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HOUSE OF ASSEMBLY
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10:00 a.m. - 1:00 p.m.
FRIDAY, NOVEMBER 9, 1979

The House met at 10:00 A.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

STATEMENTS BY MINISTERS

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, members of this hon. House have been given the solemn responsibility to represent their constituents and to safeguard the best interests of the people of this Province. If they are to discharge this responsibility objectively, they must be independent members, free from financial and moral commitments. A Bill to be introduced during this session of the Legislature will go a long way to ensure that hon. members are elected to this House without having to incur such constraints. Once they are here it is a different matter. I believe this hon. House has a responsibility to ensure that members who are elected here receive compensation commensurate with their duties and responsibilities and to ensure that in serving the people of the Province they do not have to endure undue personal and family hardship. In addition, I believe it is necessary to ensure the compensation structure of members does not prohibit capable and interested citizens from seeking public office and serving in the highest public positions in this Province.

Given this, Mr. Speaker, I feel it is an opportune time to determine whether the compensation that members of this House receive reflects the reality of our times. Accordingly, with the consent of the Leader of the Opposition and his House Leader, I propose to this House an independent committee to examine into the remuneration of members of this hon. House. I propose an independent committee because it would not be right nor would it seem right for members to decide upon their pay. The committee would have the following terms of reference, "In relation to the Province's existing financial capacity to enquire into and make recommendations upon: (a) remuneration payable to members of the House of Assembly, including the amount of remuneration payable, if any, to members of the House of Assembly serving as members of committees; and (b) Adequacy of expenses payable to members of the House of Assembly."

PREMIER PECKFORD: with the consent of this House, Professor Gar Pynn, Director of the P.J. Gardiner Institute of Small Business Studies at Memorial University has indicated he will Chair the committee. Serving with Mr. Pynn would be Mr. Gonzo Gillingham, International Representative for the Carpenters and Joiners of America, and Mr. Len Williams, former President of the N.T.A. and now teaching at Memorial University. I am sure that this committee, representing the business world, labour and the academic community will work with dispatch and present a report that is equitable and objective.

SOME HON. MEMBERS: Hear, hear!

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

MR. JAMIESON: Mr. Speaker, may I begin by acknowledging the full co-operation that has been accorded to us by the Premier and the members opposite and the House Leader in the discussions leading up to this announcement today. I think there is nothing more that I need to add, really, to the Premier's statement. I think it is entirely appropriate that there be an independent group examine this issue and I have full confidence that they will do a job which will not only reflect the responsibilities of members and also provide reasonable expenses and incomes for members, but at the same time the fact that this is an independent group will, I am sure, be acceptable to the general public. Consequently, therefore, I am more than happy to endorse the statement made by the hon. the Premier this morning. I think it is perhaps an appropriate time for me to add just one word, which again I do in the full knowledge that the matter is under examination, and that is the question of facilities within this building for members, I would suggest probably on both sides. I am grateful to the Speaker for having himself, indeed, taken an interest in this matter, I believe at the instigation of the Premier. I must say that I hope, and I realize that there are difficulties with regard to, perhaps, overcrowding at the moment, but I gather that plans are underway, and certainly I hope that something can be done with dispatch not merely, incidentally, for, if you wish, the comfort or the convenience or, indeed, even the capacity of members to work accurately and well, but, also, to receive their constituents and people who come here to make representations and the like. So I merely conclude by saying that we are very pleased with this announcement.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRETT: Mr. Speaker, I wish to advise the

MR. BRETT: hon. members of this House that I now have the results of the survey and the recommendations of the Committee established to review the extent of persons driving automobiles in this Province without third party liability insurance. Members will recall that some months ago concerns were raised by members of the public and by the press that an unusually high percentage of Newfoundland motorists were driving without third party liability insurance as is prescribed by law. As there was a relatively large discrepancy in the figures put forth by various parties involved, a committee comprised of representatives of Government and the insurance industry was established to investigate the effectiveness of enforcement of the compulsory vehicle insurance legislation.

I am pleased, Mr. Speaker, to announce today that the Committee has completed an extensive four phase survey of Newfoundland motorists and have determined that in excess of ninety-three per cent of vehicle owners are not in contravention of the Highway Traffic Act with respect to the carriage of proper automobile insurance.

PREMIER PECKFORD:

What is that, ninety-three?

MR. BRETT:

Ninety-three.

MR. BRETT: It is possible that this percentage could be even higher, but the Committee has judged that the additional effort required to determine this was not justifiable.

This minimum of 93 per cent compares very favourably to figures established by the RCMP and the Royal Newfoundland Constabulary through periodic spot checks. The police forces have determined respectively that approximately 97 per cent and 95 per cent of motorists have proper vehicle insurance.

The Committee, Mr. Speaker, has also made seven recommendations with respect to the administration of the compulsory insurance legislation in the Province. While the recommendations have not yet been officially accepted by Government, they will be studied in detail to determine if it is in Government's interest to accept and implement the recommendations.

In summary, the recommendations put forth by the Committee were: 1) that the procedure for the reporting of insurance offences to the Registrar of Motor Vehicles be revised and that the Registrar ensure that such information is included with the Abstracts of Drivers' Records and that he provide an annual report of the number of insurance offenses each year; 2) that Government consider establishing, on an ongoing basis, the spot checking of insurance coverage as conducted in the survey; 3) that Government not implement a computerized system for the monitoring of carriage of proper vehicle insurance; 4) that Government consider making it mandatory to show proof of insurance at the time of application for licencing a vehicle; 5) that an ongoing publicity and education programme be implemented to make the public aware of the insurance requirements for vehicles; 6) that the present method of providing abstracts of drivers' Records be improved; and 7) that Government review the adequacy of the third party liability limit currently required by legislation and also consider whether or not accident benefits should be made a part of the requirements for compulsory insurance.

MR. SPEAKER: (Simms) The hon. the member for St. Barbe.

MR. BENNETT: Mr. Speaker, I would like to

MR. BENNETT: congratulate the hon. the Minister of Transportation and Communications (Mr. Brett) for this piece of information. Since this has only just been passed to me as I came into the hon. House, I would like to be given a chance to review, but in the meantime, I would like to lend my support to it.

MR. SPEAKER: (Simms) Before moving to Oral Questions, on behalf of hon. members I would like to welcome to the gallery today Magistrate Langdon, in charge of the provincial court in Gander. I am sure hon. members would like to welcome him today.

SOME HON. MEMBERS: Hear, hear!

ORAL QUESTIONS

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

MR. JAMIESON: Mr. Speaker, may I take advantage of the Premier's invitation yesterday to talk about the fisheries? Since nobody else seems to be doing very much talking about them, at least not on the other side of the House, may I just preface my question by recalling the comments of the hon. the Premier of a few days ago, first of all indicating

MR. JAMIESON: the suspension of loans under the Fisheries Loans Act and the fact that there is, I believe, his words were, "a thorough review of Fisheries under way". Since we were given, this House was given, some time ago, a master plan for the Fishery called 'Fish is the Future' as well as an enormous and, I suspect, a very costly document called the Kellogg Report, plus a mass of other review information, does this mean that we are starting from square one or just exactly what is involved in the, I believe I am quoting the Premier correctly, in the ongoing or thorough review of the fisheries policy?

MR. SPEAKER: (Mr. Simms) The hon. the Premier.

PREMIER PECKFORD: Yes, I thank the hon. Leader of the Opposition for posing a question on the fisheries. In the last five or six years more money has been spent on the fisheries than ever before in our history in any equal period of time, and a large thrust has been made again in the present Budget to it. I think the Department of Fisheries Budget has increased percentage-wise more than any other budget in the government in the present fiscal year. So, it shows an ongoing, concrete commitment by this government towards fishery and fishery matters.

Two points are relevant, Mr. Speaker, as it relates to the question posed by the Leader of the Opposition. One has to do with the review, specifically on the Fisheries Loan Board and its activities. As most hon. members know, as most people around the Province know, a tremendous upsurge in the fishery has occurred in the last number of years, due partly to the 200 mile limit and many other factors as well - multi-species now being marketable in the world, and a whole bunch of other reasons which I will not go into now. The fact of the matter remains that there has been a large increase. This was seen as the funds for the Fisheries Loan Board increased dramatically over the last number of years, suffice it to say now that last year in new monies to the Fisheries Loan Board, \$5 million was allocated which goes along with the monies that come back from the fishermen on existing loans making many more millions available each year for this disposition, for new applications, for fishing facilities - boats and netting and so on.

This present fiscal year, we

PREMIER PECKFORD: increased that to \$8 million and have additionally increased it beyond that amount, I think to somewhere around \$12 million. So there is more than double the amount of money to the Fisheries Loan Board this year over last year. However, that has not kept pace with the number of applications coming forward and there are six or seven or eight hundred applications now outstanding.

What we are doing are two things in the Fisheries Loan Board, Mr. Speaker; one, reviewing all the activities of the Fisheries Loan Board, and we advertised for a Chairman because the Chairman had resigned. We are doing a full review on it, it will be completed by the end of November and a statement on the ongoing activities of the Loan Board for the remainder of this fiscal year will be made at that time and we will try to, undoubtedly, prioritize the applications that are available to do them on a need basis. For example, if there is a fisherman who has his fishing licence and has other financial arrangements made and what is needed is a pocket or gap of money to fill in the whole application form, well, that fisherman must come before others who are just initially starting and have no packages put together, if you will. We must prioritize the needs of those. We will not be able, obviously, Mr. Speaker, perhaps

PREMIER PECKFORD: to take care of every single last application between now and March because that would mean - I think the application value is somewhere around \$20 million to \$30 million - around \$20 million to \$30 million of new applications outstanding right now that have to be dealt with in addition to the ones already dealt with, in total value. That is one thing.

The other thing is the ongoing review as it relates to policies of the government for the next four or five years as part of our five year plan. The government right now is about three-quarters the way through that review. There is an additional review on today of a department, for example, this afternoon, and that should be completed by the end of the year and a five year plan issued.

It is in that context that all the voluminous documents that the Leader of the Opposition mentioned are now being reviewed so that we have, as a government, a clear objective in aims and goals for the Department of Fisheries as we will for other departments in place by the New Year.

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

MR. JAMIESON: Well, Mr. Speaker, may I just say in passing that I did not seek to interrupt the hon. the Premier but I wonder, with regard to the Point of Order that was raised yesterday by the hon. the House Leader about speeches in Question Period, whether it ought not to apply to answers as well as to questions. May I at the same time, however, say this, that I would like to know specifically if the document to which I have referred, which talked about a five year plan, and that was two years ago, does that mean now we are talking about a three year plan or are we talking about starting from square one? The point that I am making is that with enormous fanfare the Premier's predecessor and the former Minister of Fisheries said that they had the answers, that this was the five year plan, that this was the review process and it is written clearly and unmistakeably and involves some very, very specific things.

MR. NEARY: They sent a nice coloured pamphlet to every household in Newfoundland.

MR. JAMIESON: Yes, and it was widely distributed. For instance, I want to ask the hon. the Premier in a specific way, is the matter of the "superport" for Harbour Grace being reviewed, for example, because that was one of the things that was specifically spelled out as being a clear-cut commitment of the government?

MR. SPEAKER (SIMMS): The honourable the Premier.

PREMIER PECKFORD: Mr. Speaker, all policies are being reviewed, as I indicated some time ago, as they relate to this. The plan that was presented, whether it was a three or four - this government today and tomorrow, last week and this week and next week will be, and until the end of the year, reviewing all policies and plans of all departments to present a five year plan from here on forward. We are looking at a five year plan from now. We are not interested in looking, necessarily, at a plan that started two years ago; we are going from now as a government to try to develop five year plans.

The "superport" concept has been discussed with DREE, the Department of Fisheries in Ottawa, no later than two or three days ago. But the whole question on policy of fisheries, as it is for tourism, as it is for forestry, is being looked at.

PREMIER PECKFORD: Documents that have been researched and presented, the reports that have been made are all under review for all departments and we will be announcing in due course our policy objectives on fisheries for five years, by the end of the year.

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

MR. SPEAKER (SIMMS): The hon. member for LaPoile.

MR. S. NEARY: Mr. Speaker, I want to come back to just one aspect of the questions asked by my colleague, the hon. Leader of the Opposition. I want to deal with the Fishery Loan Board. I will start out by asking, who is the hon. gentleman trying to cod? Obviously, the Fisheries Loan Board is in a mess. Word is leaking out that all the money was spent before the election. The Premier tried to blame it on the fishermen on the board, Arthur Wicks said this morning it is the fault of the politicians for making rubber stamps out of the members of the Fisheries Loan Board. Is there a review going on or is it an investigation, would the hon. gentleman tell us?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, there is a review going on. I did not say at any time and I do not know if somebody has alleged this inside this House now by the statement made by the member for LaPoile (Mr. Neary), or people outside -- I did not blame it on the fishermen or blame it on anybody. The fact of the matter is the increase in fishing activity in this Province has increased the number of applications to the Fisheries Loan Board to the extent that it is totally impossible in a short period of time, over 600 or 700 applications, given the fact that we have spent double the money that we had last year, already, to deal with it, until we totally review and prioritize the applications and get a view as to what kinds of monies we are going to be talking about for the next twelve to eighteen months so that we can budget properly on it. There is no devious, weird and wonderful investigation going on, there is no blame being laid. The fact of the matter is that the fishery is mushrooming. We have to be able to react and react in a way which shows some planning and some foresight, and that is what we are about right now.

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

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

MR. S. NEARY: The hon. gentleman can try to whitewash it all he wants, Sir. The fact of the matter is that the Fisheries Loan Board is in a mess and that the government had to take drastic measures of curtailing the operations of the Fisheries Loan Board and we lost the minister in the process, who is now out running in a federal campaign -

MR. SPEAKER: Order, please!

MR. S. NEARY: - and the question, Mr. Speaker, is this, that fishermen, fishermen in my own district looking for engines and new boats cannot get their applications processed at the moment. Something drastic must have happened to stop that sort of thing. Is the hon. gentleman being pushed in the direction of oil or is the whole Fisheries Loan Board situation in a mess? When will the fishermen be able to get their applications approved? The time is now, it is urgent, they want their applications approved now. When will they be able to get them approved?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, if the hon. the member for LaPoile (Mr. Neary) has any additional information on the Fisheries Loan Board to back up and substantiate his allegations of it being in a mess, I would appreciate the information. I ask the member for LaPoile now if he has some information would he please provide it to the Acting Minister of Fisheries (Mr. Goudie)

PREMIER PECKFORD: or provide it to myself or some other member of the government so that we can pursue that - if he has that. If the hon. the member for LaPoile (Mr. Neary) wants to make allegations, would he please substantiate them so that we can make sure that after this review is over that we have the full knowledge of the Fisheries Loan Board. I think that is very, very important. And the onus is on the member for LaPoile now to provide that kind of information to this House or to the government. If he wants to make allegations, let him back up his allegations, because that is very, very important.

MR. NEARY: The Minister of Fisheries (inaudible).

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: We had a lot of rehabilitation on Bell Island back a few years ago when the hon. member was minister of a certain department.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: (Simms) Order, please!

PREMIER PECKFORD: I would not like to see just the fishermen of Bell Island get first-class treatment on this kind of a situation.

MR. NEARY: Tell us about the \$100,000 on Mount Scio House.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. the member for Bonavista North.

MR. STIRLING: Thank you, Mr. Speaker.

I would like to respond to the Premier's challenge. There happens to be a member of the board from Bonavista North representing 150 fishermen down there and he has said - I would like the Premier to advise whether or not he was aware of three points - 1) "We were overruled by political higher-ups." To be specific, the quote from a member of the board was, "Two days before the last federal election, we got messages to approve loans we had already turned down." Was the Premier aware of that political interference?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: No, Mr. Speaker, I am not, but if the hon. the member for Bonavista North (Mr. Stirling), or his people who have communicated that information to him will communicate it to me, I would be very happy to receive it, because I think that is the kind of information which is very valuable to us in our review of the Fisheries Loan Board and the kind of mandate it will have in the future. I thank the hon. the member for Bonavista North for the information, and if he has more information like that that can be validated, I would be very happy to receive it.

MR. STIRLING: Mr. Speaker, a supplementary.

MR. SPEAKER: (Slms) A supplementary, the hon. the member for Bonavista North.

MR. STIRLING: Also, the member on the board representing fishermen from Bonavista North says, "I checked on the next meeting, when the next meeting would be held, and no one knew. I was told by one official that he did not know whether we had a board or not, everything is in such a shambles."

