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PRELIMINARY
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TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD
3:00 p.m. - 6:00 p.m.
TUESDAY, DECEMBER 9, 1980

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

STATEMENTS BY MINISTERS

MR. SPEAKER: The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker.

SOME HON. MEMBERS: Hear, hear.

MR. OTTENHEIMER: I think I will sit down while I am ahead.

AN HON. MEMBER: I will second that.

SOME HON. MEMBERS: Oh, oh!

MR. OTTENHEIMER: As members are aware, the Government of Newfoundland has taken a number of steps to protect and make known its opposition to the unilateral and unconstitutional proposals of the federal government with respect to the Constitution of Canada.

SOME HON. MEMBERS: Hear, hear.

MR. OTTENHEIMER: I wish today to table in the House of Assembly copies of the questions to be referred to the Court of Appeal of Newfoundland with respect to the resolution and proposed amendments to the Constitution of Canada presently before the federal Parliament and a copy of the brief that was submitted to the Foreign Affairs Committee of the House of Commons of the United Kingdom. So there are two documents to be tabled, the first being the questions referred to our Court of appeal, and I gave a copy of this to the Leader of the Opposition and the hon. member for Grand Bank (Mr. Thoms), in fact the last two pages on this Ministerial Statement, they are attached thereto; and the other document, which is the brief presented by the Government of Newfoundland to the Select Committee on Foreign Affairs of the United Kingdom Parliament, will be distributed in the next couple of minutes.

MR. OTTENHEIMER: The first three questions to be referred to our Court of Appeal are in the same terms as those presently before the Court of Appeal of Manitoba. These questions ask the Court to give their opinion on the potential effects of the proposed revision to the Constitution with respect to federal/provincial relationships and the present powers of the legislatures of the provinces. In addition, they ask the Court to give its advice on the constitutional conventions with respect to the amendment of the Constitution of Canada.

In addition to these three basic questions, the Lieutenant-Governor in Council of Newfoundland has referred an additional question with respect to the potential effect of the proposed amending formula upon the Terms of Union, specifically upon Terms 2 and 17, which relate to the territorial integrity of the Province and the denominational education system respectively. As well, the question also asks the court what the effect of the proposed amending formula will be upon Section 3 of the British North America Act, 1871. Section 3 provides for the amendment of the boundaries of a province by Parliament with the consent of the province affected.

The Newfoundland Department of Justice, or Crown, will argue affirmatively with respect to these four questions.

The brief submitted to the Foreign Affairs Committee of the House of Commons of the United Kingdom was submitted at the invitation of that Committee. It is important to note that the Committee restricted written evidence to "The Role of the United Kingdom Parliament in Relation to the British North America Act". The government submitted this brief to the Committee on December 3rd.

The brief outlines the history of the current controversy and points out that at the end of the

MR. OTTENHEIMER: First Ministers' Conference in September, a significant degree of consensus was arrived at with respect to most of the matters on the Constitutional Agenda. Included in this area of consensus was general agreement among the provinces, Quebec reserving, with respect to the broad outlines of a domestic amending formula entitled the "Vancouver Consensus". The brief points out the very significant fact that at no time did the federal government advance any proposals with respect to an amending formula and, indeed, intimated during the Summer-long discussions that a proposal

MR. OTTENHEIMER: susceptible to a provincial consensus would receive a favourable response from the federal authorities. The brief further notes that one of the four fundamental aspects of the constitutional position of the Government of Newfoundland was that a new constitution could only be arrived at by the process of consensus. Indeed, the Government of Newfoundland's White Paper stated, and I quote from that document, "Flowing from the commitment to these principles is the government's conviction that a new constitution, reflecting the realities of today, can only evolve from the process of consensus. The Government of Newfoundland believes that unilateral action by any of the partners in the federation is totally unacceptable. To succumb to the temptation of unilateral action would have the effect of creating greater divisions within the Nation than now exists and of frustrating the aspirations of all Canadians who look to the process of constitutional reform as a means of strengthening and unifying the Nation."

The Brief points out that the unilateral and unconstitutional action of the Federal Government has been challenged by six of the Provinces containing a majority of the population of the country and that the matter is now before the Court of Appeal in Manitoba and will be placed before the Courts of Appeal of Newfoundland and Quebec.

We advised the Committee that it should recognize Canadian constitutional conventions, specifically the fourth constitutional convention contained in a paper entitled "The Amendment of the Constitution of Canada" published by the Federal Government in 1965 under the name of the Honourable Guy Favreau, Minister of Justice, and I quote from that document and will point out that that document also

MR. OTTENHEIMER: was referred to and approved by the Supreme Court of Canada in 1979 in the Senate Reference Case.

"The fourth general principle is that the Canadian Parliament will not request an amendment directly affecting federal-provincial relationships without prior consultation and agreement with the Provinces. This principle did not emerge as early as others but since 1907, and particularly since 1930, has gained increasing recognition and acceptance. The nature and degree of provincial participation in the amending process, however, have not lent themselves to easy definition."

The Government of Newfoundland has advised the Committee, the Foreign Affairs Committee of the UK Parliament, that it is its opinion that the failure by the Parliament of Canada to observe this important constitutional convention is fatal to any request by it to the Parliament of the United Kingdom. We are, of course, pleased that recent evidence given to the Committee by Dr. Geoffrey Marshall a professor of Oxford University, has supported this proposition. We have further advised the Committee that as a result the United Kingdom should decline to act upon this unconstitutional request, because if it did so it would be seen to acquiesce in the performance of an unconstitutional act and would be intruding into the most fundamental aspect of the Constitution of Canada, the federal system itself.

We also advanced the proposition that while this matter is before the highest Courts in the Province that the United Kingdom Parliament should decline to act.

We have also advised the Committee that the authority it holds over the British North America Act is an authority which it holds in trust, not only for the Federal Government of Canada, but rather for the federal

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MR. OTTENHEIMER: system of Government established by the Fathers of Confederation, as strengthened over the years. The brief points out that the entrance of Newfoundland into Confederation was predicated on the continuation of the federal system.

I have every confidence that the Parliament of the United Kingdom will act properly with respect to this matter and will view its role as a trustee for the federal system of Canada as we understand it to be. It is, of course, unfortunate that the Government of Newfoundland has to present its

MR. G. OTTENHEIMER:

objections to the Parliament of the United Kingdom and has found it necessary to pursue this matter through the courts. However, we feel that we are left with little choice as the proposed amendments undermine the basic nature of Canada and have the potential of affecting the most fundamental aspects and institutions of Newfoundland. I believe that we will be successful in defeating these proposals and we anticipate that once the federal government recognizes that this is the case that it will then proceed to negotiate constitutional change in an honest and forthright manner.

This material will be distributed, the Ministerial Statement, and, as I say, the last two pages, the two pages attended to it are, in fact, the questions which are being referred to the Newfoundland Court of Appeal; and distributed simultaneously will be a copy of the brief submitted by the Government of Newfoundland to the Committee of the U.K. Parliament. That will be distributed to members and to the press.

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

MR. L. STIRLING: Thank you, Mr. Speaker. What we see here is another step in the ongoing anti-Ottawa campaign. The CBC programme Sunday morning probably added the missing piece to this puzzle in an interview with Joe Clark, the Leader of the Opposition, who was discussing his strategy for retaining his leadership when he said it was a question of whether or not they would accept what, in his opinion, was the wish of 90 per cent of the people of Canada, or would they set about as a political strategy to change public opinion.

MR. L. STIRLING: The truth of the matter, Mr. Speaker, is that the PC's across Canada have made the decision that they are going to stop and change -

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

MR. SPEAKER (Simms): Order, please!

A point of order has been raised by the hon. President of the Council.

MR. W. MARSHALL: Statements of ministers, in my understanding, Mr. Speaker, are made and there are comments to be made on them, but it is not to be the subject of a wide-ranging debate, particularly one not relevant to the statement made by the hon. minister.

MR. J. HODDER: To the point of order, Mr. Speaker.

MR. SPEAKER: To the point of order, the hon. member for Port au Port.

MR. J. HODDER: I do not think there is a point of order here, Mr. Speaker. The member was responding to the statement in the normal fashion on the contents of the statement.

MR. SPEAKER: In view of the fact that a point of order has been raised it will give me an opportunity to point out to hon. members that with respect to responses on Ministerial Statements, 'A member responding is entitled to ask explanations, make a few remarks but no debate is then allowed.' It is further the practice of this House that any member responding to a statement may use approximately half the time used by the minister in presenting his statement. I bring that to the attention of all hon. members.

The hon. the Leader of the Opposition.

MR. L. STIRLING: Thank you, Mr. Speaker. I would refer to the opening sentence, Mr. Speaker, in which it says, 'As members are

MR. STIRLING: aware, the government of Newfoundland has taken a number of steps to protest, and it is completely in order, Mr. Speaker, and it was simply typical of the member for St. John's East (Mr. Marshall); every time that you hit a nerve he uses a point of order to get you off the subject.

MR. WARREN: Right on.

MR. STIRLING: The truth of the matter, Mr. Speaker, is one of the steps being taken is that there has been an agreement by the people of Canada that they would like to have this go through. It has been accepted, ninety per cent of the people would like to have constitutional change.

MR. BARRY: Who said that?

MR. STIRLING: Joe Clark.

SOME HON. MEMBERS: Hear, hear!

MR. FLIGHT: Joe Clark.

MR. HODDER: Your federal leader.

MR. SPEAKER (Simms): Order, please!

MR. BARRY: (Inaudible) a million dollar propaganda campaign.

MR. SPEAKER: Order, please!

MR. STIRLING: Mr. Speaker, as the Minister of Energy (Mr. Barry) knows, they know very well the cost of a political propaganda campaign because they are now buying full page ads to undertake the same stunt.

MR. FLIGHT: The same.

MR. STIRLING: Now, Mr. Speaker, let us deal with the Ministerial Statement that I have not been given an opportunity to do because of interruptions and points of order from the other side. The truth of the matter, Mr. Speaker, and it should not be lost, that this fourth political question that this government

MR. STIRLING: voted against, this political question that deals in their view with these two sacred issues, we brought in an amendment which would not permit the constitution to be changed without the consent of this House and that government side voted against it. So they are playing politics, Mr. Speaker, playing politics right from the beginning. And this is one more step, and I do not think anyone is being fooled by it and I believe that the truth will come out when the court case goes through its normal process and we get on with patriating the constitution of Canada and in the next two years make some real changes that we want in Newfoundland, the kinds of changes that talk about the poor, old Minister of Transportation (Mr. Brett), who does not have a nickel in his budget and requires ninety per cent funding from DREE, a purely unconstitutional process, and when the constitution gets home and we make the changes so that we can have a meaningful and working constitution in Canada, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): Further statements?

The hon. Minister of the Environment.

MR. STAGG: The Leader of the Opposition (Mr. Stirling) hopes we lose the case.

MR. NEARY: But you want your money from DREE.

MR. SPEAKER: Order, please!
The hon. Minister of the Environment.

MR. DAWE: Mr. Speaker, in keeping with my duty and desire to inform the members of this hon. House concerning matters related to the protection of the environment, I wish to speak about the recent proclamation of the Environmental Assessment Act and what this means to our Province.

MR. DAWE:

The Environmental Assessment

Act is a major item of legislation. It is the most far-reaching statute ever passed by this hon. House in the area of environmental protection and resource management. This Act has changed government's whole approach to the making of major decisions affecting the use of our natural resources and the health and well-being of our people. I am very honoured that the administration of this important new Act has been placed in my hands as Minister of the new Department of Environment whose formation was announced by the hon. Premier some weeks ago.

The proclamation of the Act means that the proponents of a wide variety of resource development projects, programmes and related activities are now required by law to register their proposals with my department before proceeding with the final design phase of those proposals, and well in advance of seeking any permit or approval which they may require from any level of government. Each proposed undertaking will be examined to determine whether the proponent is required to subject his proposal to environmental assessment.

MR. DAWE: For those hon. members who may be unfamiliar with the term environmental assessment the process is simply the assessment of a proposed undertaking from an environmental point of view. In other words, it may be regarded as an environmental feasibility study, comparable in some ways to an engineering feasibility study or an economic feasibility study. The assessment is conducted by the proponent according to specific terms of reference approved by my department. The proponent bears all costs and assumes the responsibility for all work performed for him by any consultants whom he may engage for this purpose.

Another term which will soon become familiar to us all, is environmental impact statement. This is the report produced by the proponent following the environmental assessment, and submitted to my department for evaluation. The environmental impact statement contains several kinds of information. In it, the proponent first describes his proposed undertaking and states the need for it in terms of present and future demands. He then describes the environment in which he proposed to establish the undertaking. The next two sections of the impact statement are of utmost importance, for it is there that the proponent predicts the environmental impacts of his proposal and makes a commitment to take certain actions, called mitigative measures, to enhance the beneficial impacts and to minimize the harmful impacts wherever possible. Any predicted harmful impacts which will remain in spite of all reasonable mitigative measures are known as residual impacts, and these must be clearly identified and acknowledged by the proponent. In the final section of the impact statement the proponent must propose a specific programme of activity to monitor the

MR. DAWE: the impacts of his undertaking during its construction and operation phases, in order to verify the accuracy of his predictions and to ensure adequate protection of the environment.

When the environmental impact statement has been submitted to my department, it is reviewed and evaluated with the assistance of an assessment committee representing all interested departments of government. If it is found to meet the terms of reference, it is then my duty to make a report to the hon. the Premier and my colleagues in Cabinet containing advice and recommendations concerning the environmental acceptability of the proposed undertaking.

I must hasten to point out, Mr. Speaker, that the interests of the public are also recognized and addressed throughout the environmental assessment process. The first indication of this is our definition of the word "environment" within the Act, which in turn determines the scope of the assessment. We have included not only the natural environment which we all think of when we hear the word; but we have broadened the definition to include the immediate environment of the people whose lives may be affected, for better or for worse, by the proposal in question. This means that the proponent's impact statement must address pertinent issues related to social structure, economic conditions, historic and cultural background, population numbers and distribution, facilities and services, and so on.

MR. DAWE:

As part of the assessment, the proponent is required to conduct a public information exchange program within the proposed development area. Once again, this must conform to a procedure approved by my department as part of the terms of reference. At the same time, my officials will establish contact with local civic officials, community leaders and special interest groups in order to determine whether any serious concerns exist regarding the undertaking in question. If a serious issue should arise, particularly if related to human health, welfare or safety, which appears to be unresolvable by any other means, there is a provision within the act for the appointment of an Environmental Assessment Board to conduct public hearings into the entire matter of the proposed undertaking and its environmental implications.

