the disabled is not a very politically advantageous cause. It is not one that is going to accrue great popular support to your cause, to your efforts. It is one that needs a lot more attention than it is getting at the moment.

Mr. Speaker, just a couple of specifics. I have been looking at the salary details for the two years, for the year we are just into, 1978 to 1979, comparing them to the salary details for the preceding year, the year we have just come through, 1977- 1978. I note there are a number

MR. SIMMONS:

of new positions, and perhaps the minister would care to comment on this when he closes the debate. If my comparisons are correct there are eighteen new positions this year as compared to last year under the Head 907, Rehabilitation.

I notice there is a new director of Special Services, a new consultant on alcoholism and drug abuse, a new clerk-stenographer II and then underneath services to the mentally retarded a new programme director and consultant in mental retardation, a new director of mental retardation, a new psychologist III, a new psychologist I, a new clerk-stenographer II and ten new child management specialists.

Now unless these were elsewhere in the detail last year, in some other department or division, I am assuming these are new positions. Can the minister confirm if that is the case? These are, in effect, a net increase of eighteen positions in the area of Rehabilitation. If that is the case then the minister perhaps in closing the debate could tell us exactly - I do not mean exactly but generally what these people are going to do and how we are going to utilize the services of these additional people. My own suggestion is that I would hope they would be deployed where the need is greatest and that is throughout the Province where there are a number of disabled persons who year in year out never have any access to any kind of specialist attention.

I mention as an example a child of about seven or eight or nine in one of the communities in my district who has a very acute hearing problem and indeed either through the minister's department or through some other service, perhaps through the Department of Education, I am not sure, she has a rather

MR. SIMMONS: elaborate, a rather sophisticated device involving a T.V. monitor and she gets tapes from some location, one of the departments involved, and it is pretty impressive equipment, and I understand equipment that costs about \$3,000 or \$4,000. The weakness is that the mother, for all her enthusiasm and devotion to getting the youngster to use the equipment, the mother is really not equipped - not trained, I ought to say, to very fully utilize the equipment. And when I saw it and saw her attempting to use it, it occurred to me that if she had some specialist to visit her on a periodic basis - I am not suggesting every week or anything like that, but once in a while to orient the mother to the equipment. The only training the mother has now is what she has gotten by mail and on the telephone. She is in touch, I believe, on a weekly or a twice monthly basis with the specialist by phone, probably through the Minister of Education's department -

MR. HOUSE: A programme was brought in last year whereby itinerant teachers taught parents to use this equipment.

MR. SIMMONS: The minister say itinerant teachers?

MR. HOUSE: Yes.

MR. SIMMONS: Do they get to these spots?

MR. HOUSE: I do not think we have it spread all around but, of course, she has the equipment and, of course, this is the first year it has been in use.

MR. SIMMONS: I see. Yes. I think the idea, the outlay of expenditure is certainly a good one and well placed but it is not being fully utilized because the mother is not at all in a position to know how to fully utilize it, and a little personal help from somebody with the proper expertise would certainly help.

MR. SIMMONS:

Mr. Speaker, I drew attention to the new salary units for two reasons. One, because I would like to know what new programme is involved that would require these units. And I am not at all condemning them; indeed, I think it is a step in the right direction if those units are properly deployed. If they are just going to add to a hierarchy here in this building or here in the city in some other building, well I am not sure I can get very excited about spending a couple of extra hundreds of thousands of dollars for that purpose. But if they are going to be used in a way that the people who need them most, disabled people, will have fairly direct access to them, then I believe it can be, as I said, a step in the right direction.

Mr. Speaker, looking at the estimates of the appropriate Head of expenditure, Rehabilitation, you will notice that there is a effective increase of about a half million dollars. Last year the amount budgeted was \$749,000 - that is the net amount budgeted, \$749,000 plus the half million or so from the federal government which,

Mr. Simmons: because of the change in procedure, the new block funding arrangement, without getting into complicated detail as I read the items there there is a net increase this year over last year of about \$500,000. That increase is taken up largely by two items; the increase in the number of salary units to which I have just referred, and secondly, the provision of \$200,000 for the detoxification unit. Again, Mr. Speaker, a very worthwhile expenditure as I am sure all members of the House will agree. I will point it out now though to draw attention to the fact that it is not an expenditure towards the rehabilitation of disabled persons in the context we are talking in this particular bill.

My really, Mr. Speaker, is that in the budget despite a new piece of legislation, which as the minister said essentially consolidates or puts on paper what has been done anyway, my point is that apart from the increase in salaries there is really not much of an effective increase in the budgeted amount for the rehabilitation of disabled persons. And that is a sad note, Mr. Speaker, because it should be otherwise. There ought to be a sizeable increase in the budget in any given year, no matter what the restraints are otherwise.

Mr. Speaker, the bill provides for a registry of disabled persons. And perhaps if I could get the attention of the Minister of Education again for a minute, I understand his department was involved in a registry of certain disabled persons, were these persons with mental disabilities only or -

MR. W. HOUSE: See disabilities.

MR. SIMMONS: Including physical disabilities?

MR. W. HOUSE: Yes.

MR. SIMMONS: Where the Minister of Rehab and Recreation might want to address himself to that question when he rises as to whether there is an overlap here between what the Department of Education has been doing or is it the intention of R and R to assume, to take over the responsibility which education has had up to now of compiling an appropriate registry of disabled persons in the Province? Is this a separate registry or is it one in the same? Perhaps one of the

Mr. Simmons: ministers might want to address himself to that.

In particular, I would like to know from one of the ministers whether that registry is now completed or how far along it is, and what the findings have been in terms of the total, in terms of the distribution - I am sure they are going to have all of these figures in detail, but I am thinking when I said distribution I mean it in two ways; the geographic distribution, how many of these disabled persons are in fairly remote areas where they would have to be relocated to avail of services on a continuing basis, or how many of them are in geographic pockets like, for example, Central Newfoundland where they could be serviced or served. I ought to say served-say by specialists and services located perhaps in Grand Falls and/or Gander who could commute to these people on a regular basis? I say distribution in the geographic sense, but I ask about the distribution in another sense also: What is the breakdown in terms of various disabilities? And that would be useful information for the House to have either today or at some point in time.

Mr. Speaker, finally, or just about finally, two other points, my second last point for the time being relates to whether or not there is any provision in the bill for protection of disabled persons against the type of inept appointment that we saw in the Syrett case? Now again I am not wanting to get into a detailed name-calling match about whether Syrett was right or wrong. That is not the question I am asking, and I would ask the Minister of Rehab not to get his - not to see a red flag on this one, but rather to respond to the larger question of - is there something in the bill to protect the disabled person against inept appointments? These people are going to be directly affected by the kind of person they have working with them, not only at the administrative level but at the service level as well. And the question I think is very germane, Mr. Speaker; is there something in this bill or is the potential

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Mr. Simmons: there for something in the regulations which would guard against inept appointments, which would protect the disabled person against the kind of inept appointment that we have been discussing in the Exxon House situation?

MR. SIMMONS:

a related question, Mr. Speaker; is there something in the bill which would protect the disabled person against political interference? the kind of political interference we saw in the admission of that young girl from Corner Brook to Exon House when the record clearly shows that she was not at all in the category of a person who is normally admitted to that type of institution. The question again, Mr. Speaker: is there something in the bill that would protect the disabled person against political interference?

Finally, Mr. Speaker, I have been looking through the budgets for the Department of Rehabilitation and Recreation and also the Department of Finance, if I can get the attention of the former Minister of Finance in the absence of the present minister. Perhaps the Minister of Transportation, the Former Minister of Finance, could indicate to me where it is in the estimates that the net revenue from the Liquor Corporation shows, how would it reflect in the estimates, the net receipts from the Liquor Corporation?

MR. DOODY: \$34 million.

MR. SIMMONS: They are of the order of \$34 million. That is the essential information I wanted. The other question I would like to have the answer to; where do I find it in the estimates? But to my point, Mr. Speaker, we are going to get from liquor sales in this Province a net return of about \$34 million this year, probably about \$36 million this year. Now we used to have somewhere, I believe in the budget for Rehabilitation and Recreation, a bit of what we called conscience money, \$15,000 or \$20,000 or \$30,000, or I think it went up higher than that eventually, to the

MR. SIMMONS:

Alcohol and Drug Addiction Foundation. And I do not seem to see it here anymore. Has the government stopped supporting that even with the little pittance that it was giving formerly? I do not seem to find it in any of the subheads here. Perhaps it is buried somewhere else.

The point I wish to raise on this is surely, with \$36 million accruing to the Province for the sale of liquor, surely, Mr. Speaker, in the area of rehabilitation generally we can do better than \$1,747,000. We can do a lot better than \$1,740,000 when on liquor sales alone, Mr. Speaker, we are making \$36 million this year. And the most we can do is \$1,747,000 to look after the people who will go to the new detoxification unit, the people who get involved in the Salvation Army Treatment Center, the so called Harbour Light Center on Springdale Street, The Canadian National Institute for the Blind, the Paraplegic Association, Alcoholism Counselling, the whole bit lumped together, Mr. Speaker, and the entire range of services that will be provided under the auspices of this bill. All told, Mr. Speaker, we are paying out out of the public treasury something less than \$2 million. Is it any wonder, Mr. Speaker, that I started my few remarks a few minutes ago by saying that nowhere is the record of this government -

MR. DOODY: To straighten the record.

MR. SIMMONS: Yes, all right.

MR. DOODY: In 1977-1978, \$34 million. \$37 million in 1978-1979.

MR. SIMMONS: I thank the Minister of Transportation for helping me find that figure on liquor receipts for the Province.

MR. DOODY: I have the statement too.

MR. SIMMONS: Yes. I have it. Okay. Thank you.

Clueing up, Mr. Speaker, I will just repeat what I said at the very outset, my few remarks that nowhere is the record of this government so abysmal as in the area of the disabled person, in the rehabilitation of disabled people. Perhaps the most dramatic way to sum it up is to point to the pittance that we are spending in total, \$1,747,000 for an effort that deserves a lot more, requires a lot more and can afford to have a lot more in the light of what we are taking in on liquor sales alone. I would imagine the Minister of Finance has many plans for that amount of money, that \$36 million.

MR. SIMMONS: But it seems to me that if we have our priorities straight at all we can find it in our hearts to pay out a lot more money than the \$1.7 million. Perhaps in committee we can talk about some ways we could spend that extra money, but for the moment, Mr. Speaker, there is a certain irony here that we spend a fair amount of time on what is clearly an important bill. It might not say anything new but it certainly puts into law much of the existing practice and it is an important bill just the title of it alone, Mr. Speaker. If there were nothing else but the title, "An Act Respecting The Rehabilitation Of Disabled Persons," that alone makes it an important bill. That alone says that the House is at least willing to give lip service to the subject of rehabilitation of disabled persons. Now if it were only ready and willing to give some substance to its lip service by providing the kind of money and the kind of services that are so badly needed!

MR. SPEAKER: If the minister now speaks he will close the debate.
The hon. minister.

MR. HICKEY: Mr. Speaker, the kind of remarks that I have just listened to are the kind that I expected to hear during my estimates, and I suppose it is never too late to raise some of the issues that my hon. friend from Burgeo-Bay d'Espoir has raised. Not that he is correct, but at least to tell this House and through it the people of the Province that he does recognize there are areas such as the development of the mentally handicapped or physically handicapped. I suggest that if my hon. friends had gone through my estimates subhead by subhead, or if they had picked out some such as the ones that we have just heard about and spent less time on the question, the dead horse, so to speak, of the enquiry on Exon House that we would have had a much better debate and the debate today would have been indeed unnecessary.

Similarly, Mr. Speaker, I am appalled to find that my hon. friends on the other side, at least some of them, know so little about what has been done in the whole field of mental retardation in this Province. To accuse this administration, Mr. Speaker, of having

MR. HICKEY: an abysmal record in this area is, to say the least, the most astounding statement that I have ever heard in my life, because there is no area in the whole social programme insofar as our people are concerned that has received more attention than this one we are talking about today. My hon. friend referred to additional staff. I cannot say that I disagree with him when he says that in a time of restraint if those staff, the potential new staff were to be stenographers or clerks or something of this nature that he would have some concern and he would not be so quick to support it. I do not think maybe any of us would fault him for that kind of comment, but I am surprised again, Mr. Speaker, that my hon. friend did not hear or did not reflect on Hansard my debate in introducing my estimates in which I clearly articulated our direct home programme for the mentally retarded and mentally handicapped in the Province. The sheltered workshops in Lewisporte and in Corner Brook which have been an outstanding success, a co-operative effort by government and the community insofar as placing the adult handicapped into jobs in the community, in the town, getting them into the mainstream of society, so to speak.

And to say that we have given nothing but lip service, Mr. Speaker, is indeed unkind, not so much unkind to the government, because we have come to expect that from any Opposition, I suppose, but unkind to those volunteers and those people who work long hours for no pay

MR. HICKEY: in conjunction with my staff to further the aims and indeed to realize some real success stories in the whole area of mental retardation and the disabled of this Province.

Mr. Speaker, the member for LaPoile (Mr. Neary) tells me that his interpretation of this bill indicates to him that there is very little new. Now I concur with him when he says that back a number of years ago, and I cannot state categorically that maybe even last week-I would hope he is wrong for the last couple of years. I do not know so I will not quarrel with him on it- but I agree with him when he says that dentures and eyeglasses and crutches or wheelchairs and the whole host of those appliances and those things which are required for the physically handicapped of the Province were not provided and there were no provisions to in fact provide them, certainly not on an adequate basis. And he is absolutely right when he says that we saw vivid examples of that in the old Department of Welfare. But, Mr. Speaker, the hon. gentleman well knows, because I believe he was the architect who added on, who changed the Department of Welfare and added on the very significant word 'rehabilitation.'

MR NEARY: Right you are. I changed it.

MR. HICKEY: But surely he realizes that the whole concept of that was indeed to draw attention to this very problem. And, Mr. Speaker, I can go back to my days as Minister of Social Services and Rehabilitation, as it was then called, and say without any fear of contradiction that there was then no money or no funding for this kind of thing. Indeed, Mr. Speaker, we started then to pay a little more than lip service to the whole area of rehabilitation by, during my term of office appointing, at least a person at the level of an Assistant Deputy Minister with sole responsibility for rehabilitation in its many forms throughout this Province. And from that, Mr. Speaker, this administration or this government at least, both administrations in the past number of years, have moved from that to indeed separate rehabilitation

MR HICKEY: from Social Services for the purely express purpose of ; (A) to place emphasis on the whole area of rehabilitation to find funding for it in larger amounts. And, Mr. Speaker, I would challenge anyone to check the estimates some seven years ago under the heading of Rehabilitation and check them today and I suggest to you Your Honour that the record of those two administrations will not come out to abysmal, it will come out to be a very shining success in favour of this administration in the whole area of attracting attention and placing emphasis on and indeed going that other step of putting our money where our mouth is, to do something in fact for rehabilitation of those unfortunate people in our Province.

With regard to the point raised by my hon. friend from Conception Bay South (Mr. Nolan), Mr. Speaker, I can tell him that when I first saw the bill the thing I said to my staff, my senior staff, was that in fact there should be a disabled person on the appeal board, at least one. And we talked about the prospects of amending or changing the present bill, and I can say to this House, Mr. Speaker, that some way will be found to do just that. That should be nothing new to my hon. friends opposite, I hope they can accept the fact that indeed that was an error because again

MR. HICKEY: the record of this administration is certainly not, Mr. Speaker, to deny those people to whom this legislation applies, to deny them the opportunity to sit in judgement of their fellow citizens, but indeed it is consistent and to be consistent with what we are doing in the Department of Social Services where a number of social assistance recipients make up that appeal board. Why indeed, Mr. Speaker, would we want not to do the same thing in this very, very important area of the physically and mentally handicapped? So I can tell my hon. friend and set his mind at ease that the legislation will be so amended in committee stage.

Mr. Speaker, the reference to the staff made by the hon. member for Burgeo-Bay d'Espoir, he mentioned a number of positions, child management specialists I believe was one, and I can tell him that those people are indeed not to be housed in the Confederation Building or in headquarters office at all but will find themselves out in the regions of this Province visiting homes, providing the kind of assistance, Mr. Speaker, that should have been provided fifteen years ago, twenty years ago. We have some already in various centres as I went into when I introduced my estimates. That programme, Mr. Speaker, is such a tremendous success that it is the intention of the administration to enlarge upon it and to increase that effort and that is what those positions are all about.

Again, and I do not really wish to get into the debate on Exon House as there has been enough said about that and anything that is said further on the issue to me is just pure repetition, Mr. Speaker, the real emphasis, the real programme of this administration for the mentally retarded of this Province is not to house them in institutions such as Exon House. It is to take the services out to the community, into the home, work with the parents, provide the programmes, provide the opportunity for training for full development and to keep them out of such institutions and keep them within their own home environment and to indeed have the parents acknowledge that they too have a responsibility to the retarded children that they give birth to. It is not, as I said at

MR. HICKEY: estimate time, it is not the responsibility purely of the state. It is the responsibility of the parent in the first instance, but it is most certainly the responsibility of the state to see to it that those people who are less fortunate than ourselves have full opportunity for full development to the highest level and to have an opportunity as well in that development to gainful employment to the greatest level or to the greatest degree.