MR. SPEAKER: Order, please!

I should point out to the hon. the member for Bonavista North, Standing Order 31(d) which states clearly that "Oral questions must not be prefaced by the reading of letters, telegrams, newspaper extracts or preambles of any kind." I would suggest that is what you are leading into, so I would direct you to ask your question.

MR. STIRLING: Thank you very much, Mr. Speaker.

I take your direction. Could I say, though - and I accept your direction -

MR. STIRLING: that the Premier had asked for any such evidence and it was in giving such evidence that I quoted, I would ask the question now is the Premier aware that a member of the Board was told recently that they did not know when the next meeting would be, did not know whether they had the board and whether or not the board was in a shambles? Is the Premier aware of that?

MR. SPEAKER (Simms): The hon. the Premier.

PREMIER PECKFORD: I am aware of it in the way that the hon. member for Bonavista North (Mr. Stirling) puts the question. I am aware that communication between the Fisheries Loan Board and the fishermen indicated that they were not sure when there would be another meeting at which new applications would be discussed, and approved or rejected, because we are into the process of review and therefore additional applications would not be studied and passed or rejected. I am aware of it on that basis. I am not aware that the Fisheries Loan Board is in a shambles. I am aware that all the money has been spent for this year and therefore we are reviewing all the whole Fisheries Loan Board activities to try to determine how we are going to handle the backlog of applications between now and the end of March.

MR. JAMIESON: Mr. Speaker.

MR. STIRLING: A final supplementary.

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

MR. JAMIESON: Mr. Speaker, may I ask the hon. the Premier if in his review or investigation, or whatever wording he wishes to apply to it, will he study Hansard for the Summer session and read the answers given by the then Minister of Fisheries with regard to the future of the Fisheries Loan Board which certainly, I suggest, indicated that matters were well in hand and that indeed the government had a very comprehensive and ongoing programme which was not in any jeopardy. I think it is reasonable to put that question to the Premier and to ask him if he will look at that and to tell us what happened between August and November.

MR. SPEAKER (Simms): The hon. the Premier.

PREMIER PECKFORD: I am aware of Hansard, Mr. Speaker, and any salient information contained by any minister of the day as it relates to the activities of the Fisheries Loan Board of course will be accommodated in the overall study that we are now involved in.

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

MR. F. ROWE: Mr. Speaker, a supplementary to the Premier. In view of the information that has come out here this morning with respect to the confusion with respect to the five year plan and the superport, the confusion within the Fisheries Loan Board, if in fact there is a Fisheries Loan Board, and the strong feeling, Sir, the very strong feeling amongst the fishermen of this Province that the emphasis, the philosophical emphasis of this government has switched completely from the fisheries to offshore oil and gas, and the fishermen feel very worried about this -

MR. NEARY: Right on. Right on.

MR. F. ROWE: - will the Premier indicate to the House whether he is intending to appoint a full-time Minister of Fisheries right away instead of putting it off until Christmas or after Christmas or sometime in the New Year? I might just re-emphasize for the Premier's information that I have spent a considerable amount of time in my district over the past couple of weeks, Sir, and the fishermen are terribly concerned over all this confusion, number one, and secondly, the apparent shift from -

SOME HON. MEMBERS: Ch, oh!

MR. F. ROWE: This is the seriousness with which the hon. members opposite, Sir, treat such an important matter. I would suggest that it is important that the Premier of this Province appoint a full-time Minister of Fisheries straightaway within this very week, particularly when you look back at the emphasis that was put on the fisheries over the past eight or seven years.

MR. SPEAKER: (Simms) The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, as I mentioned in response to questions and allegations made by the member for LaPoile (Mr. Neary) yesterday, the Opposition will not succeed in trying to divert us away from the fishery and from forestry and from tourism in this hon. House. If they want to try and divert us they will not.

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: There is no way that the member for Trinity-Bay de Verde (Mr. F. Rowe), or any other member on the opposite side is going to stop us from doubling our budget on the fishery.

MR. JAMIESON: A point of order.

MR. SPEAKER: A point of order has been raised.
The hon. Leader of the Opposition.

MR. JAMIESON: Mr. Speaker, 'What is sauce for the goose, is sauce for the gander,' and I suspect the government, now that it is getting goosed, is doing the very things which the hon. the House Leader objected to and I ask for a ruling on your part as to whether

MR. JAMIESON: it is appropriate for the Premier to make a speech in answer to a question.

PREMIER PECKFORD: To that point of order, Mr. Speaker.

MR. SPEAKER (SIMMS): A point of order. The hon. the Premier.

PREMIER PECKFORD: I was not making a speech. I made two sentences. I issued two sentences and it took me somewhere around seventeen or eighteen seconds, if anybody was trying to listen to me, and I do not consider that to be a speech. I think I was completely in order and consistent with the line of questioning that was being presented by the opposition.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: To the point of order. The Standing Orders 31 and all the subsections therein contained are very clear in dealing with answers to questions and so on. The minister, in fact, may not even answer the question if he does not wish to. I would suggest that the hon. the Premier, in my opinion, at that point in time was preparing to answer the question asked by the hon. member for Trinity-Bay de Verde (Mr.F.Rowe).

A supplementary. The hon. member for Trinity Bay de Verde, followed by the hon. member for the Torngat Mountains.

MR.F.ROWE: Now that all the violent turbulence has settled down, would the Premier mind answering the question I put to him with respect to when he is prepared to appoint a full-time

MR. F. ROWE: minister and does he feel the same urgency about that appointment as the fishermen of this Province?

MR. SPEAKER: (Mr. Simms) The hon. the Premier.

PREMIER PECKFORD: Yes, Mr. Speaker, as soon as possible there will, number one, be a full-time Minister of Fisheries. The matter is of such importance now that the full Cabinet and Planning and Priorities Committee of Cabinet are studying the fishery and are administering the Department of Fisheries. It is such an important matter right now that the full Cabinet is totally involved in it, day by day, and in due course and in due time there will be a full-time Minister of Fisheries put into that department, no question about that. The reason why I did not answer the question earlier was simply because the hon. member from Trinity - Bay de Verde (Mr. F. Rowe) was trying to divert me away from the fishery and that he will not do.

MR. F. ROWE: A point of order, Mr. Speaker.

MR. SPEAKER: A point of order, the hon. member for Trinity-- Bay de Verde.

MR. F. ROWE: The hon. the Premier is questioning the motives of a hon. member of this House during the Question Period, and I suggest that he is completely out of order with these kinds of remarks and ask him to retract it.

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: Mr. Speaker, the hon. member for Trinity - Bay de Verde indicated in his questioning that somehow or other the government was more interested in offshore oil and gas than in fisheries and therefore it was in response -

SOME HON. MEMBERS: Hear, hear.

PREMIER PECKFORD: - and therefore, Mr. Speaker, it was in response to that kind of question, it was in response to that kind of statement that I indicated to the hon. member that in no way was the member for Trinity - Bay de Verde going to divert this government away from the fishery.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER: (Mr. Simms) To the point of order, my ruling would be that there is clearly a difference of opinion between hon. members in this particular case, and not a point of order.

The hon. member for Torngat Mountains.

MR. G. WARREN: Mr. Speaker, in light of the attention focused on health care in Labrador, in particular in Goose Bay during the past week or so, I believe it would be appropriate to ask a question to the Minister of Health (Mr. W. House). Also, in conversations with many residents of the area, there is an apparent understanding that patients are having difficulty in getting referrals to hospitals outside of Labrador, to specialists that are not available in Goose Bay. If this be the case, would the minister instruct doctors in the Lake Melville Hospital, in particular, to refer all patients whose medical conditions are beyond the expertise of local doctors?

MR. SPEAKER: The hon. Minister of Health.

MR. W. HOUSE: Mr. Speaker, I just do not know exactly how to respond fully to that question. It is very difficult. That hospital, the Melville Hospital, of course, is a primary care unit. It comes under the Grenfell Mission, it is operated by the Grenfell Mission, and the regional hospital is in St. Anthony and they do have a full slate of specialists in the hospital and they visit there periodically. And, of course, doctors do refer patients and I think it is not within the ambit of the Department of Health to direct the hospital that works under a Board to refer patients.

MR. HOUSE: There is a mechanism, if there is negligence or anything of that nature, to deal with the problem. The facts, I think, stem from a little bit of a controversy that has happened in the past couple of weeks which we are aware of and we are investigating. Also, there was a public meeting last night in Goose Bay at which the member for the area was in attendance and, of course, they will be confronting me later with some suggestions. But the fact is that I cannot direct doctors to refer all patients; that is a medical opinion and the department cannot make that decision.

MR. SPEAKER (Simms): A supplementary. The hon. member for Torngat Mountains.

MR. WARREN: A supplementary. If doctors do refer patients from Labrador to hospitals on the Island portion of the Province, would the minister assure this House that any patients who would be referred to doctors on the Island would not have to pay any more for transportation to that hospital than patients on the Island portion of the Province?

MR. HOUSE: I cannot give that assurance fully but I must advise that the whole matter of transportation to hospital is under review and we are moving in that direction, the direction you suggested.

MR. WARREN: A final supplementary.

MR. SPEAKER: A final supplementary. The hon. member for Torngat Mountains.

MR. WARREN: In light of the two answers that I got from the hon. Minister of Health, which to say the least I believe were very vague, I would ask the minister has he considered, as of today, instituting a public enquiry into health care in Labrador?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. Minister of Health.

MR. HOUSE: Well, of course, anything of that nature you always consider when controversies arise. We have not determined that we are going to have an enquiry. We are investigating the matter that was in question. It was on television a couple of weeks ago. We are

MR. HOUSE: investigating that and, of course, we will be taking a look at the results of the meeting that was held last night.

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

MR. JAMIESON: Mr. Speaker, my question is for the Minister of Transportation and Communications and it flows from your indulgence yesterday in permitting me to make a comment about the potential hazard with regard to the overpass at Sunnyside, Come By Chance, but also I understand as well from some of the residents of Arnold's Cove, that with regard to the turn off at that location, that there is also a hazard. I can confirm, as I believe the hon. minister can, the Sunnyside, Come By Chance one because I have driven over it half a dozen times since it has been open. I wonder if he would be good enough to indicate to the House what he indicated earlier, publicly, that they were looking at it. Is there some immediate solution or something that can be done in the immediate future to alleviate that problem, particularly because of the school buses and the like?

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

MR. BRETT: Mr. Speaker, as I indicated publicly some time ago, we were under the impression that funds were to be made available through the TCH agreement to construct overpasses at Come By Chance, Arnold's Cove and Sunnyside and unfortunately the funds did not come through. In the case of Come By Chance and Sunnyside we had already started construction of the four lanes and it was gone too far to stop it. So we did what you see there now. We have two lanes on each side with the median in the centre. We have to agree that even though it is probably better than what was there before, it is dangerous. So what we are doing, for the information of the hon. member, we are going to bar off the two lanes on the Sunnyside portion, we are going to bar that off altogether and - no I am sorry, we are going to have one lane on each side. In other words, we are going to go back to exactly what it was before. That is what we are going to do. We will bar off one lane

MR. BRETT: going West and one lane going East and this will leave more space, so as a bus or car comes out of Sunnyside or Come By Chance it will only have to cross one lane of traffic and then there will be a larger area in the middle where the bus or car can stop and watch for oncoming traffic.

But, in a nutshell, what it will be is we are going back to what it was in the beginning, one lane going West and one lane going East.

MR. JAMIESON: A supplementary.

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

MR. JAMIESON: I am not especially competent as an engineer to know whether this is an appropriate answer or not. It is clearly something less, I am sure, than would be desirable. I wonder has the minister or any of his officials consulted, if not

MR. D. JAMIESON: with the town councils and the like but perhaps school boards or others who may be interested in the area? And is it known to the minister whether or not they feel that this is the best alternative under the circumstances? I make the point because I would hope that there would be some kind of consultation so that we will not have to find out six or eight or ten weeks from now that what was done was not satisfactory or not the best that could be done under the circumstances. In short, has there been consultation and is this solution satisfactory?

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

MR. C. BRETT: To the best of my knowledge there was no consultation with the council in that area. This recommendation was put to me by the engineers. I do not think it is the best solution; the best solution would be the overpass both at Arnold's Cove and Come by Chance/Sunnyside. But at least it is as it was before and I do not really see what else can be done. It was suggested that we would put lights there but I do not think that this would improve the situation all the much. Really, I do not see any alternative but to put it back as it was before. In the meantime, when we go to Ottawa looking for a new TCH agreement we will be requesting money for the overpasses at both Sunnyside/Come by Chance and Arnold's Cove.

AN HON. MEMBER: A supplementary.

MR. SPEAKER: Order, please!

The time for Oral Questions has expired.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The hon. Minister of Lands and Forests.

MR. J. MORGAN: Mr. Speaker, I wish to table a report. It is not really from a standing or special committee of this House because of the fact that these reports are from experts in the field, whom we had to avail of in this case, who are Federal Government employees. They are from the Federal

MR. J. MORGAN: Forestry Service. We engaged them to carry out a special study on the infestation in the forests of our Province especially with regard to the budworm situation, so I now hereby table this report and, of course, make it public accordingly.

NOTICES OF MOTION

MR. SPEAKER (SIMMS): The hon. President of the Council.

MR. W. MARSHALL: Mr. Speaker, under Standing Order 87 of the rules of this House, Changes in the complement of membership of Standing Committees may be effected merely by a notice signed by the Government House Leader. As all members are aware, there is a vacancy in the Standing Committee of the Public Accounts Committee. I think it would be entirely inappropriate when you are talking about, despite the rules, of when a permanent vacancy in the Standing Committee for me just to do it merely on the basis of a letter. So, consequently I am going to give notice of motion now and I hope, with the consent of the House, that we can also pass the motion immediately. I move that the hon. member for Lewisporte (Mr. White) become a member of the Public Accounts Committee succeeding the former member for Burgeo - Bay d'Espoir. (Mr. Simmons). I could say, Mr. Speaker, that if this motion is passed we would ask the members of the Public Accounts Committee here to get together this morning for the purpose of selecting a new Chairman. since we are all anxious that the proceedings of the Public Accounts Committee proceed expeditiously.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: You have heard the motion. Is it the pleasure of the House then to adopt that said motion? Those in favour 'aye', -

MR. S. NEARY: It is a debatable motion, I presume.

MR. SPEAKER: Yes, it is debatable.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: The hon. member for LaPoile.

MR. S. NEARY: Well, I do not want to delay the proceedings, Sir, but there is something that has concerned me about the Public Accounts Committee and procedure for some time and I think now is the time for me to

MR. S. NEARY: get it off my chest. I want to congratulate my colleague, the member for Lewisporte (Mr. White), if the motion is passed, for becoming the new member of the Public Accounts Committee. I think he will make a very good addition, a very good contribution to that committee.

But, Mr. Speaker, the thing that concerns me about the Public Accounts Committee is the fact that they have no authority, as far as I can see, to make recommendations against ministers who violate the Public Tendering Act and I am referring specifically to the violations of the Public Tendering Act by the present Minister of Lands and Forests (Mr. J. Morgan) when he was Minister of -

MR. W. MARSHALL: A point of order, Mr. Speaker.

MR. SPEAKER: The hon. President of the Council.

MR. W. MARSHALL: The purpose of this motion, notice of motion given, is purely and simply to replace a member on the committee. The adequacy of the proceedings and how they relate to

MR. MARSHALL: the House I suggest, Mr. Speaker, are other issues and if the hon. member wishes to bring them up, indeed the hon. member can bring them up at various points in time by substantive motions if he wishes in the House itself, or for that matter if the hon. member, as any hon. member in this House, if he wishes to attend the proceedings of the Public Accounts Committee himself, anybody can, any member that is, can attend although it is only the membership themselves who can vote on issues. But the hon. member now is out of order because what he is really doing is debating the effectiveness or otherwise of the Public Accounts Committee per se and this motion is a motion for the replacement of a member.

MR. NEARY: Mr. Speaker.

MR. SPEAKER: (Simms) To the point of order. The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I would submit to Your Honour that I am not out of order because the hon. gentleman says I am out of order. I am completely in order. Mr. Speaker, we are appointing a new member to the Public Accounts Committee. That is a major decision of this House. The hon. gentleman has been trying to suppress debate now in this House ever since we met last Summer. The hon. gentleman has managed to ship the estimates out of Confederation Building into the board rooms of various buildings around St. John's and now he is trying to suppress debate on a major decision in this House. Mr. Speaker, I would submit to Your Honour that this gentleman, my colleague who is being appointed to the Public Accounts Committee, Sir, will be restricted in his activities and I have every right to tell the House how I think he will be restricted. It has a direct bearing on his appointment and I would submit to Your Honour that I am completely in order.