In addition to all this, virtually every document produced during the course of the assessment will be available for viewing by the public.

Mr. Speaker, the requirements of the Environmental Assessment Act apply equally to government departments and private interests. The list of undertakings which must be registered for examination encompasses the general headings of: Agriculture; Forestry; Mineral and Petroleum Development; Manufacturing Industries; Building Construction; Transportation; Communications; Utilities; and The Public Administration of Natural Resources. Until the requirements of the act have been met, no provincial government department, no municipal council and no other local authority may issue any licence, permit, approval or any other form of authorization for any proposed undertaking which is subject to registration.

SOME HON. MEMBERS:

Hear, hear!

MR. DAWE: The act is quite explicit on this point and there are no exceptions.

My department will be conducting an information program to ensure that local authorities and the business community are made aware of the requirements and provisions of the act. Questions concerning the environmental assessment process may be directed to me or my officials at any time.

The stated purposes of the act may be paraphrased as follows: To facilitate the wise management of our natural resources and to protect the environment and the quality of life of our people. I hope that in this brief statement I have shown the hon. members how this is to be accomplished.

I believe, Mr. Speaker, that this government by instituting the Environmental Assessment process has taken a fresh approach to decisions on resource use and environmental protection.

SOME HON. MEMBERS: Hear, hear!

MR. DAWE: In this way our Province will continue to benefit from worthwhile resource development and, at the same time, retain in large measure those qualities which are so important and so dear to her people.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): The hon. the member for Port au Port.

MR. HODDER: Mr. Speaker, it was my understanding that Ministerial Statements were something new that came into the House, and something of public importance. I am completely amazed in that what the minister has done is he has taken the Environmental Assessment Act, which we debated in this House and it was proclaimed last year, and gave us a run-down on it again.

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MR. HODDER:

Now, the former Minister of the Environment last year when the bill was brought into the House and when it was summed up in this House, gave the exact same information on this

MR. J. HODDER:

particular bill and the minister has given us nothing new. I thought, Mr. Speaker, that it had been adequately explained before but this minister must have felt that the other minister did not actually explain the things to the people of Newfoundland or that we were too stunned to understand what it was about.

SOME HON. MEMBERS: Oh, oh.

MR. J. HODDER: But I will say, Mr. Speaker, about the legislation itself is that the legislation has exempted too many groups in the Province; they have exempted the paper companies, the mining companies, government projects which were ongoing - Hinds Lake, Upper Salmon, these have not been touched-and anyone who seems to have been doing any work in the Province before has not been affected by this environmental legislation.

SOME HON. MEMBERS: Oh, oh.

MR. HODDER: So the only thing that I can put this statement down to is the fact that the minister would like to get a little more mileage from the bill that was brought in last year.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER (Simms): Order, please!

MR. HODDER: But the question I have to ask, Mr. Speaker, is - I would ask the minister - is what about the companies that are getting ready for the offshore, the DAC groups and the various other companies at the present time?

MR. S. NEARY: They have got their spokesman over there on the other side.

MR. HODDER: Are they presently conforming to the legislation? And also, Mr. Speaker, since this legislation was brought in to the House and proclaimed six or seven months ago, I wonder how many companies and

MR. HODDER: how many undertaking have taken place in this Province, how many of those undertakings has this legislation applied to and how many companies and/or groups in the Province are presently complying with this particular legislation?

MR. SPEAKER (Simms): Any further statements?

Before proceeding to Oral Questions, I would like to make reference to the point of order raised yesterday by the hon. the member for LaPoile (Mr. Neary) arising out of a comment made by the hon. the member for St. John's North (Mr. J. Carter).

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: After conducting a great deal of research and having had the opportunity to review yesterday's Hansard, the exact quote used by the hon. the member for St. John's North was, "The megafool is over there, Mr. Speaker". Now, in offering advice to me on this point of order, it has been suggested by some hon. members that the word 'fool' is unparliamentary -

MR. NEARY: Hear, hear.

MR. SPEAKER: - and therefore, of course, 'megafool' would be a million times unparliamentary.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: But may I say that Webster's Dictionary does not define the work 'megafool.' However, the prefix 'mega' means large or great; thus it could then be interpreted as 'the large or great fool is over there, Mr. Speaker'. But I must say that the word 'megafool' at first hearing does not sound all that bad, but certainly great fool does not sound very parliamentary. And I think the way to clear this up is to rule that in this circumstance the use of the word 'megafool' appears to have been used in the context a large or great fool and in this way it is therefore unparliamentary. So I would ask the hon. member for St. John's

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MR. SPEAKER (Simms): North (Mr. Carter) to withdraw his
remark and that will dispose of the matter.

The hon. member for St. John's North.

SOME HON. MEMBERS: Hear, hear.

MR. CARTER: Certainly, Mr. Speaker, I am in your hands in matters of this sort. But I would like to point out that it is not my intention to underestimate the members of the Opposition and certainly the member for LaPoile (Mr. S. Neary), and whereas it is unparliamentary to call a person a fool I would suggest that a million fools have a great deal of intelligence among them and therefore it could perhaps be construed as a complement. However, I accept your instruction and withdraw it.

MR. SPEAKER (Simms): I understand the hon. member has withdrawn.

ORAL QUESTIONS

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

MR. L. STIRLING: Thank you, Mr. Speaker. I cannot resist saying that we have now created a new word, and the person who created the word would be the best example of it.

Mr. Speaker, the question that I have is for the Minister of Mines and Energy (Mr. Barry). As he knows, there was a telegram sent by 500 workers in the Wabush Mines who had been told because of a power outage in Seven Island which closed down the pellet plant that these people are going to be laid off on December 15, I wonder if the Minister of Mines and Energy can indicate whether or not he has answered the telegram and whether he intends to go to Wabush to meet with the union members there?

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

MR. L. BARRY: Mr. Speaker, I left a note for my secretary to respond to the texex. The telex was sent to the Premier, the Premier asked me to respond, and basically what I have said is that from our discussions with the Wabush Mines officials, as of mid-day yesterday there was some question as to whether there would be any lengthy shut-down. Initially it was thought there would be a couple of weeks shut-down. The company gave the notice because under its collective agreement it has to give a week's notice before shut-down. It gave the notice so as to have the option of shutting down if this became necessary. But more recent information indicated to the company - for a while they thought that the work on the transmission line could be completed during this week and avoid any shut-down at all; it now appears, unfortunately, as though the work will continue on into next week but that it may be only a matter of a couple of days. In which case, Mr. Speaker, there would be no longer a shut-down than it would take to have the transmission line from Wabush Mines to Pointe Noir back in operation. There was about five miles of transmission lines affected by the sleet storm, about eighteen towers damaged, and it is estimated that it should not take much more than a week to have the repairs affected. And as I say, in that event there would be no lengthy shut-down and I would ask the union officials, Mr. Luedee who sent the

MR. BARRY:

telex, I have suggested that we wait until the beginning of this coming week and see what the situation was at that time and, of course, we will be happy to meet with union officials if there is in fact a problem to be dealt with at that point in time.

MR. STIRLING: A supplementary, Mr. Speaker.

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

MR. STIRLING: Yes, Mr. Speaker, I was speaking with Mr. Luedee, the Union President, just moments before coming into the House, and typical of the way that the people in Labrador City - Wabush have been treated is that when he then checked this information that was included in the telegram with the management people, they did not know anything about it. And that the instruction is still that there will be a shutdown on December 15th. I wonder if the minister would undertake that if his information is correct, that they are essentially only talking about a two-day shutdown and layoff, to prevent the confusion that now exists up there, would he urge the company to stockpile for those two or three days and to continue in full operation?

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

MR. BARRY: Mr. Speaker, first of all we are aware of what the local management has been indicating to the union leadership and our information has come from the head office of the company in Montreal, which I believe had more recent information than the manager on site in

MR. BARRY:

Wabush might have had at the time.

Mr. Speaker, any reasonable man, and I stress the reasonable man would appreciate that in a job of this nature one cannot predict to the second when the repairs are going to be completed. But all we can go upon are the most reasonable, and I stress reasonable estimates given to Wabush Mines management by Hydro Quebec and we have no reason to disbelieve the information which we have received from the head office, Wabush Mines in Montreal, to the affect that initially they expected, they thought the repairs might have been completed this week, that it now appears that they may go on over for an extra couple of days. Now, the last part of the question?

MR. STIRLING:

It was would you ask the company, if it is only a couple of days, to stockpile and not lay people off.

MR. BARRY:

As far as the stockpiling is concerned, Mr. Speaker, there is a problem that, as the Leader of the Opposition may know, it gets a little chilly in Labrador and in Pointe Noir this time of year and the

MR. BARRY: problem is with the wet concentrate freezing, and this is the reason why they cannot just continue to stockpile at Pointe Noir and have the Wabush Mines mill continue in operation.

AN HON. MEMBER: Make some more fun of me.

MR. NEARY: We are not laughing at the hon. gentleman. We are laughing at the member for Humber West (Mr. Baird). We set a bad example for him. He is tearing up his Ministerial Statement over there.

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: Mr. Speaker, if stockpiling were feasible then the company would not need any writ from government to carry out that. It is in the company's interest to sell pellets and to make dollars, and, Mr. Speaker, they intend to do that. We will stay in close contact with the situation. I have instructed my officials to remain in close contact with the Wabush Mines management and to do whatever has to be done to get as short a shutdown as possible and to keep the Wabush Mines operation going as long as possible.

MR. STIRLING: A supplementary.

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

MR. STIRLING: Yes, I am aware that the Minister of Energy (Mr. Barry) seems to be much more concerned about the comfort of the concentrate because it is a bit too cold for the concentrate to be out in the open. I am concerned about the comfort of the people who will not have a job, who will be laid off, who on the eve of Christmas are in a situation where there is conflicting information. Now why cannot this government take a firm stand and say that if you are only talking about a couple of days, then get off this nonsense about cannot store concentrate because it is too cold for the concentrate -

AN HON. MEMBER: That will not go bad.

MR. STIRLING: - and make sure that this operation

MR. STIRLING: continues and that these people get over this very uncertain feeling that there is in that whole area, that they do not know what is going to happen, that they are now making plans to get out for Christmas and get back for Christmas and there is just utter confusion. And the minister, by suggesting that he is dealing with the head office, is not really adding to the conclusion of the situation. Now will the minister undertake; one, to contact the local management if he knows something they do not know; and two, ask them, since he is only talking about a couple of days, to continue that operation in full operation and show concern for the employees in the Wabush area and not just the concentrates.

MR. WARREN: Uncertain government.

MR. SPEAKER (Simms): The hon. Minister of Mines and Energy.

MR. BARRY: Mr. Speaker, naturally all of us on this side of the House hope that we are going to get some pet concentrate for Christmas. What nonsense! What nonsense -

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: - the Leader of the Opposition
(Mr. Stirling) goes on with.

Mr. Speaker, I have received no request for clarification from the Leader of the Wabush Union with respect to my texex.

MR. FLIGHT: You just did.

MR. BARRY: I have received no request for clarification.

SOME HON. MEMBERS: You just did.

MR. BARRY: I do not accept, I am afraid, Mr. Speaker, any hand-me-down, second-hand requests from the Leader of the Opposition.

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SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

If the union leader of the Wabush Mines has a request for information -

MR. STIRLING:

He would have to go directly to God.

MR. BARRY:

If the union leader has a request for clarification, he knows that we have open doors in this government.

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: He knows that we are always accessible to union members or to any other member of the public.

MR. SPEAKER (Simms): Order, please!

MR. BARRY: Mr. Speaker, he knows it was not like the days gone by when in order to get access to a minister you had to just about chop down a door in the Confederation Building.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. BARRY: Mr. Speaker, this is an open government here. I am prepared to discuss any matter with the union leadership in Wabush that they might wish to discuss. All I need, is a telephone call, a telex, whatever they want to send to me. And I believe, Mr. Speaker, that the telex I sent indicating that the best information we had was that the shut-down would not be very long, that this has been acceptable to the union leadership or else they would have contacted me again.

MR. NEARY: Mr. Speaker.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, my question is for the - I do not know if I am in turn or out of turn - my question is for the Minister of Transportation (Mr. Brett) and it has to do with the controversy that arose recently concerning the highway through the campus of Memorial University. As hon. members know, it took several dozen accidents and a fatality involving a young girl from Port aux Basques to focus attention on this very serious problem.

MR. NEARY: Hon. members also know that there was a plan back in the late '60s and the early '70s to build a road, an outer ring road from Portugal Cove going right up, by-passing the road through the campus of Memorial University. What has happened to these plans? Could the minister give us an updating on whether or not this administration, after they took over, pursued the matter of eliminating a highway through the campus and building this road that was proposed back in the late '60s and the early '70s?

MR. SPEAKER (Simms): The hon. Minister of Transportation.

MR. BRETT: Mr. Speaker, there were all kinds of plans several years ago. There was the harbour arterial and the cross-town arterial and the outer ring road and I think there were even more than that. Some of them have become a reality, as the hon. member knows, the harbour arterial and the crosstown arterial; and the outer ring road is probably the next one that should go. That is still very much the plan of this government and I suppose the plan of city council, but again it is all a matter of dollars and cents. But I think the hon. member's question is very timely because we did a survey on the harbour arterial last Summer and discovered, I think to everybody's amazement, that there is something like 43,000 cars a day using that road. And we all saw what happened when we did have the accident on the Parkway and the road was closed; the city was almost tied up. And things are really reaching - I do not suppose I should use the word a crisis in the city, but I can foresee in a couple of years three years that if we do not have the outer ring road then it is going to be very difficult to get to work in this city.

MR. NEARY:

Mr. Speaker, a supplementary.

MR. SPEAKER (Simms):

A supplementary. The hon. member for LaPoile.