Mr. Speaker, this legislation does two things, and I did not in my opening remarks, because obviously a minister has an opportunity to close the debate, I did not go into detail, to spell out those things, some of those things as raised by my hon. friends opposite, my

MR. HICKEY:

interpretation of this legislation, Mr. Speaker, is somewhat different from that of the Opposition. My interpretation of number 7, for example, is it has wide ranging significance, wide ranging power to me. It says, and I quote, "Every disabled person is entitled to be provided with rehabilitation services if he or she is ordinarily resident in the Province and eligible, as determined by the regulations, for rehabilitation services." Now, Mr. Speaker, the regulations are listed.

There is another section 8 (b) which says, "Appliances designed to support or take the place of a part of the body or to increase the activity of a sensory organ." (e) "Occupational tools, books, material, equipment and other personal property deemed necessary for rehabilitation purposes." (i) "Such other goods or services as the minister deems necessary for the better carrying out of the intent of this Act."

Mr. Speaker, under the heading 6, "Powers Of The Minister". To me, Mr. Speaker, it is abundantly clear that really as far as funding will permit those very issues that my hon. friends talk about, not only does it say that government is desirous and anxious to provide but enshrines the right of the mentally and physically handicapped people of this Province to demand those very same things now when this passes under law whereas heretofore it was purely by a minute in council. It was at the whim at the government. The significance of that particular aspect of this legislation seems to have escaped the hon. gentlemen opposite or at least most of them.

So, to me, Mr. Speaker, it is a very important day for the mentally and physically handicapped citizens

MR. HICKEY:

of this Province. Their rights are being attended to. Their rights are being guaranteed in legislation whereas before it was by wish or by desire or whim of any government.

SOME HON. MEMBERS: Hear, hear!

MR. HICKEY: The issues, Your Honour, that you raised, that yourself raised, I cannot clearly answer for you. I will certainly guarantee you an answer between now and tomorrow. I would, again if I might speculate, I would suggest to you that again within a limited budget under this legislation there should be provisions for those very things that you referred to, that Your Honour refers to, being carried out. The only restrictions that I see from this legislation is in fact a restriction in terms of funding and one cannot always project certainly accurately from time to time what kind of funding will be expended.

I would hope, Mr. Speaker, and in keeping with the determination of this government, I would hope that no person in this Province who is desirous and who has some initiative to improve their individual lot, be they mentally retarded or physically handicapped, I would hate to see the time when they would be denied that opportunity purely because of a lack of funds. I do not think that time is going to come, Mr. Speaker, and for that reason I see this as a pretty important piece of legislation as affects those two groups.

The point made by my colleague, the Minister of Social Services (Mr. Brett), I think is an excellent one, to borrow from the situation in Manitoba because appliances are very costly and surely I think all of us know that there are appliance of one kind and another around this Province, in the attics or in rooms in houses

MR. HICKEY:

not used. I would suggest that if we had a center designed purely for that I think we might be surprised to find out how many people would indeed be able to donate appliances of this type and with some funding ourselves we certainly should be able to go the rest of the way.

Mr. Speaker, finally a point made by the member for Burgeo-Bay d'Espoir (Mr. Simmons) in relation to protection for the mentally retarded or the disabled persons insofar as staff appointment. There is no such protection in this act, in the context that he draws our attention to. There is no need, Mr. Speaker, no need at all. The protection insofar as the incident that he refers to is vested in the department, in the minister, whoever that minister might be.

Mr. Hickey: I can allay any fears that he might have or anybody else that after that unfortunate experience I doubt if any minister— certainly I will not, and I have not, and even as recently as three or four days ago I have requested the Public Service to give me in writing a letter which tells me that: (a) the qualifications have been verified; and (b) the references have been checked out, and the employment record has been checked out. And that when I have that in writing then I will appoint or choose a person from that list. I do not think my hon. friend opposite have any worries there, and I do not think that we have to enshrine that into legislation. Indeed it is a crazy suggestion to suggest that, that kind of thing to be placed in a bill before the House.

I think, Mr. Speaker, I have answered all of the questions, all the enquiries from hon. members. I would hope so at least. Let me say in closing that we look forward to working under this legislation, and to broadening and ever expanding the whole area of services to the mentally and physically handicapped people of the Province. And again I repeat, Mr. Speaker, because it cannot be repeated too often, that apparently while we acknowledge there is misunderstanding among our citizens, among the people outside of this Chamber as to what is going on in this whole field of mental retardation and the physically handicapped, but I did not know, Mr. Speaker, that there was such a misunderstanding right in this Chamber. And I would suggest that hon. gentlemen might do well indeed to take a look at what really is going on into this area, and certainly educate themselves accordingly.

I move second reading.

SOME HON. MEMBERS: Hear, hear.

On motion, a bill, "An Act Respecting The Rehabilitation Of Disabled Persons", read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No.17)

Motion, second reading, "An Act To Regulate The Discounting Of Income Tax Refunds." (Bill No. 21)

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

MR. MURPHY: Mr. Speaker, this is a new bill with reference to, as it states, income tax refunds. Up to this year, although Minister of Consumer Affairs for three years, attending meetings on the Mainland, I had heard many discussions on the income tax refunder and the loan sharks, this type of thing, I was quite unaware of what the implications of these refund people were until this year when an ad appeared in our local papers, dated February 15th., advising the opening of an office here in the city of St. John's. Because of our familiarity with what had happened on the Mainland, we immediately designed this bill, and the bill is basically to protect the person who is in many cases short of cash, and around income tax time someone suggest to you that we will prepare your income tax, what you are owed as a refund instead of waiting perhaps four, five, six, seven weeks as has been the case, we will give you cash immediately for it. Now there is nowhere in the world can any minister or any department control how a person spends their own money. We can advise them, we can put out all of the education we want, but there is no one who can prevent anybody who wants to buy a Cadillac car who can only afford a Volkswagon, say, from doing same.

So immediately we set to work and with the Department of Justice we framed this bill. It is a very simple bill, and it just sets out-it is a bill of general application- and it is just designed to regulate persons involved in the discounting of income tax refunds. It also applies to unemployment insurance refunds, the Canadian Pension Act and many other ways where a person is due monies back mainly from the federal government. And this group of people will give you cash perhaps for half or perhaps for a quarter or perhaps three-quarters of what that refund is worth. I think the basic thing

MR. MURPHY: in this bill is that no matter what arrangements you make with these income tax discounters you must receive a minimum of 90 per cent of the amount due you. So that is a simple thing in the whole act and I have much pleasure in moving second reading.

On motion, a bill, "An Act To Regulate The Discounting Of Income Tax Refunds," read a second time, ordered referred to a Committee of the whole House presently by leave, carried. (Bill No. 21).

MR. PECKFORD: Committee of the Whole.

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

COMMITTEE OF THE WHOLE

MR. CHAIRMAN: Order, please!

Bill No. 12.

Shall clause 1, carry?

MR. NEARY: Mr. Chairman.

MR. CHAIRMAN: Order!

MR. NEARY: Sir, are we going to take the advice of the hon. Leader of the Opposition and put a book downstairs in the lobby of Confederation Building?

MR. W.N. ROWE: Book of the Dead.

MR. NEARY: Book of the Dead?

AN HON. MEMBER: Tomorrow, by leave.

MR. NEARY: Okay.

MR. DOODY: The author is to please stand up.

A bill, "An Act To Repeal The Government-Pyramid Mobile Homes (1959) Limited (Confirmation of Agreement) Act." (Bill No. 12).

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

MR. PECKFORD: Bill No. 9.

MR. CHAIRMAN: Bill No. 9.

A bill, "An Act To Amend The Adoption Of Children Act." (Bill No. 9).

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

MR. PECKFORD: Bill No. 21.

MR. CHAIRMAN: Bill No. 21.

On motion, clauses 1 through 13, carried.

MR. CHAIRMAN: Shall the enacting clause carry?

MR. NEARY: Mr. Chairman, Your Honour got a little bit too fast for me there. Section 13, make it retroactive to February 15, is there any reason for that?

MR. CHAIRMAN: The hon. member wishes to revert to 13? By leave?

MR. NEARY: Yes.

MR. CHAIRMAN: By leave.

MR. MURPHY: That was the day that the advertisement appeared in the paper. We immediately contacted them and told them that in view of the fact they had moved in, and in view of what

MR. MURPHY: we had heard about, that we were serving notice. Now whether this will hold up or not we do not know. We told them on that day that we were immediately enacting this legislation and we would make it so anybody who dealt with them from that day on, that it would take some time to put the act through, we would immediately go and declare them as being illegal and we would fight the case. As I say, we took the chance that it could become effective retroactively. But we gave them notice in writing to that effect.

MR. NEARY: Did you receive any complaints in that length of time?

MR. MURPHY: We did receive several. An extraordinary thing; only yesterday I discovered that they had moved out of the Province into some other province. I am checking the whole thing out so if there is any information that anybody wants we will be only too happy to give it to them in the next few months.

MR. W.N. ROWE: Good! That was quick action on the part of the minister. Let me commend the minister on his quick and prompt action, Sir, picking up the paper down in Sarasota.

MR. MURPHY: On behalf of my wife and family, I thank the hon. gentleman very sincerely.

MR. NEARY: On behalf of the constituents in Sarasota.

MR. MURPHY: That was a good, clean unpolluted air on the beach in Sarasota that did all that.

MR. W.N. ROWE: I have been down there myself, Sir, with the children, a year or so ago. And I saw the hon. minister down there and I must say, I envied him this year. But, Sir, I must commend him, picking up the local newspaper and saying, The people of Newfoundland are being treated unfairly by these income tax discounters, and sitting down there on the beach, Sir, the lovely beach in

MR. W.N. ROWE: Sarasota, and writing a letter.

MR. MURPHY: I paid my own way, every cent.

MR. W.N. ROWE: I am sure the hon. minister did.

MR. MURPHY: Yes.

MR. W.N. ROWE: I am sure he did, Sir.

SOME HON. MEMBERS: Oh, oh!

MR. W.N. ROWE: Any chance of making a speech in the House? Sir, after having been so well put in my place by the Clerk of the House I am going to resume my seat. She is the only one, Sir, I would let do it.

A bill, "An Act To Regulate The Discounting Of Income Tax Refunds." (Bill No. 21).
Motion, that the Committee report having passed the bill without amendment, carried.

MR. PECKFORD: Bill No. 17.

MR. CHAIRMAN: Bill No. 17.

On motion, clauses 1 through 8 carried.

MR. CHAIRMAN: Shall clause 9 carry?

MR. PECKFORD: Mr. Chairman, on clause 9 there, subsection 2, we want to add - there is a section (a) and (b) to the appointment of the board, the Rehabilitation Appeal Board, (a) is the appointment of a assistant deputy minister and (b) is two other persons which shall be designated by the minister. We wish to amend it and put in a section (c) there; "One handicapped person from the general public."

MR. NEARY: The Opposition scores again.

MR. MURPHY: That is what you are here for, to do something constructive.

MR. PECKFORD: One handicapped person from
the general public.

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: It is moved that subsection
be included as the minister states. Is it the wish to
the Committee to adopt the amendment? Those in favour
'aye', contrary 'nay', carried.

On motion, clause 9 as
amended, carried.

On motion, clauses 10 and
11, carried.

MR. NEARY: It is six o'clock, Mr.
Chairman. It is six o'clock.

MR. MURPHY: We can stop the clock.

MR. NEARY: No. No stopping the clock.

MR. CHAIRMAN: It is six o'clock, I will
leave the Chair until eight o'clock.

I N D E X

ANSWERS TO QUESTIONS

TABLED

MAY 8, 1978

QUESTION #22

Mr. Neary (LaPoile) - to ask the Honourable the Minister of Health to lay upon the Table of the House the following information:

- (a) How many Psychiatrists were recruited outside the Province in 1974, 1975, 1976 and 1977?
- (b) In what provinces or countries were these psychiatrists recruited?

ANSWER

(a)	1974	0
	1975	3
	1976	1
	1977	0
(b)	England	2
	Ireland	2

#47

MR. NEARY (LaPoile) - To ask the Honourable the Minister of Health to lay upon the Table of the House the following information:

- (a) What financial contribution does the Government make towards the hospital at Churchill Falls?
- (b) How many doctors are on staff at the hospital at Churchill Falls?
- (c) How many nurses on staff at the Churchill Falls hospital?
- (d) Other staff employed by the hospital at Churchill Falls?

ANSWER:

For the fiscal year April 1, 1977 to March 31, 1978,

- (a) The financial contribution by Government towards the hospital at Churchill Falls was \$159,000
- (b) There were two doctors on staff at the hospital
- (c) There were five nurses on staff at the hospital
- (d) There were five other staff employed by the hospital

QUESTION #45

Mr. Neary (LaPoile) - to ask the Honourable the Minister of Health to lay upon the Table of the House the following information:

A statement showing the number of attempted suicides in Newfoundland and Labrador for the calendar year 1975, 1976 and 1977.

ANSWER

The answer to the question is not obtainable from information gathered within the Health reporting system.

April 5, 1978

#52

MR. NEARY (LaPoile) - To ask the Honourable the Minister of Health to lay upon the Table of the House the following information:

- (1) What financial assistance towards capital and operating expenses of International Grenfell Association were provided by the Government during the current fiscal year?
- (2) Has the International Grenfell Association requested additional funds? If so, give details of such representations and the response made by Government towards same.

ANSWER:

Financial assistance approved towards operating expenses of the International Grenfell Association during the fiscal year 1977-78 is as follows:

(1) On account of hospitals and nursing stations	- \$ 9,805,000
On account of Medical and Other Services (Public health, dental, etc.)	- 2,197,000
	<hr/>
	\$12,002,000

- (2) Requests from I.G.A. were for approximately \$191,000 more than the amount approved. The reductions were made to bring requests in line with general governmental and departmental policies regarding salary scales, etc.

QUESTION #28

Mr. Neary (LaPoile) - to ask the Honourable the Minister of Health to lay upon the Table of the House the following information:

Total number of illegitimate births in the Province for the calendar year, 1977?

ANSWER

At this date we cannot confirm the final figure because there has to be allowance for late registrations.

Considering registrations to date we would estimate the number of illegitimate births for 1977 to total 1100.

MARCH 22, 1978

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
8:00 p.m. - 11:00 p.m.
MONDAY, MAY 8, 1978

The Committee resumed at 8:00 P.M.

Mr. Chairman in the Chair.

MR. CHAIRMAN: Order, please!

If hon. members will permit me, in the gallery we have visitors that the Committee, I am sure, would like to welcome, Dr. Robert Quigley and members of the Pro-life Group.

SOME HON. MEMBERS: Hear, hear!

MR. PECKFORD: If I may, Mr. Chairman?

MR. CHAIRMAN: The hon. Minister of Mines and Resources.

MR. PECKFORD: It is a little bit odd. This afternoon just before we broke for Supper I had moved an amendment to Section (9) of the Act under discussion, Bill No. 17, adding section (c) to Section (9) to include a handicapped person from the general public be also one of the people that who would be appointed to serve on the Rehabilitation Appeal Board. On further reflection, and if I have the leave of the Committee, because that addition would give four people on the Appeal Board which is an even number and which it makes it sort of difficult when there is a tie and so on, I am wondering if the Committee would give me leave to make the following amendment, Have 9 (2)(a) remain the Assistant Deputy Minister; (b) one other person instead of two; and (c) the one that I had added, in any case, one handicapped person. That would keep the Committee at three, and then you would eliminate the tie situation, and still accomplish what I had intended and was trying to accomplish just before Supper. So if I have the leave I would ask the Opposition House Leader to confirm that this is all right with the Opposition.

MR. NEARY: Mr. Chairman, in view of the fact that we were the ones, Sir, on this side of the House who suggested that a disabled person be put on that Committee, of course we will go along with changing 9(b) to one other person. And then add (c) a disabled person would also be placed on the Committee.

MR. CHAIRMAN: The hon. Minister of Rehabilitation and Recreation.

MR. HICKEY: Mr. Chairman, I want to thank the Opposition for agreeing, but I want to correct the record. It is not the

Mr. Hickey: Opposition's suggestion. This was our suggestion, my suggestion to the staff, so that the record is correct.

MR. CHAIRMAN: Order, please!

I understand that the hon. minister has asked leave to make an amendment to 9(2) (b)? I understand the hon. minister has leave?

It is moved that 9 (2) (b) be amended as suggested. Is it the wish of the Committee to adopt this amendment? Those in favour "Aye", contrary "Nay". Carried.

9 as amended, those in favour "Aye", contrary "Nay". Carried.

MR. CHAIRMAN: Shall Clause 12 carry?

On motion Clauses 12 to 13 carried.

Motion, that the committee report the bill with amendment, carried.

A bill, "An Act Respecting The Rehabilitation Of Disabled Persons."

Motion 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. Chairman of Committees.

MR. CHAIRMAN: Mr. Speaker, the Committee has considered the matters to them referred, ordered me to report having passed Bill No. 17 with an amendment, and asked leave to sit again.

MR. SPEAKER: The Chairman of the Committee of the Whole reports that they have considered the matters to them referred, have directed him to report Bill No. 17 with amendment.

On motion report received and adopted.

MR. SPEAKER: When shall the amendment be read a first time?

SOME HON. MEMBERS: Now.

On motion amendments read a first and second time.

On motion Bill read a third time on tomorrow.

MR. SPEAKER: The hon. the Chairman of Committees.

MR. CHAIRMAN: Mr. Speaker, the Committee of the Whole have considered the matters to them referred, have directed me to report Bills Nos. 12, 9, and 21 without amendment, and ask leave to sit again.

MR. SPEAKER: The Chairman of the Committee reports that they have considered the matters to them referred and have passed Bills Nos. 12, 9, and 21 without amendment, and ask leave to sit agin.

On motion report received and adopted, Committee ordered to sit again on tomorrow.