MR. SPEAKER: Hon. members, I would like to adjourn for five minutes to consult some precedents.

MR. SPEAKER: (Simms)

Order, please!

With respect to the point of order raised by the hon. the President of the Council, there are a few points I would like to make. First of all, it is a substantive motion, as everybody is aware, and it is debatable, therefore. The motion, however, is to appoint a substitute member to a particular committee and the question arises, How relevant is debate pertaining to the effectiveness of said committee as it applies to this particular motion? And the parliamentary reference that I have used in this particular case is Beauchesne, Fifth Edition, Page 98, Paragraph 299, which points out that " 1) Relevancy is not easy to define. In borderline cases the Member should be given the benefit of the doubt." Therefore, I would have to give the benefit of the doubt to the hon. the member for LaPoile (Mr. Neary) and ask him to continue. But may I remind the hon. member that he should confine his remarks to the motion itself, which is the appointment of a member to said committee.

The hon. the member for LaPoile.

SOME HON. MEMBERS:

Hear, hear!

MR. NEARY:

Thank you, Mr. Speaker. It is a great day for democracy, Sir. The hon. gentleman, the member for St. John's East (Mr. Marshall), is hellbent on restricting debate in this House and muzzling the Opposition.

MR. SPEAKER:

Order, please!

MR. NEARY:

Mr. Speaker, we are now in the process of appointing a substitute member for the Public Accounts Committee to take the place of a man who is now out campaigning in a federal by-election, Mr. Roger Simmons, who I believe, Sir, should be recognized and commended by members on both sides of this hon. House for the wonderful job that that gentleman did as Chairman of the Public Accounts Committee - absolutely outstanding!

SOME HON. MEMBERS:

Hear, hear!

MR. NEARY:

Newfoundlanders should be ever grateful to Mr. Roger Simmons for the wonderful job that he did, in the face,

MR. NEARY:

Mr. Speaker, I might say, of an attempt by the government to do a hatchet job on Mr. Simmons back in 1977, when the hon. gentleman was Chairman of the Public Accounts Committee and was accused of playing politics with the Public Accounts Committee, was accused by hon. members, who held senior positions in the government of that day, including the Premier of the Province, who seemed to have some kind of a personal vendetta against Mr. Simmons. But anyway, he carried on and the next thing we knew we had two Public Accounts Committees going - we had the government Public Accounts Committee, which was a complete farce, and

MR. S. NEARY: We had the real Public Accounts Committee even though they only had three members, they were outnumbered, outvoted by the government sham committee, they, nevertheless, carried on, and I believe my hon. colleague, the member for Baie Verte - White Bay (Mr. T. Rideout) was one of the members who carried on, and they did the best they could under the circumstances. Will that happen now, Mr. Speaker? Will it happen again? Even with us putting a new man on, although I do not believe my colleague from Lewisporte (Mr. F. White) is new, I believe he served on the Public Accounts Committee once before, I do not know what happened that he got off the Public Accounts Committee, whether he became disillusioned, frustrated or what.

Mr. Speaker, putting the member for Lewisporte back on the Committee certainly meets with my approval and I am glad to see that we have a man of experience going back on the Public Accounts Committee. But, Mr. Speaker, I have a few questions to ask and I want hon. members to dwell for a moment on these questions because I think they are very significant and very important questions. What happens to the member for Lewisporte and what happens to my colleague, the member for Baie Verte (Mr. T. Rideout) and what happens to my colleague for Bonavista North (Mr. L. Stirling) when they encounter wrongdoing on the part of the minister? What can Mr. Freeman White do about that? What can he do about it? I know I should not refer to him by his full name but what can he do about it? Can the member for Lewisporte, or any other member of the Committee, recommend that the Justice Department investigate the activities of that minister who broke the law?

MR. MORGAN: Who are you referring to?

MR. S. NEARY: I beg your pardon.

MR. MORGAN: Who are you referring to?

MR. S. NEARY: What am I referring to? Mr. Speaker, if the hon. gentleman would just be a little patient, just be a little patient the hon. gentleman will get -

MR. MORGAN: You said 'that' minister. Why could you not name him?

MR. S. NEARY: Mr. Speaker, there were a number of ministers, to my recollection, a number of ministers who have broken the law of this land.

MR. SPEAKER: (Mr. Simms) Order, please! Order, please!
The hon. member, again I must point out, should be relevant to the motion which is to appoint a member to a committee. I would ask him to stick to that particular vein.

MR. S. NEARY: Mr. Speaker, I am asking the government to tell me, I am asking the Minister of Justice (Mr. Ottenheimer) to tell me what authority this substitute member will have? Will he have the authority to deal with ministers who admit wrongdoing, who admit that they have broken the law of this land, who admit that they have broken the laws of this Legislature?

MR. SPEAKER: That, perhaps, and if I may call the hon. member to order again, is a question that might be more appropriately asked during Question Period and not during debate on this particular motion.

The hon. member may continue.

MR. S. NEARY: Well, Mr. Speaker, I do not know what other way I can get at this. We are talking about one of our colleagues who is going to be appointed to the Public Accounts Committee and I want to know what authority the hon. gentleman will have. We are now having a debate on his appointment, and I want to know what authority he will have. How does he go about - and I am not asking Your Honour, I am asking the people on the other side of the House to give me the explanation - how does he go about dealing with wrongdoing, admission by a minister, that he has broken the law? How does my colleague deal with that? Does it go into the annual report of the Public Accounts Committee which will be tabled in this House? And if it does go into the annual report, then how will it be dealt with? Or can my colleague, if he wants to make a

MR. NEARY: minority report, if nobody else on the committee agrees with him, can my colleague, the member for Lewisporte (Mr. White) make a minority report? Can he ask the Minister of Justice, for instance, can he ask the Minister of Justice for advice, for counselling? I know the Minister of Justice acts as the Attorney General who will give legal advice to the government, but can he give advice to the Public Accounts Committee and my colleague whom we are going to appoint now? Can my colleague go to the Minister of Justice and say, "Look, a minister has admitted that he broke the law"? Nobody is above the law, Nobody can break the law, not even a minister, And the Cabinet cannot absolve a minister for breaking the law, no more than the Canadian Legion can, no more than the Public Utilities Board can, no more than the Sports Recreation can, nobody but nobody can absolve a minister for breaking the law. So what happens, Mr. Speaker, when a minister admits to my colleague that he has broken the law? Does the Minister of Justice then give advice to his colleague and say "You must take action, he must be placed under house arrest, he must be disciplined, he must be suspended from the Cabinet"? What is the procedure? That is all I am asking.

We have a case before us where a minister has admitted breaking the law but he adds that he was absolved by the Cabinet. The Cabinet cannot absolve a minister.

MR. MORGAN: Name the minister.

MR. HICKEY: He is not allowed to under the rules.

MR. NEARY: The Speaker just told me I could not do it. I would not mind doing it, Your Honour, but I want to obey Your Honour's ruling.

MR. SPEAKER (Simms): I suggest to the hon. member that that would be very wise and ask him to continue.

MR. NEARY: So, Mr. Speaker, my prime concern, my main concern about even appointing a substitute, the reappointing of the member for Lewisporte -

MR. STAGG: How come you did not get on the Committee?

MR. MORGAN: They would not have him on the Committee.

He bawled and roared to get on the Committee; they would not have him on the Committee.

MR. SPEAKER (Simms): Order, please!

MR. MORGAN: He scraps and roars and bawls to get on the Committee.

MR. SPEAKER: Order.

MR. MORGAN: He wanted to get to be Chairman, take 'Roger's' job, like he was made for it.

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

The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, we are well used now to the minister who is a source of embarrassment to the present Premier. There are two ministers, two hangovers -

MR. SPEAKER: Order, please!

The hon. member knows that he must be relevant to the motion. I have already reminded him on three occasions and I would ask him to please continue.

MR. NEARY: Mr. Speaker, the only thing that I can say, Sir, is that if the Public Accounts Committee - if my hon. colleague that we are appointing now is going to do an effective job on that Committee, then we must know, and we must feel in our hearts that this House is sincere, that this House is not just going to whitewash abuses of the law, is not going to tolerate a minister breaking the law, that there is going to be no whitewash as we saw this morning on the Fisheries Loan Board.

These matters have to be dealt with, Mr. Speaker, because the public of this Province, the public when they hear a minister admit that he broke the law, then what repercussions does that have on the general public of this Province? Do they not feel that they can also break the law?

MR. NEARY:

It is a very serious matter, Mr. Speaker, a very serious matter indeed and something that has to be dealt with by this House or by the Premier. The law has been broken. There has been an admission that the law was broken not on one occasion, on two or three occasions and it has to be dealt with. I hope that my hon. colleague, whom we are now putting on this Committee, will see to it that there will be no whitewashing in the future, that the Committee will have some teeth when they uncover wrongdoing, that it will be thoroughly investigated. There will be an attempt made by my colleague to find out if the recipient of political patronage, for instance, contributed to the election campaign of the party in power, or if the recipients of these goodies donated to the candidates involved in the leadership convention. These things have to be looked at, Sir. What were the reasons

MR. NEARY: for these goodies being doled out, by-passing the Public Tendering Act? Was there any wrongdoing? They have to be investigated. We just cannot ignore them. What were the reasons? Then, having discovered the reasons, what action? There is no excuse for breaking the law, Mr. Speaker, that is what I am saying. No excuse for breaking the law. And a minister cannot go down before my colleague, the member for Lewisporte (Mr. White) or any other member of the Committee and say, 'Yes, I broke the law but Cabinet knew about it.' He cannot be absolved. We have seen too much of this, Mr. Speaker, in the past, too much of it and we are going to have to put an end to it and the only way to put an end to it is to have a fullfledged debate and let us find out if the government are going to - if my colleague, the substitute that we are now appointing, if he does a good job, a thorough job for the people of this Province, as I know he will, if he uncovers wrongdoing and scandal, will the government then start to sulk and say, 'Well we are not going to go along with this. We want to get rid of him, get him off the Committee, as they did with Mr. Simmons? Is that what they will do? - Start to sulk again and come out publicly and say the opposition is playing politics with it? Is that what they intend to do? The real test, Mr. Speaker, and I will end on this note, the real test will come next week. The law has been broken - we know that; there has been an admission of it - absolved by the Cabinet, so we are told, which I doubt very much.

MR. SPEAKER: (Simms) Order, please! The hon. member, I believe, is continuing to stray from the motion itself and not being relevant, so I would ask him to please be relevant to the motion and to conclude his remarks if that is what he wishes to do.

MR. NEARY: Mr. Speaker, I conclude my remarks by saying that I hope that my colleague from Lewisporte (Mr. White), Sir, will put what I am saying to the test next week and the only way he can put it to the test is to press for some action against this

MR. NEARY: minister who has admitted breaking the law of this land.

MR. MORGAN: Mr. Speaker.

MR. SPEAKER: (Simms) The hon. minister of Lands and Forests.

MR. MORGAN: Mr. Speaker, I was not going to get involved in this debate. It is merely the appointment of a member to the Public Accounts Committee, a very appropriate and straightforward resolution. However, the words of the last speaker prompt me to get to my feet because I am, on Tuesday morning, appearing before the Public Accounts Committee. Mr. Speaker, I have to say in the outset that today when you are in public life you are subject to abuse and innuendo.

MR. JAMIESON: A point of order.

MR. SPEAKER: A point of order. The Leader of the Opposition.

MR. JAMIESON: With respect, Sir, the hon. member is surely inconsistent with your own ruling on this matter. There was no reference made to the hon. member and I suggest that he, too, is straying well from what we have learned from your own ruling, Sir.

MR. MARSHALL: Mr. Speaker, first of all the hon. member has hardly said much more than a couple of dozen words so we do not know what he is going to say. But I would point out to Your Honour the fact that the hon. member for LaPoile (Mr. Neary) was given a certain latitude to be able to make certain statements which had obvious, if they

MR. MARSHALL:

were not direct references to the hon. minister, they were certainly the innuendoes that we have been accustomed to from the hon. the member for LaPoile (Mr. Neary), in which he has become quite skilled -

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

- and that the hon. the minister should be entitled to say a few words in reply thereto, since it formed a large part, and perhaps the only part, of the debate from the hon. the member for LaPoile.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER: (Simms)

I would certainly agree that the hon. minister is entitled to make a few remarks. I would like to point out once again that the area of relevancy is a very difficult area for the Chair to determine. I would only emphasize again that the motion is to appoint an individual, an hon. member of this House, to a particular committee, and I would ask any members participating in the debate to try to keep their comments pertaining to the motion.

The hon. the Minister of Lands and Forests.

MR. MORGAN:

Mr. Speaker, as I was saying, subject to innuendo - but not always does the member of the House of Assembly expect the innuendo to come from one of his own peers in the House without, first of all, his own peer being given the chance to put forward his own evidence, his own documentation and his own total information and argument regarding a comment made in the Auditor General's report. An alleged contravention of the Public Tendering Act is the charge and I am involved. Surely, the right of the individual is to stand before the Public Accounts Committee, which is the scrutinizer of the Auditor General's report. That is the role of the Public Accounts Committee, a non-partisan group acting in a non-partisan way. That is their role, Mr. Speaker, to scrutinize the report by the Auditor General, to scrutinize whether the Minister of Transportation in 1976 contravened the Public Tendering Act

MR. MORGAN: or not. Let them decide, but only decide after listening to the minister concerned, to his deputy at the time, his officials and all of them, and then decide.

SOME HON. MEMBERS: Hear, hear!

MR. MORGAN: But do not condemn a man before he is given a chance to put forward his own documentation. Do not stand and condemn one of your own peers before he is allowed to submit evidence accordingly.

SOME HON. MEMBERS: Hear, hear!

MR. MORGAN: Because today I can stand, Mr. Speaker, in this Assembly and stand anywhere in this Province and say, I did not admit to breaking any law because I am convinced, Mr. Speaker, I did not break any law in this Province. I am convinced of that.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: (Simms) Order, please!

MR. MORGAN: And on Tuesday morning, Mr. Speaker, when the member for Lewisporte (Mr. F. White) - today we are appointing him - when he sits in his place on the Public Accounts Committee he can zero in and question me on every detailed, intimate question he wants to put to me on that matter. The same with the member for Baie Verte - White Bay (Mr. Rideout) - we are talking about the Public Accounts Committee - that is their role. Our own members on the government side, I want them to do the same thing, zero in on 'Jim Morgan' who was then the Minister of Transportation, but only after they gather all evidence and only after they hear all I have to say. And every scrap and tittle and jot of information regarding what I did in Transportation or in Tourism or in any other portfolio will be laid out to the public. 'Morgan' does not hide anything - he never did. But only then let the Public Accounts Committee make a report to this Assembly saying that the Minister of Transportation, 1976, contravened any act of the law, only then. I take exception to the innuendo, which is always the role of the last speaker, to cast this kind of innuendo on any individual in the House, outside

MR. MORGAN: the House.

MR. SPEAKER: (Butt) Order, please!

MR. MORGAN: It is totally wrong, Mr. Speaker.

So, Mr. Speaker, in the future, when this House of Assembly appoints a committee, let not any individual member of the House try to take the role of that total committee. And the last speaker this morning tried to take the role of the total committee -

SOME HON. MEMBERS: Hear, hear!

MR. MORGAN: - tried to take the place of that committee. He was drawing his analysis and conclusions and making charges and accusations and innuendoes. But the real reason, Mr. Speaker, I know it, members of the Public Accounts Committee know it and I think all members of the House know it - the hon. gentleman is totally upset because he was not given the opportunity by his own colleagues and his own side of the House of Assembly to be appointed to the Public Accounts Committee. That is the reason why, Mr. Speaker.

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

The hon. minister is again beginning to stray and the only power I have is to call the members to order if they do

MR. SPEAKER (SIMMS): stray and ask him to please be relevant to the motion at hand which, again, is to appoint a member to a committee of this House.

The hon. minister.

MR. J. MORGAN: Mr. Speaker, thank you for your ruling. I will say again that if we as members of the House are going to utilize and use committees for any purpose. - Select Committees: I am looking at the matter regarding a new flag for the Province - in this case, a committee of this House of Assembly to scrutinize not only the Auditor General's report but all government spending of all departments, let's not any one of us attempt to be better than the six or seven members of this House who are going to do that very job. Thank you, Mr. Speaker.