MR. NEARY:

Mr. Speaker, that is hardly an answer but I suppose I have to accept it. I will probably put it down for the Late Show this afternoon. I want to ask the hon. gentleman a supplementary about the dangerous conditions of the highways. And I had some personal experience yesterday, Mr. Speaker, and that is why I am asking the hon. gentleman about the hazardous conditions of some of these highways. When I went home yesterday evening I was greeted by four screeching children; their mother was lugged off to the hospital in an ambulance, and my jeep wrecked as a result of no sanding or salting on the Portugal Cove Road. And my hon. friend just drove in from St. Mary's and did not meet one sand truck or one salt truck out sanding the Trans-Canada Highway on a day like this when it is so treacherous. Could the hon. gentleman tell us when he is going to wake up and do something about the sanding of highways in this Province that are causing numerous accidents - insurance claims piling up as a result of negligence - salting and sanding especially around the time of day when the sun is going down and you get that black ice on the highway -

MR. MARSHALL:

A point of order.

MR. SPEAKER:

Order, please! A point of order by the hon. President of the Council.

MR. MARSHALL:

The hon. gentleman's inferences from the answers to the question may be interesting, Mr. Speaker, but they constitute a speech and this is Question Period.

MR. SPEAKER:

I would ask the hon. member to put his question. I believe he has had a fair enough preamble.

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MR. NEARY: What I am asking the hon. gentleman is when is he going to wise up, Mr. Speaker, and get the sand trucks out, especially around the time of day when you have water on the highway and the sun is going down and you get that black ice on the highway when most accidents occur?

MR. SPEAKER: The hon. Minister of Transportation.

MR. BRETT: Mr. Speaker, Mr. Wick Collins would be very happy to know that at least one person in Newfoundland reads his column. I see that he has provided some questions for the Opposition.

MR. NEARY: I had an experience yesterday. My wife almost got killed on your highway yesterday.

MR. BRETT: Mr. Speaker, the first part of the hon. member's question, he said he did not get an answer to his first question. Well, I thought I explained that the Outer Ring Road was very much a part of this government's plan and also city council's. Now, I think I said that very distinctly and very clearly.

The second part of the hon. gentleman's question, 'When are we going to start salting and sanding the road?' Now, the Opposition keep on asking that question as long as we have freezing temperatures, as long as we have rain and then the temperature drops below freezing, and it is physically impossible to salt and sand every section of every road, it just cannot be done. Now, I realize we do not have the second shift on, and in my opinion, it is not necessary to have the second shift on.

SOME HON. MEMBERS: Oh, oh!

MR. BRETT: But the type of weather that we are getting is just impossible to cope with. I mean, it takes a certain amount of time to get from point A to point B, and obviously, between these two points, while the trucks are travelling, there is going to be ice. It will always be like that and there is nothing we can do about it, absolutely nothing.

MR. NEARY: Mr. Speaker, a final supplementary.

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

MR. NEARY: Mr. Speaker, the hon. gentleman is talking about the time limit - the time element.

MR. NEARY: Well, let me explain to the hon. gentleman that this accident I refer to occurred between 5:00 o'clock and 5:30 yesterday afternoon on Portugal Cove Road, involving my wife. I left here, went to the Stadium, went up to my home on Portugal Cove Road, came back to the hospital, went back to my home on Portugal Cove Road and no sand trucks. Now, how can the hon. gentleman explain that and blame it on the fact that 'Oh, we do not have staff enough and we do not have trucks enough or equipment enough.' The hon. gentleman is making too many excuses and there are too many accidents, too many injuries and too many deaths in this Province. ✓

MR. SPEAKER (Simms): Order, please! Order, please!

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

MR. SPEAKER: Order, please!

The hon. the President of the Council.

MR. MARSHALL: The hon. gentleman is making a speech. If the hon. gentleman is dissatisfied with the response given by the Minister of Transportation and Communications (Mr. Brett), there are proceedings under the rules or he can give notice to Your Honour and debate it at the appropriate time in the proceedings. The purpose of this particular stage of the proceeding is to ask questions, Mr. Speaker, and he is abusing the rules of the House by making hysterical comments and speeches like he is doing.

MR. HODDER: Mr. Speaker, to the point of order.

MR. SPEAKER: To the point of order, the hon. the member for Port au Port.

MR. NEARY: If the hon. the Government House Leader -

MR. SPEAKER: Order, please!

The hon. the member for Port au Port.

MR. HODDER: I yield to the member
for LaPoile.

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

MR. NEARY: To the point of order. If the
hon. the Government House Leader (Mr. Marshall) had the
experience that I had yesterday, and literally hundreds
and hundreds of Newfoundlanders are having every time
there is a snowfall, the hon. gentleman would not be raising
a specious point of order in this House, he would be getting
after his colleagues to try to do something about these
conditions.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: That is an abysmal abuse of the
rules, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MARSHALL: I would grant you that I have not
had all of the experiences of the hon. member and neither
would I wish to have them, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MARSHALL: The fact of the matter is you can
cloak any point of order you wish to in whatever emotional
fashion you wish to make a speech, but the purpose of this
particular proceeding is to ask questions. If the hon.
gentleman is dissatisfied with the answer, he can debate it
at the appropriate time as provided by the rules.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: With respect to the point of order,
I believe there is a legitimate point of order in this case.
The hon. member also was being argumentative in his question.
I would point that out to him and bring it to his attention.
I assume that the question has been asked, and if the

MR. SPEAKER (Simms): hon. the Minister of
Transportation and Communications (Mr. Brett) wishes to
reply, fine.

MR. NEARY: Mr. Speaker, if I can save a life
I will be argumentative or anything else in this House.

MR. SPEAKER: Order, please!

MR. NEARY: But I want to ask the hon. gentleman
when he is going to put on -

MR. SPEAKER: Order, please!

MR. NEARY: - to put on the second shift?

MR. SPEAKER: Order, please!

I think I have ruled that you have
asked the question. If the hon. the Minister wishes to
respond.

The hon. the member for St. Barbe.

SOME HON. MEMBERS: What a coward! What a coward!

MR. SPEAKER: Order, please!

MR. BENNETT: A supplementary, Mr. Speaker.

My supplementary is directed to the Minister of Transportation
and it relates to Corner Brook, O'Connell Drive. The people
of that area, where they have 400 children walking across
there four times a day, are very concerned. Last year,
I understand, they were denied an underpass for that area,
but it was agreed that they were to have a lighted crosswalk
and to date there is no sign, or apparently there is no
lighted crosswalk in existence. Will the minister tell the
House if there is any progress in this direction?

MR. WARREN: No progress.

MR. SPEAKER (Simms): The hon. the Minister of Transportation.

MR. BRETT: Yes, Mr. Speaker, the lights were sent to St. John's by truck, I think it was some time last week so I would assume that they are in the process of installing them now or if they are not they should be.

MR. BENNETT: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary, the hon. member for St. Barbe.

MR. BENNETT: Thank you, Mr. Speaker. I was in Corner Brook over last weekend and I had a couple of telephone calls and people are displaying grave concern because, like the hon. gentleman here says, it is slippery now. If those lights, Mr. Speaker, were to be installed by the opening of school, which was September, will the minister tell us if there is a penalty clause built into these contracts when they are let so that it would speed things up? Is there a penalty clause built in the contract, in any of these contracts?

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

MR. BRETT: No, Mr. Speaker, there is always a delay in -not necessarily a delay, but there is a time factor, I suppose. Some people are of the opinion that if you want traffic lights, you pick up the telephone or you write a letter and you say, 'Send my two sets of traffic lights.' Well, it does not work that way. There is mechanical - it depends on the distance between various lights - the thing has to be made up for the time sequence and it usually takes about six months from the time you order these lights until they arrive. So, you know, there was,

MR. BRETT: in this case, I do not think they are to be installed by the contractor who built the road. I think this would be done by our own officials and there certainly would not be any penalty. There was some delay in ordering the lights in the first instance and that was because government had to make a decision as to whether or not they would go with an overpass, an underpass or crosswalks with the proper traffic lights, and when the decision was finally made then, of course, the lights were ordered.

MR. BENNETT: A final supplementary, Mr. Speaker.

MR. SPEAKER(Simms): A final supplementary, the hon. member for St. Barbe.

MR. BENNETT: I wonder, Mr. Speaker, if the hon. gentleman would tell us when those shifts, the two shifts, will go on for winter snow clearing?

MR. SPEAKER: The hon. Minister of Transportation.

MR. BRETT: Mr. Speaker, that is another question that I have answered at least on one or two occasions.

MR. NEARY: When everybody is either in Hospital (inaudible).

MR. BRETT: There is nobody can pin down a specific date as to when the two shift system would go on. It depends on -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. BRETT: - it really depends on the weather. At this point in time, we feel that probably sometime in January we would take on the second shift anyway but -

MR. WARREN: We need it now.

MR. SPEAKER: Order, please!

MR. BRETT: Well, in the opinion of some of the members of the Opposition that might be so, but in my opinion it is not so. If we were to take on the second shift now, what it would mean is that you would have people lying around possibly for the next two months who would -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. BRETT: - have nothing to do.

So, all I can say, Mr. Speaker, is that probably sometime in January, but it pretty well depends on the weather.

MR. F. ROWE: Mr. Speaker.

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

MR. ROWE: Mr. Speaker, is the Minister of Transportation and Communications aware of the fact that in, for example, the Heart's Content depot that they have a grader that is broken down, a snow plow that is broken down, and a backhoe that is broken down. They only have one truck to serve the area from Whiteway to Sibley's Cove and the whole of the Heart's Content barrens road to the Carbonear Hospital? And if he is not aware of it, what does the minister intend doing about it.

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

MR. BRETT: Yes, Mr. Speaker, Every morning when I come into my office I pick up the phone and I first call Clarendville and then Corner Brook and then Deer Lake and I find out how many trucks are broken down and how many graders are broken down. This is utterly ridiculous! No, Mr. Speaker, I do not know and there is no particular reason why the

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MR. BRETT: minister should know because I have staff around the Province who are quite capable of looking after these things.

SOME HON. MEMBERS: Hear, hear!

MR. HANCOCK: Mr. Speaker.

MR. SPEAKER (Simms): The hon. member for St. Mary's-The Capes.

MR. HANCOCK: Mr. Speaker, I do not believe what I am hearing hear this afternoon.

MR. HANCOCK: I made it a point this morning to go and speak to the foreman in my area, Mr. Speaker, about the road conditions there and he informed me that if we get this snow continuous for at least another day, another twenty-four hours, they have not got the personnel to cope with it. You can only just work the men so long. I ask the minister to implement another crew on his shift and to check with the people. He checks with Clarenville and Gander and Corner Brook -

MR. WARREN: He does not check with my district.

MR. NEARY: He should check with the graveyard and the hospitals.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

Now, the Chair will have an extreme amount of difficulty in trying to rule on any points of order that might be raised here today because I cannot hear anything. I will ask the hon. members please to restrain themselves so that the Chair at least can hear what is being asked and whether the questions and answers are being put appropriately.

The hon. member for St. Mary's - The Capes has a question.

MR. HANCOCK: Well, it is a job, as you were

MR. D. HANCOCK: saying yourself, Mr. Speaker. I would ask the minister if he would consider hiring on an extra crew before the 15th of January depending on the weather conditions we have been having up until now:

MR. SPEAKER: (Simms): The hon. Minister of Transportation.

MR. C. BRETT: Mr. Speaker, I already indicated just two minutes ago that if it became necessary to take on a second shift, then that would be done.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

The hon. member for Eagle River.

MR. E. HISCOCK: Mr. Speaker, I would like to know what necessary means, but my question to the Minister of Transportation (Mr. Brett) is to do with the Harbour Arterial Road where the opening took place several months ago and the lighting of that Harbour Arterial Road is still not in place. Could the minister please inform us when it is going to be in place?

MR. SPEAKER: The hon. Minister of Transportation.

MR. C. BRETT: That questions is certainly of the utmost importance to the people of this Province. Mr. Speaker, I understood that the lights on the Harbour Arterial Road were turned on just a couple of days ago. Now I cannot be absolutely certain of that, but I understood that they were turned on just two or three days ago.

SOME HON. MEMBERS: Oh, oh.

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

MR. T. LUSH: Mr. Speaker, I want to put a question to the Minister of Labour and Manpower (Mr. Dinn) re the statement that he made in the House yesterday in which he acknowledges for the first time that the Premier did promise to create 40,000 jobs, -40,500, as a matter of fact-over the next five years. The minister is aware that - or let me first of all ask the minister with respect to these statistics where he said that we averaged 9,500 jobs a month, would the

MR. T. LUSH: the minister tell the House whether or not these are new jobs or whether they are the result of total employment in the Province in the period from January until October?

MR. SPEAKER (Simms): The hon. Minister of Labour and Manpower.

MR. J. DINN: Mr. Speaker, I would like to inform the hon. member that all of these jobs are new jobs in that they were not there the year before.

SOME HON. MEMBERS: Oh, oh!

MR. J. DINN: And I gave the hon. member statistics for all of the months of this year and compared them to last year and am delighted to say, by the way, that the latest Statistics Canada statistics that came out just this morning, hot off the presses, indicate that our unemployment rate is down this year by 2.3 percentage points if you want to look at the actual figures.

SOME HON. MEMBERS: Hear, hear.

MR. DINN: If you want to look at the adjusted unemployment figures, they are down 3.9 percentage points.

SOME HON. MEMBERS: Hear, hear.

MR. DINN: Mr. Speaker, if you want to look at the actual figures as they compare to other provinces in Canada, hon. members opposite will be disappointed to hear that they cannot claim now that we are the lowest province in Canada because our unemployment rate is 12 per cent versus PEI which is 12.5, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh.

MR. DINN: And to get right to the nub of his question, the answer to his question is, yes, all of the jobs are new jobs, they did not exist last year and they do exist this year, so they are new jobs.

SOME HON. MEMBERS: Hear, hear.

MR. T. LUSH: Supplementary, Mr. Speaker.

MR. SPEAKER (Simms): Supplementary, the hon. member for Terra Nova.

MR. T. LUSH: Would the minister please inform the House as to whether these statistics are really the numbers of people employed or whether they are new jobs created, because there is a distinct difference, whether these statistics are the numbers of people employed or whether they are new jobs created?

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

MR. J. DINN: Mr. Speaker, I would expect a better question from the hon. member opposite.

SOME HON. MEMBERS: Oh, oh.

MR. LUSH: I will tell you tomorrow on the Late Show.

MR. DINN: He usually has very clear-cut questions and they usually have some credibility to them, but that question just has not credibility to it at all.

Last year we had 186,000 jobs in the month of November -

MR. LUSH: How many people were employed?

MR. DINN: That is the number of people that were employed last year.

MR. LUSH: If you are employed you do not have a job.

MR. DINN: If you are employed you do not have a job according to the hon. member.