MR. SPEAKER:

Motion 6.

The hon. the Minister of Mines and Energy.

MR. PECKFORD:

Mr. Speaker, on behalf of the Minister of Justice in whose name the motion is on the Order Paper: What we are doing here is the motion that both sides of the House agreed on, and this is to move "that a Committee of Privileges and Elections to consist of the hon. the member for St. John's East (Mr. Marshall), the hon. the member for Grand Falls (Mr. Lundrigan), the hon. the member for Kilbride (Mr. Wells), the hon. the Leader of the Opposition and the hon. the member for the Straits of Belle Isle (Mr. Roberts) be appointed to examine into the privileges and immunities of members of the House of Assembly." Of course, Mr. Speaker, this motion arises out of the problems, if you will, or actions that have come up in this hon. House in the last week or two as it relates to the privileges of hon. members, because during the past week or so there have been certain actions taken which perhaps infringe upon the immunity of hon. members and this Committee, therefore, is thought desirable to perhaps more specifically define or at least review the situation as it relates to hon. members in this hon. House. And therefore, this Committee is being established of mostly learned hon. members of the House who are fairly familiar with the rules, to sit and to review the privileges and to bring in recommendations to the full House as to how the privileges of hon. members and immunities and all the rest of it should be handled in the future in case similar circumstances arise in the future as have arisen in the last week or so.

The Minister of Justice not being here, I thought it advisable to get up in his place, as acting House Leader for the government, to speak generally on the motion before us. Now I do not imagine, Mr. Speaker, that this motion will take all that length of time to pass and I think all hon. members on both sides of the House agree with the intent and I hope with the specifics of the motion so that we can get on with having the Committee set up, and hence, after it has been set up by the House, to meet and to fully review the privileges of hon. members and bring in recommendations as to how we should govern ourselves in future.

MR. PECKFORD: So that is essentially the whole purpose of the motion, Mr. Speaker. No doubt hon. members could, or I could if I so wished get into a lot of the detail that went on that led up to this motion but I do not think it is necessary, I think most hon. members are aware of it and, therefore, I will just sit down and let somebody from the opposite side give their position on it. I understand they are in agreement with it. The only contentious point, perhaps, could be the composition of the Committee, but on that I do not think there should be any really serious disagreement. So I would entertain some reaction from the other side and see how hon. gentlemen opposite would like to proceed with the motion.

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

MR. NEARY: Mr. Speaker, the motion before the House is that the hon. the Minister of Justice move "that a Committee of Privileges and Elections to consist of the hon. the member for St. John's East (Mr. Marshall), the hon. the member for Grand Falls (Mr. Lundrigan), the hon. the member for Kilbride (Mr. Wells), the hon. the Leader of the Opposition and the hon. the member for the Straits of Belle Isle (Mr. Roberts) be appointed to examine into the privileges and immunities of members of the House of Assembly." Now when that motion was made, Mr. Speaker, members were not aware - including the gentleman who moved the motion, by the way - were not aware that after we changed the rules of this House, after we amended the rules a couple of years ago, provision was made for a Standing Committee on Elections and Privileges. So the only thing that we need do now is to appoint the members to the Committee. The members have never been appointed.

My first observation, Sir, is this, that first of all I want to point out to members that the Minister of Justice, himself, was named in the original group of five ministers. The Minister of Justice later approached me as the Opposition House Leader to ask for approval to withdraw his name, because, hon. members may recall, the first matter to be referred to the new Committee on Elections and Privileges is the matter of a breach of privilege of the House that I raised last week, and Your Honour did indeed agree that I had a

MR. NEARY: prima facie case, that my privileges in this House had been breached, and that the matter should be referred to the Committee on Elections and Privileges. That point, Sir, is a very, very significant and a very important point and I will just repeat it for the sake of those who may not have caught it when Your Honour gave the ruling.

Your Honour's ruling was that my privileges - at least Your Honour felt that I had laid out a prima facie case, and Your Honour agreed that there was a very strong possibility because of the case that I made that the matter should be referred to the Committee on Elections and Privileges. The Minister of Justice, feeling that his officials could possibly be brought into focus because they were the ones that drafted the warrant to search my office, and the committee that was dealing with this matter, this prima facie case that I had laid out where indeed my privileges had been breached in this House, that no doubt they would have to do some research in the Minister of Justice's Department with the officials of the Department of Justice. So the minister felt in all fairness he should withdraw from the committee and I completely agreed and the minister withdrew. Now up to that point we had five lawyers on the committee, five, and now we have four lawyers and one layman, the layman being the member for Grand Falls (Mr. Lundrigan). I thought originally, Sir, that there were too many lawyers on the committee. I still feel that four lawyers, four lawyers lined up against my hon. friend from Grand Falls (Mr. Lundrigan), as good as he is, as strong as he is, as good a debater as he is, and a gentleman who may have high principles, high moral principles, would still think that the hon. gentleman could be persuaded, could be knocked down, his arguments could be turned around with four lawyers on the committee. It is not that I have anything against lawyers, Sir, but it could conceivably happen. And of course the other thing is that there are three members from the government side. Members will have to face up to that, that three of the lawyers-or three of the members, rather, two of them being lawyers, are from the opposite side of the House and the other two are from this side. So a committee will be outnumbered as far as lawyers are concerned four to one

MR. NEARY: and as far as partisan politics are concerned three to two. I would hope, Sir, and I would not want to think otherwise, that the hon. gentlemen who have been appointed to this committee by Your Honour, the Speaker, the hon. member for St. John's East (Mr. Marshall) and the hon. member for Kilbride (Mr. Wells), the two lawyers on the committee, would not use this committee for any partisan purposes because that is not the point of the committee. If that happened, Sir, it would undermine not only the committee but it would undermine the House itself-if that happened. I would think that it would not happen. It is just one of these committees, Mr. Speaker, where decisions are not and cannot be made along partisan political lines. And my hon. friend from St. John's East (Mr. Marshall) I think realizes that. So I would hope, Sir, that the gentlemen, especially on the opposite benches, who are appointed to this committee will take their responsibilities very, very seriously and not in any way, shape or form allow themselves ever to base any decisions or be persuaded to make decisions along partisan political lines.

In other jurisdictions, Mr. Speaker, I might point out in the Senate, in the research that I have done - and I believe Your Honour has done some recently, too, on Committees on Elections and Privileges - that the Senate Committee really has not functioned that much; they hold no meetings, a very important Committee of the Senate. Your Honour was looking for precedents, recently and I was searching for precedents myself and I believe Your Honour and I were probably following the same route, could not - there was a precedent as they thought in the Senate where a matter was referred to the Committee on Elections and Privileges and the committee never, ever met, at least there is no record of the committee meeting. You will find the same thing happening in other jurisdictions where I guess so seldom, Mr. Speaker, so seldom is the committee called upon to make a major decision as far as members' immunity is concerned, as far

MR. NEARY: as far as the privileges of members of the House are concerned, that they are called upon so rarely to decide on these matters that the Committees do not hold regular meetings and in some instances, I would think, they are pretty well defunct. Now in this House we had not even appointed members to the Committee, and we would not have appointed members to the Committee but for the unfortunate situation that arose last week when a warrant was obtained by a peace officer in the court. And the officer who went down to take the oath and swear the affidavit said that in his opinion he thought a crime had been committed and the crime was that somebody outside of this House had extorted \$5,000 from the Provincial Government, that a Mr. Davidson had indeed induced the Provincial Government to pay him \$5,000 under threat of his exposing corruption in government. That warrant was obtained, Sir, and as a result of that my hon. friend's office was searched.

DR. FARRELL: With my permission.

MR. NEARY: With the hon. gentleman's permission? You mean they came with a search warrant and the hon. gentleman gave them permission? Well, it is too bad I was not here to give them permission because they would have had it. Not only could they have permission but they could have very easily had what they wanted. But they went to the hon. gentleman's office with a search warrant - a warrant to search - and in that warrant to search - I do not know if my hon. friend looked at it or not - in that warrant to search the hon. gentleman's office was an alleged crime. Did the hon. gentleman know that?

DR. FARRELL: No, Sir.

MR. NEARY: And the alleged crime was - and the RCMP peace officer had taken a note swearing to this; I presume the two search warrants were the same - the alleged crime was that Mr. Davidson had induced this government to pay him \$5,000, otherwise he would disclose corruption in the government. And, Mr. Speaker, the hon. gentleman says he did not know that. Well, I know it because I have a copy of the search warrant. And, Mr. Speaker, as Your Honour knows, I went to Your Honour and I pointed out to Your Honour privately, although Your Honour could not, I suppose, bring private matters that are discussed before the

MR. NEARY: House, but I do not think I am divulging any confidence - the Leader of the Opposition and myself went to visit Your Honour to point out that in this search warrant, this warrant to search my hon. friend's office and my office where the case was laid out that a crime had been committed, that in the House the Minister of Transportation and Communications, the former Minister of Finance and former President of the Treasury Board, told the House that indeed \$5,000 was not extorted from the government, that Mr. Davidson did not induce the government to pay \$5,000. The minister told us that the \$5,000 was paid as a legitimate claim on the Public Treasury for services rendered. Is my hon. friend aware of that?

DR. FARRELL: Yes.

MR. NEARY: My hon. friend is aware of it? Well, then, if my hon. friend is aware of it he must also be as aware of it as I am that in that case our offices were searched under false pretences.

MR. MURPHY: Why bring it up in the House now? Is not that the purpose of setting up the Committee?

MR. NEARY: That is right.

MR. MURPHY: Do we have to go through it all now here tonight?

MR. NEARY: No, I am just saying that if the Committee -

MR. MURPHY: If the hon. member is going to settle it all now, let us forget it.

MR. NEARY: No, I am not settling it all now, Sir, I am just laying out some facts in case the hon. gentleman is not in possession of the facts. I am laying out a few facts. So therefore, I asked Your Honour if Your Honour would mention this when Your Honour was handing down the decision in the House, but Your Honour could not do that and so I am telling the House now that I did go to Your Honour with the Leader of the Opposition and we established that indeed there was no \$5,000 at all extorted from the government, it was paid for services rendered.

MR. MURPHY: A \$5,000.

MR. NEARY: My hon. friend does not believe that?

MR. MURPHY: I said 'a \$5,000.' Which \$5,000?

MR. MURPHY: Was there one, two, ten, fifteen, twenty 'five thousands'?

MR. NEARY: There was only one.

MR. MURPHY: Is this a fact?

MR. NEARY: That is a fact.

MR. MURPHY: I see. The best place for this in in Committee.

MR. NEARY: The other \$5,000, if indeed it was paid, came out of party funds. And if it was paid and it was extortion and it was bribery, then the party who paid it is equally as guilty as the party who received it.

MR. NEARY: Is my hon. friend aware of that?

MR. MURPHY: I am just aware there is a Committee set up to investigate all of these things. Is the hon. member going to conduct a one-man -

MR. NEARY: No, no, no. The Committee is not set up to investigate these.

MR. MURPHY: A real bounty hunter.

MR. NEARY: No, Mr. Speaker, the Committee is not set up to investigate these things, although when I am presenting my evidence I will be presenting evidence to the Committee along the lines that I just outlined. If the Committee had been set up perhaps in the beginning, Your Honour might have referred - when the RCMP came to Your Honour to ask permission to raid the two offices, to search the two offices, Your Honour might have referred it, might have indeed referred it to the Committee on Elections and Privileges. Your Honour was at a bit of a handicapped because there was no Committee at that particular time. If the Committee had been there maybe this would - maybe, I am only saying maybe - it would not have happened. So we find ourselves in the embarrassing situation where a warrant to search a member's office would look to me like it was obtained under false pretenses, that somebody was duped, duped. And I do not think it was the RCMP, I think they are doing their job, Sir, sincerely and conscientiously and honestly. But I do believe, Mr. Speaker, it is my opinion, and I do not know if it was deliberate or otherwise, that the Justice Department in wording the warrant to search for the RCMP constable or corporal, either deliberately or otherwise duped the RCMP, duped the Magistrate, and in so doing duped this House. And that is a pretty serious thing, Sir. It is a very serious matter, because my hon. friend cleared it all up two days later when my hon. friend said The \$5,000 was paid to Mr. Davidson as a legitimate charge on the Public Treasury of this Province for services rendered.

MR. DOODY: I could have told you that a couple of years ago.

MR. NEARY: Well, why did you not tell the police?

MR. DOODY: I did not have to. I do not have very much communications with the police. I yield to -

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Well I can remember the day when my hon. gentleman just barely escaped, my hon. friend just barely escaped on a number of occasions. Just got away.

But, Sir, it is a pretty serious situation. My hon. friend says Well why did I not ask him two years ago? Well, Sir, it did not happen two years ago. The charge is that it happened between April 1975 and April 1976.

MR. DOODY: That is about one and a half or two years ago. Anyway I would not want to bring facts into it (inaudible).

MR. NEARY: No, that will all come out in the wash, Sir, it will all come out into the investigation. The fact of the matter is that the whole thing is a shemozzle right from start to finish, this imposing on the immunity and the privileges of hon. members of this House.

And I had to laugh, Mr. Speaker, hon. gentlemen have gotten up on the opposite side of the House and said, "No member of this House is above the law," implying that somebody in this House had committed a crime. "Nobody is above the law." Nobody said members are above the law, Mr. Speaker. Nobody said that. What we were saying was that our privileges had been breached that if the RCMP had come to me - or anybody else, I would assume, in this House who upholds the law, who are lawmakers and who uphold the law - if the RCMP had come to me and said, "Look, do you have certain documentation down in your office that might help us in this investigation?" I would have said, "Sure, boy. And if you want it you can have it." Because when they did search my office, Mr. Speaker, all they got was the first affidavit, and the Minister of Justice had that in his possession for over a year, the hon. the Premier had it in his possession for over a year, and neither one of them had done anything about it. It had never been tabled in this House. It was in the files down in my office. I would not table it a year ago because the Minister of Justice has told us -

MR. J. CARTER: Go ahead! Drag it out.

MR. NEARY: I beg your pardon?

MR. J. CARTER: Do you want to drag out this suspense?

MR. NEARY: No, I did not want to drag out this suspense. I just did not want to do what I have been accused of doing by the hon. the Premier and the Minister of Justice, and that is to lay a document on the Table of the House where names of people would be picked out and bandied about and they may be innocent or they may be guilty. That is not for me to say. And that is why, Sir, that document was not put on the Table of the House.

Mr. Neary: The second document I was forced to table by the Minister of Justice and by the member for St. John's East (Mr. Marshall) forcing Your Honour to enforce the rules of the House. And if Your Honour will remember again -

MR. J. CARTER: You waved it about for two weeks.

MR. NEARY: No, Mr. Speaker, I only had the thing for two days. Mr. Speaker, Your Honour will remember that I suggested at that time that I consult with Your Honour and the Minister of Justice before I put that second affidavit on the Table of the House, Your Honour will remember that, and despite that the Minister of Justice decided he would force me to table it.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Because of the serious implications in the document I was reluctant to table it. And when Your Honour instructed me -

MR. J. CARTER: A blushing bride.

MR. NEARY: I beg your pardon?

MR. J. CARTER: A blushing bride.

MR. NEARY: When Your Honour instructed me to table it I had no choice then but to lay it on the Table of the House or Your Honour would have the Sergeant-at-Arms come up and remove the document from my desk and lay it on the Table of the House. And I passed a remark at the time. I said the Minister of Justice would have to bear the serious implications of tabling this document. And ever since the hon. gentleman has been over there making veiled threats, the hon. the Premier has been making veiled threats, and we heard another one today again, Sir, imposing on my privileges as a member of this House or any other member on this side of the House whom these threats are aimed at. The hon. gentleman got up today and made another veiled threat. Then I heard him mention the name of a Mr. Hammond. Well, Sir, the only - and I presume what the hon. gentleman is referring to is our hon. mutual friend who is scrapping in the mine on Bell Island.

MR. FLIGHT: Who mentioned Mr. Hammond?

MR. NEARY: The hon. the Premier this afternoon.

PREMIER MOORES: I did not.

MR. NEARY: I beg your pardon, Sir. I beg your pardon.

And the hon. gentleman can twist and weasel his way out of it all he wants to. Check Hansard and just see what he mentioned this afternoon.

And, Mr. Speaker, we do not have to stand here and take these veiled threats. That is why we are establishing this Committee. We do not have to take any threats from the hon. the Premier. He gets up and says, "Oh, like the hon. member for LaPoile, I have a document. I am going to lay it on the Table." Well, I would say if he has anything lay it on the Table.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Lay it on the Table. And if he had anything he would have it laid on the Table long ago. He knows everything about me now there is to know, how many times I go to the bathroom every day. The hon. gentleman is desperate. They are like a crowd of desperados. They are looking for something to hurl back at us, Mr. Speaker, and that is not going to wash. That is the mugs game. And the Premier if he continues to play the mugs game, if he flicks something at me I am going to flick something back at him. But it is not going to get away from the fact that there are some serious charges and allegations made in these affidavits, especially the one, the letter from the minister's Executive Assistant, or the minister's former Executive Assistant, I should say, who confirmed in public on television what he said in his letter was true.

And so the hon. the Premier can hurl all the dirt and all the filth and all the venom he wants across the House and everytime he hurls something, if I want to get down in the mud and roll with him, I will hurl something back at him. And if he keeps hurling it long enough I would submit that he might come out on the losing end. There are a few more little goodies that can be hurled at the hon. gentleman. And the hon. gentleman if he wants to can lay charges against me. He can call me a rogue and a scoundrel and a crook, and he can say I am not a gentleman, I am anything but. He

Mr. Neary: can do all he wants. He can try to smear me, attack my character, he can do anything he wants. But I could say to the hon. gentleman it is time for him to put up because I am not scared of the hon. gentleman. I will lay my integrity and my honesty and my reputation on the Table of this House with his anytime, any day in the week, any hour in the day, and any minute.