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

MR. D. JAMIESON: Mr. Speaker, I had not intended to participate nor will I to any great extent. I think the matter raised by the member for LaPoile, (Mr. S. Neary) and the basic question which he raised, is entirely legitimate and really it is something that perhaps we ought to at some stage in the proceedings of this House, examine, namely, what does happen after the Public Accounts Committee reports. However, I want simply on this occasion to tell the hon. minister, and I tell him categorically and unequivocally that his allegation, speaking of innuendoes, with regard to the objective, as he puts it, of the hon. member for LaPoile with regard to the committee is totally untrue! Totally and completely untrue! I can assure the hon. member that there was no representation made, that, in fact, we discussed it within caucus - indeed I think I am reasonable in making this statement with regard to the member for Lewisporte (Mr. White) - and the decision was made with regard to him because he had been on the committee before, that he was, as the member for LaPoile has said, an experienced member of the committee, and I discussed it with him personally and that was the one and only reason why that nomination was as it was. And I think it is quite inappropriate for someone who has spent a large amount of time talking about innuendo to proceed on to a blatant and open comment which can only be interpreted as being an innuendo. I do not raise this as a point of order, I am participating in the debate and I simply want to have it on the record that that

MR. D. JAMIESON:

is simply not a true statement.

MR. SPEAKER (SIMMS):

The hon. President of the Council,

MR. W. MARSHALL:

Mr. Speaker, just a few words. I too had not intended to get into the debate but there are a few things that require I think, comment from the government's point of view anyway. This is a motion to appoint a member to the Public Accounts Committee. That member, of course, must be an Opposition member and we are happy to join in the motion for his appointment. I will just let it rest on that. The House will pass it on the nomination of the Opposition and be glad to do it.

Now, there were a few questions that came out about the operation of the Public Accounts Committee and I do not think I can let the opportunity go without talking for just a few moments as to the function of the committee. First of all, the function of this committee is new to the Province of Newfoundland. When the hon. gentlemen there opposite were over on the other side there was no Public Accounts Committee and I think this is something that should be borne in mind. The Public Accounts Committee was established when the rules of this House were initially reformed, at a time when we assumed the office of government-or the previous administration of this party assumed the office of government. It has operated effectively since and I do not think that there has been - by and large it has operated very effectively, but regardless of what went on in the past, what we are really concerned with as a government is what goes on in the future. And I want to assure the house that as far as the government is concerned it remains committed to the proper and effective operation of the Public Accounts Committee, particularly in its role of scrutinizing the affairs of government and the actions of ministers and the action of the government itself. We have absolutely nothing to be afraid of and we certainly welcome this particular committee. I would suggest though that remarks of the tenor that were made by the hon. the member for LaPoile when he was speaking very indicative of a way in which the Public Accounts Committee can itself become ineffective. And, although perhaps I should not enter into this, I can say that if that is the attitude of

MR. W. MARSHALL:

the hon. member for LaPoile (Mr. Neary)

I support the nomination of the member for Lewisporte (Mr. White) much more heartily than I would support the nomination of the hon. member for LaPoile (Mr. Neary) had he been the person that was named.

Now, what does happen with respect to this committee? The hon. the Leader of the Opposition asks what happens to this committee when the report is made, what is the purpose of it. The purpose of it is quite obvious;

MR. W. MARSHALL: as I say, is to examine the role and the functioning of government. When something happens which ought not to happen, as does occur from time to time, a report is made and the report is filed in this House and the report is made public and the government is subject, then, to public condemnation or otherwise, which is one of the basic ways in which the government answers to the electorate and the people of this Province.

The Public Accounts Committee and the report of the Public Accounts Committee has been handled in the same way as it is handled in other Legislatures and, indeed, the Parliament of Canada. And anything we can do to strengthen its function and strengthen its effectiveness we certainly will do and we will do it gladly. But I have to end, I think, on this note, vis-a-vis the remarks made by the hon. member for LaPoile (Mr. S. Neary), to this end and just suggest to him the Public Accounts Committee, you know, is there for the purpose of seeking out the truth and information and not to be used as a lever for accusations and innuendo against people. That is the reason, the sole and entire reason why the Public Accounts Committee at one period of time appeared to break down.

The hon. the member for LaPoile, indeed the hon. members opposite, if they have not learned anything from the last election, it should be very clearly written in their hearts and in their minds that the people of Newfoundland do not appreciate mud slinging, do not appreciate accusations and they will continue to take what is now becoming their accustomed place on the other side of Your Honour, on the present side of Your Honour, if they continue in that vein.

MR. SPEAKER: Order, please! The hon. President of the Council, being the mover of the original motion, has closed the debate. Is it the pleasure of the House then that the said motion be adopted? Those in favour 'Aye' contrary 'Nay', carried.

We are still under Notices of Motion
I believe.

ORDERS OF THE DAY

MR. MARSHALL:

Motion 1.

Motion, the hon. the Minister of Consumer Affairs and Environment to introduce a bill, "An Act To Protect The Environment Of The Province By Providing For Environmental Assessment," (Bill No. 59), carried.

On motion, Bill No. 59, read a first time, ordered read a second time on tomorrow.

Motion, the hon. the Minister of Municipal Affairs and Housing to introduce a bill, "An Act To Amend, Revise And Consolidate The Law Relating To The Establishment And Administration Of Municipal Government In The Province," (Bill No.58), carried.

On motion, Bill No. 58 read a first time, ordered read a second time on tomorrow.

Motion, the hon. the Minister of Finance to introduce a bill, "An Act To Amend The Gasoline Tax Act, 1978 (No.2)", (Bill No. 63), carried.

On motion, Bill No. 63 read a first time, ordered read a second time on tomorrow.

Motion, the hon. the Minister of Labour and Manpower to introduce a bill, "An Act To Amend The Occupational Health And Safety Act," (Bill No. 52), carried.

On motion, Bill No. 52, read a first time, ordered read a second time on tomorrow.

Motion ,the hon. the Minister of Tourism to introduce a bill, "An Act For The Establishment Of A Newfoundland and Labrador Arts Council," carried. (Bill No. 56)

On motion, Bill No. 56 read a first time,ordered read a second time on tomorrow.

Motion , the hon. the Minister of Health to introduce a bill, "An Act Respecting The Newfoundland Optometric Association And Governing The Practice Of Optometry In The Province," carried. (Bill No.57)

On motion, Bill No. 57 read a first time,ordered read a second time on tomorrow.

Motion , the hon. the Minister of Health to introduce a bill,"An Act Respecting Denturists," carried. (Bill No. 40)

On motion,Bill No. 40 read a first time,ordered read a second on tomorrow.

Motion ,the hon. the Minister of Health to introduce a bill,"An Act To Amend The Medical Act, 1974," carried. (Bill No. 54)

On motion, Bill No. 54 read a first time,ordered read a second on tomorrow.

Motion the hon. the Minister of Education to introduce a bill, "An Act To Amend The Memorial University (Pensions) Act," carried. (Bill No. 53)

On motion , Bill No. 53 read a first time,ordered read a second time on tomorrow.

Motion the hon. the Minister Of Education to introduce a bill, "An Act To Amend The Memorial University Act," carried. (Bill No. 61)

On motion, Bill No. 61 read a first time,ordered read a second time on tomorrow.

Motion , the hon. the Minister of Justice to introduce a bill, "An Act To Change The Name Of The Constabulary Force Of Newfoundland To The Royal Newfoundland Constabulary," carried. (Bill No. 51)

On motion, Bill No. 51 read a first time, ordered read a second time on tomorrow.

Motion , the hon. the Minister Of Mines And Energy to introduce a bill, "An Act To Repeal The Government-Atlantic Gypsum, Limited - Lundrigans Limited (Agreement) Act, 1969," carried. (Bill No. 55)

On motion, Bill No. 55 read a first time, ordered read a second time on tomorrow.

Motion , the hon. the Minister of Fisheries, (Acting,) to introduce a bill, "An Act To Amend The Fisheries Loan Act," carried. (Bill No. 60)

On motion, Bill No. 60 read a first time, ordered read a second time on tomorrow.

MR. SPEAKER: (Simms) Order 11. Continuing debate. Second reading of a bill, "An Act To Reform The Law Respecting The Property Of Married Persons." (Bill No. 1)

The hon. the Minister of Education.

MS. VERGE: Mr. Speaker, I would like to continue the remarks which I began yesterday in strong support of this bill, an act to reform the law dealing with matrimonial property. It is my strong conviction that this bill constitutes a long overdue reform which will greatly benefit the families of our Province.

MS VERGE: The law is relevant to and important for three stages of any marriage; first and foremost, for an ongoing more or less happy marriage; secondly, upon termination of a marriage through death of one's spouse; and third, upon termination of a marriage through separation or divorce, and I think we have to recognize its importance for the first two stages of a marriage which are considerably the most important for the majority of married couples in our Province.

Something that we also have to acknowledge is that we have now, at this moment, matrimonial property law. There was matrimonial property law when our parents were married and when our grandparents were married. This was a law which evolved in England from feudal times over the centuries to the nineteenth century. It was developed in a commercial context without any regard to the needs of the family in an era when indeed married women were treated like infants and lunatics as being in law incapable of even owning property let alone sharing and managing it or disposing of it.

In the 1880's in England and then later in Newfoundland, legislation was passed given married women, for the first time the right to own property. That is where the progression of the law ended in Newfoundland until now. In England, however, there was reform fifteen or twenty years ago modernizing matrimonial property law and now, at long last, this is being achieved in our own Province.

This law which has existed for so many years provides basically that property is mine if I paid for it with my own money. There are a couple of exceptions when there is a written title document saying that the property is owned by not only the person who paid for it but also the spouse, such as may happen with a deed of conveyance for a matrimonial home which is registered in the two names. This, however, is the exception rather than the rule.

In Newfoundland, until the past ten years or so, the practice followed by lawyers and Justices of the Peace in preparing deeds and bills of sale, was to simply specify the husband's

MS VERGE: name, nobody ever gave any consideration to putting the document in both the husband and wife's name. It was not a matter of discrimination, it was simply a tradition and lawyers being tradition and precedent bound simply followed this practice without giving it any thought.

There can be another exception to the - 'it is mine if I paid for it with my own money rule' where the courts could find a trust, a complicated legal device. So that, now, for us, for our parents and our grandparents, when they were married and until now, whether we knew it or not, we were bound by a system of matrimonial property law which was not at all suited to the needs of the family. And I would submit that this present law which is about to be reformed runs counter to the expectations and the desire of the vast majority of Newfoundland couples who, on taking their marriage vows in a Christian marriage ceremony, have the expectations and the intentions that they were embarking upon a union of sharing based on mutual trust and generosity, and not a union where ownership of property was determined by technical commercial rules of property law where there was a tracing of who paid for which asset with whose money.

As I mentioned yesterday, over the course of the past several years in my law practice in Corner Brook and in my work with women's groups, I had first-hand knowledge of many injustices which resulted

MS VERGE: from the application of this present law which is about to be reformed. Inequities existed in ongoing happy marriages. I mentioned a case yesterday where a married couple after many years of marriage, encountered difficulties. The husband had a drinking problem which led to financial difficulties. To alleviate those difficulties he put a mortgage on the family home where he and his wife and children had resided for many years. This was done without the signature of the wife and, indeed, without even her knowledge or her consent. The first that she knew about the mortgage was a year later, after the husband had defaulted in the mortgage payments, when one day she had to leave her sickbed to go to answer the door, to discover the finance company employee threatening to foreclose on a mortgage which she had not previously even known about.

This was a marriage where there was never any thought given to separation or divorce and where the wife coped with a bad situation in the best way that she knew how, to try to be kind and loving to her husband and to provide as best she could for her children. She ended up having to borrow money from her mother to pay off the mortgage.

Injustices also have resulted in cases where a spouse has died, sometimes without a Will - in many cases, without a Will when the provisions of the Intestate Succession Act came into play saying that property of the deceased spouse has to be distributed among the surviving spouse and children. Often this causes hardship for the surviving spouse, who, in order to get title to the matrimonial home and other property transferred to her, has to get the written consent of the children, which is often cumbersome where children are scattered around the world, and has to go through an expensive legal procedure.

There are other cases where deceased spouses have Wills sometimes not making adequate provision for the surviving spouse. We all know about cases where a man dies with a Will, leaving the matrimonial home to one of the children who is not prepared to look out to the best interest of his or her mother and who proceeds

MS VERGE: to sell the house out from under the mother, the mother having helped maintain and clean that very home for thirty, forty or fifty years of married life. Suddenly, in her old age, she is forced to leave this home which she always regarded during the course of the marriage as just as much her home as her husband's home.

There are other cases, again, which we all know about where a husband dies with a will, leaving the house and other property to a third party outside members of the family. A husband might leave his house, for example, to his girlfriend rather than his wife, and at the moment there is nothing that wife can do about it other than perhaps apply to the court for maintenance out of the estate funds.

MR. THOMS: She could also apply to have the Will varied.

MS VERGE: She can apply to have the Will varied to get maintenance for herself, but there is no provision under the existing Family Relief Act for her to get a share of the property, other than on the basis of a monetary payment for her maintenance.

The third circumstance where injustices have occurred - and this is the one that has received the most publicity - is when a marriage breaks up through separation or death. We all know about cases which went to court in Western Canada - these are the high profile cases that the media devoted a lot of coverage to, primarily and notably the Murdoch case involving the Alberta farm wife who worked for many years with her husband side by side on the farm in Alberta making it a successful and viable business. Because she could not establish to the satisfaction of the majority of the Supreme Court of Canada that she had made a financial contribution to the acquisition of that farm business, despite the fact that it was clearly established that she had devoted many years of hard work and labour, the court ruled that

MS. L. VERGE: she had no ownership interest whatsoever in that property. This case became a rallying cry for reform in this area of the law. Something that we overlooked though is that there had been cases which went to our own Supreme Court of Newfoundland which pointed out just as great injustices. Back in 1975 there was a case involving a couple who lived in Port de Grave, Conception Bay, which was ruled on by Mr. Justice Mifflin of our Newfoundland Supreme Court. That was a case where the husband applied to the court for a declaration that he was the owner and had an exclusive right to possession of the family house. The couple in question had been married for thirty years, they had married in the 1940's, they had lived together for twenty-five years, they had ten children. Mr. Justice Mifflin found, as a matter of fact, that the wife had been an excellent homemaker. During the early years of their marriage land was purchased on which the home was built, the bill of sale for the land, as is typical, was put in the husband's name alone, then a house was constructed with the labour of not only the husband but also the wife, Again the trial judge found, as a matter of fact, that the wife had physically helped construct the house. However, during the course of the marriage, during the twenty-five years that the couple were together the wife devoted her full time to household management, including housework and management of the husband's paycheck and care of the couple's ten children. She did not work outside the home and she did not receive any independent income. The only income received was that of the husband, therefore, the only money which was put into the purchase of the land and the building materials was that earned by the husband. Because of this pattern of income earning and payment for the home, the court ruled that there the wife had no interest in the home and therefore the husband's claim for exclusive possession succeeded. The result would have been that the wife and presumably the children who are left under her care, after thirty years of marriage, after having made an excellent contribution as a homemaker, would have been put out on the street.

Another case which went to our Supreme Court and which received fairly widespread publicity in the St. John's area involved a couple who lived in St. John's and whose circumstances were slightly different.

MS. L. VERGE: In their case in the early years of the marriage when the matrimonial home was purchased, the wife worked outside the home for pay. She continued to do this until her first pregnancy, However, again the deed of conveyance for the home was put in the husband's name alone, and in that case the judge was unable to find that the wife's income or any part of it was used to make a downpayment on the house or to make the mortgage payments. Her income had merely been used to purchase groceries and clothing, therefore, because of this technicality, again, the court had to rule that this wife had no interest in the matrimonial home. And in the reasons for judgement in that case Mr. Justice Noel Goodridge of our Supreme Court made some comments on the matrimonial property law and I quote, "Mr. Justice Goodridge said it all underlines the need for legislation to empower a court to create proprietary interest in one's spouse, in property vested in the name of the other in appropriate circumstances. Few married couples enduring the first warmth of their marriage foresee the darker days ahead for some of them when unhappy differences will divide them but not their matrimonial wealth. The wife in most cases sacrifices her income value on the labour market but will provide economic value to the husband even if it consists only of housekeeping. In other cases, she will work and contribute her earnings to the marriage unless she can establish a trust, a difficult task, she is turned

MS VERGE: out at the end of the marriage wiser, perhaps, but penniless." And he concluded by saying that the present state of the law requires that a judge reject what may be in any ordinary sense of justice, a fair claim for relief.