SOME HON. MEMBERS: Oh, oh.

MR. DINN: This year we have 197,00.

SOME HON. MEMBERS: Oh, oh.

MR. DINN: Now, I mean, if you want to compare that, that is 11,000 new jobs.

SOME HON. MEMBERS: Hear, hear.

MR. DINN: That is done by either the new math or the old math, you still come up with 11,000.

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SOME HON. MEMBERS:

Right on.

MR. DINN:

That is 11,000 jobs for the
month of November and that, Mr. Speaker, is across the
Province. If the hon. member wants

MR. DINN:

to know where the new jobs were created, some of them were created in the Stephenville conversion and

SOME HON. MEMBERS: Oh, oh!

SOME HON. MEMBERS: Hear, hear!

MR. J. DINN: - some of them were created by the hydro -

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): Order, please!

MR. DINN: - development, the Upper Salmon

and the Hinds Lake -

SOME HON. MEMBERS: Hear, hear!

MR. DINN: - some more would be created onshore

as it related to oil and gas.

SOME HON. MEMBERS: Hear, hear!

MR. DINN: 900 were created offshore as it related

to oil and gas. 400 were related to the forestry industry for reclamation of budworm damaged timber.

SOME HON. MEMBERS: Hear, hear!

MR. DINN: And, Mr. Speaker, we anticipate now that the 400 jobs, the approximate 400 jobs for reclamation of the budworm damaged timber will treble or double for next year, so the outlook is great for next year, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. LUSH: Mr. Speaker, I give the hon. minister ample warning that I will be debating this in the Late Show so that he can look up the actual difference in the numbers employed and the numbers of new jobs. He demonstrated that he does not have a clue about these statistics.

MR. SPEAKER: Order, please! We have time for about a ten second question and a five second answer.

MR. LUSH: The ten second question is this, Mr. Speaker; would the hon. minister indicate - or please inform the House what the Premier was talking about when he said that he was going to create 40,500 jobs, was not 40,500 new jobs, it was just taking care of the natural growth in the economy because we can take any period and find out over the last five or six years that the levels of unemployment go up by about 8,000 and 9,000 every year so what the Premier indeed was doing was taking the natural growth in the economy and just maintaining the status quo.

MR. SPEAKER (Simms): Order, please!
The time for Oral Questions has expired.

SOME HON. MEMBERS: Hear, hear!

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES:

MR. SPEAKER: The hon. Minister of Health.

MR. HOUSE: Mr. Speaker, under the provisions of section 37 of the Newfoundland Medical Care Insurance Act, I wish to table the Annual Report of the Newfoundland Medical Care Insurance Commission for the year ending March 31st., 1980.

MR. SPEAKER: Would the page or somebody from the table pick up that report?

The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, according to section 51 of The Financial Administration Act, I am to provide a report of the details of guaranteed loans paid since the House last sat and I now table this report. It just is one loan.

PRESENTING PETITIONS:

MR. SPEAKER (Simms): The hon. member for Eagle River.

MR. HISCOCK: Mr. Speaker, I rise to present a petition on behalf of the residents of Pinsent Arm, Labrador.

This is a small community located twelve miles from Charlottetown and they are making another request to this Province to have diesel generators, if not diesel generators then to have a transmission line or a power line from Charlottetown into Pinsent Arm, a distance of twelve miles.

There are eleven families included in that community. They have a fish plant. They have got funds from Canada Works as well as from the Department of Fisheries of this Province and also from the Rural Development of this Province. It is now an area for collecting salmon, herring and cod; as well it is a good area for trapping. The point is now, Mr. Speaker, they have to use their own individual generators and as a result they cannot have any equipment there to get an ice making machine. They employ at least fourteen to eighteen people in the Summer for a period of four months, or three and a half months.

I would like to ask this House, are we in favour of supporting this petition or basically are we supporting the view that if the small communities like this, of eleven houses, cannot have the power line and basically we are forcing them into resettlement. That I am sure is not the wish of this House or this government to get into a resettlement programme.

So, Mr. Speaker, I rise to support this petition of twenty-nine names of Pinsent Arm and I hope, Mr. Speaker, that the Minister of Mines and Energy (Mr. Barry) in this government will see fit to have eleven miles or twelve miles of hook up and give them power.

Thank you, Mr. Speaker.

MR. SPEAKER, (Simms): The hon. member for LaPoile.

MR. S. NEARY: I will yield if the hon. gentleman wants to support the petition.

Well, I am just going to say a few words in support of the petition on behalf of the - I believe that is about 100 per cent -

MR. HISCOCK: Yes.

MR. NEARY: Is that the voters or the residents of Pinsent's Arm?

MR. HISCOCK: Voters.

MR. S. NEARY: - voters of Pinsent's Arm, about eight or ten families, I guess.

MR. E. HISCOCK: Eleven households.

MR. BARRY: Customers.

MR. S. NEARY: There are no customers now. They all have their own separate generators, as my hon. friend said.

MR. BARRY: You need a minimum of fifteen.

MR. S. NEARY: A minimum of fifteen? Mr. Speaker, with that kind of policy who is it that talks about trying to force people to resettle? Who is it, Mr. Speaker? What this government is doing is trying to force these residents of Pinsent's Arm to resettle. How badly, Mr. Speaker, must these people feel when they hear this government talking about billions piled up on billions of dollars, repealing of the water rights of the Upper Churchill, transmission lines, the Anglo-Saxon route, putting the gears to this one and that one involving millions of dollars, and all these people are asking about down in Pinsent's Arm are just a few paltry dollars so that they can have a central generating unit, a central generating plant to hook up their homes so that they can have something that everybody else in the world, in the free world practically, takes it for granted, and that is electricity.

MR. S. NEARY: It is a shame, Mr. Speaker. It is hard to comprehend, Mr. Speaker, in this House in this day in age when we hear the government talking about coloured photographs of the Premier, flags and that sort of thing, that you have people who do not have electricity. If they do have it, they have to generate it themselves.

MR. E. HISCOCK: The government should help them. bring industry there.

MR. S. NEARY: That is right. And they have a fish plant down there, as my hon. colleague indicated. It has the potential of a thriving community, a thriving industry, they are very enterprising, Labradorians. And I think the government should seriously consider the prayer of this petition and give these people the generator that they are asking them for down there, -

MR. E. HISCOCK: Or a power line.

MR. S. NEARY: - or a power line involving a few thousand dollars.

MR. SPEAKER (Simms): Any further petitions?
The hon. member for St. Mary's -
The Capes.

MR. D. HANCOCK: Thank you, Mr. Speaker. I rise to present a petition on behalf of the eighteen families who live on a dirt section of road in the community of Gaskiers in my district. They are not greedy people by no means, Mr. Speaker, they are just looking for upgrading, not even paving at this time. Apparently, a few years ago the road was turned over to the council and X number of dollars was given to the council to maintain Summer maintenance and Winter maintenance on that road. There is not enough money and the road is in a deplorable condition. And the residents are upset that the bus has to travel over this road and pick up students and take them to school.

MR. D. HANCOCK: Like I said, Mr. Speaker, they are not looking for pavement, all they want is upgrading. And they are calling on the government at this time, if they can spend \$100,000 on flags and thousands of dollars on the Premier's mug being pushed up in public building, then at least consider handing some more money over to the councils or let the Department of Highways take the road over and maintain it the way it used to be in the past, Mr. Speaker.

Like I said, the road is in a deplorable condition and something has to be done about it. The residents of the community are very upset especially at the approach that has been taken by this government with regard to the roads in their area. And I whole-heartedly support the prayer of the petition, Mr. Speaker. Thank you.

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

MR. S. NEARY: Mr. Speaker, it gives me great pleasure to support the petition so ably presented by my desk buddy here, the member for St. Mary's - The Capes (Mr. Hancock) on behalf of his constituents in Gaskiers.

Mr. Speaker, it seems to me that everything in this Province outside of oil and gas is deteriorating. The government are concentrating all their efforts on the offshore oil and neglecting everything else. The road programme that was started by the Liberals back in 1950 after Confederation is stalled; you would not know but everything was done in Newfoundland, that we have no more roads to upgrade or no more roads to build or no more roads to pave. All they can think about is oil and nothing else! And here we have an example of what I mean, Mr. Speaker, from these residents of Gaskiers who are asking to have their road

MR. NEARY: upgraded. And I will bet you, if you saw that road, the condition of that road today - how many children go over that road in a school bus -

MR. HANCOCK : Fifty-four.

MR. NEARY: Fifty-four children going back and forth two and three times a day over that road in a school bus, whose lives are endangered every time they go over the road on a day like today.

Mr. Speaker, the graveyards of this Province are going to be full of victims of the government's incompetence.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: And the hospital beds will be filled because of their callousness, not because of the workers, Mr. Speaker, the workers are doing the best they can, but they cannot cope. And the minister is refusing to put on a second shift and to give the field workers the resources that they need to see that their jobs are done as is indicated in the prayer of this petition. As I say, Sir, the graveyards are going to be full of victims of the incompetence of this government and I hope, Mr. Speaker, that my hon. friend will get his wish that the people of Gaskiers will get their wish. All they are asking for is upgrading, not paving. They are not asking for paving, like I saw over on Bell Island, down to a gun installation. They are asking for paving to their homes. And so I support the -

MR. HISCOCK: He is laughing at it.

MR. NEARY: The hon. gentleman thinks that is funny, over there like a laughing hyena, funny. A road leading to nowhere, down to a cliff! And here you have these people looking for upgrading, not paving, upgrading of a road to their community. I support the prayer of the petition,

MR. NEARY: Mr. Speaker, and I hope that the citizens of Gaskiers get their wish.

SOME HON. MEMBERS: Hear, hear!

ORDERS OF THE DAY

Motion, the hon. the Minister of Municipal Affairs and Housing to introduce a bill, entitled, "An Act To Amend The Municipalities Act." (Bill 88)

On motion, Bill No. 88 read a first time, ordered read a second time tomorrow.

On motion, the hon. the Minister of Education - introduce a bill entitled, "An Act To Amend The Education Teachers' Pensions Act (Bill NO. 2)

On motion, Bill No. 2 read a first time ordered read a second time on tomorrow.

Motion, second reading of a bill, "An Act Respecting Juries And Compensation of Jurors In the Supreme Court Of the Province And Compensation For Certain Witnesses In The Courts Of The Province." (Bill No. 67)

Debate adjourned by the hon. member for Grand Bank.

MR. THOMS: Thank you, Mr. Speaker, yesterday when I adjourned the debate I was speaking in connection with the bill as far as it deals with Section 8 or this particular act. Mr. Speaker, I am sorry that the Minister for the Status of Women is not in her seat this afternoon because this is a bill that will certainly test her metal. It will certainly determine

MR. THOMS: whether or not she truly believes people should be treated as people, persons should be treated as persons or whether it is just a hypocritical line that we get.

As I said yesterday, the thrust of this particular bill is to take women out of the class where they are second-class citizens.

At the present time, women in this Province have an option. By virtue of the fact that a woman is a woman, she can opt out of jury duty. This act takes away that special status, that special privilege that is afforded to women in this Province. I agree that that special status should be eliminated. I do not believe that women should be second-class citizens under any circumstances. So that is what is supposed to be the main thrust of this particular bill. But, Mr. Speaker, what is hypocritical about this bill is not that it takes women and makes them first-class citizens, makes them equal with everybody else, but that it takes the senior citizens, that it takes those of sixty-five years of age and over and creates and makes them second-class citizens, because they are now put in the same position as women are right now under the laws of this Province. A man or a woman under this particular act can now go in and simply by virtue of the fact that he or she is sixty-five years of age or over, can get an automatic exemption under this act.

Mr. Speaker, you know, we are taking these senior citizens, we are giving them - they can still serve if they so wish, but that is exactly the principle that we are eliminating under this act as far as women are concerned. They will no longer be able to go into court and say, 'I am a woman, therefore I want to be exempted from jury duty.' Now, a man or a woman can go in and simply say, 'I am sixty-five years of age, I want to

MR. THOMS: be exempted,' and a judge has no choice but to exempt them. These people are now under this act, this administration - the Minister of Justice (Mr. Ottenheimer), the Minister of Education (Ms Verge) who we are led to believe is the great one for women's rights; well, now, how can she vote for this particular piece of legislation? How can she vote for it? I would like to hear what she has to say on this particular matter.

MR. NEARY: She is only interested in abortion, boy, and divorce.

MR. THOMS: Because if it is not fair and if it is not equitable for women to be able to opt peremptorily out of the act, then neither is it right and proper that a person of sixty-five years of age have a right. I mean, the act says that 'every person who is a Canadian citizen resident in the Province and is of the age of majority has the right and the duty to serve as a juror.' And here we are taking away the exemption that a woman has by virtue of the fact that she is a woman and giving it to those sixty-five years of age. Why not treat the person who is

MR. L. THOMS: 65 years old.-I mean, one can only think that this administration believes that at 65 years of age a person should be put out to pasture. I am surprised that they did not go all the way and disqualify them because of age. I am surprised that that did not happen. But the person, Mr. Speaker, of 65 years of age in this Province he is not looking for a special status as far as serving on a jury is concerned, he is not looking for any special status, he is not asking to be made a second class citizen. And this is the argument that the Minister of Education (Ms. L. Verge) and her friends in the Status of Women argue for, they do not want to be second class citizens; therefore they want to be treated equally with men. And this is what this explanatory note says, 'Women are also treated equally with men', but the person who is 65 years of age, he is not treated equally with the other men and women in this Province. He is treated as something lower than the rest of us.

Well, Mr. Speaker, I am of the opinion that there are many, many senior citizens of this Province who can serve on a jury and do an adequate job of serving on a jury, just as adequate as anybody much younger than that. Now I realize that the person who is 65 years of age can under this Act serve as a juror but so, Mr. Speaker, can a woman today serve as a juror but at the present time, at the present moment, she, by virtue of the fact that she is a woman, she has a right to go in and say that she wants to be exempted because she is a woman. Now a person 65 years old can go in and just simply say, 'Because I am 65 I am exempted,' and the judges have no choice. And that is wrong. If it is wrong for women, then it is wrong for senior citizens, it is that simple.

SOME HON. MEMBERS: Hear, hear.

MR. THOMS: You cannot make chalk out of one group and cheese out of another. What is sauce for the goose is sauce for gander, I say to the Minister of Education.