And so, Sir, we are not scared one bit of what the hon. gentleman is going to do or say. The hon. gentleman has been acting in a most irresponsible manner in threatening, and again breaching, Mr. Speaker, privileges of members of this House through innuendo and threats. And I cannot get over that hon. gentleman getting up and saying, "Oh, the Opposition! The Opposition are smearing people. All they do is smear people through innuendo," and all this sort of thing. And there is the master himself! When he is cornered, becomes desperate, he will resort to anything, Mr. Speaker, resort to anything;

MR. NEARY: untruths - I am not allowed to say 'lies' because it is unparliamentary. I cannot call anybody in this House a liar. Your Honour knows that.

MR. ROUSSEAU: But you do it by the backdoor.

MR. NEARY: No, I will not do it by the backdoor.

MR. ROUSSEAU: You just did.

MR. NEARY: No, I did not. Because if I could call the hon. Premier a liar I would, but I cannot.

AN HON. MEMBER: You just did.

MR. NEARY: No, I cannot. It is not allowed. It is against the rules of the House.

MR. HICKEY: (Inaudible) that is abusing the rules right now.

MR. NEARY: What is abusing the rules?

MR. HICKEY: "If I could call the Premier a liar I would but I cannot."

MR. NEARY: That is right. I am not allowed under the rules.

MR. HICKEY: (Inaudible) manipulation.

MR. NEARY: Well if it is manipulating I withdraw it. If that is manipulating, Mr. Speaker, I withdraw it. But, Sir, what do they want? Do they want blood?

Mr. Speaker, a very serious situation has arisen in this House. And Your Honour knows more than any other member because, Sir, you are dealing with a group of people, Mr. Speaker, who really do not know what the House is all about and I would say they do not care. Sometimes I wonder if they do not think they are having a bull session down in the El Tico or down in the Continental or down in the Bull "N" Bear or out in the Dhoon Lodge or over in Elizabeth Towers. I think that is the way they think the House is run. But they do not realize, Mr. Speaker, that in this House we have rights and privileges. And, Mr. Speaker, while I am on that subject I have to say this, Sir, that a lot of people who report the proceedings of this House seem to fall into the trap that we are like a binderparten, that we are continuously breaking the rules,

MR. NEARY: we are insulting one another, we are calling each other names, and that is a reflection, in my opinion, on Your Honour. Because Your Honour knows that if members of this House were calling each other names, were insulting each other, were breaking the rules of the House in other words, Your Honour, if we were breaking the rules of the House Your Honour would have no choice but to bring us to task and have us removed from this House. Is that not true, Your Honour? I know Your Honour cannot answer me but is that not true? If you are playing a hockey game and you have three referees on the ice, a referee and two linesmen, they are there to enforce the rules and Your Honour is there to enforce the rules of this hon. House. If you break the rules in a hockey game you are sent to the penalty box.

MR. HICKEY: You should be in long ago.

MR. NEARY: Mr. Speaker, the hon. gentleman says that I should be in long ago. The hon. gentleman is not the Speaker. The hon. Speaker is sitting up there, two steps up, and it is the hon. Speaker who decides who is removed from the House or who breaks the rules. It is not the hon. gentleman.

MR. HICKEY: He is not a miracle man.

MR. NEARY: The hon. gentleman is a good Speaker. As far as I am concerned I think I can say without fear of contradiction that we have the best Speaker in this House since Confederation.

SOME HON. MEMBERS: Hear, hear!

MR. HICKEY: He came from this side of the House.

MR. NEARY: No, Mr. Speaker, the hon. gentleman came from this side of the House.

MR. HICKEY: He came from this side.

MR. NEARY: The hon. gentleman came from this side and moved over to that side.

MR. FLIGHT: He was the only good thing you had left over there.

MR. SIMMONS: He is halfway back again now too.

MR. NEARY: But, Sir, we have a good Speaker and the Speaker as far as I am concerned is the best one that we have had since Confederation. And if anybody breaks the rules of this House, I believe Your Honour knows how to - I think he has shown us that in this session of the House. I think it is a reflection on the Chair to say that the House is completely in a shambles, it is chaotic. I think it is not a reflection on the members, it is a reflection on Your Honour and I am surprised that Your Honour has not taken the people who say that to task because I do not think Your Honour would allow the House to deteriorate into a shambles and into chaos.

MR. HICKEY: That is not what I meant.

MR. NEARY: Well that is what I mean.

AN HON. MEMBER: That is an abuse of the rules.

MR. NEARY: Abuse of the rules. Now let us take that and look at it. The hon. gentleman said 'Abuse of the rules.' Now, Mr. Speaker, would Your Honour - I am going to put it straight to Your Honour, would Your Honour allow a member to abuse the rules of this House? The Speaker cannot answer me. If he could he would make the hon. member for St. John's East Extern (Mr. Hickey) look like an idiot. Is that unparliamentary, Sir?

MR. SPEAKER: Not particularly.

MR. NEARY: It is not. Well then I withdraw it, Sir. The hon. gentleman only looks like an idiot but he is not an idiot. I take Your Honour's word for it.

MR. W. ROWE: The truth is no defence.

MR. NEARY: Truth is the best defence. So, Mr. Speaker, Your Honour, I am sure, would not allow members to abuse the rules of this House. Does the member believe that Your Honour would allow the rules of this House to be abused?

MR. HICKEY: The Speaker has no choice but to enforce the rules of the House.

MR. SPEAKER: Order, please! I would point out to hon. members that except under substantive motion a particular rule of the Chair really is not open to discussion. I am inclined to think if that is the case the generality of them in their total substance probably is not either.

MR. SPEAKER: So I will ask hon. members to refrain from commenting upon not a particular rule but even the generality thereof.

The hon. member.

MR. NEARY: Thank you, Mr. Speaker, and I appreciate -

MR. HICKEY: A point of order, Mr. Speaker. I want to set the record straight. I cast no reflection on Your Honour or on the Chair. My comment is simply that members of the House use the rules of the House occasionally and maybe carry them a little too far. They know the rules, they know how far they can go. It is in no way a reflection on Your Honour; it is a reflection on the rules of the House which I think should be changed, especially the rule of immunity.

AN HON. MEMBER: (Inaudible).

SOME HON. MEMBERS: Oh, oh!

MR. HICKEY: It should be changed so that you cannot destroy people's character and not face a court.

MR. SPEAKER: Order, please! There is no decision I can make. It is not a point of order of the nature of which I can make any decision.

MR. NEARY: Again, Sir, I thank Your Honour. And of course, what the hon. gentleman said is totally ridiculous because the hon. gentleman ended up by saying you cannot destroy people's character. Well, Your Honour would not allow members to destroy other members' characters. The hon. Speaker would not be worthy of his position, and the hon. gentleman is worthy of it - as I say, the best Speaker we have had, in my opinion, since Confederation.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: And I am sure the hon. Speaker would not allow anybody on either side of the House to destroy another gentleman's character.

MR. HICKEY: He can not help it.

MR. NEARY: Can not help it! Again another reflection on the Chair.

And Your Honour cannot function, cannot do his job as well as Your Honour would like to without the assistance of this Committee and other committees that we should have in this hon. House. It is unfortunate, Mr. Speaker, that while the Committee was established that the members were not appointed to it two years ago.

MR. NEARY: You know, too often in this House we lock the barn door after the horse is stolen, and this is just another case of where it took a very serious situation infringing on the privileges of members of this House to give us a jolt back to reality and just to see what can happen. So you see, Mr. Speaker, what could happen. I do not have to tell hon. members what could happen if every time we criticize the government, if every time we level criticism at the Premier and his ministers, we criticize them for appearances of corruption, appearances of wrongdoing, appearances of impropriety, every time we do that, if we did not set up this Committee and we did not have the protection of the Chair, every time we did that the Minister of Justice could retaliate by sending the RCMP into your office. Do hon. gentlemen realize that?

MR. HICKEY: What is wrong with that?

MR. NEARY: What is wrong with that? Let me repeat what I said, Sir, and then let us just see what the question the hon. gentleman put to me -

MR. HICKEY: It really does not matter.

MR. NEARY: The member for St. John's East Extern said, 'What is wrong with that?' Let me put the question again. The question I asked, Your Honour, is this, If every time a member on this side of the House criticized the government for appearances of bribery or corruption or influence peddling or impropriety or fraud, every time we accused the government of appearances of these serious crimes the Minister of Justice could retaliate by sending the RCMP into the office of the member, does the hon. gentleman think that is right?

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: I beg your pardon?

MR. HICKEY: You do not say anything unless you have some proof.

MR. NEARY: Well, the proof was on the table of the house.

MR. HICKEY: Proof?

MR. NEARY: Mr. Speaker, nobody is going to make an accusation or a charge in this House unless he is prepared to back it up, because you have to back it up according to the rules of the House.

MR. HICKEY: Since when?

MR. NEARY: Since all the time. Where has the hon. member been?

MR. HICKEY: I have been around so much that there have been more charges thrown across this House than you can shake a stick at, with no proof. There have been people outside this Chamber charged, with no proof.

MR. NEARY: Mr. Speaker, I wonder would the hon. gentleman give me a few examples of where members on this side of the House have ever charged members on the government side with impropriety or with wrongdoing? Could the minister give me an example?

MR. HICKEY: I am not talking about the matters that you just referred to, I am talking about laying false charges or making statements which reflect on people's characters adversely both inside and outside this House.

Mr. Neary: Mr. Speaker, the hon. gentleman is imputing motives and now the hon. gentleman has to back it up. But give us an example.

MR. HICKEY: On a point of order, Mr. Speaker.

MR. SPEAKER: A point of order.

MR. HICKEY: The hon. gentleman has spent considerable time saying how important it is that we all be protected through the immunity rule of the House. You know, he cannot have his loaf and eat it too. All of a sudden while he is saying that all along, when I say something I have to produce proof. My hon. friend has been saying things for twelve years and has not produced any proof yet. So surely I am allowed one mistake, if you are going to consider what I just said a mistake. Why should I have to produce anything?

MR. NEARY: Is that a point of order, Mr. Speaker?

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

MR. HICKEY: A point of clarification.

MR. SPEAKER: The hon. minister made more of an interjection than a point of order.

The hon. member for LaPoile.

MR. NEARY: Well, Sir, let me carry on then because the hon. gentleman obviously is not going to put up not one example, not a single example where one member on this side of the House—and the hon. member can make general and vague statements all he wants—not one member on this side of the House has ever accused any member on the government side of the House of any impropriety or wrongdoing. No member to my knowledge on this side has ever done that, although I have seen it quoted in the press, again I have seen it quoted, where the member for LaPoile or the member for Burgeo-Bay d'Espoir (Mr. Simmons) today charged the government or charged the Minister of Industrial Development with so and so. And the hon. minister knows that is not true. I have not charged the hon. gentleman with anything. I have not charged the hon. the Premier with anything, I have not charged the hon. member for St. John's East Extern (Mr. Hickey) with anything. None of my colleagues have charged

Mr. Neary: any of these gentlemen with anything.

MR. J. CARTER: All for free.

MR. NEARY: I beg your pardon?

MR. J. CARTER: All for free. You do not charge a cent.

MR. HICKEY: Is your memory failing?

MR. NEARY: No my memory is not failing. If the hon. gentleman wants to jog my memory go ahead.

MR. HICKEY: What about a year ago?

MR. NEARY: Yes. What about it?

MR. HICKEY: That was not an inference on my reputation?

MR. NEARY: I beg your pardon?

MR. HICKEY: Was that an inference insofar as my reputation was concerned?

MR. NEARY: Well the hon. gentleman is not in his seat.

MR. HICKEY: I am not talking about the hon. gentleman being in his seat. The hon. is not shooting his mouth off, it is you.

MR. NEARY: Well that is right.

MR. HICKEY: Yes. That is right.

MR. NEARY: And I say that the hon. gentleman who brought that matter into the House did his duty.

MR. HICKEY: What is that?

MR. NEARY: As he thought fit.

MR. HICKEY: Yes sure.

MR. NEARY: That he brought in documentation.

MR. HICKEY: Sure.

MR. NEARY: Documentation to show that televisions had been delivered to certain people. And the hon. gentleman did not make any charges, if I remember, standing here.

MR. HICKEY: On a point of order, Mr. Speaker.

MR. SPEAKER (DR. COLLINS): A point of order.

MR. HICKEY: And I am going to hold my peace for the rest of the night and keep quiet. The point being made by this exchange is very simply this; the rule of immunity has been abused. Hon. members from time to time make statements in this House about people outside the House.

Mr. Hickey: that they do not have the courage or the guts to make outside of this Bar because they would find themselves in court. And they made them last year in regards to myself and an acquaintance of mine and I came back a week later and produced proof that what they said had no foundation. I was hurt by that and so was my friend. And that is what I call total abuse of the rules of this House. And there is nothing Your Honour can do about it because the rule is there and that is where it is used.

MR. W. N. ROWE: What is this?

MR. HICKEY: I produced the evidence to clear my name, but I do not mean that the whole public of this Province believes it though. What about the person who cannot sit in here to defend herself? Why do you not answer that one?

MR. SPEAKER (DR. COLLINS): The hon. member for Bellevue speaking to the point of order.

MR. CALLAN: Mr. Speaker, the hon. gentleman for St. John's East Extern has risen on at least two occasions tonight so far and talked about the inadequacies of the rules of this House. I mean, certainly the hon. gentleman must realize that a colleague on his side of the House was named to a Committee back in May of 1976, two years ago now, and he who was named chairman has not called a meeting. I am on that Committee as well and I have wondered to the Speaker and I have wondered in this House once or twice when will this Committee meet to try and change some of the rules, if that is the problem, and the Committee has not met.

AN HON. MEMBER: That is right.

MR. CALLAN: The hon. member for Kilbride (Mr. Wells) has not bothered to call the Committee together.

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

I think it is clear that there is differences of opinion in this matter on both sides of the House. But I do not think it is a matter that comes within the orbit of order that I can rule upon.

The hon. the member for LaPoile.

MR. NEARY: Well, Mr. Speaker, I do not want to debate with my hon. friend all night over this matter. My hon. friend seems very super-sensitive about this matter and I do not know why the hon. gentleman is uptight, why the hon. gentleman is so uptight over this matter.

But, Sir, in order for us to function properly, Mr. Speaker, and do our jobs as we were elected to do we have to have complete freedom. We do not have to be above the law. If we break the law we are entitled to be charged the same as anybody else, but we have to feel completely free to do our duty as we see fit, and the hon. gentleman may not agree with the way that we see fit, but we have to do our duty, Sir, or we would be just as bad as the other crowd and we should resign from this House if we do not do our duty. If, Mr. Speaker, examples of impropriety, if examples of influence peddling, if examples of corruption are brought to our attention, Sir, and we sit back and do nothing about it and sit on it, then we are not doing our duty to the people of this Province, as my hon. friend from Grand Falls is aware. We would not deserve to have the trust and the faith of the people of this Province. It would be a breach of trust on our part. And I am going to tell hon. gentlemen right now, any time that I get evidence of wrongdoing on behalf of the administration I am going, if I have to, put it on the table of the House. I am not giving up my rights ever as a member of this House.

I had a letter the other day about the Minister of Justice about an accusation made by a resident of Lawn, an unsigned letter about the Minister of Justice. I sent it to the Minister of Justice for his comments. I had one last year from Bonavista South criticizing the member for Bonavista South (Mr. Morgan) for the abuse and misuse of government helicopters and government facilities. I did not bring it into the House, I sent it to the hon. gentleman. That is the way to do it and that is the way I have been doing it.

And also, Sir, in this matter now of the Scrivener affair, I took it to the Premier.

MR. H. ROWE: That is right.

MR. NEARY: Two years ago, 1976, I took it to the Premier, I wrote the Premier, I begged and pleaded with the Premier.

MR. HICKEY: That is not the way it was done to me. You did not ask my advice.

MR. NEARY: Well, if the hon. gentleman has a beef it is with somebody else, it is not with me. I did my duty. I took the matter to the hon. the Premier, the head of the administration, and in front of the Minister of Transportation and Communications, if the hon. gentleman were to stand and tell the truth, I said to the Premier down in his private dining room one day when he invited me for dinner - the hon. gentleman did the inviting - I said, 'For your own protection and for the sake of your own good name -

MR. DOODY: You showed him the affidavit, did you not?

MR. NEARY: No, the hon. the Premier had the affidavit on the table when I got there. I said, 'For your own good name' - the Premier I am talking to now, the hon. gentleman was there - I said, 'For the sake of your own good name you should have a Commission of Inquiry into this whole matter.' And that was over a year ago. And I have correspondence, as hon. gentlemen have seen, I laid it on the table of the House, and I did not table the first affidavit. The hon. the member for Bay of Islands (Mr. Woodrow) believes the Premier when he says, I suppose, the member for LaPoile is anything but a gentleman.

MR. WOODROW: I have my own views on it and I have a conscience also.

MR. NEARY: Well, if the hon. gentleman has a Christian conscience he will shove his seat out of that corner down there; he will go scuffling out of that as fast as he can and get over with my friend down there from Port de Grave.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: A Christian conscience, how are you! The first Liberal candidate to be announced in the 1975 election was none other than the gentleman who is sitting over there now from Bay of Islands - the very first Liberal candidate to be announced.