And there have been many other cases in this Province which never went to court. Many of these cases came to my personal attention, one of them through a letter which I received last Fall and with the permission of the woman who wrote me I will quote from some of that letter.

The woman wrote to me, "I heard that you were on the Status of Women Council. I have left my husband after thirty-three years of marriage. He says I do not own anything there. He has fifty-five acres of land and a lovely home. I helped put every nail in it, not money but labour. I left because he was not treating me right. Three months before I left him he drove me out of his bed and was going out at night until one, two and three o'clock. He would not take me back so I would have a house to rear up my twelve year old daughter in. The welfare got me a two bedroom house but it is not furnished. He gave me one bed, an old TV belonging to my brother and my broken washer and says that is all I get from him. He pays \$100 support for the daughter. I have six children, four of them are married. I wish that law would get passed for Newfoundland. Do you think it will be passed before too long?" This is a letter which I received about this time last year.

The Opposition members, particularly the hon. member for Grand Bank (Mr. L. Thoms), raised some technical points suggesting that there may be some shortcomings in the bill and I would like to go through those points one by one.

I might say at the outset that I regard his points as somewhat obscure and I was puzzled by his mentioning at least some of them.

First, he and also the hon. Leader of the Opposition, suggested that this reform may in some way sanction or encourage people to live together in what is usually called a common

MS. VERGE: law relationship. This in no way will achieve that result. In fact, now, a couple living together in a common law relationship, or business partners, or a brother and sister, or any other pair of people may order their property rights anyway they please by going to a lawyer and systematically having title put in both of their names. So this law is not going to change the end result which may be achieved by a couple living common law, it will simply perhaps make it a little neater and tidier for them to do this.

A second point which he made deals with the definition of matrimonial home in section 4 of the act. He suggested that there might possibly be a loophole because the definition would only cover homes which were occupied by both spouses on the date the act comes into force. But I would point out that section 5 (c) of the act states clearly that the act applies notwithstanding that the matrimonial home was acquired before this act comes into force.

Point three was the question of the act not covering property acquired after separation. Provision can be made for spouses regarding circumstances that develop after separation through the existing provisions dealing with maintenance under The Maintenance Act of the Province, or the Divorce Act.

A fourth point he mentioned about section 42 dealing with wills. That section I would simply submit states that an agreement under the act may be enforceable notwithstanding that it does not comply with the technical requirements for witnessing and so on of the Wills Act. And a final point which he made related to section 36 which states that minors may only have a marriage contract with court approval. The age of majority in our Province now is nineteen, not twenty-one as it used to be and which the hon. member for Grand Bank (Mr. Thoms) suggested it still is, Also the age for marriage -

MR. THOMS: I did not suggest the age was twenty-one.

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MS VERGE:

Okay. Also the Solemnization of
Marriage Act says that a couple have to be sixteen years of age to
get a marriage licence without parental consent and I would submit
for any couple under the age of nineteen in

MS VERGE:

this Province who get married, who might want to have a marriage contract, that it is in their best interest and in the general good for them to have to go before court to get approval for a marriage contract. Finally, I would like to take issue with suggestion by opposition members that this be delayed for another week or a few days for some lawyers to have more input. In my experience there has never been a reform measure which has gotten more discussion, debate, report and letter writing in the history of the Province. It stems from the late 1960's when Gushue and Day, David Day, one of the lawyers mentioned by the hon. member from Grand Bank (Mr. Thoms), produced their report on family law in which they recommended this kind of reform. In the Throne Speech of the Winter of 1977, government announced its intention to do this. Ads were placed in newspapers throughout the Province by the former Justice Minister inviting public input from January of 1978 through the end of March last year. Last Summer of 1978, a questionnaire was circulated at random to people throughout the Province to assess public opinion. Last December of 1978 the Throne Speech reaffirmed government's intention to introduce this bill. In May of 1979, a predecessor bill, substantially the same as this one, was introduced and debated in this House of Assembly and received widespread publicity. In June of this year there was a discussion, a panel discussion at the Law Society annual meeting in Corner. I was one of the panel members and at that time some of the lawyers present were asking for more time. They had had four and one half months and I would submit that if the ordinary citizens of this Province could submit their comment and input on this bill, surely the members of the legal profession have had more than ample opportunity and they had been specifically requested. There is nothing to be gained by delaying this important reform legislation another day.

To conclude I would like to say that I regard this act as one of the most significant pieces of reform legislation in the history of the Province. I think it will

MS VERGE: bring in line a body of law to meet the expectations and needs of the vast majority of families of our Province.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: (Butt) The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I wish to have a few words on Bill No. 1, "An Act To Reform The Law Respecting The Property Of Married Persons." And I want to first of all congratulate my colleague, the member for Grand Bank (Mr.Thoms) on the magnificent presentation that he made yesterday in this debate. My hon. colleague told the House that we here in the Opposition agreed with the principle of this bill. At least that is what I understood from the hon. gentleman, that we had caucused and the hon. gentleman who is the spokesman for Justice matters in the House told the House that we approved of the principle. And then the hon. gentleman went on to point out some of the weaknesses in the bill, which is his duty, Mr. Speaker, to show the House the weaknesses. If they are valid then these weaknesses should be rectified.

There were one or two other people who participated in this debate including the Minister of Education (Ms Verge) who just took her seat. And I would have to say this about the hon. lady, Mr. Speaker, that probably this bill would not be before the House today, despite the Premier trying to climb aboard the hon. madam's bandwagon and the Government House Leader trying to leave the impression that he is the master mind behind this bill, I believe the real force behind this particular legislation is the Minister of Education (MsVerge). As a matter of fact, I had an opportunity before the hon. minister became engaged in public life or political life - not public life because the hon. minister was very active in public life, the Status of Women, long before she got in politics, and I had the opportunity and the privilege to sit down across the table, down in the Opposition office and assure

MR. NEARY:

the hon. minister and her colleagues that the Opposition would go along with any legislation that was worthwhile in the interests of furthering the rights of women in this Province. I think the hon. minister confirmed that yesterday. But then the hon. minister, after saying that she more or less approved of the Opposition's endorsement of this kind of legislation, went on to say that after listening to the debates of members on this side of the House, that the hon. minister was having grave doubts. Well, I want to reiterate what I said as the spokesman at that time, that any legislation that is in the interest of furthering women's rights in this Province, the Opposition are for it, as my colleague stated yesterday, without reservations. And because we stand in our places in this hon. House and point out weaknesses in legislation or show the government where they can improve legislation, or show the government what action should be taken after the legislation is passed, it does not mean that we are against the principle of any bill. And if I had to vote solely on the information that was given us by the hon. minister this morning before she took her seat - if the hon. minister was trying to convert the House, trying to persuade members of the House to vote for this particular bill, then with all due respect, the hon. minister did not do a very good job this morning, except tell the House a few horror stories. That is not the reason for bringing in this bill, Mr. Speaker, that is Motherhood. We could all stand in our places in this hon. House and tell hair-raising stories, that would not be any problem at all.

I was Minister of Social Services for three and one-half years in this Province, and I guarantee you, I could tell a few hair-raising stories during my time in the political life of this Province. I will be starting my eighteenth year this month as a member of the House of Assembly. There are quite a few stories I could tell. So if the hon. minister was trying to persuade us this morning to vote for this bill and that was all the arguments that we had, the only arguments the minister put forward, then I am afraid that the bill

MR. NEARY: would have a rough passage, because that is not the kind of argument that would persuade me or I doubt if it would persuade my colleagues to jump for joy for this particular bill.

The bill, Mr. Speaker, as hon. members are aware and alluded to, but only very mildly, is, I suppose, one of the most significant pieces of legislation ever to come before a Legislature in Canada, let alone Newfoundland. It is a major piece of legislation, it is a major reform, it is a bill that is going to affect the lives of every married person in Newfoundland.

MR. WARREN: And those not married.

MR. NEARY: And those not married. It is going to affect the future of my children and your children and children who are not born. It is, Mr. Speaker, the most significant piece of legislation ever brought before the Legislature of this Province. That is what we are dealing with, and we may as well face it. It is going to affect the life of practically every Newfoundlander and every Labradorian.

MR. THOMS: And that is what the Minister of Education (Ms Verge) wants us to put through in a (inaudible).

MR. NEARY: Yes, that is right. My hon. friend is absolutely right. I was coming to that. But I want to go back to the minister again - with all due respect, the minister, in telling us these horror stories, Mr. Speaker, was not very convincing, not very persuasive on why we should vote for this bill. Because the minister, really, in telling these stories, is admitting failure, is admitting defeat, is admitting a very serious weakness in our society - that is what the minister is doing. If we were going to correct the situations that the minister referred to in quoting the judges of the court, if the minister was going to do that, Mr. Speaker, if we were going to correct that kind of situation, we would not need a piece of legislation that affects the life of every Newfoundlander, we could bring in a piece of legislation to deal exclusively with the kinds of situations the minister described this morning. But this

MR. S. NEARY: piece of legislation affects every man and woman, every married man and woman in the Province. And I was hoping that the minister in her remarks would tell us why it was necessary to bring in a blanket piece of legislation affecting every married man and woman just to correct the situations that developed that the minister described this morning.

So, Mr. Speaker, let us first of all accept the fact that this legislation is more important and more significant than hon. members have indicated so far in their speeches. I have to describe it myself as probably the most significant, the most far-reaching piece of legislation ever to be brought before a Legislature in this country, bar none. Now that may sound like a mouthful but it is true! And my hon. friend ask, therefore for a few days. The hon. gentleman did not say, 'We want a Select Committee.' The hon. gentleman said, 'Take a few days, let the reaction set in.' And we have no indication, Mr. Speaker, so far, apart from the Status of Women and one or two other groups, we have no indication that adequate representation was made in connection with this bill. I understand that the Canadian Bar representative in Newfoundland has now made representation, has now made it this very day in connection with this bill. That is something that should be looked at. I presume the representative of the Canadian Bar Association is no slouch I do not know who the gentleman is but I would assume that any input that the representative of the Canadian Bar Association might have in connection with this bill should certainly be looked at by the administration. I would think that any input that the churches might like to have on this bill should be looked at.

I would hope, Mr. Speaker, that anybody but anybody, whether it be an individual, whether it be an organization or a group or a church or a society, I feel that they should be given a few days to have some input in this bill if they so desire, and if they do not desire, well and good. But they should be given the opportunity, because, Mr. Speaker, it will take months and probably years before the full impact of this piece of legislation is felt throughout this land. Somebody said yesterday we are going to have an educational programme, just referred to it

MR. NEARY:

very lightly, very briefly,

said, 'well. after the bill goes through, before July 1st of next year, when it becomes the law of this land, we are going to have an educational programme.' Well, that is well and good but what kind of an educational programme are we going to have? Mr. Speaker, I would like to have the government elaborate on the kind of an educational programme they are going to conduct to make the people of this Province aware that the government is now stepping into their daily lives, that we are now going to have a bill of all bills that is going to regiment and run the lives of people in this Province—not that there is anything against it, I wonder if it is necessary. The Prime Minister of Canada once said that the government should not step into the bedrooms of the nation. This crowd here are quite prepared to step into the lives of every married couple in this Province without giving a few days grace, as my hon. friend says, to find out if the bill can be improved, if it needs amendment, if it needs changes.

MR. NEARY:

Does that mean we are against the bill? No, Mr. Speaker. My hon. friend said we are for the principle of this bill and the government can twist and turn and play politics all they want. What I am concerned about, Sir, if I have any concern, and I am just as broad-minded as anybody in this hon. House and I am all for reforms just as much as anybody else, but what I am concerned about, Sir, is the fact that outside of those who are directly involved, outside of those who have seen the pitfalls, who have seen the horror stories, who know about this case or that case, apart from that group, the average Newfoundlander, the ordinary Newfoundlander whose life will be affected by this bill, will not become conscious or aware of the implications of this bill until several years from now. Maybe some of them may never become aware of it. And that is what I am concerned about. I am all for the bill, all for it as long as Newfoundlanders understand what it is the government is doing.

The government say they are going to carry on an educational programme. Will that just be in the urban centres? Will they be able to reach out to rural Newfoundland? Will they be able to get into Grand Bruit and Petites and LaPoile and Grey River and Bay d'Espoir and into Southern Labrador? What kind of an education programme? Will they be able to reach all these people or will these people have to wait until a crisis develops in the family as a result of the bill before they come conscious that the law of this Province governs what happens to their property and to their home? What a shocker it is going to be, Mr. Speaker, for the ordinary Newfoundlander in rural Newfoundland - and I know that this could be twisted and interpreted but I have to say it because it is a fact and when you state facts in this House then you should not be criticized or condemned for it; everybody has their opinion and their right and their position - I have a feeling myself that the ordinary person, the average person in rural Newfoundland, when he

MR. NEARY: wakes up some morning or she wakes up some morning and discovers that the old man decided he was going to leave his property, his home, to his favourite son or favourite daughter, did not know a thing about this piece of legislation, the educational programme that we heard about did not reach him, then all of a sudden some other son or daughter comes along and says, "Hold on now! The old man might have meant well - he is gone now he is not here to defend himself - but he did not own that, he only owned fifty per cent of that home, what about the other fifty per cent?" What about it? Is that to be sneezed at or laughed at?

I am all for a victory for the Status of Women. I am also for fairness to the ordinary Newfoundlander. The tradition in Newfoundland, whether - and I am not a male chauvinist, I do not know why I have to keep apologizing. But apparently if you get up and you try to talk a little common sense in this House somebody will get up and twist it or turn it to say, "Oh, you are against women, you are against that." I am not against it. I am merely pointing out the pitfalls and the weaknesses. But I would say traditionally, my hon. friend from St. John's East (Mr. Marshall) is a master at that, a master at it, at the smear tactic. It will catch up with him eventually. It will catch up with him. But, Mr. Speaker, I would think myself, and I could be wrong, perhaps the people who are listening to me could say, "No, boy, you are all wrong." But I believe, Sir, that the tradition in Newfoundland, now whether it be right or wrong is not for me to say and I am not passing judgement on it, I want that understood, but I believe the tradition is that the woman has the attitude that the skipper, the man, the fisherman, the logger, she has the attitude, Well boy, he looks after things. Maybe my hon. friend will say they are too easy going, the women; maybe they are. But I am only stating a fact,

MR. S. NEARY:

what the tradition is in this Province. Maybe it needs to change but it is there, that the woman says, "Well, the skipper is in charge, boy," He wants a few repairs done to the roof, the skipper does it. He is in charge, he owns it, he is the master of his home and he can do what he likes with it. That is a fact - unless I am crazy, unless I am completely stupid. I have gone all over this Province, I think I know Newfoundlanders and Labradorians fairly well, and I would think, Mr. Speaker, unless that educational programme is going to be better than what we have seen in the past of educational programmes, can reach out to every family, every home in Newfoundland, unless it can do that, Sir, then the ordinary person is rural Newfoundland, and in urban Newfoundland in a good many cases, outside the group that I am talking about, are going to get an awful shock, a terrific shock.

I would say that most members of this House will vote for the legislation, agree with the principle of it, because to say otherwise, to do otherwise will be like voting against motherhood. You would be accused of being against women.

MR. MARSHALL: Is the member for LaPoile championing the cause of the Law Society?

MR. S. NEARY: No, I am not championing the case of the Law Society, I am championing my own cause. I do not need to champion anybody's cause in this House, I am quite capable of taking care of myself and looking after myself. I listen to everybody. I listen, I have a very, very sensitive ear. I listen, listen, listen. Apart from being able to talk, I also listen. That is something the hon. gentleman never learned. The hon. gentleman talks but does not listen.

AN HON. MEMBER: (Inaudible)

MR. E. ROBERTS: That is not worth listening to.

MR. S. NEARY: It is no trouble to know, Mr. Speaker, that the Premier is not in his seat or the hon. gentleman would have to be reprimanded in caucus for that kind of a statement.

MR. S. NEARY: There are a few embarrassments on the other side to the born again Premier. One of them is the hon. gentleman, the member for Bonavista - the minister I was talking about this morning - and the member for St. John's East Extern (Mr. T. Hickey) and they will be dealt with in due course.

AN HON. MEMBER: (Inaudible)

MR. S. NEARY: I beg your pardon.