MR. L. THOMS: And if she has any principles then she will do one of two things, she will either convince the Minister of Justice (Mr. Ottenheimer) and this administration to amend this Act to eliminate that particular provision, or she will vote against it. And we will see, Mr. Speaker, which way she is going to go when it comes to a vote on this particular bill. Maybe she will take the coward's way out, of course, and not be in the House when the vote is taken; that is quite possible as well.

Mr. Speaker, under the disqualification portions of this Bill, and that is the section that deals with where a person is disqualified: In other words, these people are not allowed to sit on a jury, they cannot, they are disfranchised by law, they are not allowed to sit on a jury. And these include members of Parliament, members of the House of Assembly, policemen, officers who are employees of the Department of Justice, a barrister or solicitor - it is a little redundant in Newfoundland to say barrister and solicitor because all barristers are solicitors in this Province, but this is the English way, where in England where you do have barristers and you do have solicitors, solicitors do not go into court, but in Newfoundland all lawyers are barristers and solicitors - a sheriff or a sheriff's officers and so on.

MR. THOMS: Mr. Speaker, I could probably live with it, but I am not sure it is necessary to have every employee of the Department of Justice, every employee, whether he is the messenger boy or whatever he does in the Department of Justice precluded from serving on a jury, precluded from doing what this act makes as his moral duty to do. So we are taking everybody, everybody in these departments and we are saying, 'No, you cannot serve on a jury.' I could probably live with that although, like I say, I do not know if it is completely necessary.

However, Mr. Speaker, under Section V, those disqualified, it says "a spouse of any person referred to." So, Mr. Speaker, not only cannot the messenger boy in the Department of Justice serve on a jury but his wife cannot serve on a jury. She is precluded from serving on a jury. The spouse of every person in this House of Assembly, the man or wife of every - the husband or wife of every person in the House of Assembly cannot serve on a jury. They are totally barred, they are disqualified, they are not allowed. Now, Mr. Speaker, I do not believe that is necessary, I do not believe that is necessary.

MR. NEARY: Hear, hear!

MR. THOMS: If I were a man or a woman and I were being prevented from doing what is my right and duty to do, to serve as a juror, I would be a little bit upset about that. I would be probably just as upset as the Minister of Education (Ms. Verge) and the women who make up the Status of Women in this Province, women who want this right. And they are right, they should have it. Women should not have the right by virtue of the fact

MR. THOMS: that they are women, they should not have that right to refuse jury duty, which they have at the present time. But, Mr. Speaker, I do not think that we should have a broad generalization scope like that, you know, that we should eliminate from jury duty every spouse of the people who are listed here. In other words, the Minister of Municipal Affairs (Mrs Newhook), her husband should, I believe, have the right to serve on a jury. I fail to see where the minister's position could really - maybe the Minister of Justice (Mr. Ottenheimer) can tell me differently, but I fail to see where the minister's position would in any way, shape or form, any way, shape or form affect whether he can do a good job or not as a member of a jury that is sitting out in Gander. But does the minister think that we should have the right to take that right and that duty away from him simply because she is an elected member of this House?

Mr. Speaker, I accidentally referred to Section 1V which says that 'every person who is a Canadian citizen resident in the Province has a right and a duty to serve as a juror.' Mr. Speaker, I think it is time that - I agree here that in order to serve as a juror you should be a Canadian citizen. There is no question about it at all, you should be a Canadian citizen. I do not particularly think that somebody from anywhere else in the British Commonwealth should be able to come into Newfoundland and serve on a jury. Mr. Speaker, it is about time

MR. THOMS: that the law in this Province was changed to make sure that in order to be elected to the House of Assembly that you have not only to be a resident of this Province but a Canadian as well. At the present time, Mr. Speaker, you do not have to be a Canadian citizen to be a member of the Newfoundland House of Assembly.

MR. TULK: You could be an Australian, could you?

MR. THOMS: You do not have to be a Canadian citizen.

MR. NEARY: Yes, you do, I understand.

MR. THOMS: No, you do not have to be a - I do not want to argue with my friend from LaPoile, but you do not have to be a Canadian citizen; all you have to be is a British subject.

MR. NEARY: We had to get Tom Burgess instant Canadian citizenship.

MR. THOMS: You do not have to be a Canadian citizen, all you have to be is a British subject to be elected as a member of the House of Assembly, and I think it is about time that we changed that. I do not think it would affect anybody in the - or maybe it would - I do not know if there is anybody in the House of Assembly at the present time who is not a Canadian citizen, but he certainly should be a Canadian citizen.

Mr. Speaker, this particular piece of legislation, as well, says that 'A juror shall be deemed to cause serious hardship.' Under this act, a person can apply for exemption from serving as a juror on the grounds that serving as a juror may cause serious hardship. And then it goes on to say that for the purposes of this paragraph, it is considered a serious hardship where a person has sole care during all or any part of the day

MR. THOMS: on which the court is in session of a person who is under the age of seven years and not in full-time attendance at school.

Now, the argument, of course, will be that a judge will determine what a serious hardship is. But, Mr. Speaker, what will a particular judge deem to be a serious hardship? That is the question. If a mother has two or three children in school of the age of eight or nine who have to come home for lunch, will a judge consider that a serious hardship? I believe that under the Criminal Code of Canada it is a criminal offence, Mr. Speaker, to leave a child under the age of ten years old unattended in a home. That is a criminal offence, and well it should be a criminal offence too.

Mr. Speaker, I would like to see that age raised at least to the age of ten. I would not permit a situation where a child of mine had to come home from school and have to get his or her own lunch and be alone at home. There are just too many things that could happen under these circumstances.

Now, Mr. Speaker, if a person goes into court and says to a judge, 'I want to be exempted on the grounds that my children will be home alone,' maybe the judge will say that this is a serious hardship, but then again, maybe the judge will not say that it is a serious hardship, and a judge maybe could get up on the wrong side of the bed that morning and may say, 'That is too bad.'

MR. L. THOMS: Mr. Speaker, these are some of the things that I find wrong with this bill. The most serious one - although it means that the member for St. John's North (Mr. Carter) will disappear when he is sixty-five, so maybe I could change my mind - but the most serious problem that I have with this particular bill is that it does, in fact, make second class citizens of those who are sixty-five years of age and over. I would like to know from the minister whether or not this particular exemption was discussed with the senior citizens of this Province, whether or not they agree - maybe they do - that they should be second class citizens, that we take the women out from under being second class citizens and put senior citizens in their place. It is not necessary to have this particular exemption in the Act.

Mr. Speaker, there are others that were previously precluded and were disqualified and this Act has taken them out of that disqualification. And that is good because as many people as possible, I feel, should have the opportunity to serve on juries, they should have the opportunities to serve on juries. I think the Act has gone too far in eliminating every spouse of everybody under the disqualifications of Section V. although, as I have said before, these are something, these disqualifications, are ones that I could live with and maybe they will be changed somewhere down the road.

So, Mr. Speaker, I cannot agree and I cannot vote for a bill that creates second class citizenry of any given segment of this society. That is wrong. I certainly would like to hear what members on the opposite side have to say about it.

MR. L. THOMS: I particularly want to hear what the Minister of Education (Ms. Verge) has to say about it, how she is going to be able to justify or weasle her way around voting for this particular piece of legislation.

And, Mr. Speaker, unless the Minister of Justice (Mr. Ottenheimer) is prepared to amend this particular section, to take this Section VIII out of this bill, then I am afraid that I cannot support the bill and will be voting against it.

Thank you very much, Mr.

Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Butt): The hon. the Minister of Education.

SOME HON. MEMBERS: Hear, hear!

MS. VERGE: Mr. Speaker, it gives me great pleasure to speak in support of this bill which I believe puts jury service on a rational and humane basis and which will represent a major improvement in the system of justice in our Province.

Mr. Speaker, in my opinion a major reform provision of this bill is the putting of women on the same terms of men when it comes to liability for service on juries. This is a reform long overdue. In 1970 the Royal Commission on the Status of Women, which was appointed by former Prime Minister Pearson on the urging of several women in Canada, made a

MS. L. VERGE: recommendation that those provinces which at that time had not done so, require women to be liable for jury duty on the same terms as men. At that time, in 1970, women were not even eligible to serve on juries in our Province. A few years after that our Province passed legislation which, for the first time, allowed women to serve on juries, to take that responsibility and to take some place in the justice system of the Province, but which allowed women to opt out voluntarily simply because they were women. That discriminatory provision was widely objected to by women's groups across the Province. I, as a member of the Corner Brook Status of Women Council, corresponded with the former Justice Minister, and I know the Status of Women Council based in St. John's did the same thing, urging the kind of reform which we see before us today.

I think this reform, that of requiring women to serve on juries on the same terms as men, is important for at least three reasons, the first and most important of which is that it will allow greater possibilities for people accused of crimes or people involved in civil litigation and others involved in the judicial process to get a jury which is better representative of their peers, of the community where they live, having a better balance of both men and women. So the major advantage of this reform is an improvement in the judicial system. Secondly, this reform is consistent with the philosophy of this government, and I find it very disappointing that the Liberal Party of Newfoundland is unable to agree to this philosophy, the philosophy holding that it is desirable to have full and equal participation of women with men in every segment of society. And third, it will ease the burden which has been placed on the men of this Province in serving on juries. Men in the past have had a disproportionate burden of serving

MS. L. VERGE: on juries. I find it quite strange that the justice critic of the Liberal Party, of the Opposition, refuses to deal head on with this major significant reform measure of this bill. Instead of making a clear cut statement in support of this advance for the women of the Province, he skirts the issue by instead talking about other provisions of the bill.

SOME HON. MEMBERS: Oh, oh.

MR. L. THOMS: Point of order, Mr. Speaker,

MR. SPEAKER (Butt): Point of order, the hon. member for Grand Bank.

MR. L. THOMS: Mr. Speaker, I said quite clearly throughout my speech that I agreed with the main thrust of the bill 100 per cent.

MR. STAGG: But you will not vote for it.

MR. THOMS: And now the minister is indicating - is trying to indicate to this House or give it the wrong impression to the House that I am against women being equal with men. I did not say any such thing. If she is going to -

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

MR. L. THOMS: - interpret what I am saying, then interpret it correctly, not falsely.

MR. SPEAKER: Order, please! The hon. the President of the Council.

MR. MARSHALL: That is not a point of order, it is a point of -

MR. L. THOMS: I know that.

MR. MARSHALL: - I know, but it is a point of explanation. The hon. member indicated, when he spoke that he was not going to vote for the bill. The purpose of the bill, the main principle of the bill, Mr. Speaker, is not to give the exemption to the women as corresponding with the male, so consequently if he is going to vote against the principle of the bill, it is rather hard to see how he, with

MR. W. MARSHALL: forked tongue, can now say that he
is for the bill.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER (Butt): Order, please!

MR. W. MARSHALL: It is not a point of order.

MR. SPEAKER: Order, please! There is obviously
no point of order but the hon. member for Grand Bank (Mr. L.
Thoms) wanted to clarify the remarks that were attributed
to him.

The hon. Minister of Education.

MS. L. VERGE: Mr. Speaker, this approach by my
friend the justice critic, the hon. member for Grand Bank,
is quite consistent

MS VERGE: with approaches he has taken on other important reform legislation that has been passed.

SOME HON. MEMBERS: Hear, hear!

MS VERGE: There was the same kind of inconsistency in his approach to the Matrimonial Property legislation and also to the flag legislation.

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

MS VERGE: Mr. Speaker, as I mentioned in my introduction, I believe that this bill makes provision for service on juries on a more rational and humane basis. I cite Section 7, which allows for people to apply for exemptions from serving as jurors on the grounds that the person belongs to a religion making service on a jury incompatible with the beliefs of the religion, or where service on a jury may cause serious hardship or loss to that person or to others. And then it goes on to say that that second basis for getting exemption from service on a jury 'shall be deemed to include a situation where that person has the sole care during all or any part of a day when a court is sitting, of a person, a child under the age of seven years not in full-time attendance at school or where that person has the sole care of a person who is infirm or aged or a person who is mentally incompetent.'

I think this is very important for both men and women who might be asked to serve on a jury. It recognizes the responsibility of parents for the care of young children, and I think the cut-off point at under seven and not in full-time attendance at school is quite reasonable. The court still has a discretion to decide on other circumstances which might amount to hardship or loss.

In summary, it gives me great pleasure to speak in support of this bill and I will be very happy to vote for it. Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. NEARY: Mr. Speaker, it is not very often we hear from the Minister of Education (Ms Verge) in this House, not very often, unless she has some false accusation to make about somebody or some party that does not subscribe to her philosophy.

AN HON. MEMBER: Hear, hear!

MR. NEARY: Well, Mr. Speaker, I am happy to say that I do not subscribe to the minister's philosophy. I do not hear the minister getting up and supporting the Pro-life group in this Province. The hon. member does not speak very often, but just spoke for a few brief minutes and then had the House in an uproar and my hon. friend had to get up on a point of order, and you talk about inconsistency! Well, let me show the House now a classic example of inconsistency. The Minister of Education made a statement that everybody heard, made a statement in her opening remarks that the Prime Minister of Canada - Mr. Pearson she said, but I believe it was Mr. Trudeau in 1970 - Mr. Pearson was not there in 1970.

MS VERGE: The commission was set up under Pearson.

MR. NEARY: Under Pearson, I see, and carried on by Mr. Trudeau. But the hon. the minister said that the Liberals do not believe in equal rights for men and women, after just making a statement, after just telling the House, after just telling this House that the late Mr. Lester B. Pearson, one of the greatest Liberal Prime Ministers of Canada, one of Canada's outstanding statesmen, the Liberal Prime Minister set up a Royal Commission to look into the status of women in Canada, yet, Mr. Speaker, the Liberals did not subscribe to this philosophy.

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Tape 2782

EC - 3

MR. NEARY:

That was the breakthrough, by
the way, that was the beginning of the breakthrough,
followed on by another great Liberal Prime Minister,
Pierre Elliott Trudeau,

MR. NEARY: that really developed women's lib

MS. VERGE: He has not implemented all the recommendations.

MR. HANCOCK: At least he can get them, that
is more than we can say for you.

MR. THOMS: Oh, go away, boy.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Oh, they have not implemented

all the recommendations. Has the government the hon.
member sits in as a Cabinet Minister implemented all the
recommendations?

SOME HON. MEMBERS: Oh, oh!

MS. VERGE: We are making a lot of progress.