SOME HON. MEMBERS: Hear, hear!

MR. DINN: And then his conscience started bothering him.

MR. NEARY: That is his Christian conscience, alright,
Sir.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: And now the hon. gentleman is sitting over
there condoning some of these things that we have been talking about -
Christian conscience!

Mr. Speaker, I think it is about time that
we made the appointments to this Committee. We cannot function, Sir, as
members of this House - we cannot function, we cannot carry out our duties
if we are going to be impeded by the government House Leader and the Premier
of this Province that every time we raise a matter, every time we criticize
the government we are going to have

Mr. Neary: the government police force sicked on us. How can we function? And, you know, Mr. Speaker, something else too, Your Honour, and the members must bear in mind that all the precautions were taken to safeguard the names of these people through negotiations, through meetings behind the curtain, through meetings in my home, through meetings down in the private dining room, through correspondence back and forth with the Premier, and despite all of that it failed. It failed. And then, Sir, we had no choice but to resort to the highest court of this land which is this House -

MR. DOODY: (Inaudible).

MR. NEARY: I beg your pardon?

MR. DOODY: Conversations with Andrew -

MR. NEARY: And that was denied, and that was another lie that was told by a gentleman outside of this House. I happened to be sitting in an adjoining seat with the gentleman when we came from St. John, New Brunswick to Halifax.

MR. J. CARTER: On a point of order, Mr. Speaker, the hon. gentleman's time has elapsed.

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

I should point out to hon. members that a member replying to a government order does have unlimited time.
The hon. member for LaPoile.

MR. NEARY: And so, Mr. Speaker, I thank the hon. member for St. John's North (Mr. J. Carter) for doing me such a wonderful favour this evening, Sir.

But, Mr. Speaker, there is always that uneasy feeling, Sir, that when these matters are not dealt with that something is being covered up. And so then we have to resort to the court, the highest court in this land, which is the Legislature of this Province. I do not know if hon. members are even aware of that. Certainly from what I have seen filtering out of this House the hon. gentlemen do not realize that we are the highest court in this land, and we have now taken this matter out of the highest court in this land and we have put it under the

Mr. Neary: jurisdiction of a lower court, this matter that is presently under dispute in this House. We put it in a lower court. We should be dealing with it ourselves. We have the right, as Your Honour knows, to summon witnesses before the Bar of this House, to take evidence under oath, to subpoena witnesses. Mr. Speaker, hon. gentlemen do not seem to realize. They are too easy to give up their jurisdiction, to slough it off on the RCMP, to slough it off on the Newfoundland Constabulary, to slough it off on the courts, which are below us, we are the highest court in this land.

AN HON. MEMBER: No.

MR. NEARY: Oh yes we are, Sir. I beg the hon. gentleman's pardon. And if members of this House are accused of impropriety, of wrongdoing then it is up to this House to deal with these hon. gentlemen, and not pass the buck to a court below us.

AN HON. MEMBER: You do not understand.

MR. NEARY: I do understand, Sir. I have checked it out with Westminster. I have checked it out in Canada, and I have discovered, Sir, -

MR. J. CARTER: Check with your leader.

MR. NEARY: Yes, my leader has checked it too, and my leader is continuing his research. And my hon. friend will find out in due course that it is this House who should be dealing with these matters. Because, Mr. Speaker, Your Honour is aware that police reports can be controlled by the Minister of Justice, who is a political appointee. Is Your Honour aware of that? So therefore the only way the facts can come out -

AN HON. MEMBER: No, no, no!

MR. NEARY: Oh yes, yes. Yes, yes, Sir. The hon. Minister of Justice - it has been shown in this session of the House that the hon. gentleman has been sitting on RCMP reports for months and months.

AN HON. MEMBER: Not so.

MR. NEARY: My hon. friend the member for Burgeo-Bay d'Espoir (Mr. Simmons) has proven to this House beyond any doubt that a high ranking

Mr. Neary: official of the Department of Justice, a high ranking official told my hon. friend last October or November - November-that charges were imminent,that charges would be laid momentarily, that charges would be laid in a few days in connection with the Public Works scandal. And here it is May and no charges laid yet.

AN HON. MEMBER: (Inaudible).

MR. NEARY: And then the hon. gentleman who is over there with his gob going, with something sticky in his gob, the hon. gentleman says, "No,that is not true. The hon. Minister of Justice is not sitting on any reports."

AN HON. MEMBER: Nothing sticky in my gob.

MR. NEARY: I wish the hon. gentleman would get something a little more sticky so his gob could not move.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: And, Mr. Speaker, we have the situation in Labrador City where the police went and searched the Town Office in October 1976, they searched a number of business premises in Labrador City, the same time, October 1976, the business premises and the town have not yet been given back their books. One gentleman was fired, suspended as a result of that, the town manager;

MR. S. NEARY: one gentleman, the town engineer, was kept on the payroll and the first of April past was dismissed and that gentleman is taking the town into court on Thursday coming in a civil suit to prove he is innocent. No action has been taken! Nothing has happened! The Minister of Justice is sitting on the report again and it is just one example after the other in this session of the House. So, Mr. Speaker, we have no choice then but to - no recourse but to resort to the highest court in this land and that is the House of Assembly.

AN HON. MEMBER: Do you approve of the motion?

MR. S. NEARY: Do I approve of the motion? If I could get a little drop of water, Sir, so I could carry on for a couple of more hours the hon. gentleman might find out.

MR. SPEAKER: Order, please!

I must point out to people in the galleries that the House of Assembly is always pleased to have visitors but the rules do not permit their participating in debate at any time: the rules do not permit and do not permit the Chair to allow it. I point that out to people in the galleries.

Hon. member.

MR. S. NEARY: So, Mr. Speaker, this House, although it may frighten people to make a statement like this, this House is supreme. This House is supreme, Sir, and members of this House must feel free and independent if they are going to do their duty to the people of this Province. They must not be impeded in any way, shape or form either in the House or coming and going from the House. And Your Honour may be a little bit surprised to learn that when I stepped off the plane in St. John's Airport the Sunday night before last, that I had a welcome-home party. Two hon. gentlemen were there to greet me.

MR. W.N. ROWE: Not two hon. gentlemen, two policemen. Nobody in this House.

MR. S. NEARY: Nobody in this House, two policemen were there to greet me to give me a welcoming home party. That is only because the hon. the Minister of Justice and the hon. Premier tried to turn it around and me being the complainant tried to make me look like

MR. S. NEARY: I was accused of something.

AN HON. MEMBER: Were you?

MR. S. NEARY: No, I certainly was not and the hon. gentleman knows the answer to that before he asks the question.

AN HON. MEMBER:

MR. S. NEARY: That is right! The hon. gentleman better go get his two silver coins. During that weekend, Mr. Speaker, my hon. friend the member for Eagle River (Mr. Strachan) who was using my car, who borrowed by car, number 1023, that every police and radio owner in St. John's knew where my car was on that weekend, I was out of the Province but wherever my hon. friend went somebody would call up my wife and say 1023 is now parked down by the Airport Inn; 1023 is now seen going up Duckworth Street; 1023 is parked down by the Newfoundland Hotel -

MR. W.N. ROWE: He had a good rough night.

MR. S. NEARY: So I had to tell my -

MR. DOODY: The member for Eagle River had a busy weekend.

MR. S. NEARY: He certainly did and he was enjoying it. And I had to get a message to my hon. friend and say, "Be careful where you park that car, you might get me in trouble." But, Mr. Speaker, hon. gentleman can laugh but it is a pretty serious matter.

AN HON. MEMBER: It certainly is.

MR. S. NEARY: It is a very serious matter, Sir, where members of the House cannot and are not allowed, not permitted to do their duty to the people who elected them and to the people of this Province. A very, very serious matter indeed, Sir, and something that I am sure that Your Honour would certainly not condone. I asked Your Honour to call up the gentlemen who came to my office, the RCMP officers, and give me back my documents. And Your Honour, rightly so, said, "I cannot demand that they give them back." My hon. friend, the Leader of the Opposition, was with me when I went to Your Honour's office and Your Honour was good enough and kind enough to call up these gentlemen

MR. S. NEARY: and sure enough in the afternoon they came in and presented me with my documents. They returned copies of my documents to me, Sir, And down in my office there are all kinds of documents - fortunately they did not touch them - all kinds of documents, private, confidential, personal; people write me give me little tips about ministers and about the government and about goings on, wheeling and dealing, in the Province and what have you; they write me about their personal problems. And is Your Honour and this House going to allow the police, every time we criticise the government, allow the police to be sent into my office, or the Leader of the Opposition's office, or any other member's office with a search warrant that is cooked up with a trumped-up

MR. NEARY: accusation and a charge in it, go into the office and rifle your files, go through your files and take out whatever they want to take out? How can a member, Mr. Speaker, of this House function if that is allowed to happen? And so, Sir, tonight we are making the appointments to the committee. It is a bit late, it is locking the barn door after the horse is stolen, but I suppose it will do some good. The committee now have, even before we pass this motion tonight, the committee has one case before it already, even before the members are named. Your Honour referred a case the other day and this did not seem to rank very high priority amongst the journalistic tribe in this Province, that Your Honour had indeed ruled that I had a prima facie case, that my privileges had been breached as a member of this House, and Your Honour ordered that the matter be referred to the Committee on Elections and Privileges. That seemed to have gone right over everybody's head. I might say, inconcluding some members.

AN HON. MEMBER: You are voting for it though?

MR. NEARY: Am I voting for it?

MR. LUNDRIGAN: If he can get on the committee.

MR. NEARY: I would like to be on the committee. I would like to be on it. The Minister of Justice had to get off because of a conflict of interest. Maybe at the moment I might be in the same position because I am going to have to make representation to that committee, as Your Honour knows, when that committee first meets. The only matter before the committee at the present time is one referred by Your Honour that in the opinion of the Chair my privileges had been breached as a member of this House. There is no precedent for it in the British Empire, none. Is my hon. friend aware of that? And why does my hon. friend not come to my defence as a member of this House?

MR. LUNDRIGAN: Stanley Knowles would never get involved in this type debate. It would be sub judice of a sort to him.

MR. NEARY: It would be sub judice of a sort! Of what sort?

MR. LUNDRIGAN: Now that I am on the committee, why should I come to anybody's defence at the moment?

MR. NEARY: Well at the time the hon. gentleman was not a member.

MR. NEAPY: A grave injustice, Sir, has been done and how we are going to remedy and rectify it is beyond me. The committee will have to deal with it now and I am glad it is going before the committee and I am glad that we have appointed people to the committee. Very, very seldom, as I indicated about a half hour ago, Sir, very seldom is a matter referred to a Committee of Elections and Privileges on a breach of privilege of the House, very seldom indeed. Since Confederation in this House, Mr. Speaker, what-two or three times, Your Honour? Two or three times probably a member's privilege has been breached. I believe once my hon. friend from St. John's East (Mr. Marshall) was involved when he got a belt in the side of the head and I believe there was another occasion when the Leader of the Opposition also got a karate chop in the side of the neck.

MR. W. ROWE: Not this leader.

MR. NEAPY: Not this leader here because this leader here by the way - I do not know if he has his Black Belt yet or not, but I was over there one night, I had my young fellow over to the Newfoundland Karate Club and the hon. gentleman was in giving I believe a fellow with the Black Belt from Tokyo, giving him a kick under the gob. So I will tell you, you had better watch my hon. friend here. I would not tangle with him if I were you he is well trained.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Mr. Speaker, the committee will now be set up and let us hope, Sir, that they will deal with this matter swiftly and that no matter what happens, Mr. Speaker, that justice will be done.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Hon. member for St. John's North.

MR. J. CARTER: Mr. Speaker, this is the first government that seems to have paid much attention to the future and it is kind of ironic because it may not have one. It certainly will not have much of a future if the shenanigans and the unfounded charges are allowed to continue in this House and therefore I welcome the setting up of this committee. I think that the public at large are quite fed up with what has been going on in this House during the last two weeks and they are saying,

May 8, 1978

Tape No. 1966 (Night)

AM-3

MR. J. CAPTER:

"How can charges be made and very little
done about them? Surely the parties must be guilty."

MR. J. CARTER: What the public do not realize is that a member in this House can make unfounded charges without having to pay the ordinary price, and this is a very sad state of affairs.

Now, Mr. Speaker, this Committee will have to consider a number of privileges. In fact, I am of the opinion that on our way to participate in this House of Assembly we may not be stopped by the civil authorities and I understand that this extends as far as if we were breaking the law, say speeding, we could continue on unimpeded to the House of Assembly and Your Honour would have to deal with the offense or the House would have to deal with the offense and not the civil authorities. I do not know if it goes as far as that. We are, certainly, protected from a slip in debate. If someone says anything and it is just an ordinary slip, Your Honour can, by asking for a retraction and receiving a retraction, immediately exonerate them and one does not have to face the ordinary consequences that such a slip would cause if we were speaking in public. And I presume we are free to speak our minds without fear of libel. We are protected from the ordinary laws of libel. And the members of this Committee, I think it would be very useful when they make their preliminary report, spell out exactly what our freedoms are and how far we may go, because there is a large area of grey and there is a lot of uncertainty about how much freedom we actually do have. And I presume, Mr. Speaker, that we are free to protect our sources, that is to say, if we receive information we may refuse to divulge what our sources are without any fear of retaliation from the civil authorities.

I do not agree with the previous debater that this is the highest court in the land. This is not a court, this is a House of Assembly, this is a legislature. We can make laws but we cannot interpret them, and I would like the Leader of the Opposition or some of the learned members of this House to comment on that. We can make laws but we cannot interpret them, and that is, as I understand it, the difference in the function between law makers and the judiciary.

MR. STRACHAN: How can you make laws if you are not going to interpret them?

MR. J. CARTER: It is a fine distinction. I will leave it

MR. J. CARTER: to the learned gentlemen to expound on, but it is my understanding that there is a definite distinction here and this should be very clearly spelled out. We may take action against our own members. How far we may take action against the public I do not know. I presume that if we wished, and the member for LaPoile (Mr. Neary) gave us occasion, we could bring him before the Bar of this House and possibly have him flogged, I do not know. It is an intriguing idea, I certainly would vote for it from time to time, but anyway, I do not think that our freedoms or our privileges would be tested to that extent.

The make up of the Committee is as is named, the five gentlemen. Four are learned gentlemen, lawyers, and I have heard it said that you do not appoint a fox to look after the chickens just because he knows his way around the hen house. However, I do not necessarily subscribe to that particular epithet at the moment.

What I would like to know, though, is what the member for LaPoile has against lawyers. Every chance that he gets when he gets on his feet to mention lawyers and speak against them he does. Was he once overcharged? Did he once fail to get into law school? These are the questions I would like to have answered.

SOME HON. MEMBERS: Oh, oh!

MR. J. CARTER: Well, I am sorry that he is not in the House to reply because I would gladly give way if he wished to get up and deliberately mislead the House, if he wanted to make a few statements.

But quite seriously, Mr. Speaker, we have seen time and time again baseless charges made by members of this House and then when the person who is charged goes to great trouble and great length to show himself completely innocent, then the person who originally made the charges says, 'Well, I am very glad that the hon. gentleman was able to prove himself innocent from these charges; and now would he like to answer these charges.' And he proceeds to make a few more innuendoes. And really, Mr. Speaker, that particular right will have to be very carefully spelled out.

And now, for what I am about to say,
Mr. Speaker,

MR. J. CARTER: you may rule me out of order. I will gladly give way if this is out of order. I wish just to make reference to the fact that I do not feel that the other day that the rights of this House were abridged when Your Honour gave the police permission to search, to execute their search warrant. The protection of this House was still kept inviolate by the fact that the civil authority had to approach Your Honour and I presume that Your Honour could have refused that civil authority the permission to carry out that search warrant.

AN HON. MEMBER: (Inaudible) search warrant.

MR. J. CARTER: Well, I understand that his Honour could have prevented the thing, so I do not agree with the Leader of the Opposition when he says -

SOME HON. MEMBERS: Oh, oh!

MR. J. CARTER: I do not agree that our rights were abrogated. The Speaker could have refused the civil authority the right to search. And since the Speaker represents this whole House, that is, the civil authority when they wish to approach this House, approach it through his hon. the Speaker, and when they do that the rights of this House are still protected. I do not believe for one moment that our rights were diminished one iota. The police approached his Honour, his Honour considered the matter very carefully and gave his permission. So no precedent has been set, or rather a very good precedent has been set, no bad precedent has been set. I see the Leader of the Opposition is sitting on the edge of his Chair about to get up and speak, and I would be very interested if he would address himself to the serious parts of my remarks.

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

MR. W.M. BONE: Mr. Speaker, if I may, if I were to address myself to the serious parts of the member's remarks, Sir, my speech would last exactly two seconds, and I intend to speak very briefly, but somewhat longer than that.

Mr. W. N. Rowe: Mr. Speaker, I am not going to be very long on this particular motion. We have spoken, I have spoken on I suppose a half a dozen occasions already on this matter of the privileges of this House, the possibility that they might have been violated by executive action, by action of the RCMP during the past couple of weeks. Let me say this, Sir; the privileges of the House of Assembly, this Parliament must be jealously preserved. This is not a personal privilege and the word 'privilege' is sort of a misnomer in a way, it seems to indicate, you know, something above and beyond what is necessary - it is not a personal privilege, Sir; it is an essential attribute of the House of Assembly as a body and as members of the House, not as individuals, not as my own self as a person or my friends here on this side of the House or the other side of the House, but as members of this House trying to do a job of worth, trying to do their duty for the people of this Province. And as members of the House, as a body and as individual members of the House, they must have certain rights and protections above and beyond what the ordinary citizen may have from time to time.