AN HON. MEMBER: (Inaudible)

MR. S. NEARY: The minister thought I was talking about and you know what thought did. So, Mr. Speaker, I would hope that the government would give us some indication of what kind of an education programme they are talking about. Are they going to send somebody around the Province with slides, with a film? Are they going to buy television time? Are they going to write a letter to every household in Newfoundland? What kind of an education programme? Do not just brush over it very lightly when we are talking about something that is going to affect the daily lives of just about every Newfoundlander. and my hon. friend says take a few days. I think it would be very worthwhile to take a few days, take a few days before third reading, in between second and third reading. That means, in case anybody is concerned, that it is going to go through the House, the bill is going to go through as is, amended or otherwise. It is going to go through the House. Well, why not take a few days between second and third reading? Because once the Lieutenant-Governor puts his signature on the bill then it becomes the law of the land. I do not believe in procrastination: but I certainly believe in making sure that the people of the Province know what it is that is happening in the Legislature, that they know the kind of laws that are being brought down governing their personal activities. Newfoundlanders always took great pride in the fact - maybe with the world changing. television, permissive society and so forth, maybe Newfoundland is a little late catching up - Newfoundlanders always took great pride in the fact that they were good family people, good family people, good living Christians, I do not know if we can say that anymore. when I hear about all the armed robberies that are taking place in this

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MR. S. NEARY:

Province and all the crime and all the bad examples that have been set, I am beginning to wonder if we are just not running ten years behind other parts of Canada and the United States and it is only now it is catching up and maybe we need quickly, as quick as we can, maybe we have to pass it this very day, this piece of Legislation. Maybe we do; maybe there is something I do not know.

MR. NEARY: The hon. the member for Stephenville (Mr. Stagg) certainly was not very persuasive in his presentation, getting up and flinging out a few statistics at us and defending the Law Society.

Mr. Speaker, this bill could be a real nightmare. It could be. Whether or not it will be -

MR. MARSHALL: Are you against this bill?

MR. NEARY: No, Mr. Speaker. The strange part about it is, in case the hon. the member for St. John's East (Mr. Marshall) has any doubts, I am voting for it. I am not going to go down and ask Mr. A. B. Walsh or Charbonneau Associates -

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: - or Mr. Craig Dobbin or any of these people that I should vote for, I can make up my own mind.

AN HON. MEMBER: How about John Doyle?

MR. NEARY: Well, he would certainly need to have a long microphone between here and Panama, Sir, for me to get his reaction. But if the hon. gentleman asked the Minister of Justice (Mr. Ottenheimer), I am sure the hon. the Minister of Justice would be very happy to give him an update on that particular gentleman. Or he may not be so happy, I am not quite sure. But anyway, Mr. Speaker, the important thing, the point I am trying to make is that the smooth passage of this bill through the Legislature and the support of the Opposition should not be interpreted as meaning that -

AN HON. MEMBER: (Inaudible).

MR. NEARY: No, that is not it at all - not be interpreted as meaning that it is going to be all clear sailing from now on once the law is passed, because it certainly is not. I can see so many implications in the bill. I may not have them myself. I am hoping when my wife takes over the mortgage - I will not have a roof over my head, she will continue on, as she

MR. NEARY:

has agreed, and pay the mortgage - that is fine no problem with me. There will probably be no problem with my hon. friend, the Minister of Education (Ms. Verge), no problem at all, but it is going to create an awful headache and a lot of problems for an awful lot of Newfoundlanders who traditionally feel that the man is the master of his own home. You cannot wipe that out overnight, you cannot change it overnight. You can bring in all the horror stories you want, you cannot change that thinking overnight - it is there. I do not know what the rush is, Mr. Speaker. What difference is another week going to make or another two weeks? What difference is it going to make? Will it make a difference to the by-election in Burin-St. George's? No, Sir, it will not because I would submit in that particular riding -

MR. WARREN:

They think so.

MR. NEARY:

The government may think so. They are deluding themselves, they are living in a fool's paradise. As a matter of fact, if the people in that riding, I would submit to the House, including the women, knew that this legislation was going through the House, they would probably vote against the Tory candidate. It is not going to get one vote in that riding, if that is what the hon. gentleman thinks. And not only that, but if the government is using it to distract attention from the real problems in this Province - the real issues of unemployment, of high electricity rates, of high gasoline prices, the high cost of living, high heating fuel, increase in crime and vandalism - trying to distract from the real issues by bringing in this kind of legislation, then that is not going to work either, no more than the government putting all its eggs in one basket on offshore oil and gambling on Newfoundland's future. It is not going to work. That will not work. So we have to examine this piece of legislation on its own merits, not whether

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MR. NEARY: or not it is going to distract from the fact it is going to take the government three or four or five years to put grade XII into our high schools, when we have grade XII across Canada, grade XIII across Canada, had grade XII in Newfoundland years ago. I have a brother who took grade XII at St. Bon's College; and it is going

MR. NEARY:

to take the bureaucrats and the mandarins and the politicians three to five years to bring Grade XII back to Newfoundland. It is not going to distract from that kind of procrastination, they can delay that. Grade XII is only going to affect a handful of students, but they can delay that for three to five years; let us phase it in. But a bill, Mr. Speaker, that affects the daily lives of just about every Newfoundlander and ram it through as fast as you can - what is the hurry, can the minister tell us? Has the minister made a commitment to her colleague? The minister's commitment is to this House and to this government and not ramming major legislation through the House affecting the lives of every Newfoundlander in a day or two. We only started debate on this bill yesterday. The government could argue that, well, we had a thorough debate before the House prorogued and we had a general election. As a matter of fact, Mr. Speaker, I made the last speech in the House.

MR. THOMS: And there have been major changes, too.

MR. NEARY: I made the last speech in the House on this bill, and at 4:00 o'clock that afternoon - I finished my speech at 1:00 o'clock - and at 4:00 o'clock that afternoon the Premier went and called an election, so the bill was left up in the air. Since then, as my hon. colleague points out, there have been major changes made in the legislation, and it was a good thing because the government was prepared to ram the bill through that very day and accused the Opposition of procrastination, stalling, delaying, and they were prepared to ram it through that very day and make it the law of this land, hoping to get votes in the provincial election that was coming up, that the Premier had in mind, because I said - if gentlemen and ladies will look at Hansard - I said at that time, "What is the hurry?" I said, "Is the government trying to get this bill through to call an election?" And from the other side I heard cried, "No, no, no, we are

MR. NEARY: not playing politics", and that afternoon we are into the middle of a general election.

AN HON. MEMBER: 4:00 o'clock.

MR. NEARY: 4:00 o'clock that afternoon. And so, thank God, I would say, that we did debate the bill a little bit at that time. Major improvements have been made, but probably the biggest change in the bill was contracting out. Contracting out, heretofore, is only something that we heard from Labrador City and Wabush. Contracting out in this case means something a little bit different, I suppose the principle is the same, but contracting out, as my hon. friend knows, that once the bill becomes law, anybody who wants to get out from under it will enter into an agreement with his spouse.

AN HON. MEMBER: But it would have to be agreed.

MR. NEARY: I would say it should be the other way. It should be the other way. The law should read, by the way, if we want it correct- if we were to listen to the Minister of Education (Ms. Verge) - the law should apply to a minority group and not to a majority. We should make it the law of the land that people can enter into contracts. Instead of making contracts to get out of something, they should be making contracts to get into something.

AN HON. MEMBER: How many women (inaudible).
contracts out?

MR. NEARY: The point that I am making, and my hon. friend was late in coming in -

AN HON. MEMBER: Not too late.

MR. NEARY: No, but the point I made before the hon. gentleman came in, who has been around rural Newfoundland, how many women and men will know that they can contract out? That is the point I made. The old man dies and wills his house to his favourite son or daughter, or he only has one son, and he says, "I want to leave it to me son", and the missus says, "Sure, but that is the proper thing to do with it", and one of these mornings,

MR. NEARY: three or four or five years down the road, he wakes up and along comes some relative who says, "But he could not, the old man could not will that to his favourite son or daughter because Mother owns half of it." And she says, "What? I own half of it. My God, I did not know that! ", and by and by the row starts.

MR. THOMS: Ninety per cent of the men will contract out.

MR. NEARY: Yes, that is right.

MR. OTTENHEIMER: They will still have to agree to contract out.

MR. NEARY: Yes, the point is - the hon. Minister of Justice (Mr. Ottenheimer) is right on, as usual. It takes two to tango, but the point that I am making, that we only heard just a light reference to yesterday, an educational programme - how will people know? I mean, are they going to know as a result of us debating it here in the Legislature, when the Legislature is practically completely irrelevant to what goes on in this Province, and the newsmen do not report it anyway? They only report what they want to report. They only want to report their favourite ministers or their favourite politician and the news goes down the tube, down the drain.

MR. NEARY:

Mr. Speaker, is that the kind of an education programme the hon. gentleman is talking about, let the word go out via the press gallery? Well, I would say, God help us then, the people of this Province will not know, I hope the word will go out after today, unless they are more stupid than I think they are up in the gallery - not all of them but some of them - that as a matter of fact this piece of legislation is more significant than similiar legislation across Canada or in the United States.

MR. OTTENHEIMER:

Would the hon. member permit a comment?

MR. NEARY:

Sure, I would be happy if the Speaker will give me a minute.

MR. OTTENHEIMER:

It is our intention to publicize the basic contents of this as widely as possible using as many media as possible, through radio, through television, through newspapers and through pamphlet or booklet, which will have a very wide distribution through radio and television and newspapers. Not just to rely on the debate here and its coverage there, but to have a concerted effort to inform people of the basic provisions of the Act.

MR. NEARY:

Well, I thank the hon. gentleman for that little piece of information, Mr. Speaker. I will be watching carefully to see if the government follows through on that commitment. But in the meantime I would submit that the hon. gentleman just made a point that I have been trying to make all morning and that is - and I am voting for the legislation, make no bones about that, Sir - but I am hoping that Newfoundlanders understand the implications of it. And my hon. friend says they are going to go to the media and they are going to do this and they are going to do that. Well, I hope they can reach every family in Newfoundland, but I think it should be done now before the legislation becomes law on July 1st. of next year. And we should take a week or ten days now or a couple of weeks to make sure, because this is so important, that everybody has had a chance to have input into this bill.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. J. CARTER: Mr. Speaker, when I was married I said, 'With all my worldly goods I thee endow.' Now as a result of this bill I am going to get half of them back. So perhaps in future that part of the marriage ceremony should read, 'With half my worldly goods I thee endow'. I do not know if there will be any changes.

As I understand this bill, Mr. Speaker, it is designed to handle what we call the average marriage. That is to say, where two young people more or less of the same age, from much the same background and sharing much the same circumstances, marry and gradually acquire a home and a car and perhaps other valuables, perhaps if they are lucky, some investment capital. And by the time they have reached their twenty-fifth anniversary, or by the time their children have grown up, they have a fairly substantial investment in the marriage. And today many wives work for long periods of time and many wives are professionals or semi-professionals. That means to say that in between raising a family they can go back and forth to their job so that the actual material contribution that a wife has made to the matrimonial home is quite considerable.

However, I do wish to address some questions to the minister so that when he gets up to speak again to close this debate he will have some answers for us, although I realize that it does not really matter what the minister says, this Act will be what the Act says it is, in other words, any court in future deciding on any dispute that comes under this Act will have to be guided only by the wording of the Act and not by the debates that led up to the introduction or the passage of this bill. I am not wise enough to know whether there should be any minor changes but I am very pleased to note that this is not the last word, that our Premier, our government have assured from time to time that all the acts that are enforced in this Province, if there are any serious loopholes or anything wrong with them, that

MR. J. CARTER: the amendments will be forthcoming, so that not only do we members feel protected from any anomalies in the legislation, the general public also can feel equally secure, and that by making proper representation to this government, any acts that are shown to be inadequate or unsatisfactory may be changed. So having described what I consider to be the usual marriage today, there are certainly - these are second marriages unfortunately, every couple do not see their fiftieth anniversary, they may die or they may separate. So second marriages are not uncommon, and sometimes, the the second marriage, the background or the age of the partners may not be similar and certainly the economic circumstances may not be similiar, and I would like to know what the minister feels would happen in a case like that, where a man marries for the second time, and his own children, from the first marriage, have grown up, there may be some children from the second marriage, the husband dies, his property - well, it may not be considerable, but certainly, there will be a house to be considered, and since most mortgages are life insured, the house would probably exist with a clear title, upon the death of one of the owners. In spite of this act, which may share the house - I am looking at one hon. gentleman across the way who has some insurance background, and I am sure he can assure us that most mortgages, in fact, are life insured, and that -

AN HON. MEMBER: (Inaudible)

MR. J. CARTER: Well, I would hope. For a very small extra fee, Mr. Speaker, I understand that a mortgage can be life insured. But that do not distract from my argument. What concerns me is, how shall the estate be properly distributed? If in fact a second marriage occurs and the first family is grown up, and the second wife obviously has not had much input into the marriage, is she entitled to as much as the former wife would have been had she survived or had she continued to be married? This is a concern. And, of course, what about the children? How is the estate to be apportioned among the children? Again I mean children of the first marriage, children of the second marriage, and possibly any adopted children; it can get quite complex.

MR. J. CARTER:

I have said that most marriages are from people of similar ages and similar backgrounds, but the advice of Benjamin Franklin was that man should always marry a woman much older than himself, if only for the reason that she would be so grateful. And the Book of Common Prayer states quite categorically that a man may not marry his grandmother; so a marriage is obviously a union of two families, not only two people, but two families. We have certainly come a long way in the last few years concerning women's rights. Twenty years ago it was possible for Skipper George to say, after having married for the third time, and somebody said, "Skipper George, you got a new wife." He said, "Yes, who would be without one, for the bit they eats." A previous speaker mentioned women's suffrage and how the women were late getting the vote. One of the arguments against women having a vote, curiously enough, was that it was quite superfluous, quite unnecessary, because they would only vote the same way as their husbands, and this would only put extra work upon the clerks. Of course, the main point that I want to make in addressing this bill is that although I certainly intend to support it, I think I am not alone in suggesting that the bill, perhaps, does not go far enough or is inadequate in some provisions or is unclear in some provisions. Cupid is traditionally portrayed blind. The couples that marry, one may often ask, "What on -

MR. J. CARTER: and we often ask why - what on earth did he see in her?"Or, What on earth did she see in him?" and perhaps the expression that is used 'marry in haste, repent in leisure' is applicable. I wonder if there should not be a civil marriage or a civil ceremony - quite apart from the flowers and bridal veil and all the paraphernalia that goes with the traditional wedding - if there should not be a cold, calculated civil ceremony, probably before the actual marriage, but that would be legally binding. Now, one is morally binding, the church marriage or the marriage ceremony that we traditionally go through is morally binding and has much more force, I would suggest, that legal force. I wonder if we should not have - and I would like the minister to comment on that. It is done in European countries and I am not familiar with how it works. I understand that the civil ceremony is to satisfy the civil authorities who have separated themselves from the church and do not wish to have anything to do - do not recognize the authority of the church even. But I understand that the civil ceremony, say, occurs in the morning and in the afternoon the religious ceremony. But I am just wondering if we should not consider a civil ceremony as being necessary to bring the kind of provisions that are in this act into force. It is well worth considering because I can quite understand a couple being faced with the seriousness of the provisions of a civil ceremony, saying, "Well, wait now just a minute, perhaps we had better think this over; perhaps we had better come back next week". My grandmother used to tell a story about a wedding that she attended and the bride and groom - the bride was a little bit shy - and when it came to the point, "Will you have this woman to be your wedded wife"-or "Will you have this man to be your wedded husband", she hesitated. She stuttered or stammered or stumbled, and the groom said, quite audibly, "You had better", so she suddenly drew herself up and said to the minister, "Am I married to him yet?", and he said, "No". "In that case, I never will be", and she turned around and walked

MR. J. CARTER: out . But now not very many women and not very many men, having come as far as the altar, are going to back away. But in a civil ceremony, which, presumably, would be held in a judge's chambers or even in a lawyer's office, it is something that is quite cold-blooded and something that people are quite prepared to take a second look at and will read the provisions fairly carefully. They will read the fine print, and they will say either yes or no and, presumably, they will be - I just think it would work better. Marriage today is not as simple. Marriages may be made in heaven but they have to be lived on earth and marriages, unfortunately, do not last, not all marriages. It has been said there are far too many divorces. Now I do not know what is the proper number of divorces, whether there is an acceptable level of divorce. I would suggest an acceptable level is none, but divorce is a fact that we have to live with and it should be possible for people, having made a mistake, to set things straight. And I would hope that in the interpretation of this act and in the application of this act that it would make it possible for couples, who have come to the end of the road, to take a new turning because it is the family that we are concerned about, not just couples, not just their well-being or their happiness, it is the happiness and security of the entire family. I think that it is the couples who have no children - that is their own business - but once children arrive, once there are dependants, then we have to look much more seriously at the institution of marriage.