MR. NEARY: I beg your pardon? You are

making a lot of progress? Well, so is the Liberal Government
up in Ottawa making a lot of progress.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: So, if I was the hon. Minister
of Education (L. Verge), I would stick to matters with which
she is familiar, Mr. Speaker.

MR. STIRLING: That is not education.

MR. NEARY: No, that is not education either.

Stick to matters of which she can get up and debate intelli-
gently in the House and not get up and make foolish state-
ments about the member for Grand Bank (L. Thoms) and the
Liberals, 'I wish they were consistent.' After just telling
us a few moments before that that it was a great Liberal
Prime Minister of Canada who started women's lib in this
country.

MR. THOMS: She did not mention it.

MR. NEARY: That is right.

And now, Mr. Speaker, the bill
itself, Well, I am inclined to go along with many of the
remarks made by - as a matter of fact, all the remarks made

MR. NEARY: by my colleague, the member for Grand Bank (L. Thoms). I think he made some very valid points. And I believe that the Minister of Justice (G. Ottenheimer) should consider very carefully some of the points raised by my colleague. All we need, Mr. Speaker, to get this bill through second reading this afternoon and not delay it for another week or so, is to bring in a very simple amendment. Bring in a simple amendment and eliminate this discrimination, the discrimination against senior citizens in this Province - it is a form of discrimination, Mr. Speaker - and also amend the clauses that have to do with opting out, or eliminating, rather, wives of just about everybody in the Province. ^{now} I can understand why the member for St. John's North (Mr. Carter) would be eliminated. I do not think he is competent or capable of serving on a jury. I can understand that!

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: I understand that you have to be physically and mentally competent in order to serve on a jury. That automatically eliminates a great number of people in this House, Mr. Speaker, but I would say more so the member for St. John's North.

I think the minister should reconsider that particular matter. I do not think it is necessary to eliminate spouses of members of the House of Assembly, wives of policemen and lawyers. Mr. Speaker, what are the lawyers in this Province? Are they God Almighty? Are they above everybody in this Province? It seems that lawyers get the preferential treatment on just about everything in this Province. All lawyers are automatically exempted from jury duty, all of them. It does not make any difference, Mr. Speaker, whether they are on the case or off the case, whether they belong to that law firm or this

December 9, 1980

Tape No. 2783

EC - 3

MR. NEARY:

law firm, they are automatically exempt. How come? Why are they exempt? What gives them the preferential treatment? Mr. Speaker, I would think it would be the opposite. I would think that lawyers could serve a very useful purpose by being on juries. I think the situation should be the reverse. I think we should be encouraging lawyers who are not associated with a given case to serve on juries. There is no justification in this world for exempting lawyers from jury duty unless they are directly associated with the case. Why should they be eliminated?

MR. STAGG:

It is hard on their income.

MR. NEARY:

It is hard on their income.

Yes, Mr. Speaker, that is the truth of it. If they had to sit on a jury

MR. S. NEARY: they would not be able to sock it to the poor people and their real estate transactions.

MR. TULK: The member for Stephenville finally spoke the truth. The first time ever he made any sense.

MR. S. NEARY: That is right. They would not be able to charge these exorbitant fees they are charging, they would have to accept the same as everybody else. They would have to accept the same as every other man and woman in this Province who would be asked to serve on a jury, to do jury duty, and it might take them out of their office for a few days. They are not interested in seeing that justice is done. They are trained to make money. They are trained to pick the pockets of the clients, lawyers.

SOME HON. MEMBERS: Oh, oh!

MR. S. NEARY: No. exception to the rule, that is a part of their training, Mr. Speaker, that is what they are trained for. And if my hon. friend does not want me to come along to his house tomorrow night, I will gladly decline. But that is what they are trained for, they are trained to pick the pockets of their clients. And that is why they do not want to go down and do jury duty. And, Mr. Speaker, lawyers prepared this bill, this piece of legislation, drafted by lawyers, so just a little stroke of the pen, exempt us because we have to go down to the registry office and spend five minutes searching down there and then charge our clients \$700 or \$800.

So, Mr. Speaker, I am also tempted like my colleague there to vote against this bill if the minister does not amend it. And we are making some strong points and I am trying to rivet home some of the points made by my hon. colleague, the member for Grand Bank (Mr. Thoms). We are making some strong points and

MR. S. NEARY: strong arguments of why there are some simple amendments -

MR. L. THOMS: We recommended some changes and they would not even comment on them.

MR. S. NEARY: No, that is right. The Minister of Education, as soon as she hears the name 'woman', as soon as she hears women mentioned she springs to her feet. It does not make any difference what it is about, it does not make any difference if she understands it, as long as the word 'women' is in there, up she springs. She forgets about everything else on the face of the earth. But all you have to do is say 'woman' and away she goes.

MR. WHITE: Elly Mae.

MR. S. NEARY: Elly Mae.

SOME HON. MEMBERS: Hear, hear!

MR. S. NEARY: And away she goes. It does not make any difference whether she is familiar with the subject or that she knows what she is talking about, as long as the word 'women' or 'woman' is in there, look out. Everybody else in this world is an ignoramus as far as women's rights are concerned except the hon. Minister of Education (Ms. Verge).

MR. TULK: And the Premier.

MR. S. NEARY: Well, the Premier has a couple of groups supporting him. The Premier has made more enemies, I suppose, than all the premiers of Canada put together. He has alienated more people than all the other premiers in Newfoundland's history and in the whole of Canada. He does not have an ally left. He does not have an ally except in this Province he has a handfull of women's libbers and the Micmacs.

MR. S. NEARY: Is it any wonder, Mr. Speaker, that he has to have a life-sized blown up picture of himself put around in various government buildings. And as I said the other day is he trying to imitate Somoza , Idi Amin or Khoemini?

AN HON. MEMBER: What about Smallwood?

MR. S. NEARY: No, that is unprecedented. It never happened before in Newfoundland's history. It never happened in Canadian history when a Premier had himself framed and hung -

SOME HON. MEMBERS: Hear, hear!

MR. S. NEARY: - outside of ministers' offices and in the lobbys of public buildings. He will be hanged all right in due course, Mr. Speaker - is it hung or hang? Which is right?

MR. TULK: Hung.

AN HON. MEMBER: Hanged.

MR. S. NEARY: No, he will be hanged in due course. The people will hang him in due course. But in the meantime nothing galls Newfoundlanders more to see money wasted on that sort of thing.

Mr. Speaker, the passing of this bill, if it does pass. And my hon. friend here has almost persuaded me to vote against it. See my hon. friend

has to do now is hoist the flag and say, 'Vote against this bill' and I will vote against it ,

MR. NEARY: because the arguments against certain clauses of this bill are very powerful indeed. And my hon. friend put up a better argument for having some of these clauses amended and changed than the hon. gentleman did in presenting the bill to the House in the first place. But if it does pass, perhaps the hon. gentleman might be able to tell us on second reading just what is the history, what is the situation regarding jury duty in this Province. I hear all kinds of stories that it is very difficult to get people to serve on juries. Is it because of the low pay? Is it because people are in fear of doing jury duty? What is the problem? Is it because of loss of income, as in the case of lawyers? And, Mr. Speaker, perhaps the hon. gentleman could also tell us, because, I must admit, Mr. Speaker, that this is an area, a field that I am not too familiar with, but we read quite a bit about jury tampering in the United States, what about in Newfoundland? And we have had examples in Canada. Have there ever been any examples of jury tampering in this Province?

MR. STAGG: (Inaudible)

MR. NEARY: Have there? My colleague says, yes. Well, let us hear about it. Let us get it out into the light of day. I know a case recently, in recent years, where a jury was selected at least three times before the court, or whoever agrees on a jury - is it the court? Who decides whether the jury is acceptable or not?

AN HON. MEMBER: The judge.

MR. NEARY: Does the judge decide that?
Who decides?

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Well, you can challenge the qualifications of somebody to sit on a jury. I know lawyers

MR. NEARY: who have gone around this town, this city in the dark of night trying to get something on somebody, trying to get something on somebody who has been invited to sit on a jury so they can challenge his right to sit there, challenge his qualifications. Is this right? Does the Minister of Justice (Mr. Ottenheimer) want men and women of this Province to be exposed to that sort of tactic, that kind of goings on? And the hon. Government House Leader can look at me as if it has never happened. It has happened. I know lawyers who have gone to friends of mine who have been invited to sit on a jury and asked them, 'Do you know anything about this one? Have you got anything on that one?' Is there any politics involved? Any religion involved?

MR. CARTER: Why do you hate lawyers?

MR. NEARY: Well, I cannot blame a lawyer for trying to win his case and he will use every method he can. But the point I am making, Mr. Speaker, is that we are getting there, we are catching up to the United States where they have all kinds of examples of tampering with juries. And I am curious to know if it has ever happened in this Province and I am curious to know if it is right and proper for lawyers to run around this city like roosters with their heads cut off trying to get something on somebody who has been invited to serve on a jury. And they will stop at nothing, they will stop at nothing. I have even known them to go down to the Waterford Hospital to see if So-and-So had ever been admitted to the hospital to be dried out because he was an alcoholic. They have even gone that far, Mr. Speaker. How low will they stoop?

MR. CARTER: That has nothing to do with the act.

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MR. NEARY:

It has all to do with the act.

Mr. Speaker, I think we should have a wide-ranging debate
on this sort of thing. It is something that

MR. NEARY: the average person is not all that familiar with, it is something that the average person would like to know more about. Most people, I would think, are scared of jury duty. Most citizens, men and women, do not relish the idea of having to decide on a defendant's verdict in a murder case or an armed robbery or in a rape case. Most people do not relish that idea. Perhaps the minister can give these people some reassurance when he closes the debate. Perhaps the minister can eliminate a lot of fears in the minds of people, people who are afraid to be invited to serve on juries. As it says here in the opening paragraph, Clause 4, Jury Duty, 'Every person who is a Canadian citizen resident in the Province, and is of the age of majority has the right and duty to serve as a juror.' I think that is a pretty fair statement.

MR. THOMS: If you are sixty-five now that does not apply

MR. NEARY: No, it does not apply to you if you are sixty-five, I am coming to that.

Now, Mr. Speaker, I was not quite sure when I was listening to my hon. friend, the member for Grand Bank (Mr. Thoms) if indeed you have to be a Canadian. Do you have to be a Canadian to serve on a jury? Do you have to be a Canadian citizen?

MR. THOMS: It is in the bill.

MR. NEARY: I know what it says here - 'Every person who is a Canadian citizen.' All it says is that every person who is a Canadian citizen resident in the Province and is of the age of majority has the right and duty, but it does not say that you have to. It says it is your moral obligation, it is your moral duty to serve on a jury, but it does not say you have to serve.

MR. NEARY: Have non-Canadians served on juries in this Province?

MR. OTTENHEIMER: I am sure there would have been a time when British subjects did because obviously none of them were Canadians before 1949.

MR. NEARY: Well, Mr. Speaker, what about that crowd of galoots over at Memorial University who refuse to become Canadian citizens. They want to teach in this Province, they want to impart their knowledge to Newfoundland students, they want to take our pay, they want to take our very generous pay, the Queen's silver, but they do not want to become Canadian citizens. What about that group of ornery critters, Mr. Speaker? Is Canada not good enough for them? Will they be eliminated and exempted from jury duty? They do not pay any income tax, I understand. What about that crowd, Mr. Speaker? I would like to hear the minister tell us whether or not he subscribes to that philosophy? What about the Minister of Education (Ms Verge)? Now there is a person, an individual of high principles. The university comes under the care of that particular minister. She does not seem to care if that crowd over there become Canadian citizens or not. I will bet you if they started a little 'women's libber' movement, though, and called themselves the American Movement of Liberated Women, she would be down there so fast, Mr. Speaker, you would not know what happened. The university comes under the care of that minister. What about that situation over there where you have

MR. S. NEARY: this crowd of foreigners over there teaching Newfoundland folklore, Newfoundland folklore to Newfoundlanders, can hardly speak the Queen's English, refusing to become Canadian citizens? Will they not have to do jury duty or will they? I am not sure whether they will or not.

MR. OTTENHEIMER: They would have to be Canadian citizens.

MR. S. NEARY: It does not say that there in paragraph IV, Jury Duty.

MR. L. THOMS: No, it just says they have a right and a duty.

MR. S. NEARY: 'Every person' - I will read it again. I am not a lawyer, Mr. Speaker, but I guarantee you that when it comes to zeroing in on a legal technical point I am not exactly the stunnedest in the world.

Section IV says this, and if the hon. gentleman can persuade me and convince me I would be glad to listen to his argument, but here is all it says, "Every person who is a Canadian citizen resident in the Province and is of the age of majority has the right and duty to serve as a juror". Well, I say to that, so what? That is a lovely statement, general, vague and flowery but it is not legally binding. It is not, Mr. Speaker. The hon. gentleman cannot argue with me, the hon. gentleman cannot get up and persuade me that this makes it compulsory for every Canadian to serve on a jury, it does not. I would say, Mr. Speaker, that is what was meant in it but

it is a sloppy piece of legal drafting, very sloppy indeed.

MR. FLIGHT: No question about it.

MR. BARRY: There is no doubt about that.

MR. S. NEARY: It certainly is. Even my hon. learned friend, the Minister of Mines and Energy (Mr. Barry), will have to agree with that. It does not make it compulsory for every Canadian to serve on a jury.

MR. S. NEARY: It is very poorly worded, if that is what they wanted, they should have put it in there. Just imagine what - who is that famous criminal lawyer in Canada?

AN HON. MEMBER: J. J. Robinette.

MR. S. NEARY: Just imagine what Robinette would do with this, Mr. Speaker, why, he would make mince meat out of the Minister of Justice (Mr. Ottenheimer).

SOME HON. MEMBERS: Hear, hear!

MR. L. THOMS: You have a good point there.

MR. NEARY: Of course I have a point, All you have to do is read it; a kindergarten student knows the difference of that, knows that this does not make it compulsory. Anybody can get out from under with this wording in this act. I challenge it. Some day maybe somebody will challenge it. If I did not want to serve on a jury I would challenge it in the courts. And, Mr. Speaker, I am not at all happy with the exemptions of people who are physically handicapped. I do not know, the minister would have a awful job to sell me on the idea of disqualifying blind people unless it is because they cannot see the evidence, I do not know if that is his reasoning behind it. But why should blind people be disqualified from jury duty. why? Because they cannot see the evidence, is that it?