Not only must these privileges, some of which have been outlined by members, my hon. friend for St. John's North (Mr. J. Carter), not only must these privileges exist, Mr. Speaker, in law and theory, they must also exist and be known to exist in practice and appearance. For example, Sir, the next time an RCMP officer goes down before a magistrate and gets a search warrant to come in here to search the office of an hon. member, he should, Sir, be a little more apprehensive about what he is doing than he was apparently the last time they resorted to that practice. Whistle down to the magistrate and get a search warrant based on evidence, based on accusations and allegations, Sir, which were at best erroneous and at worst perhaps deceitful. The next time, Sir, the Department of Justice or a police officer in this Province goes before a magistrate, let him know, Sir, that he is doing so at some peril. And it is just not a matter of going

Mr. W. N. Rowe: down and getting the right to rifle through, to ransack, or rummage through the offices, the private files, the confidential files of a member of this House, be he a minister in the government or a lowly backbenchers on either side, Sir.

MR. W. ROWE: Let them be aware of that. Let us also be aware when we are passing this resolution that there is a distinction to be drawn between the government - the executive of this Province and of this House, the Government of Newfoundland and Labrador - and the House of Assembly itself, and that the government only exists at the pleasure and sufferance and with the support of the majority of the members of this House of Assembly, Sir. They have no right to exist whatsoever in their own right, by some special favour, by some special divine right - they have no right to exist except at the sufferance, pleasure and support of a majority of the members of this House. And let us remember, Sir, that although the distinction between the government and the House of Assembly may have been veiled, may have been obscured over the past fifty years or so in various Parliaments where responsible government obtains, let us never forget, Sir, that there is a distinction, that the government draws all its rights as a result of the fact that they are supported by the members of this House of Assembly or a majority thereof. And, Sir, if we forget that this distinction exists and that all the authority and power and privileges of a government come from this House of Assembly, if we forget that, Sir, or by virtue of Acts passed by this House of Assembly which, of course, can be changed at the House's wish and will, if we forget that, Sir, if we forget that there is a distinction between the executive and the Legislature, and that the executive exists at the whim of the Legislature, if we forget that, Sir, then we are running perilously close to setting up what is in fact a dictatorship, in practice if not in name. And that is why, Sir, my hon. friend from LaPoile (Mr. Neary) and other members of this House are right to get up and at the expense, at the risk of tediousness, at the risk of being considered wasting the time of the House by members of the public, at the risk of all kinds of calumny and name calling, are right to stand up and jealously guard the rights and privileges of this House. And one of these rights and privileges, Mr. Speaker, must be the freedom from unreasonable - and I leave that for definition by this Committee on Privileges - unreasonable

MR. W. ROWE: search by any arm of the government or any arm of a department of the government or any agent or executive officer or any officer of any kind representing the executive of this Province. A member of the House -

MR. NEARY: Her Majesty cannot even come in unless she is invited.

MR. W. ROWE: That is right. Members of this House, Sir, must know that they have immunity from harassment by the executive arm of government. They must know that a police officer cannot go down to a magistrate on his own sort of whim or because he feels like it and get a search warrant and whistle up here and then ransack a member's office, be he a minister or a member. He should know that, Sir, because otherwise it would be the most childishly simple thing in the world, Sir, for a Minister of Justice - not necessarily this minister, but any Minister of Justice - or a Premier who feels his position threatened, or any minister of the government to have members of this House harassed by police officers who may, in fact, act in good faith and think they are doing their duty. For example, Sir, I am sure that the police officers who went down before the magistrate - Magistrate Goodyear, I believe it was, one of the most respected magistrates in this Province - I am sure, Sir, that that police officer who went down and appeared before that magistrate and swore out an affidavit that he on reasonable grounds, or he had reasonable and probable cause to suspect that a crime had been committed, I am sure, Sir, that he did that in good faith. He did not know, Sir, that either through extreme stupidity or negligence or deceit the crime which was alleged to have taken place did not in fact take place and never existed as a crime - the facts did not point to a crime.

I saw the search warrant, Sir, and in it it talked about one, Davidson extorting \$5,000 from the government. That is the crime alleged and the search warrant is based on that. The next day a question is asked of my hon. friend and colleague in this House, the Minister of Transportation over there who was President of the Treasury Board at the time and Minister of Finance,

Mr. W. N. Rowe: whether \$5,000 was extorted out of the government. And he freely admitted, Mr. Speaker, there was no extortion involved with that \$5,000, that the government paid a bill legitimately presented, mind you not the whole bill, but they paid a portion of the bill freely and willingly for services rendered. Yet a member of the RCMP is put in the position of going down before a magistrate and swearing an affidavit to the effect that apparently a crime was committed when this \$5,000 was paid to this hon. gentleman. Now who did that, Mr. Speaker? Who did it? Was it an RCMP officer who did it, I would say, negligently and perhaps without training in the legal niceties? Or was it a law officer of the Crown in the Department of Justice? I will not say it was the Minister of Justice himself, he probably never even saw it, but certainly he is responsible for it if it was done within his department. Is there somebody in the Department of Justice so lacking in knowledge of the facts of the law or so—what can you say about it?—so deliberately deceitful that they would actually draft up an affidavit or draft up the form of a search warrant based on facts which do not constitute a crime in order to get a search warrant so that that search warrant can then be taken and used to search the office of my hon. colleague? I mean, is that what has happened, Mr. Speaker?

Even if you take it at its best, that it was just a chapter of errors and negligence and incompetence, what I am saying to you, Sir, is that this is what can happen; that it is possible if it can happen through negligence it can happen through design, it is possible for a Department of Justice or a whole government which is bent on keeping itself in power at any cost and getting rid of its critics, particularly in this House because we have certain immunities here and can say what we feel like saying without risk of libel actions or slander actions, if a government is bent on getting members they can do deliberately what may have happened in an ignorant and incompetent fashion. I do not say deliberately in this particular case. They can trump up charges; they can allege crimes which never were committed; they can talk a police officer into the fact that this was in fact a

Mr. W. N. Rowe: crime, he takes his advice from a law officer, he does not know necessarily whether these particular facts amount to a crime in law under the Criminal Code. He goes down and he gets a search warrant and he ransacks a member's office or someone else's office associated with this hon. House, a minister's office or anybody else.

This has to be prevented, Sir. We have to have rules and regulations clearly setting out what are the privileges and immunities of members of this House as far as searches are concerned either at the instance of a police officer himself or at the instance of the Department of Justice. We have to make sure that every member is protected.

We also have to make certain, Mr. Speaker, that Your Honour is not put in the same awkward position that Your Honour was put in a couple of weeks ago when you are sitting in your office there and in comes a police constable or a police inspector and flings onto your desk a search warrant and puts Your Honour in the position of having to decide more or less on the spur of the moment whether that should be executed or not against an hon. member of this House. As my hon. friend for LaPoile (Mr. Neary) has said, and as Your Honour has said, there was no precedent in the annals of Parliamentary history for a similar thing. Apparently it has never happened before, and I am sure there have been rouges and crooks and people who should have had their offices searched in connection with crimes somewhere along the line in the past 900 years of Parliamentary history in Great Britain, the last 150-odd years of Parliaments of a sort in Canada and throughout Australia and other Commonwealth countries, Sir, yet apparently no precedent exists. The only precedent we have seen, which was cited by Your Honour, was where the Speaker himself initiated an investigation and asked that a search take place. But we had not seen an instance where the police or the Department of Justice have taken it upon themselves to have an office of a member of Parliament searched.

And that is another strong reason why we should draw up rules and regulations to make sure that if anything like this happens again, or if anything is attempted like this again, Sir, the rights of the

MR. W. ROWE: member are protected and Your Honour is not put in the invidious, unenviable position of having to decide, on insufficient evidence based on what a police officer may tell Your Honour, Your Honour is not put in the position where he has to make a decision which Your Honour may live to regret, the House may live to regret, which everybody may consider to be very inappropriate after the fact when the damage is done.

Now, Sir, one or two small matters which I should deal with before sitting down; there is nothing much more to say on this, because most of it has been said. My friend from LaPoile (Mr. Neary) said it all in his speech and naturally he should have because he was the member who was most affected, and 'victimized' is probably the right word, by the actions which took place.

I would like to see the member for LaPoile, himself, on this Committee, but there is a conflict of interest. He cannot go on it. He is a member whose rights and privileges and immunities have already been referred to the Committee.

I have already conferred with my colleague across the House, Mr. Speaker, about the fact that I and the member for the Straits of Belle Isle (Mr. Roberts), both lawyers, and a couple of lawyers on the other side and the member for - well, the Minister of Justice first five lawyers originally appointed to this Committee. It did not even occur to me at the time, Sir, until I heard the hon. the Minister of Justice, in fact, mention it, I believe, when he got up that we were in fact five lawyers. I do not think that five lawyers or even four lawyers should be on this Committee, Mr. Speaker. I think we need some legal input from learned members in this House, but I do believe that persons who are not afflicted by too much knowledge of the law should also sit on this Committee. I am glad to see that the member for Grand Falls (Mr. Lundrigan) will now be substituted for the Minister of Justice.

I mentioned to the Acting House Leader that I would like to withdraw myself from the Committee in order to have somebody else on this side of the House take my place.

MR. W. ROWE: And we canvassed a few names and went over names and so on of people who are on various committees, and we arrived mutually at the decision that the member for Trinity - Bay de Verde (Mr. F. Rowe) should replace me on this Committee. And, Sir, I do not know if we need to move an amendment. I do not know what the Minister of Justice did when he substituted the member for Grand Falls (Mr. Lundrigan).

MR. NEARY: He asked for unanimous consent to withdraw, Sir.

MR. DOODY: He asked for consent to change the name. We will change that on the Motion tomorrow.

MR. W. ROWE: That is right.

MR. SPEAKER: With unanimous consent now one can make the change.

MR. W. ROWE: With unanimous consent, Sir, let me ask the House to delete the reference to the Leader of the Opposition -

AN HON. MEMBER: That is a replacement.

MR. W. ROWE: - and replace it with - well, we should do it in some kind of order - the member for Kilbride (Mr. Wells); then we should have the hon. member for the Straits of Belle Isle (Mr. Roberts) and the hon. member for Trinity - Bay de Verde (Mr. F. Rowe), be appointed, etc. with the unanimous consent of the House. And that leaves two laymen, so to speak, and three lawyers -

AN HON. MEMBER: That evens it out.

MR. W. ROWE: Right - which should give a nice balance to it, Mr. Speaker. And, of course, there is the Speaker, yourself, who may be called upon to give some advice to this Committee at some point, not as a member but as an expert advisor on the rules and procedures. Your Honour is also a gentleman learned in the law as well. And all of us, of course, can make representations to the Committee. So I would think that that would be an appropriate amendment to be made by unanimous consent.

Let me make one or two other very brief remarks, Sir.

MR. W. ROWE:

On the question about this hon. House being the highest court in the land, that is correct; it has to be by definition. This Legislature is supreme within its legislative competency, within its sphere of jurisdiction as a Legislature, just as the House of Commons in Ottawa is supreme within its jurisdiction. Over in Great Britain, Mr. Speaker, where the idea of Parliament being the highest court in the land is even stronger, you have there, of course, a House of Commons which has complete power, it can do anything it wants. Both the powers of the federal Parliament here and the provincial Parliaments all repose in the one Parliament there and therefore, you have this idea of a Parliament being the highest court in the land.

We are in a similar position as far as our competency and jurisdiction are concerned. We make the laws but we can also interpret the laws. As Your Honour well knows, by a motion of this House we have the right to call any citizen before the Bar of the House, examine that citizen and

MR. W. ROWE: have that citizen incarcerated by a motion of this House for matters which come within our legislative competency. The member shakes his head, Sir. Well I advise him to look up his constitutional law. We have the right to do that, Sir. It is not a right which is exercised very often - nor should it be, nor will it be - but we do have that right.

MR. J. CARTER: Would the Leader of the Opposition give way for a moment? Mr. Speaker, the point that I was trying to make was that if for instance a dispute in law arises, it is of no use, I am told, to refer back to the debates in the House. That carries no weight whatsoever in any judicial decision.

MR. W. ROWE: That is right.

MR. J. CARTER: And it is a nice point perhaps but since the House cannot interpret the law, can only make the law, the Supreme Court of course in Newfoundland is not a creature of this House, it is a creature of the federal House, but speaking of Parliament generally I suppose insofar as the House of Commons in Britain presumably, I do not know if it is the highest court in the land, it is the highest power in the land, but it would be a very nice point as to whether it is the highest court in the land. The highest court is presumably the one that it sets up, and I think that their functions are somewhat different and I think that is a very interesting debating point.

MR. W. ROWE: Well as my friend from Burgeo - Esy d'Espoir (Mr. Simmons) said, Mr. Speaker, using court in the narrow sense, we are talking about judicial court and so on, the House of Commons in Great Britian could abolish the courts and wipe them out tomorrow if they wanted to, in ten second by unanimous consent. The majority of the House could wipe it out by giving the appropriate notice and so on. They can say what the laws of the courts, what the rules

MR. W. ROWE: and regulations of the courts will be. As has often been said, it is a nice question as to whether it is law or interpretation but the Parliament in England has the power to have a man legally considered to be a woman, and vice versa. That is often said. Or they could say that the hon. member for St. John's North (Mr. J. Carter) is intelligent, they could go that far, Sir.

AN HON. MEMBER: No! They have that much power?

MR. W. ROWE: Yes, Sir. They could go. In other words they have the power to make impossible things possible, or appear to be possible, that somebody's hair will now henceforth be considered to be red instead of black and vice versa, Sir, you know, from the point of view of laws. So that is what we are talking about. Now these powers are never exercised because parliament has reposed in courts the right, under legislation and so on, the right to interpret laws, to make sure that justice and laws are fairly administered and so on and to take the administration of justice out of the partisanship which inevitably comes from the exercise of powers and jurisdictions in any parliament. But that does not mean that the rights and powers are not there, Mr. Speaker. They are divided in Canada between the federal and provincial jurisdictions and therefore it is a little more confusing. But the rights and powers are there within each of the jurisdictions of the various parliaments.

Now, Sir, let me make one other point and that is this, that the importance of what we are doing here tonight is seen from the fact that Your Honour, who has already been characterized by my hon. friend from LaPoile (Mr. Neary) as one of the best, perhaps, he said, the best Speaker that we have seen in this House since Confederation. Certainly, Sir, I

MR. W. ROWE: I have nothing but the highest respect for Your Honour since I have seen you in operation here in this House - fair, impartial, doing diligent research on all these questions and maintaining a semblance of order, as much order as is necessary in this House of Assembly, consistent with hot and heated debate and some of the very testy and heated questions which arise in the House.

Now, Sir, Your Honour, for one of the first times in my memory and certainly I believe within the terms of reference of any research I have done, found that when an hon. member of the House on the Opposition side of the House rose and complained of a prima facie breach of privilege, Your Honour found that there was in fact a prima facie breach of privilege and referred it to the upcoming committee on privileges and immunities.

Now, Sir, there have been, as my hon. friend has said, numerous occasions where there has been a breach of privilege and a prima facie case has been found concerning Opposition members - the member for St. John's East (Mr. Marshall) was one, for example - but in each case,

MR. W.N. ROWE: if my memory serves me right, it was thought to be a breach of privileges so unanimously in the House that the Government House Leader on this occasion and other occasions, in fact brought forward, presented the resolution which disciplined the hon. member concerned. In this particular case we have a case where a member of the Opposition, not apparently supported by the government members in his allegations of a prima facie breach of privilege, in fact had his presentation supported by the Speaker and the Speaker suggested if not ordered, at least suggested to the Government House Leader that the prima facie case of breach of privilege be referred to the Committee which is now in the process of being established. Now that, Sir, I believe is probably unprecedented in this House. I may be mistaken but it points out the importance of this matter, points out the embarrassing and awkward position Your Honour was put in when he had to give the Okay, had to approve the execution of a writ of summons because in order to do otherwise - the position Your Honour was put was that if you did otherwise, Mr. Speaker, it would look as if, as Your Honour yourself said, it would look as if the House of Assembly might be brought into scorn and contempt and the people of this Province might say, "Well, what is it about members of the House, why cannot they have their search warrants executed. Are they above the law?" some specious arguments which were made in effect by some members of the House about us being above the law. Your Honour I think took the only judicious decision that Your Honour could take in a circumstance which was fraught with difficulty. There may be arguments on both sides. I have heard members say, I have said it in the House myself that perhaps Your Honour could have said 'no.' Your Honour said 'yes.' But Your Honour should be spared that awkward position and I believe Your Honour has recognized the importance of this by finding a prima facie breach of privilege against my hon. friend, something as he said, which would seem to be passed over by the press. I hope the press do report it fully and widely that the Speaker of the House found that there may have been, at least there appeared to be, on the surface a case that a member of this House had his privileges

MR. W.N. ROOME: and immunities as a member of this House breached, broken, by executive action or an agent of the government and that this matter should be referred to a Committee to inquire into it. That is a historic first, Sir, in this House and points up the importance of what we are doing here tonight.