So, these are some of the questions.

I am glad to see it in Section 6 that when the husband dies without a will that it automatically goes to the wife. Apparently the shortest will in history read, "All to the wife". It was only two words, it was in a foreign language and that language only required two words, and I think it is in the Guinness World Book of Records, but I would say that that was probably one of the best wills that

MR. J. CARTER: was ever made because we all are familiar with the harangues and the hassles of people who have died without a will. So I would like the minister when he rises to address himself to these few questions and I hope that this bill will have a smooth passage and an even smoother application and that amendments will be made from time to time as they are seen necessary. I am sure, knowing this government, that amendments will not be all that hard to come by. Thank you.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (SIMMS):

The hon. Minister of Mines and Energy.

MR. BARRY:

Mr. Speaker, I would like to thank the hon. members opposite who let me rise out of sequential order to make a few comments because of the fact that we will have to be unavoidably absent at the Energy Conference on Monday. This is such a significant piece of legislation that I wanted to have the opportunity of saying a few words. I think everybody realizes that although Cupid may be involved in the making of a marriage, there is more cupidity involved at the time of a divorce or a separation often, and this is a hard, realistic fact of life that has to be recognized. I had the opportunity, Mr. Speaker, back approximately five years ago to address a meeting here in the City of the Secretarial Association, the association of business secretaries in the City. And I recommended at that time that there be improvements made to the laws relating to matrimonial property. That was about the time when we saw the first hardship case, as I would call them, bringing the problem directly to the forefront of the public consciousness. We had the cases out West where wives who had made considerable contribution to, not just the marriage, but in fact to a family business, at the time of divorce ended up with no entitlement to share in the assets of the marriage.

Now I would suggest, Mr. Speaker, that for most Newfoundlanders this legislation does nothing more than provide what these individuals already do in their ordinary arrangements. Most husbands and, I would submit, most wives would look favourably upon this enlightened legislation, not because it is necessary in their own cases but because we all recognize that in the acrimony that develops at the time of a marriage split, reason goes out the window often. As a lawyer I have been involved in a number of family disputes and I do not think there is any type of problem or conflict that develops where it is harder to have the parties act reasonably. The bitterness that in most cases has

MR. BARRY:

built up over a number of years of unhappy marriage tends to be reflected at the time of the final, whether it is a separation agreement or whether it is a divorce arrangement that is being made, the bitterness tends to be reflected in the pettiness, in the cupidity - I do not know why poor old Cupid got stuck with both the better aspects, the love aspect of marriage and also the greed element of life

MR. BARRY:

But the cupidity of the grasping attempts to try and block out the other party from getting a reasonable share of family assets is something which, hopefully in the future, will be eliminated by this very enlightened piece of legislation that we see going through this House of Assembly. And I think, Mr. Speaker, we can, with some pride, say that this Province is prepared to take bold, new initiatives to meet changing times, to recognize -

AN HON. MEMBER:

(inaudible) seventh province.

MR. BARRY:

We may be the seventh province which has a Matrimonial Property Act, Mr. Speaker, but I submit to you that when this piece of legislation is past, we will have the best piece of matrimonial property legislation on the books.

SOME HON. MEMBER:

Hear, hear!

AN HON. MEMBER:

(Inaudible) in what respect?

MR. BARRY:

And the hon. members, if they have suggestions as to how it can be made better, and if these are reasonable I am sure that when we get to the committee stage, the hon. minister is going to be the height of reasonableness. He always has been in the past and I am sure he will continue to be in the future.

MR. MORGAN:

Hear, Hear!

A good Minister of Justice.

MR. BARRY:

And we are looking for a statute that we can point to with pride and say that we have given careful thought and consideration to the problems that exist in this area. And we are not just adopting a uniform statute out of Ontario, which has been there for maybe - I do not know - ten years or fifteen years, that was drawn up in the conservative times of the late fifties in Ontario. We are prepared to look at the realities of the 1980s and see what this

MR. BARRY: Province is going to need as we move onwards and upwards into our great and prosperous future.

AN HON. MEMBER: (Inaudible).

MR. BARRY: Mr. Speaker, I hope to be back by the time it gets into the committee stage and have the opportunity to go into them in some detail. I am speaking now to the principle of the bill and I will be happy to deal with the more detailed aspects, if the hon. member wishes, at the committee stage. But we have a piece of legislation here which I believe will be a star in the crown of the hon. minister when he in twenty or thirty years steps down from his position as Minister of Justice. He is going to be able to look back and think back on his career, and he will hold this Act up as one of the highlights of the legislative reforms which he has brought in. Now, I realize, Mr. Speaker, and I am sure we all do, that there are people who express concern and reservation. The hon. member for Grand Bank (Mr. Thoms) I think mentioned a possible scenario that could develop of the widow or the widower who gets on in life and is seeking companionship is lulled into an arrangement which is based more on economics than on love, based upon a need, a feeling that there has been some touch lost with his children who are growing up with his family, and there is the risk that such a person might be lulled into an arrangement where when he dies or she dies the family may be out in the cold. What is the colloquialism for the type of person who goes around seeking those advantages?

SOME HON. MEMBERS: Gold digger.

MR. BARRY: Well, the hon. members are obviously familiar with the technique. I am not so familiar with it myself. A gold digger, I think, is one of the nicer phrases that has been applied to such individuals. There is a danger of gold diggers depriving the normal members of the family, the children of a widow or a widower, the close relatives, by getting into a late marriage with an

November 9, 1979

Tape No. 1013

MB -3

MR. BARRY:

elderly person and then when
that person dies being left with the assets of the family. However,
the risks are no greater than they are now because your average
gold digger, I suspect, would see that there is a proper will drafted up

MR. BARRY:

as part of the terms and conditions of the gold digging that he or she is carrying out. So that is a reservation I know that some people have, a concern that some people have but I think it is one that on balance is worth taking a chance on.

MR. THOMS: Why take a risk if we can stop it.

MR. BARRY: Well, the hon. minister I am sure will give some consideration to any reasonable suggestions from hon. members opposite, but if it destroys any basic thrust or principle in the bill we may not be able to remove all of these possible abuses which an evil-minded person might be able to use. Any law can be subverted or used for the wrong purposes, purposes for which it was not intended. But on balance I think, Mr. Speaker - and I am going to end very quickly because I just wanted to get up and express my support - as a lawyer who has been involved in matrimonial cases, I know there is a need for it. As a Newfoundlander, I believe in this type of reform that a wife, as is often the case right now although the Act deals with husbands and wives in different aspects, it is mainly the wife who at the present time is not protected in the event of a marriage breakup. I want to express my wholehearted support for the principle of this bill and ask that this House give speedy passage. And I say again that we will look back in the years ahead and this will shine as one of the most enlightened pieces of legislation to have come into this hon. House. Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (SIMMS): The hon. member for Terra Nova.

SOME HON. MEMBERS: Hear, hear!

MR. LUSH: Mr. Speaker, it gives me a great privilege on this, the eve of this great Armistice Day holiday weekend, to speak on behalf of the spouses throughout this Province and to let them know that on Tuesday I will be carrying on and giving my support to this bill. And, Mr. Speaker, if the House is in agreement, since there are only a few minutes left and the press are all tired, I would adjourn the debate.

SOME HON. MEMBERS:

Oh, no.

MR. LUSH:

I can carry on.

MR. SPEAKER (Simms):

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, I move that the House at its rising do adjourn until tomorrow, Tuesday, at three o'clock and that this House do now adjourn.

On motion that the House do stand adjourned until tomorrow, Tuesday, at three o'clock, carried.

I N D E X

ANSWERS TO QUESTIONS
TABLED
THURSDAY, NOVEMBER 8, 1979

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

- (1) Since January, 1972, what lawyers or law firms within the Province of Newfoundland have been engaged to carry on legal work for the Workmen's Compensation Board of Newfoundland, showing the amount paid during the said period to each lawyer or law firm and the nature of the legal work carried out by each?
- (2) Similar information as in (1) above for the Newfoundland and Labrador Hydro Corporation; Department of Finance; Linerboard Mill; Newfoundland and Labrador Housing Corporation (Western Newfoundland); Medical Care Commission.

Workmen's Compensation Board

1972 - Thomas E. Williams, Consultation with Safety Officers, drafting summons and attendance at Court.	\$ 157.00
Thomas E. Williams, Drafting Amendments to Workmen's Compensation Act	100.00
Thomas E. Williams, Consultations, written opinions and drafting letters on various matters.	245.00
Thomas E. Williams, Third Party cases, drafting summons, opinions and attendance at Court.	340.50
Thomas E. Williams, Consultations, Third Party claim and safety writs for construction projects.	220.00
Williams & Williams, Drafting Sub-lease of rental space	760.00
Williams & Williams, Attendance at Workmen's Compensation Board Inquiry - Sept. to December	4,125.00
	<u>\$5,947.50</u>

Workmen's Compensation Board

1973 - Stirling, Ryan, Goodridge, Caule, Gushue & Goodridge, representing Mr. Leonard Hughes, Commissioner at Workmen's Compensation Board Inquiry .	\$ 175.00
Williams & Williams, Consultation and Research.	337.50
Williams & Williams, Consultation, Travelling, serving of summons and attendance at Court in respect of Construction Projects Limited.	1,101.96
Williams & Williams, Meetings with Board, drafting opinion and research.	160.00
Williams & Williams, Research, drafting and legal opinion.	325.00
Williams & Williams, Legal opinions and consultations.	159.00
Williams & Williams, Legal opinion Conflict of Interest Act. Consultation on two claims.	285.00
Williams & Williams, Legal opinions, prosecutions, Third Party case, drafting of letters.	580.00
	<hr/>
	\$3,123.46
	<hr/> <hr/>

Workmen's Compensation Board

1974 - Williams & Williams, Consultation and opinion on claim.	\$ 50.00
Williams, Williams & Coombs, Consultation and opinion on claim.	20.00
Williams, Williams & Coombs, Researching, drafting and legal opinion.	160.00
Williams, Williams & Coombs, Legal research and legal opinion on claim.	340.00
Williams, Williams & Coombs, Prosecutions, attendance at Court.	350.00
Williams, Williams & Coombs, Prosecutions, attendance at Court, legal opinion and acquiring Commissioner of Oaths.	565.00
Williams, Williams & Coombs, Legal opinion research and prosecutions.	541.40
Williams, Williams & Coombs, Third Party case.	40.00
Williams, Williams & Coombs, Registry Search and legal opinion.	75.00
Williams, Williams & Coombs, Report and legal opinion.	350.00
Williams, Williams & Coombs, Legal fees, travelling expenses, prosecution at Harbour Grace.	845.25
Williams, Williams & Coombs, Prosecutions 1973 and 1974.	1,471.50
	<u>\$4,808.15</u>

Workmen's Compensation Board

1976 - Williams, Williams & Coombs, Retainer fee 1976	\$5,000.00
Williams, Williams & Coombs, Consolidation of Workmen's Compensation Act	4,000.00
Williams, Williams & Buffett, legal fees in connection with purchase of property on Forest Road, re new office building	1,661.00
Williams, Williams & Buffett, Consolidation of Workmen's Compensation Act and latest amendments.	<u>1,047.36</u>
	<u>\$11,708.36</u>

Workmen's Compensation Board

1975 - Williams, Williams & Coombs, Professional advice on claim.	\$ 60.00
Williams, Williams & Coombs, Retainer fee April 1975 to April 1976.	5,000.00
Williams, Williams & Coombs, Prosecutions and attendance at Court.	158.50
Williams, Williams & Coombs, preparation and issuance of writ. Obtaining of default judgement.	100.45
Williams, Williams & Coombs, Prosecution and attendance at Court - Fatal claim.	1,247.74
Williams, Williams & Coombs, Drafting of Agreement in connection with a claim.	75.00
	<u>75.00</u>
	<u>\$6,641.69</u>

orkmen's Compensation Board

1977 - Williams, Williams & Buffett - Collection of an employer's unpaid assessment, including Registry search, preparation of Writ, consultation, attendance at Sheriff's office re execution of Writ.	\$1,960.50
Williams, Williams & Buffett - letters written to employers who neglected to file accident reports with the Board.	105.00
Williams, Williams & Buffett - Retainer fee March 31, 1977 to March 31, 1978.	5,000.00
Williams, Williams & Buffett - Collection of an unpaid assessment, including preparation and issuance of Writ, Court attendance, instructions given to Sheriff re execution of Writ, fees paid to Court and Sheriff's office.	1,096.89
Williams, Williams & Buffett - Collection of an unpaid assessment, attendance at Court, Registry search, preparation of fifa, consultations.	84.50
Williams, Williams & Buffett - Collection of an unpaid assessment, fees paid to District Court and Sheriff's office re issuance and serving of fifa.	673.46
Williams, Williams & Buffett - Prosecutions, consultations, serving of summonses.	400.00
Williams, Williams & Buffett - Re Cape Royal Disaster - obtaining Presumption of Death Orders, Drawing petitions and Affidivats, Drawing Presumption of Death Orders, attendance before Chief Justice, consultations.	1,526.75
Williams, Williams & Buffett - Legal fees and transactions re purchase of property on Forest Road re new office building	5,092.22
	<u>\$15,939.32</u>

orkmen's Compensation Board

1978 - Williams, Williams & Buffett - Retainer fee March 31, 1978 to March 31, 1979	\$5,000.00
Williams, Williams & Buffett - Disbursements re obtaining documents on a claim	18.60
Williams, Williams & Buffett - letterswritten to employers who neglected to file accident reports with the Board.	75.00
Williams, Williams & Buffett - Drawing summons, affidavits, attendance on Judge for issuance of Mechanics Lien on Metalcraft Limited, attendance at Registry of Deeds, consultations.	122.00
Williams, Williams & Buffett - Filing Certificate with District Court in respect of an unpaid assessment in an attempt to collect.	30.00
Williams, Williams & Buffett - Collection of an unpaid assessment, filing of Certificate in District Court, Drafting Writ of fifa, attendance at Court, attendance at Sheriff's office re levying of fifa, fees paid for the issuance and serving of fifa.	234.28
	<hr/>
	\$5,479.88
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GOVERNMENT OF NEWFOUNDLAND AND LABRADOR

DEPARTMENT OF FINANCE

23 August 1979

Mr. Gilbert Gill
Assistant Deputy Minister

The following information is provided in response to Mr. Neary's Question 44.

1. Total amount paid from the Public Treasury directly or indirectly to Mr. Robert Nutbeem or any of his companies this year to date \$15,725.08
 - (a) Directly to Mr. Nutbeem \$11,975.08
 - (b) To McConnell's Advertising Co. Ltd. \$ 3,750.00
2. What services were performed by Mr. Nutbeem for any such payments?
 - (a) \$11,975.08 - Public Relations work in connection with various Government official functions.

Bonavista Lighthouse Opening;
Health Sciences Opening;
Official Opening Ryders Brook Bridge;
Random Island Causeway Bridge;
Community Water & Sewage System, Random Island;
Official Opening T. & C. Bldg., Clarenville;
Official Opening Dark Cove School;
Official Opening Buchans School.
 - (b) \$3,750.00 - Fees for the months of January, February and March @ \$1,250. per month.

M. Mansfield
M. Mansfield
Director of Administration

MM/mc

REPLY TO QUESTION 25 - July 30, 1979

QUESTION

(a) What was the amount of money paid by Newfoundland for the shares bought to give the province a majority of the shares of CFLCo?

ANSWER

\$135.2 million U.S.

QUESTION

(b) How much of this amount was borrowed?

ANSWER

All

QUESTION

(c) What was the rate of interest payable on the said borrowing?

ANSWER

3/4% above the London Inter Bank offer (LIBO) rate for 6 months U.S. deposit, to December 1978; 5/8% above the LIBO rate to August 1980; and 3/4% above (LIBO) until the August 1984 when the loan is fully repaid.

QUESTION

- (a) How much money was spent on drilling or otherwise constructing or creating the proposed crossing of the Strait of Belle Isle with power cables?