MR. OTTENHEIMER: In large part.

MR. THOMS: Would a person in a wheelchair?

MR. NEARY: Well, a person in a wheelchair. why is he disqualified?

MR. BARRY: Because he cannot see the witness, he cannot determine credibility of the witness.

MR. S. NEARY: I see.

SOME HON. MEMBERS: Oh.

MR. S. NEARY: You have to see.

MR. HANCOCK: You have to make up your mind with your eyes, is that it?

MR. NEARY: You have to see the expression on somebody's face, is that it? Is that how you prove innocent or guilt/ by eye to eye or the expression on their face or whether they roll their eyes at the ceiling? In that case, Mr. Speaker, everybody who has appeared before the Public Accounts Committee so far is guilty because I saw them moving, they were shifty, they rolled their eyes, they could not look you straight in the eye-

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: They would not be (inaudible) questioned about that -

MR. S. NEARY: We had ministers -

MR. BARRY: But then you would have been convicted as well probably.

MR. S. NEARY: - that is right, Mr. Speaker, we had ministers down before the Public Accounts Committee who were shivering and shaking, could not look you straight in the eye, who were irritable and edgy and jumpy. Now, does that make them guilty, Mr. Speaker? I would submit, Mr. Speaker, that the hon. gentleman will have an awful job to convince me that blind people and people who are physically handicapped - well, what

MR. NEARY: the hon. gentleman is saying, is, "What about young Terry Fox?" His is physically handicapped. Would he be disqualified from jury duty in this Province because of his handicap? Of course he would. That is what the act says. Mr. Speaker, there is some poor drafting in this act.

MR. HANCOCK: Did you say lawyers drew that up?

MR. NEARY: I am not blaming it on the legal draftsmen because the buck stops with the minister, he is the one that has to peruse it before it is brought to the House. It seems to be to be very hastily prepared. They were trying to make a point. They were bringing in an act on a matter of principle. They went one step ahead and one step back. They gave equal rights to men and women and then took away some rights from senior citizens in this Province and the blind and the physically handicapped. And, just imagine! This is the crowd that are going to go out and fight the government of Canada on the constitution and they cannot even draft a simple act for this House.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: They are going to go over to Great Britain, the mother of Parliaments, where you have as my hon. friend says, the best barristers and solicitors in the world. They cannot even prepare an act and they are going to go off on this great constitutional debate. I would say, "Fools rush in where angels fear to tread." And so, Mr. Speaker, it is going to take a little more convincing yet before I am persuaded to vote for this act. My hon. colleague the member for Grand Bank (Mr. Thoms) -

MR. H. YOUNG: Time is up.

MR. NEARY: Yes, your time is up if you keep

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MR. NEARY: putting coloured photographs of the Premier around. Mr. Speaker, my hon. colleague, now he is rushing around passing out little wallet sized ones. How much is it costing the taxpayers of this Province for these photographs?

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

MR. SPEAKER (Butt): A point of order. The hon. Minister of Public Works.

MR. YOUNG: I would like for the hon. member to withdraw that because I am not passing out any wallet sized photographs of the Premier.

MR. NEARY: Mr. Speaker, I withdraw that. The hon. gentleman should not be so quick. I said the Premier is passing them out, not the hon. minister. But the hon. minister's department and his budget may be paying for them.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Butt): Order, please! The hon. Minister of Public Works.

MR. YOUNG: Probably the hon. member is talking about some of the pictures that were over his desk one live when he was minister down there.

MR. SPEAKER: To the point of order. There was obviously no point of order but the hon. Minister of Public Works (Mr. Young) wanted to clarify some remarks.

The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, how low down can you get? Is it any wonder that the people of this Province are starting to look at the government -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! The hon. member's time has expired.

MR. NEARY: Too bad, Sir, I was just -

SOME HON. MEMBERS:

By leave. By leave.

MR. SPEAKER (Butt):

The hon. member for Eagle River.

MR. HISCOCK:

Mr. Speaker, reading the bill and its main principle and the reason why it was drafted, I think it was quite a sound principle, that was the one of establishing women with equal rights with men in this Province. As the Minister of Education (Ms Verge) pointed out, the late Prime Minister of Canada brought it in which was carried out under the present Prime Minister. The first woman Lieutenant-Governor of Ontario was appointed by a Liberal government in Canada. And I must say I really have to say that on this side for the most cases we gave the Minister of Education (Ms Verge) points for standing up for women's rights in this Province and not only gave her rights but also gave her a great champion also of being the first elected woman with the member for Gander (Mrs. Newhook) But in this regard she is also probably in the same category as the late Judy LaMarsh who encouraged Mr. Pearson -

SOME HON. MEMBERS:

Order, please! I have difficulty hearing the member speaking.

The hon. member for Eagle River.

MR. HISCOCK:

- in the same category, Mr. Speaker, as the late Judy LaMarsh who also influenced the late, former Prime Minister, Mr. Pearson. But I have to say that our job is to be the opposition for Her Majesty and our job is to go through legislation and see if there are any loopholes in it and point out the weaknesses.

MR. E. HISCOCK: of the legislation just like we did with the Municipal Act. Now the present Minister of Municipal Affairs (Mrs. Newhook) brings in an Act to amend the Act. If the Minister of Justice (Mr. Ottenheimer) would only listen to the Opposition now, the change would be brought in now and then they would not have to come back with another Act to change it.

So, Mr. Speaker, two things in this bill that I feel should be changed is that I do not think the lawyers, the solicitors or the barristers, should be exempted from this Province. I also feel that people who are blind or physically disabled should not be exempt from this duty. People who are blind - okay, they may not see - I had a brother, a late brother who was blind, but I can tell you that if he was on a jury with eleven other people, and that I would go as far as to say that he would think the system was arranged in such a way that his seeing the witness or seeing the evidence was not really the main cause in this case to define if a person were guilty or not guilty, Mr. Speaker, it would be how the evidence was presented and how one listens to the evidence and then decides and having the twelve jury people go behind closed doors and then discuss the evidence that was given. So, I myself feel that the blind people should not be exempted and also people who are physically disabled. I do not believe, Mr. Speaker, that should be a cause.

Number (0) is a very interesting one. 'A person charged with an offence for which the punishment could be a fine of \$1,000 or more or an imprisonment for one year or more; that person is not even brought to trial, it is being brought to trial and it may possibly be convicted. This bill here automatically

MR. E. HISCOCK: assumes guilt. And in the British parliamentary procedure we have, you are innocent until proven guilty but this one in Number(0) assumes that just because you could be charged with an offence, that you are not allowed to serve on jury duty.

So, Mr. Speaker, I feel that when this legislation was brought in it was brought in from the point of view of doing away with a principle of inequality in this Province that the women did not have the right to serve on a jury, they could exempt themselves by just being women. And I feel, Mr. Speaker, that was the main gist of it and it was excellent. But I feel by bringing in some of these other things and putting it in, instead of having one page it was decided, to make the bill probably look important, and brought in several pages and as a result more things were put there and as a result of that more mistakes were made.

I do not feel that a person under seven years of age and not a full-time school attendant in the school should also be exempt, the mother of that child. I believe that should be raised to twelve, not to ten, and I point that out because there are several people in my district, and the reason why they are in my district is that they do not want to send their children to other areas of this Province to go into hospitals or go into the homes for children. So I feel, Mr. Speaker, this should be raised to twelve.

I do not think that the points that we are raising on this bill - it is not a great political bill that will embarrass the government, it is basically, as was pointed out and the reason why it was brought in it is a bill of principle.

MR. E. HISCOCK:

And for the Minister of Education (Ms. Verge) to get up and to say what she said, that the Liberals of this Province do not agree with women's rights and x number of other things I really, in all honesty, have to say that I am insulted by the way she insulted her own intelligence by saying these things.

I would go as far to say, Mr.

Speaker,

MR. HISCOCK: I would like to bring back to this House the memory of when she brought in the bill on the Status of Women. When she brought that in, I remember the galleries being filled all around this hon. House by women from all across Canada, and Newfoundland and Labrador, the university and the various other councils, nursing groups, teachers and other women's groups.

And we pointed out that in that legislation, one of the weaknesses of that bill, no matter how good it was, was that they had to be answerable to the Premier. We said we should put the Council on the Status of Women over and above politics. What ended up happening was that when that was proclaimed and the directors were named to that council - did the Minister of Education (Ms Verge) or the Premier when the House was sitting, come to this House and rise and present the names? No, they were called into a Cabinet meeting and the Premier had a press conference and gave out the names there, thereby insulting this House and its legislation.

I feel, Mr. Speaker - and I will say this now to the Council on the Status of Women - that they have to be very, very careful, that if they are going to make progress in this Province and get the majority of people on their side, if they associate themselves with the Premier and the P.C. Party and feel that because the Premier is in power now and the P.C. Party is in power now 'we will get our changes done,' they will not get the backing of the majority of the people. They may get the legislation through but they will not get the backing. And, Mr. Speaker, I would go as far as to say that I hope, now that the Council is appointed, that this Council will not be wooed by the Minister of Education or by the Premier and that they will put an independent course of rights for women in this Province irregardless of political colour.

MR. HISCOCK: I was also amazed, Mr. Speaker, that when the member for Grand Bank (Mr. Thoms) challenged the Minister of Education (Ms Verge) to speak on Article No. 8, she did not even have the intestinal fortitude to say anything on it. She steered away from it. She got up and basically accused the Opposition here of not supporting women's rights. And I say to you, Mr. Speaker, that this will come back to haunt her by the stand that she did not come and mention that. In that regard, Mr. Speaker, I hope the Minister of Justice himself (Mr. Ottenheimer) will be a man of principle, as he has already shown himself, be a man of fairness, and not necessarily consider it a point of weakness that if this bill is changed, plug up the holes that are in Article No. 4, raise the age to twelve or ten in No. 7(a), do away with No. 8 altogether, do away with exemption of lawyers - you may decide to leave that in, but the other ones, I think, could be changed.

Mr. Speaker, this is a good piece of legislation and it is long overdue, but I really feel that it was brought in from the point of view, through probably the encouragement of the Minister of Education (Ms Verge) to rectify the problem of women's rights, of being able to exempt themselves from jury. That was the main gist of this bill, but in the meantime, in doing this, this overlooks a lot of other things. It disqualifies blind people, disqualifies the disabled and makes our senior citizens second-class citizens.

Mr. Speaker, our senior citizens were made second-class citizens already by this administration by not having the universal drug plan of \$2.50 per prescription of not being able to get drugs just because you are older. What ended up happening, Mr. Speaker, was only a certain number of senior citizens - so, they have already been put

MR. HISCOCK: in the category of being second-class citizens and I do not think that the Minister of Justice or this bill should put them into another one.

Mr. Speaker, our older people, the senior citizens of this Province, have served us well and have given us the principles that we have. I think we should give them the courtesy and the duty of raising them to the level of being full citizens of this Province, and that is that they cannot renege themselves from jury duty. I would go as far as to say that they would not want to do it. And I find it interesting that the

MR. E. HISCOCK: minister or this government would find they probably feel that they are doing the senior citizens a service by having them be exempt from it. But I would go as far as to say that they would consider it a privilege, an honour and their duty to stand up for the Crown and stand up for their country to carry out their responsible duties.

So, Mr. Speaker, I hope that this bill will be amended, not from the point of view of undermining the minister himself, not from the point of view of saying that it was a bad piece of legislation but admitting that it was brought in from the point of view of giving women equal status and that they could not be exempt, but in the meantime, no, we have made our mistakes by doing that. And I would say, Mr. Speaker, that there are certain things in this bill - we will vote for it and support it, no problem, but I still feel, Mr. Speaker, as the Minister of Municipal Affairs (Mrs. Newhook) is going to be bringing in a new Act, an Act to amend the Act which was only passed in the last session, if the former minister would have listened to us it would not be brought in, not right away.

So, Mr. Speaker, I take great credit in speaking on this bill but I have to say that I am disappointed by the Minister of Education (Ms. Verge) in the position that she has taken. She has pointed herself out to be narrow-minded, politically oriented and that when it comes to women's rights she feels that only she is the champion, only the Premier is the champion and only the PC Party. And I would say

MR. E. HISCOCK: if the Council of the Status of women identify with that and identify that too closely, then they are going to undercut their support of growing in this Province.

I would go as far as to say, Mr. Speaker, to remind the Minister of Education (Ms. Verge) when she said that the Liberals were not supporting in any way is that the Minister of National Revenue (Mr. Rompkey) through a grant through the Secretary of State gave Labrador West money, several thousand dollars to set up a council in Labrador West.

MR. G. WARREN: More than this government gave us.

MR. E. HISCOCK: And like the hon. member for Torngat Mountains (Mr. Warren) has said, a lot more than this government has given themselves.

So let us be fair, let us put it over and out of the realm of politics and put it in through the fact that this justice. Justice is not only to be done but it has to seen to be done, and this law in itself or new Act that we are passing not only has to seen a good Act but it has to be a good Act.

So, Mr. Speaker, I thank you for listening to me on this bill.

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

MR. W. MARSHALL: Mr. Speaker, I rise to support the bill and I rise to speak on the bill because I think there are certain misapprehensions with respect to it that have been arisen as a result of certain statements that have been made by members on the opposite side of the House. I think really that there are certain aspects of this bill that you can take things in isolation as it were and you can look at it and I really think that either it is a case of the people who read it did not read it closely or (b)

MR. W. MARSHALL: they did not understand it or (c) they are distorting the intent of it. Because this, Mr. Speaker, is a good piece of reform legislation. The main reason for this bill, Mr. Speaker, the main principle of this bill, the purpose of it, the gist of it is really that a woman should not be able, the female should not be able to exempt herself from jury duty and should be governed by exactly the same rules with respect to jury service as the male.

And anyone, Mr. Speaker, who votes against this bill will be voting against that principle. Anyone who does not vote for that bill, Mr. Speaker, will be voting for the -

MR. L. THOMS:

(Inaudible) voting against.

MR. SPEAKER (Baird):

Order, please!

MR. W. MARSHALL:

the male are not equal.

MR. W. MARSHALL: And this is what this particular bill does. Now I understand, also in the efforts to make it equal, that the hon. Minister of Justice (Mr. Ottenheimer) has indicated something about day care that will come in - He is going to make an amendment in Committee-to provide for day care in the event that any person, any woman, mother, who is called for duty, or father for that matter but primarily it will apply, of course, to the mother, who is called and has to serve on a jury, that the State will pay for the day care expenses. And this is a large step forward. Now the hon. gentleman wants to support, really I think the effect of it is in the same way as all of the other bills that are before this House, the hon. gentlemen really would like to support this bill but they just cannot vote with the government. I think that this is the gist of it.