I do not think there is anything else to say, Sir, about the matter. When the Committee brings in its report I hope that we will have then some spirited debate on the matter. I am sure there will not be total agreement. I look forward with a great deal of expectation as to what kinds of rules and regulations this Committee can bring in because it is an area which is surrounded by difficulties. It is an area which is surrounded by conflicts, an area in which one interest, the interest of having the members of this House of Assembly immune from unreasonable or even reasonable harassment by the executive branch or by any other member of the public, comes into conflict with the rights and duties of the citizens to have the criminal law pursued and preceded with no matter what individuals are involved, members of the House or otherwise, whether as witnesses or as accused or as people with evidence in their possession and so on. These are two drastic conflicts which we are up against here and it will be interesting to see how this Committee and how this House resolves that difficult question. It is a question which will take some courage and some intelligence to resolve properly, Mr. Speaker, and I do hope that the Committee which we are now establishing brings in its recommendations forthrightly and shows the courage and intelligence which we all expect of them.

Thank you, Sir.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

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

MR. V. MARSHALL:

Mr. Speaker, I do not propose to dwell on the substantive matters that resulted in this Committee being before the House or the matter of the appointment of it before the House. I would like to point out that there never has been one before, a Privileges and Election Committee, certainly there has not been one since 1949. The provision was made for it in the Standing Orders and

MR. MARSHALL: the Standing Orders were revised a few
years ago but for some reason or other no such Committee was appointed.

Mr. Marshall: The actual functions of the Committee itself are matters as well that have to be gone into. I think this is probably the first area of enquiry. I do know that matters are very rarely referred to a Committee of this nature. In the House of Commons, it is my understanding that there has been only one such instance within recent years where the House has seen fit to refer a matter to the Committee on Privileges and Elections. I do not know it is not a matter of the Committee brings in recommendations which can be debated as any other Committee will. It is not a function of the Committee to make rules and regulations as the hon. Leader of the Opposition indicated, but that is really a function of the Standing Committee on Rules and Procedures.

The only remark I want to make by way of comment and the only real reason why I am on my feet is I would like to have it clarified that this in fact is a Standing Committee. The motion reads that a Committee of Privileges and Elections be constituted with a member's name there. Standing Order (84) provides for the appointment of a Standing Committee on Privileges and Elections. It is not quite clear from this motion as to whether or not this particular Committee is a Standing Committee. As it presently exists there by reason of defining it as Privileges and Elections, I suppose one could say it is a Standing Committee, but the Standing Orders are explicit as to the mode and method of appointment of Standing Committees; it has to be appointed in the first session of each Assembly and within a certain time frame.

So what I suggest is this: because the Committee will obviously have to have many meetings and because it is not unlikely that many, if not most of the Committee meetings will perhaps occur when the House, this particular session has adjourned, although I anticipate having meetings before the session adjourns, that I think it ought to be made clear in the motion itself either that this is a Committee to be deemed to be a Standing Committee pursuant to Standing

Mr. Marshall: Order 84 (e) or else, if that is not appropriate, that there be power placed in this motion for the Committee to sit out of session as well as in session.

But I think perhaps the most appropriate thing just to be quite sure that the Committee is not really a Select Committee that will end when this session prorogues is if the House considers it appropriate just expand the motion after the word 'members of the House of Assembly' just expand the motion to say, 'and that such Committee shall be deemed to be a Standing Committee within the meaning of Standing Order 84 (f)' or words to that effect. And the minister might like to consider that when he closes the debate.

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

MR. F. ROWE: Mr. Speaker, I did not know really whether I should speak to this particular motion since I have now been appointed to the Committee myself.

SOME HON. MEMBERS: Oh, oh!

MR. F. ROWE: However since the member for St. John's East (Mr. Marshall) has spoken, I too would just like to say just a few words, and in no way will I express opinions or wish to debate heavily this particular motion that a Committee of Privileges and Elections to consist of certain hon. members be appointed to examine the privileges and immunities of members of the House of Assembly.

Sir, I would like to make just one or two points and that is that on that Committee that I will be serving on, I would not want the impression to leave the Chambers of this House that this Committee is being set up to simply protect members of this House or to leave the impression that we are indeed above the law.

MR. W. N. ROWE: Right.

MR. F. ROWE: Because this has been mentioned several times over the last two or three weeks, and I have heard it said outside of the House. And I think it should be incumbent upon most members to point out, and I will be making this point in the Committee that it is certainly not the main purpose of this Committee to simply protect members

Mr. F. Rowe: of this hon. House or to leave any impression whatsoever that they are in any way above the laws of this land. We have the honour of making the laws of this land, but we are not above these same laws, and I would not want that impression to go outside of the House.

Sir, my fear with respect to immunity and privileges is not fear for or of the members themselves. But, Sir, my fear is the fear for the constituents, the constituents -

SOME HON. MEMBERS: Oh, oh!

MR. F. ROWE: I too would like to say just a few words, and conversation.

Sir, the point that I was trying to make was this is that I am not so concerned about any fear hon. members may have in this House with respect to their privileges. We have certain immunities anyway. We have a test case so as to speak here now. But what I really fear for, Sir, are the people whom I have the honour to serve.

AN HON. MEMBER: A constituent's dealing with an MHA.

MR. F. ROWE: Precisely.

Sir, I have in my files over the past five and a half years thousands of letters, thousands of notes as a result of telephone conversations from my constituents dealing with individual and family monetary problems, dealing with marital problems of a very personal nature,

MR. F. ROWE: dealing with psychological problems -
MR. W. N. ROWE: These could be considered client relationships.

MR. F. ROWE: Well exactly - dealing with even some political observations made, some very partisan political observations made by certain constituents I certainly would not want hon. members opposite to see. Even unwanted pregnancies, Sir, certain people would write you a letter making accusations about some people in their own community or about people in public life which if made public would be slanderous or libelous, but in writing this letter, Sir, these people are being slanderous or libelous simply out of ignorance of the law and they do not know the difference. There are certain business proposals, Sir, that are brought to my attention; there are other kinds of legal problems; there are positive or negative recommendations that I may be making on behalf of a constituent for the purpose of obtaining a job with the government or some private industry; there are confidential letters, Sir, between ministers and myself in representing my constituents.

Now, Sir, this is the only point that I want to make, that one of my main motives when I serve on this particular committee is not just the privileges and immunities of members of this House of Assembly, but the privileges and the protection of the people whom I have the honour to represent, and I would hope that other members if they want to submit proposals or ideas to the members of the Committee would see fit to bring up these kinds of ideas.

MR. J. CARTER: Do you see it (inaudible).

MR. F. ROWE: I am sorry but I cannot hear the hon. member.

MR. J. CARTER: Do you see it as the Committee's role to review the rights and privileges of members of this House and then say your rights extend this far?

MR. F. ROWE: Well, presumably this is the purpose of the Committee. Presumably this is the purpose of setting up the Committee.

"To move that a Committee of Privileges and Elections to consist of certain hon. members be appointed to examine into the privileges and immunities of members of the House." Now presumably this Committee will then report back to the House of Assembly, and it would be the House of

MR. F. ROWE: Assembly that would -

MR. J. CARTER: You do not feel that the (inaudible).

MR. F. ROWE: No, no, nothing like that at all.

This Committee, Mr. Speaker, reports back to the House of Assembly.

MR. J. CARTER: You can see us serving an active role.

MR. F. ROWE: An active role, yes, and a role continuing on over the years. But the point that I am making here, Sir, is it seems to me that up to this particular point in the debate an awful lot has been said about the privileges and immunities of members. And the point that I am making is that I think one of the roles of this Committee is they should focus in on the protection of the people whom we have the honour of representing in this hon. House and the private correspondence that goes on between certain hon. members and their constituents. I think that is a very important point.

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

MR. NOLAN: Thank you, Mr. Chairman. Just a brief word, and that is that I am very happy to see the Committee has been established because I do believe that it is important that the general public, our constituents, have some feeling that there is a confidentiality with dealing with members of the House of Assembly.

I am in receipt of a letter, for example, in the last five days

Mr. Nolan: from a civil servant and in that letter he points out that certain things are happening by certain groups who are in the employ, are paid out of public monies in this Province who are abusing certain privileges that are available to them. And the letter is unsigned. However, the person does say, the person writing the letter says that he is working in a certain department of government. He also states that he would be quite prepared to give his name if he was assured that his name would not be revealed to anybody - as simple as that.

Now then why do I get this letter in this week unsigned? - not that I have not had letters unsigned before. But it has now come to pass that citizens heretofore had believed that their dealings with members of the House of Assembly, whether they were talking about political matters, pension funds, or their pension, or welfare, or any number of things, and all of a sudden we find, for example, this latest fuss that came about most regrettably in this House of Assembly within recent weeks and that is this telephone business and the members of the Opposition and all the rest of it, a most unfortunate happening because whether it was intended or not it appears to all concerned that it was a threat against the confidentially and so on of the members of the House, not just on this side, but on any side. And those members who are sitting here now may recall when I rose that day when this matter came up, and I said how surprised I was to hear it raised because it would never happen in any other legislative assembly. Did you ever hear it raised in the House of Commons amongst the P.Cs. or Liberals in Ottawa? Did you ever hear it raised amongst the Labour and P.C. people in Westminster? Did you ever hear it raised in New Zealand or anywhere else? No.

But what happened here and why was it raised? Well I am afraid it was probably raised because someone lost their cool, namely, the Premier, and he blew his stack in a most unfortunate way. And so the Hansard will prove that I stood and suggested that it no longer be taken care of in the Department of Public Works, but that it be handled through the Speaker's office. And the Hansard will indicate that I said

Mr. Nolan: this.

SOME HON. MEMBERS: Hear, hear!

MR. NOLAN: And that is exactly what the Speaker
finally brought in -

SOME HON. MEMBERS: Hear, hear!

MR. NOLAN: - which we were so pleased to see.

Now I hope that whatever shortcomings we all may suffer from here in this House of Assembly, and God knows we all suffer from some, that we will not have this type of thing happen again. Members of the House of Assembly have enough problems and handicaps to operate under from time to time that they do not need to have additional burdens, no matter what side of the House they sit on, to have additional burdens and threats heaped upon them because it will not do.

There are people who look upon things, privacy and confidentially- I mean there are many things that people talk to me about in a most private and almost sacred manner, nothing private about it in many ways, but they think it should be. And if they think it should be private I have no business opening my yap about it. It is as simple as that. What they may talk about may be known to any number of people for some reason or another, but that is not the point. If they go to the hon. member, and I am sure hundreds have, for St. John's Centre (Mr. Murphy) on private matters, I am sure it is always private.

MR. MURPHY: I have never accepted a collect call in my life in this House. I think it is disgraceful the thousands and thousands and thousands of dollars of the taxpayer money wasted for foolish calls.

MR. RIDEOUT: That is good for you to say representing St. John's.

MR. FLIGHT: In St. John's you do not have to accept the collect calls.

MR. MURPHY: Thousands and thousands of dollars worth of foolish calls. I presume all of these statistics (inaudible).

SOME HON. MEMBERS: Order! Order!

MR. MURPHY: There phone calls are an absolute waste of the taxpayers' money. I think it is criminal, it is absolutely criminal and I would like to know what some of these calls were about.

MR. RIDEOUT: Well your leader is trying to find out.

MR. MURPHY: Absolutely criminal, wasting - the taxpayers' money. It should be abolished entirely.

MR. RIDEOUT: What a bunch of foolishness. Tory!

MR. MURPHY: When I was in the House and seated over there as Leader of the Opposition, I paid the telephone bill on behalf of -

MR. NOLAN: A point of order, Mr. Chairman. I have stood here now for three minutes and I have been waiting for you to rule on this man.

MR. MURPHY: Do not bring me into any debate. If you want to speak to it speak to it. Do not bring me into it.

MR. CHAIRMAN: Order, please! Order, please! A point of order has come up. I understand the hon. member is not condoning the interjections and I would therefore ask hon. members to allow him to continue his remarks.

The hon. member for Conception Bay South.

MR. RIDEOUT: Go back to Sarasota.

MR. NOLAN: Well now we have heard a dissertation on what we all should pay close attention to and I hope that all members will collect the Hansard and have it framed and distributed to their constituents to see what phone calls they should accept, collect or otherwise, because all the wisdom gathered over the years from the hon. gentleman how could we dare not pay close attention to it. Such a display of arrogance! Maybe the hon. member will now tell us when he is going to resign because his friends are already plotting to replace him.

MR. MURPHY: I might do it tomorrow if this keeps up.

MR. NOLAN: Or maybe he may have the goodness to go

MR. NOLAN: and check with some of his friends who are already offering his seat to various members who might run.

MR. MURPHY: They may do that.

MR. NOLAN: Yes. Maybe another member to lower the prices of beer.

AN HON. MEMBER: Good.

MR. MURPHY: All I heard was 'Congratulations 'Ank!' The biggest contribution this hon. member has ever made to this House of Assembly, the price of beer, thirteen years ago.

MR. F. WHITE: At least he has made one.

MR. MURPHY: You are right up to date.

MR. NOLAN: The fact is that people have to have a right to correspond by telephone or any other way with the members of the House of Assembly.

AN HON. MEMBER: Hear, hear!

MR. NOLAN: And if the privilege is there for them to call collect, in spite of the hon. member opposite, they should have a right to do so.

MR. MURPHY: Sock it to him.

MR. NOLAN: It is as simple as that. If the hon. member had his way he would still have public hangings in this Province, for God's sake! He is living in the seventeenth century.

MR. MURPHY: (Inaudible).

MR. NOLAN: Sure. Right. Yes. Public floggings.

MR. MURPHY: Flogging.

MR. NOLAN: Tie them up at the hitching post on Brazil Square and whip them to death. Yes. Yes. God help us. Another Christian loose -

MR. RIDEOUT: That is a Cabinet Minister.

MR. NOLAN: That is a Cabinet Minister. So the fact is let this Committee go to work and bring in a report because it is badly needed and I believe that this House, all members of

MR. NOLAN: the House of Assembly, will continue to benefit from it and so the sooner we get those who are appointed to work and meeting and so on then the better for us all, Mr. Chairman.

SOME HON. MEMBERS: Hear, hear!

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

MR. STRACHAN: Mr. Chairman, I would like to talk on this motion here for a few minutes especially concerning some points raised by the member for St. John's North (Mr. J. Carter) and the member for St. John's East Extern (Mr. Hickey), concerning the very touchy point of bringing up in this House allegations and statements and charges and so on in this House.

MR. HICKEY: The hon. member did not say a word.

MR. STRACHAN: Earlier on there was a discussion. a discourse between the member and the member for LaPoile (Mr. Neary) and I feel therefore that I wish to say some things on this matters especially since I never belonged to any former administrations and therefore I am quite clear and clean, if you want to call it that, whatever it is you want to call it.

MR. DOODY: I know the feeling.

SOME HON. MEMBERS: Hear, hear!

MR. STRACHAN: Did the member say he did know the feeling or not?

MRS. MCISSAC: He knows the feeling.

AN HON. MEMBER: Once upon a time.

MR. STRACHAN: But I know that in this area here and it is brought up in the discussion here quite heatedly about the Opposition bringing up charges and I would like to explain some of the feelings that I have on this matter since I have become involved in it to a certain extent with my friend and colleague, the member for LaPoile (Mr. Neary) and members of the Opposition in this recent affair which caused this motion to be placed before the House.

MR. STRACHAN:

I imagine at one time that the legislature here was just that, it was a legislature, that in fact it was mostly lawyers who were in here drafting legislation or putting legislation or arguing legislation and putting it in force. That apart from the Budget Debate that was the only debate there was really or debates about speeches in one's district. In other words it was a very tidy, clean organization in here mainly represented by neat legal minds. Now that the House of Assembly has less lawyers and less neat legal minds and have more ordinary people, people who are not legal and so on we have come into a situation now where we are starting to examine the record of the administration. And from an Opposition point of view and from our point of view surely that is what this House of Assembly is. It is our opportunity because the House of Assembly, as I see it, is an Opposition forum, a good forum. Obviously government or any administration do not want the House of Assembly to be here; they would prefer not to because it is a bit of harassment, it is a time when one has to sit and take mud being thrown at you or examination of your expenditures and, in general, most times government would not want to have the House of Assembly called into play. However as an Opposition forum it is our right during Question Period to question the government, it is our right during the Budget Debate to question the expenditures of government. And this is what the House of Assembly more and more has come to be, a place where the Opposition question, because we feel and I feel definitely as Opposition that when the House of Assembly closes that is it for another year and I am sure the government members and the government ministers especially must feel the same. They can go back to government by press releases at which the only response they can get from us is a press release to counteract their press release with the result that the House of Assembly is the only place where as Opposition members we can start questioning in detail, face to face, the expenditures of government. This is why we start questioning and start arguing. Obviously in a House such as this in which the numbers are reasonably close the government does not have total control of it and therefore it

MR. STRACHAN: is an Opposition forum in which we can question the ministers and the ongoings of the administration.

Surely then in that case here where we feel that there is sufficient evidence of what we may feel to be corruption or bribery or influence peddling or whatever it is from our point of view and being non-legal minds surely it is our right after we have examined the evidence that comes to us on government spending, surely it is our right as Opposition members here to question government ministers on the spending of their departments or of they themselves, to question contracts, to question situations they have got themselves into. Surely that is our right. The argument then based on the gray area here of allegations and charges as to when a member has the right therefore to come into the House and place on the table of the House in public, because this is what this is here, information which he has on his person, information which he has obtained, information which he has collected and is now placing on the table of the House and therefore making a public allegation against a minister or a department opposite in government.

AN HON. MEMBER: What if the allegation is unjust?

MR. STRACHAN: If the allegation is made mischievously I think the rules of the House are quite clear. If it is done on a mischievous basis then the member in tabling his document on mischievous grounds or knowing it to be false as it states then surely the member can be disciplined by the Chair and disciplined by this House.

MR. NEARY: True.