ANSWER

The amount of \$24,827,074 has been spent to date as follows:

To December 31, 1975	\$14,249,484
1976	11,732,267
1977	62,945
1978 (note)	(1,217,622)
	<u>\$24,827,024</u>

Note: Recoveries from sale of equipment.

QUESTION

- (b) How much money was spent on any work or operations on the Lower Churchill in 1975?

ANSWER

To December 31, 1975 \$50,099,423 was expended on the Gull Island project including \$996,752 of interest during construction capitalization.

QUESTION

- (c) Were the said sums borrowed? If so, how much money has been paid in interest on said borrowing?

ANSWER

The costs related to the Gull Island project were initially financed by the Newfoundland and Labrador Hydro. Subsequently, because the project was deferred the Province entered into an agreement with the Gull Island Power Company Limited to lend the latter company \$78,300,000 at 10%. Interest due on the loan was paid on a current basis with Gull Island Power Company borrowing the funds from Hydro's at its approximate long-term borrowing cost. To December 31, 1978 interest incurred and capitalized, as interest during construction, amounted to \$21,640,799.

Q - Mr. Neary (Lapoile) - To ask the Honourable the Minister of Municipal Affairs and Housing to lay upon the table of the House the following information:

Has the Government taken any action on the recommendations of the Kostaszek Commission of Inquiry on the cost of home construction and housing in this Province including legal fees and real estate charges for transferral of properties, and if so, which of the recommendations made have been implemented?

A - The Commission of Inquiry into the cost of Home Construction and Housing was submitted to Government early in 1969 and those recommendations relating to my Department have been implemented. Concerning land development, the Report proposes a Committee to study land banking, the establishment of a central authority for land development and the development of programmes for regions. These recommendations have been met for the most part with the creation of the Newfoundland and Labrador Housing Corporation and its ongoing land banking and servicing programme. The success of the provincial housing agency in these areas is evidenced by the fact that, since its inception, the Corporation has acquired in excess of 8,700 acres in some thirty communities across the Province and to date have developed sufficient land to produce over 5,000 residential building lots as well as in excess of 400 acres of industrial land.

The Member for Lapoile makes particular reference to the recommendations relating to legal fees and real estate charges. The Commission of Inquiry directed its recommendations on legal fees in its Report to the Newfoundland Law Society while real estate charges and other aspects of the Report are not within my jurisdiction.

Reply to Question 47, Order Paper of
Wednesday, August 15, 1979

The total amount of legal fees paid to Mr. James J. Greene, Q.C. and his law firm for the years in question are as follows:

Paid to Mr. James J. Greene, Q.C.

1973/74	Acting as Crown Counsel in the following cases:	
	Queen vs. Gilbert Morgan, Attempted Murder	\$ 2,175.00
	Queen vs. Michael J. Hickey, Non-Capital Murder	<u>2,250.00</u>
		\$ 4,425.00
1974/75	Re: O.L. Vardy	\$ 1,449.96
	Royal Commission on Illegal Work Stoppages	255.46
	Government of Newfoundland and Labrador vs. Canadian Javelin	<u>21,166.27</u>
		\$22,871.69
1975/76	Nil	
1976/77	Nil	
1977/78	Nil	
1978/79	Nil	
1979 to date	Nil	

Paid to Mr. H. James Puddester

Acting as Secretary of the Commission of Enquiry into Certain Matters Pertaining to Welfare and the Disposition of Dosco Assets on Bell Island -

1973/74	Total	\$ 6,113.38
1974/75	Total	\$ 1,447.50

Acting as Secretary of Royal Commission on Land
Acquisition, Gros Morne National Park -

1977/78	Total	\$11,544.02
1978/79	Total	\$ 3,854.85
1979 to date		Nil

Reply to Question 45, Order Paper of
Tuesday, August 14, 1979

It is not possible to give the information sought as charges are often dropped or withdrawn by the police, prosecutors or Director of Public Prosecutions on a daily basis. This occurs for the following reasons:

- Charges may be withdrawn at the request of the complainant which is not uncommon in assault-related and private property offences, e.g. mischief.
- Multiples charges are often laid in relation to one incident. For example, impaired driving (Section 234 of the Criminal Code) and driving with more than 80 mg. of alcohol in blood (Section 236 of the Criminal Code) are always laid in relation to the same delict. A guilty plea or conviction in one will invariably lead the Crown to withdraw the other charge.
- Often when the Crown reassesses the evidence at the conclusion of an investigation, charges may be withdrawn as they cannot be supported by the evidence or different charges may be laid. For example, the police may lay a charge of attempted murder in the early stage of an investigation and after full investigation this charge would be withdrawn and a charge of assault causing bodily harm laid.

- Charges may be withdrawn as a result of precedent-setting decisions of higher courts. For example, after the Supreme Court of Canada ruled that two tests were necessary to sustain a conviction under Section 236 of the Criminal Code, hundreds of charges were withdrawn in this Province and thousands across Canada.

For the above noted reasons, no complete record is kept by the police or the Department of Justice concerning the number of charges withdrawn in the Province.

NOV 8 1979

Reply to Question 39, Order Paper of
Monday, August 13, 1979

There is no correspondence of the nature referred to. Certain information on this subject has been exchanged between our Department of Justice and other provincial departments at interprovincial meetings.

Under the provisions of the Criminal Code, any person having direct knowledge of a crime can proceed to lay an Information. This, of course, includes the R.C.M.P. who often lay charges without receiving instructions from the Department of Justice. Although we have regional Crown Counsel, there are practical reasons why counsel cannot be consulted before each charge is laid. For example, in the Provincial Court in 1978, there were 226,127 charges heard, a substantial number of which were laid by the police without instructions from the Department of Justice. There is, of course, close consultation with the Department of Justice before any major charges are proceeded with.

AUG 1979

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

- (1) Correspondence with the other nine provinces requesting information as to whether the R.C.M.P. can proceed with charges, as a result of their investigations, without being directed to do so by the Provincial Justice Department.
- (2) Replies from the other provinces to the Minister's letter.

NOV 8 1979

Reply to Question 38, Order Paper of
Monday, August 13, 1979

(a) The payment of \$12,101 referred to in this question and as mentioned in the Auditor General's Report was made for the guarding of the motor vessel "Shirley Blanche". The vessel was taken into the possession of the Crown under court order as a result of private prosecution. Though the estimates for the year in question did not provide for this expenditure, the Department of Justice could not disregard the direction of the court. The Crown is under a legal obligation to provide reasonable care of court exhibits and therefore there has not been any attempt to recover the sum in question from any other party.

(b) The document in question is attached hereto. It should be noted that this prosecution was not initiated by the Crown and it was not the Crown which sought the seizure of the vessel.

(c) The document attached shows authority for the action taken as well as the party responsible for taking such action.

For further information on this matter, Honourable Members are referred to the Hansard of March 30, 1976 when an explanation of this matter was given by the Honourable T. Alex Hickman, Minister of Justice.



Warrant to Search

CANADA
Province of Newfoundland
District of St. John's

TO the Peace Officers in the said district

Whereas it appears on the oath of Reginald Weir, of Lewisporte, Newfoundland, that there are reasonable grounds

for believing that on or about the 20th day of July, A.D., 1974, at Lewisporte, Newfoundland, John Hurley, and Michael Maher, of St. John's, Nfld. did unlawfully steal the motor vessel "Shirley Blanc" valued at \$25,000.00 and the following items which were on board the said vessel, namely: two stack anchors of a total weight of 900 lb 30 fathoms of cross bar chain, one winch with 3 foot sprocket chain one pile driving hammer, one coil of three inch line, two sets of blocks and tackles, one coil and set of batteries, a quantity of pl blocks and lumber, one gas tank for winch engines, and a quantity watchman's bedding, contrary to Section 294(a) of the Criminal Code of Canada.

Describe things to be searched for and of place in respect of which search is to be made.

(All the above items the property of Lewisporte Shipyards Ltd.)

are: on board the M.V. Shirley Blanche at _____, hereinafter called the premises;

This is, therefore, to authorize and require you between the hours of 9:00 am to 5:00 pm to enter into the said premises and to search for the said things and to bring them before me or some other Justice.

As the Justice may direct.

Dated this 22nd day of July A.D. 1974 at St. John's

Reginald Weir
A Justice of the Peace in and for Newfoundland

AUG 9 1979

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

- (a) What attempt, if any, has been made by the Minister to recover, as reported in the Auditor General's Report 1974-75, \$12,101 paid out of the public treasury without authority for the seizure and guarding of the motor vessel "Shirley Blanche"?
- (b) Table all documents, court orders and any other material relevant to the seizure of this vessel.
- (c) Under what authority was the action taken and who was responsible for initiating such action.

NOV 8 1979

Reply to Question 50, Order Paper of
Thursday, August 16, 1979

There are certain files within the Justice Department to which there is restricted access. Such access is allowed to the lawyer handling the file and senior officials of the Department. This is required by the confidential nature of any criminal investigation in order that the rights of parties under investigation not be prejudiced. As such, these files would fall within all the categories referred to. It should be noted, however, that we have no files in this Department dealing with drug investigations as such are the responsibility of the Federal Government.

AUG 15 1979

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

- (1) A statement indicating whether there are files in the Justice Department that can only be viewed by the Minister or the Director of Public Prosecutions.
- (2) If restrictions have been placed on certain files, give reason for such a ban and state the category under which these files may be classified:
 - (a) impaired or drunken driving;
 - (b) alcohol or drug investigations;
 - (c) commercial fraud;
 - (d) traffic violations or accidents;
 - (e) moral offences;
 - (f) reports of inquiries, Commissions, police investigations or matters relating to the spending of funds from the Public Treasury.

1-50
A-7-76

NOV 8 1979

Reply to Question 49, Order Paper of
Wednesday, August 15, 1979

With respect to part (1), attached as Appendices 1 and 2 is an analysis of civil and criminal cases showing cost per category for the year ending March 31, 1979 and for the full period of April 1, 1979 to July 31, 1979.

With respect to part (2), it is the policy of the Newfoundland Legal Aid Commission that names of individual lawyers or amounts paid to lawyers should not be disclosed. This policy of maintaining confidentiality is similar to that in force in other Canadian jurisdictions.

With respect to part (2) (a), I have attached as Appendix 3 a breakdown of pay ranges and the number of lawyers receiving amounts within each range for the 12-month period ending March 31, 1979 and the 4-month period ending July 31, 1979.

With respect to part (2) (b), attached as Appendices 4 and 5 is an analysis of the completed civil and criminal cases for the 12-month period ending March 31, 1979 and the 4-month period ending July 31, 1979.

With respect to part (2) (c), cost per category is disclosed in Appendices 1 and 2 filed in response to part (1).

Appendix 1

ANALYSIS OF COMPLETED CIVIL CASES AND COST PER CATEGORY
 BY PRIVATE SOLICITORS FOR YEAR ENDED MARCH 31, 1979 &
 FOR THE 4 MONTH PERIOD APRIL 1, 1979 TO JULY 31, 1979

	12 month ended March 31, 1979		4 month ended July 31, 1979	
	Cases	Fees & Disb.	Cases	Fees & Disb.
Divorce	157	\$ 50,644.63	23	\$ 5,960.95
Separation Agreement	14	2,157.72	3	274.00
Family Court	1	75.00	-	-
Custody/Wardship	21	4,784.03	11	3,259.83
Maintenance	31	5,429.91	6	1,487.19
Financial	1	84.70	-	-
Insurance/Accident	1	26.89	-	-
Property Disputes	7	2,860.23	-	-
Landlord Tenant	1	204.42	-	-
Affiliation	6	1,060.81	-	-
Respondent	6	1,944.43	2	930.00
Miscellaneous	30	6,004.00	6	2,550.95
TOTALS	276	\$75,340.72	51	14,462.92

Appendix 2

ANALYSIS OF COMPLETED CRIMINAL CASES AND COST PER CATEGORY
 BY PRIVATE SOLICITORS FOR YEAR ENDED MARCH 31, 1979 AND
 FOR THE 4 MONTH PERIOD APRIL 1, 1979 TO JULY 31, 1979

	12 month ended March 31, 1979		4 month ended July 31, 1979	
	Cases	Fees & Disb.	Cases	Fees & Disb.
Break, Enter, & Theft	170	\$30,647.54	45	\$ 7,518.18
Theft	86	11,172.19	31	4,169.82
Narcotic Control Act	100	24,756.99	20	5,468.42
Assault	51	10,944.76	11	2,478.02
Fraud, Forgery & False Pretences	53	7,952.33	21	1,491.30
Impaired & Refusing Breathalyzer	92	11,860.79	17	2,466.94
Appeals	30	8,013.97	5	1,477.14
Possession of Stolen Goods	30	5,156.68	7	634.55
Rape	21	12,387.83	8	5,344.64
Breach of Probation	19	2,102.73	-	-
Malicious & Wilful Damage	25	3,034.39	14	2,151.31
Possession of Dangerous Weapon	16	4,439.35	7	1,476.33
Acc. after Fact	17	2,804.49	-	-
Obstruction	21	3,673.85	2	107.92
Contributing to Juvenile Delinquency	2	71.00	-	-
Arson	9	3,662.23	5	1,414.50
Incest	-	-	-	-
Indecent Assault	9	1,645.40	9	3,149.30
Robbery with Violence	16	9,958.62	7	2,983.13
Murder	7	18,881.81	5	8,862.86
Criminal Negligence	8	5,251.10	2	1,851.60
Escaping Lawful Custody	6	734.37	11	2,288.75
Miscellaneous	80	13,321.08	3	505.76
TOTAL	868	\$193,328.09	230	55,840.47

Appendix 3

BREAKDOWN OF PAY RANGES AND NUMBER OF
LAWYERS RECEIVING AMOUNTS WITHIN EACH RANGE

12 month ended March 31, 1979		4 month ended July 31, 1979	
PAY RANGES	NO. OF LAWYERS	PAY RANGES	NO. OF LAWYERS
0 - 1,000	28	0 - 1,000	42
1,001 - 2,000	21	1,001 - 2,000	7
2,001 - 3,000	17	2,001 - 3,000	5
3,001 - 4,000	6	3,001 - 4,000	-
4,001 - 5,000	4	4,001 - 5,000	2
5,001 - 6,000	2	5,001 - 6,000	2
6,001 - 7,000	5	6,001 - 7,000	-
7,001 - 8,000	2	7,001 - 8,000	-
8,001 - 9,000	-	8,001 - 9,000	1
9,001 - 10,000	2	9,001 - 10,000	-
10,001 - 11,000	-	10,001 - 11,000	-
11,001 - 12,000	1	11,001 - 12,000	-
12,001 - 13,000	-		
13,001 - 14,000	-		
14,001 - 15,000	1		
15,001 - 16,000	2		

Appendix 4

ANALYSIS OF COMPLETED CIVIL CASES
 BY STAFF AND PRIVATE SOLICITORS FOR YEAR
 ENDED MARCH 31, 1979 AND APRIL 1, 1979
 TO JULY 31, 1979

	<u>March 31, 1979</u>	<u>July 31, 1979</u>
Divorce	224	67
Separation Agreement	45	12
Family Court	7	-
Custody/Wardship	34	17
Maintenance	51	10
Financial	17	18
Insurance/Accident	12	7
Property Disputes	9	2
Landlord Tenant	4	2
Affiliation	13	-
Respondent	19	7
Miscellaneous	66	18
TOTAL	<u>501</u>	<u>160</u>

Appendix 5

ANALYSIS OF COMPLETED CRIMINAL CASES
BY STAFF AND PRIVATE SOLICITORS FOR
YEAR ENDED MARCH 31, 1979 AND FOR PERIOD
ENDED APRIL 1, 1979 TO JULY 1, 1979

	<u>12 month ended</u> <u>March 31, 1979</u>	<u>4 month ended</u> <u>July 31, 1979</u>
Break, Entry, & Theft	250	101
Theft	145	38
Narcotic Control Act	116	29
Assault	65	17
Fraud, Forgery, & False Pretences	66	35
Impaired & Refusing Breathalyzer	136	21
Appeals	40	14
Possession of Stolen Goods	36	14
Rape	25	8
Breach of Probation	23	5
Malicious & Wilful Damage	34	17
Possession of Dangerous Weapon	29	8
Acc. After Fact	17	-
Obstruction	23	3
Contributing to Juvenile Delinquency	3	1
Arson	13	5
Incest	6	-
Indecent Assault	14	9
Robbery with Violence	21	7
Murder	8	5
Criminal Negligence	10	2
Escaping Lawful Custody	6	11
Miscellaneous	109	16
TOTAL	<u>1195</u>	<u>366</u>