MR. STRACHAN: That is the way we have researched it and done a bit of work and being non-legal of what we are doing at the moment. So what we are doing is collecting information but not being lawyers, nor do we want to bring into play lawyers or anyone else, we are collecting enough information and we believe we have sufficient information to prove a prima facie case of some kind of corruption, of whatever it is, or influence peddling, where it is. It is up to the individual member of course to decide when he thinks he has sufficient evidence. Obviously he maybe wrong; obviously the member may be bringing up information which is totally and absolutely wrong

MR. STRACHAN: and false. Then it will be that member's credibility which is on trial as well. But surely if he has information which

MR. I. STRACHAN:

he believes to be true and he is sufficient sure of it, then surely it is his right as a member here to question the government and question the administration -

MR. S. NEARY:

In this case it has been proven by an executive assistant to be true, stated publicly on television.

MR. I. STRACHAN:

The point that I am expressing further to that is that why would a member of this House, an Opposition member of this House lay on the table of the House information? Why does not that member, for instance, take all that information he has and give it to the RCMP or give it to a police force? Why does he have to lay it on the table of the House? And that is the prime question that we were arguing recently and have been arguing recently, because in essence we are asking many times the administration over there to investigate itself, to lay charges against itself and to discipline itself and the reason why we feel that this situation often leads to a lessening of the charges or allegations, as is now about cover-up, which are questioned because the Department of Justice has been sitting on cases for a long period of time, because there seems to be some conflict between the RCMP and the Department of Justice. Then obviously what has happened is that we are afraid that if this information is not made public or tabled as much as we have at the moment that in effect what will happen is that the administration, through the police force, will take that information, the administration will collect that information, that information will go to the administration and they will decide the charges that have to be laid. And there it lays locked up until some time down the road the administration changes.

Our argument basically here is that we feel that in some of the cases we have sufficient information to believe that there are some wrongdoings. We just believe it. We therefore have to decide whether that information should be turned over to the police force but let us look at the procedure. What we are questioning here in this argument and what was questioned by the member for St. John's North

MR. I. STRACHAN: (Mr. J. Carter) is that if information is collected why not give it to the RCMP; the RCMP are investigating now, why do we not shut up, why do we not stop talking about this; the RCMP are doing it all. We realize that full well but we also realize that as soon as they are finished their investigation -

MR. S. NEARY: It can be controlled.

MR. I. STRACHAN: - they will then pass the investigation and the evidence back to the administration who will then be asked to lay charges against itself if there is wrongdoing. And we feel that in that case there the charges will never be laid and we feel that it will be sat on and sat on for a long period of time. Because we do believe, in a case that I explained to the Minister of Municipal Affairs this afternoon - and to me that was kind of a scornful answer that the minister of Municipal Affairs, for instance, and an investigation by the RCMP, quite freely admitted this afternoon to someone who was slighted in that investigation that the minister was a messenger of someone -

MR. S. NEARY: What? A messenger?

MR. I. STRACHAN: - that the minister believed that the man was guilty or should be fired away, which was his statement, felt that he should be well removed -

MR. DINN: I did not say that.

MR. I. STRACHAN: - and in fact agreed in meetings to have him removed.

MR. S. NEARY: The minister said he was a messenger. I heard him.

MR. DINN: A point of order, Mr. Chairman.

MR. CHAIRMAN: A point of order.

MR. DINN: I never in my life said anyone in Labrador City was guilty or should be charged or anything of that nature. I said quite clearly this afternoon that everyone is innocent until proven guilty. That is what I said this afternoon and that is what I think the hon. member should get through his thick skull!

MR. S. NEARY: Well if the minister said -

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

MR. S. NEARY: To that point of order, Sir.

MR. CHAIRMAN: To the point of order.

MR. S. NEARY: Mr. Chairman, that is not a point of order at all, Sir, it is just a matter of opinion.-

MR. DINN: I made the point.

MR. S. NEARY: - between two hon. gentlemen -I did hear the hon. gentleman today that he acted as a messenger and that is what my hon. friend said and that can be borne out, Sir, by checking Hansard -

MR. STRACHAN: That is what somebody said.

MR. S. NEARY: So the hon. - can you imagine, Mr. Chairman, a minister being a messenger, a flunky for some corporation in this country, a messenger -

MR. DINN: I carried information to the Minister of Justice which is my duty.

MR. S. NEARY: From whom?

MR. DINN: Information - I am going to tell you?

MR. S. NEARY: From Mr. Mulroney to the Minister of Justice. The minister was flunky, a messenger for some multi-national corporation -

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

The issue before the Chair is one of a point of order. I do not think that one needs to rule on it as it is a matter of explanation from one member to the other.

Hon. member,

MR. I. STRACHAN: Let me try it from another angle then, Mr. Chairman. In essence

Mr. Strachan: what has happened in this case here where he started off, is that an ordinary citizen in Labrador City because for almost two years an investigation, which we understand has been completed, we understand -

AN HON. MEMBER: What has this got to do with it?

MR. STRACHAN: Just a minute now. This has very much to do with this, and very much to do with what was brought up by the member for St. John's North (Mr. J. Carter), and very much to do with the tactics being followed by us in some of our information which we have because we believe that in some cases, in many cases information is either suppressed or sat on or kept down. It so happens that this Thursday an innocent, or so far an innocent citizen has decided because of RCMP investigations, because of a scandal which he is alleged to be involved in, which has never come to fruition and no charge has been laid, for which he has lost his job, suspended until the 1st. of April and then through a meeting which I think the minister took part in, he was suspended or fired, whatsoever occurred anyway he was laid off eventually in April; he has lost his job, he has lost his ability to work, he cannot find work, he cannot be given work, yet no charge has been laid against him. In other words he feels very definitely that what has occurred is that much of the information has been sat on and he now is taking to court the Town Council because he feels the charges should have been laid. Is he guilty or not?

Our argument basically in many of it is when we look at the record or when we look at some of what happens we feel that if allegations of mispending or wrongdoing of any sort against the administration we would not want the administration to be totally in charge of investigating themselves. And that is why that bringing it into the House of Assembly here is the only time that an opposition can examine or cause to be examined information which we feel shows wrongdoing on behalf of the administration. And I think it is fundamentally important that we understand that to be the case of why the member for LaPoile (Mr. Neary) for instance had gone through the route he did, He had asked various sources to carry out public inquiries a long time ago. He had asked for information to be

Mr. Strachan: put out, a public inquiry or any kind of inquiry, but he is afraid and definitely afraid that if his allegations are true—and he believes them to be so, otherwise he would not have brought into this House—that if he believes them to be true, and they are not made public now, that if they are kept within the confines of the police, who will then report to the administration opposite, the Minister of Justice, who is a political appointee, how can a minister lay charges against another one of his colleagues, that surely the charges can be watered down, if they are so. If he is innocent lay it out and we would expect in that case that if they are innocent it would all be laid out very quickly. And that is our basic argument here, that we feel that surely the Opposition in examining government and in finding what they believe, and it is up to each individual member of course to decide if the information he has is sufficient to present before the House. And surely it is his right to lay allegations or charges. And it is this forum, the House of Assembly in which it is the administration's opposite right to defend their spending of the public dollar. Surely that is what is basic about this House of Assembly, and that is what a good Opposition is about.

I am sure for instance that the member for St. John's East Extern (Mr. Hickey) I think at one time was over on this side, and I saw him perform many times from this side, and I am sure that the member for St. John's East Extern was not very kind in any examination of the spending of the public dollar from that side.

MR. T. HICKEY: Yes, but I did not break the law or anything.

MR. STRACHAN: Well, I remember he got a flick once, a few times.

MR. NEARY: I remember once the hon. gentleman got up and -

MR. STRACHAN: I remember -

MR. NEARY: --the whole Opposition got kicked out

MR. STRACHAN: I do not remember what the story was, but I remember certainly when other members were present here and the Opposition was strengthened, and surely there were charges of allegations by the member in Ottawa for St. John's West, is it?

MR. NEARY: Oh yes.

MR. STRACHAN: - many allegations were made about misspending.

MR. NEARY: The whole works got kicked out one time.

MR. STRACHAN: But now because the members opposite there are on the receiving end of it, then there is something wrong with us here for laying out our allegations. Surely this is a good place for these allegations to be laid out. This is the examination in public

MR. STRACHAN: of the spending of your departments.

MR. HICKEY: We were guilty of a difference of opinion between two hon. members.

MR. STRACHAN: You were guilty of not proceeding so, therefore, the member by corollary agrees with me that you were guilty of not proceeding with examination of the dollar, of the spending of money, which in essence agrees with what I am stating, that if you are guilty then we do not want to share the same guilt as the hon. member for St. John's North (Mr. J. Carter).

MR. NEARY: Hear, hear!

MR. STRACHAN: I believe in what the member for LaPoile (Mr. Neary) is doing in this case, and I stand by him in what he is doing here because I believe he has a case. At least he has information which looks like it. If it is wrong let the administration prove it is wrong. But to try to play off the fact that by making allegations of misspending the member here is committing a crime by making these allegations then I think this is totally wrong. And it is the House of Assembly in here, for we have the only opportunity in a year's time to examine face to face the spending of the administration opposite. And that is our function in here, surely our function, and to remove that function by trying to make us all sit here on a Sunday School picnic and be good little Brownies, surely it will improve the language of the House, it may improve our behaviour, but what it does is give carte blanche to the administration to spend money as they wish and do what they like because they will never be questioned because we have to be nice.

AN HON. MEMBER: That is right.

MR. STRACHAN: So, Mr. Speaker, I believe there are -

AN HON. MEMBER: Freedom of Speech.

MR. STRACHAN: Yes, there are certain freedoms of this House and there are freedoms of the Opposition, and I feel very strongly that if a member of the Opposition makes allegations wildly, lashes them out - and I am not talking about chit-chat in debate or throwing back and

MR. STRACHAN: forth, because many times we see that some of the allegations which are made back and forth are created and caused by the members themselves who engage in repartee, and if it hurts, then it hurts. Many of these are never formal allegations, they are just talk, banter, sometimes very severe banter which goes on, but a member in many cases who gets it usually asks for it. I am not talking about these kinds of situations, I am talking about serious allegations of which something is tabled, documents are tabled, and the member who tables them believes in essence that he is right, that what information he has he believes to be right and he places it on the table of the House for examination. And if we all have to be lawyers in here in order to be able to examine government spending then I suggest that this House is irrelevant.

So I feel, Mr. Speaker, that in the case of where the member for St. John's North (Mr. J. Carter) raised the question that we feel strongly that - and the tabling of some charges and the tabling of information here in this House - that in asking for inquiry in this House that we are concerned, and the reason why we feel that it should be made public is that the administration often will not take action against itself. And that would be very natural that the administration would not take action against itself. And to pass it off that because the police are inquiring or that the RCMP are having an inquiry that everything is okay and hunky-dory, we just do not believe that to be true, because in essence the information that they collect still has to come back to the administration for charges to be laid against themselves. The only way, we feel, around that is for a public inquiry where the information so collected is laid out in public and nothing private.

I therefore feel, Mr. Speaker, that the actions which led up to this motion being placed now in the House, it is unfortunate that a certain series of actions had to occur before this motion was placed in the House because I believe that the actions which took place were legitimate, correct and part of a good Opposition

Mr. Strachan: carefully examining the expenditures of the administration. But I think it is our function as an Opposition to continue doing so and to continue investigating, and we may not always be right, many times we will be wrong, but if that means that when we are wrong we must never make any charges, and we must never lay anything on the Table of the House, that we must never question in Question Period expenditures of a department, that we must never question in the Budget Debate expenditures of departments, if that what it is to be wrong and we got to sit here mum, then we might as well resign and get the hell out of it. And I believe that the member for LaPoile (Mr. Neary) has every right in the world, if you have read very carefully as I have, very, very carefully the evidence that he has collected over a period of time, if you read that very carefully, and I am in a fortunate position to have seen much more evidence than has been laid out so far, if you read it very, very carefully then, in essence, the member is doing his duty and what he believes to be his duty. And to state that the member should turn over all evidence to the RCMP and turn over everything he has because the RCMP are investigating is, we believe, and we have discussed this very seriously, we believe a wrong way of going about it. If it did so and the RCMP then related this evidence to a public inquiry, then I am sure that we would shut up and put the information forward. But I am sure we believe that what information we have we must proceed with it and investigate and keep pushing and see what occurs with it. And I am sure the member for LaPoile can well talk for himself, but I am standing here tonight because I feel that it is totally and absolutely justified, and in fact in some cases I was shocked by some of the things.

MR. NEARY: What about the gentlemen with Christian consciences over there? What do they feel about this?

SOME HON. MEMBERS: Oh, oh!

MR. STRACHAN: But I believe it is, and I am sure if we were over there, and the gentlemen over there were over here you would be doing exactly the same to us.

AN HON. MEMBER: Certainly not (inaudible).

MR. STRACHAN: Well if you were not you were not doing your duty.

AN HON. MEMBER: Is that so?

MR. STRACHAN: Is there a bill coming up, something urgent?

AN HON. MEMBER: Carry on, boy!

MR. NEARY: Is there a hockey game on tonight?

MR. HICKEY: No, unfortunately. Are you suggesting (inaudible).

MR. STRACHAN: All I am suggesting is you would love it too. I am suggesting it is very akin to your nature, very akin to your nature to question. I am sure you would not take the other role of just advising us and pleading with us that as an administration we should be doing so and so and so and so, and advocating that we should follow this line and that. I am sure that as an Opposition if you are doing your duty you would question every dollar as much as possible within the system, and the House of Assembly is the only time we are called together to investigate it or to look into it, government spending. Because once it is dissolved then that is the end. That is virtually the end of any opposition examination of the spending of the administration. because then it becomes by press releases and, in essence, opposition by press releases. We respond only in press releases. That is all we will see for the next six months or eight months or nine months. That is a fact. I live in Labrador and all I get is a press release. I hear a press release from the Minister of Mines and Energy and I do not even hear it in many cases, and I get some radio station or somebody calling up and informing me that a minister made a statement last night and would I like to respond to it? And I never heard of it before. It is the first I ever heard of it many times, because I do not get many of the news medias as you get here. So it is, in essence, government by press release, and Opposition responds by press release. Another press statement or a statement to press and that is it. The House of Assembly is the only time that we can very carefully in detail analyze and examine the spending of government, and it is our right and our duty and we should do it and we will continue to do it.

MR. PECKFORD: Nobody is arguing that point, I do not know what you are getting at.

MR. STRACHAN: My argument is that the member for St. John's North (Mr. J. Carter) who says, that we cannot lay charges and information -

MR. PECKFORD: That is different in a sense.

MR. STRACHAN: Wait a minute now. I have already gone through that, if you had been present here you would have already seen that I went through all of this. If you want me to go through it again I will go through it again.

MR. PECKFORD: Go through it again.

MR. STRACHAN: Mr. Speaker, I support the motion.

MR. NEARY: The hon. member for Exploits (Dr. Twomey) there with his hearing aid he can hear more.

MR. SPEAKER (DR. COLLINS): If the hon. minister speaks now he will close the debate.

MR. PECKFORD: I thank the hon. gentlemen for a most interesting evening and a fairly relevant debate all the way through as it relates to Motion 6.

MR. PECKFORD: There have been a number of points made considering the resolution itself. Number one, the Leader of the Opposition mentioned that he would rather not be a part of the committee and be replaced by a person from the other side who is not a member of the legal profession. We have accepted that and that will I trust, Mr. Speaker, be accommodated now as we put the motion. And secondly, the member for St. John's East (Mr. Marshall) mentioned the business of what kind a committee it was. All it says is there is a Committee on Privileges and Elections and there is the dramatic technicality I suppose of including before the word committee; Standing Committee to make that proper and then everything else flows pretty naturally from it. So I would move an amendment if necessary or by unanimous consent that we put before the word committee, "Standing" and then I think the motion is in good stead and has been cleared up to everybody's satisfaction.

I must say, Mr. Speaker, I think it is a wise decision on the part of hon. members to have a number of people who are not lawyers on the committee and I think we have a good balance there now. I think that the original composition of the committee was not in the best interest of the House and I think now it reflects more clearly the broad spectrum of occupations and whatever that we have in the House and so for that I think the debate has been totally worthwhile.

Mr. Speaker, I am not going to get into a long dissertation on it. We all know what it is all about, the hon. members have elaborated on it and therefore I think we can move on through to pass the motion this evening and get on with the job of doing it.

MR. SPEAKER: Before putting the question I will read it. It is my understanding that there is unanimous consent, number one, to change the composition as indicated and, number two, to indicate specifically that it would be a Standing Committee so the resolution now reads that "The Standing Committee of Privileges and Elections to consist of the hon. member for St. John's East (Mr. Marshall), the hon. the member for Grand Falls (Mr. Lundrigan), the hon. the member for Kilbride (Mr. Wells),

MR. SPEAKER: the hon. the member for the Strait of Belle Isle (Mr. Roberts), and the hon. the member for Trinity-Bay De Verde (Mr. F. Rowe) be appointed to examine into the privileges and immunities of members of the House of Assembly."

All those in favour of the resolution,
"Aye". Contrary "Nay", Carried.

On motion resolution, Carried.

MR. PECKFORD: Mr. Speaker.

MR. SPEAKER: The hon. minister.

MR. PECKFORD: I move that we call it 11 o'clock and adjourn until tomorrow, Tuesday at 2 o'clock.

MR. SPEAKER: It has been moved that this House adjourn until tomorrow, Tuesday at 2 p.m.

Those in favour "Aye", Contray "Nay",
Carried.

This House stands adjourned until tomorrow
Tuesday at 2p.m.