SOME HON. MEMBER: Oh, oh.

MR. MARSHALL: To vote against that bill, Mr. Speaker, is to vote against, as I say, the principle of the bill. The exemptions from the bill there are standard exemptions that had been in the Act for a long period of time, does not necessarily justify their continuance, Mr. Speaker, in the bill but there is good solid reason for the disqualifications that appear in Section V of the bill itself. And I know that the hon. the Minister of Justice can answer all these questions in a manner much more adequate than I can when addressing himself to the bill so I shall not attempt to go into the justification of the various sections themselves except to rise and point out that this is a good bit, another piece of reform legislation by this government, The principle of the bill, and let there be no mistake about it, is to put the female on the same equal basis as the male, which is the basic policy of this government and anyone who -

AN HON. MEMBER: What about Section 8?

MR. MARSHALL: Section 8, there is a good explanation for Section 8, Mr. Speaker, and I will not give that explanation, the hon. Minister of Justice (Mr. Ottenheimer), I say, can do that much more adequately than I can myself, but it is an example. I would ask hon. members to listen carefully to what the Minister of Justice says when he gives his response because it is another example of the hon. gentlemen there opposite trying to make mountains out of a molehill, trying to weasel out of support of a positive piece of legislation that is being brought before this House.

So, Mr. Speaker, I heartily support this bill, I think it is a good piece of reform legislation and I think that the House should - that I hope that it would receive the unanimous support of this House, that hon. members in a previous bill that was before this House, the ERCO legislation, spoke against it but voted for it. In this case they are voting against, as I say, a piece of reform legislation, so I support the bill, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (Baird): The hon. member for Lewisporte.

MR. F. WHITE: Mr. Speaker, I did not intend to say very much on this bill, and I will not say very much, but I do have a few concerns that I want to express. I cannot believe, for example, Mr. Speaker, what I just heard from the Government House Leader (Mr. Marshall), that we over here, because we want to take a few minutes in the House to exercise our responsibilities, to say a few words on this very important piece of legislation, that we are making a mountain out of a molehill. Now, Mr. Speaker, that is absolutely shocking for the man to stand here in this House and say the like of that. We have only been debating this bill for three or four hours, Mr. Speaker, and already we are getting amendments to this legislation, this very important piece of legislation, a piece of legislation, Mr. Speaker, that will decide the lives of hundreds and perhaps thousands of Newfoundlanders in the years to come, perhaps 400 years

MR. F. WHITE: to come, Mr. Speaker. So I think that there should be more debate on matters such as this in this House -

SOME HON. MEMBERS: Hear, hear.

MR. WHITE: - so that we can look at all the possible loopholes, look at all the possible angles and make sure as legislators, Mr. Speaker, that we arrive at the proper and right conclusions with respect to how we should set up juries in this Province.

SOME HON. MEMBERS: Hear, hear.

MR. WHITE: Mr. Speaker, I also

MR. WHITE: resent the frivolity that goes on in this House with respect to serious pieces of legislation. We are going to, in the next day or so, set up a piece of legislation, an act of the Legislature of this Province, that will decide how people who commit crimes are going to be judged, whether they are going to be found guilty or innocent on the basis of how we set up juries in this Province. I think we should give a lot of attention to this and not be frivolous, as the Minister of Education (Ms Verge) was, getting up to try and score a few cheap political points when we are here trying to debate a very serious bill, a major matter in this Province.

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: (Inaudible) another lecture.

MR. WHITE: I am not lecturing you, 'Leo', you can listen if you want or you can leave.

Mr. Speaker, I agree with the main principle of this bill with respect to women. Now, when the original piece of legislation came in which gave women the right to declare themselves absent from juries, or exempt themselves from juries, I rose in this House and I spoke against that. I did not think that was fair. I thought that if women wanted additional responsibilities in society, they should also have to accept the hardships that go with those responsibilities just as men are required to do. I disagreed with that then, I disagree with it now, and I am happy that that is going to be changed. I think there should be compulsory legislation, as we are bringing in now, for everyone, regardless of sex, to appear on juries, whether they be men or whether they be women.

I also agree with the amendment that the Minister of Justice (Mr. Ottenheimer) is going to bring in with respect to day care, because I think that that is important as well. Some men have responsibilities

MR. WHITE: with respect to children, and I do hope that the day care proposed will not only apply to women, Mr. Speaker, but the day care will apply to men as well. There are some men, single parents, for example, who have to stay home and look after children or pick children up at school. So I do hope when that amendment is brought in that it is applicable both to men and to women with respect to those who are at home looking after children. I am glad that that is coming in and I hope that we see that amendment go through.

Mr. Speaker, with respect to senior citizens, I agree with the member for Grand Bank (Mr. Thoms) on that matter. I do not think that a person, because he is sixty-five- just because a person sixty or sixty-one or sixty-two is not given that right, that a person sixty-five years old should not be automatically exempted from attending to jury duty, which is basically what is happening here. It is on application, but really what the legislation is saying is that a senior citizen really does not have to appear if he does not want to, exactly the same position that women were in before this bill was brought in today, and are still in and will be until this bill is passed and brought into force.

I think that senior citizens would resent this, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. WHITE: For years now we have seen senior citizens groups fighting for rights in this Province. I have heard lectures on it from people such as Dr. Noel Murphy in Corner Brook, who talks about this magic age of sixty-five. Why is there a magic age of sixty-five? Why is it not sixty-seven or seventy-two or seventy-nine or twenty-one? Why sixty-five? Who thought of bringing in an age of sixty-five? The fact of the matter is that people live

MR. WHITE: longer today, they retain their mental faculties longer today because of medical breakthroughs and so on. So I do not think that this magic age of sixty-five should be stuck into this particular legislation or any other legislation for that matter, Mr. Speaker.

The fact of the matter is, by the year 2,000 one-third of the people in this Province will be over sixty-five years of age and they will be the most experienced people in this Province, Mr. Speaker, the most knowledgeable people -

SOME HON. MEMBERS: Hear, hear!

MR. WHITE: - people who have gone through society, who have learned a lot from growing up and attaining that age.

SOME HON. MEMBERS: Hear, hear!

MR. WHITE: I think that they should be required, Mr. Speaker, when called upon to do so, to serve on juries.

MR. NEARY: That means one-third of the population a few years from now would be exempt.

MR. WHITE: One-third of the population by the year 2,000 will be exempted from jury duty in this Province, which I think is ridiculous. You add in all the rest,

MR. F. WHITE: and by that time you will end up with about one-third left to serve on the jury duties in Newfoundland.

So, Mr. Speaker, I think that that should be done away with, removed from the legislation and not left there at all. Because if a man is ill, if a man is sick, if a man is disabled in the sense that he really does not feel up to coming to jury duty, that can be understood; but if a man is totally fit, he may still be working, as the member for Grand Bank (Mr. Thoms) said he might be carrying on a very prosperous business, he might be a lawyer, not a lawyer because lawyers are exempted, too-but he could be doing all kinds of things and be able to add a great deal of strength to a jury and give a lot of good ideas to that jury and have a lot of sway in terms of deciding whether a man is guilty or whether a man is innocent. So I think that should be removed from the legislation and done away with.

SOME HON. MEMBERS: Hear, hear!

MR. F. WHITE: I can also, Mr. Speaker, echo the sentiments of the member for LaPoile (Mr. Neary) when he talks about lawyers being exempted from performing jury duty. And I think the member for Stephenville (Mr. Stagg) put his finger on it and he said it, I am not saying it, he was the one who said, 'It is there because they do not want to spend the day downtown serving on a jury because they will lose some pay'. Now that was what the member for Stephenville said and I did not say it. I would like to hear an explanation why lawyers should be exempted from jury duty. I do not have a closed mind to that, Mr. Speaker, I do not have a closed mind to it. If there is some traditional, justifiable reason why lawyers should be exempted from jury duty, I can accept it. But on the surface I just do not see why they should be exempted from jury duty.

MR. F. WHITE: I do not see either, Mr. Speaker, why a person who is blind or a handicapped person should be exempted from serving on a jury. We had a handicapped man who was President of the United States, we have a handicapped man who rides around in a wheelchair who is sitting in the Cabinet in Nova Scotia. There are all kinds of prominent men.

SOME HON. MEMBERS: Hear, hear!

MR. F. WHITE: And blindness, Mr. Speaker, should not disqualify a person from serving on jury duty. We here in this Province, this very same government had a director of public prosecution, a lawyer who was a blind man -

SOME HON. MEMBERS: Hear, hear!

MR. F. WHITE: - and yet today we find out that blind men are now being exempted from jury duty yet a blind man was responsible enough to be put in charge and be made director of prosecutions with this government many years ago. He does not hold the position now, but the fact of the matter is that he was there and he had a great deal of knowledge and a lot of background.

MR. S. NEARY: There is a lawyer down there physically handicapped in a wheelchair, Mr. Badcock.

MR. F. WHITE: Of course there is. So, Mr. Speaker, I think we have heard enough about handicapped people. And if there is going to be no discrimination in this Province, let there be no discrimination; if there is going to be no discrimination in this bill, let there be no discrimination. Let us not discriminate against older people, let us not discriminate against blind people, let us not discriminate against handicapped people, let us not discriminate against anyone in this respect and let them all be eligible to serve on juries.

MR. F. WHITE: Now, Mr. Speaker, there is one other thing that I do not understand and I would like to hear the justifiable reason for it being in the bill. It may have been there for a hundred years, I do not know, but it is section 31, 'That seven jurors in a civil cause may return a verdict if the jury cannot agree upon a unanimous verdict after three hours deliberation.' Now why is it that a majority of jurors can bring in a verdict on a civil case when it takes a full jury to bring in a verdict on a criminal case? I just do not understand why that is there. Like the member for LaPoile (Mr. Neary) said, he is not a lawyer, I am not a lawyer either, but I do not understand why in a major civil case that could involve millions of dollars, Mr. Speaker, while in a criminal case it could result in just a fine of \$1,000 or a couple of thousand dollars why in a major civil case it does not take a unanimous jury to bring in a verdict. And I think it should. I do not think that should be there that seven men or women can decide in a civil cause while in a criminal cause it takes a unanimous jury. So I would like to know the reason for that, Mr. Speaker.

Another thing that concerns me generally about juries, Mr. Speaker, is they are supposed to be a group of a person's peers are supposed to judge them. That is the old traditional theory, that a person's peers will judge him, and

MR. WHITE: I do not think that we are seeing enough of this in Newfoundland. I think too often people who are charged with an offence appear before people who are not really his or her peers, Mr. Speaker, and I am talking about the Supreme Court on circuit. You get the Supreme Court going to Grand Falls, to Labrador, to Corner Brook, places like that, and you get people from out around rural areas coming in, appearing before juries in larger towns, larger centers, sometimes perhaps a little more sophisticated juries, Mr. Speaker, that may not be doing the man or woman's cause any good at all. And I have seen it happen. In my years reporting, I saw on many occasions juries in towns acquit people from the same town and convict people from towns out in rural areas. And I saw it a number of times, particularly in Central Newfoundland, and I just wonder if there is not some way that we can provide that juries who are deciding on a person's innocence or guilt cannot come from the geographic region from which the gentleman or lady themselves come from. I do not understand why there could not be something in the legislation. For example, if someone from Lewisporte is charged with a crime that the person's peers from that geographical area would make up the jury instead of the jury from Grand Falls, for example, which would be the case. The Grand Falls-Windsor area would make up the jury to try someone from Twillingate or Fogo instead of having the jury come from that geographical area. Now I do not know if there is any reason, Mr. Speaker, to stop that from being done and I do not know if there is any reason to provide for its being done, and I would like for the minister to address himself to that. So, Mr. Speaker, unlike what the Government House Leader says, we are not making a mountain out of a molehill. This is a

MR. WHITE: very important piece of legislation, a serious piece of legislation, It is not a piece of legislation we do not know if it is ever going to come into effect or not like the piece we were dealing with yesterday and the day before, and I think that it is incumbent on members of this House to speak on this legislation, to point out any loopholes they see because after all we are sent here by the people to talk about legislation and to make sure that legislation we pass in this House is in the best interest of the people of this Province.

SOME HON. MEMBERS: Hear, hear!

MR. WHITE: And I do not think, Mr. Speaker, that it is fair, and I do not think the members on the government side are being fair to their constituents by just sitting there and not even be concerned about this bill. There are probably only one or two over there who have read the bill, Mr. Speaker. We had the Minister of Justice (Mr. Ottenheimer) introduce, we have had the Minister of Education (Ms. Verge) get up for five minutes and make a few frivolous comments, we had the Government House Leader (Mr. Marshall) get up for five minutes and make a few comments, to get a few darts at the Opposition and scold us a bit. And our side over here, we have made some concrete proposals and some good suggestions with respect to this legislation. So I do not think that those on the other side are doing their constituents any favour by not speaking on this bill. They should be more concerned and care more about what their constituents think and what their constituents are going to be concerned about.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: Mr. Speaker.

MR. SPEAKER (Simms): The hon. member for the Strait of Belle Isle.

MR. ROBERTS: Mr. Speaker, we are seeing what amounts to a filibuster by silence on the other side, I would suggest. If any hon. gentleman over there wishes to speak in the tradition of to and fro I will yield, but if not there are a few things I would like to say. If any hon. gentlemen or any hon. lady, a woman to be more precise, as the case may be. Now I have listened to some of the arguments on this bill and I must say I am very much impressed by them and I would begin by saying to the Minister of Justice (Mr. Ottenheimer) that while the intent which underlies this piece of legislation is, I think, a very valid, a very worthwhile intent, and the intent as I understand it is to remove from our law, from our statute law an area of unjustifiable discrimination. But that intent, as I was saying, is a valid one and a valuable one and for that I commend the minister. I think that he and his colleagues meant well when they gave instructions to the draftspersons to produce this particular gem that we now have before the House.

MR. ROBERTS:

But I would say to the minister - and I think he would concur; well, he might not be able to do so in the House for reasons which we will understand, we do not condone them but we understand them - I would say to the minister that the bill is seriously flawed. And I would most earnestly say to the minister, who I know is an impartial and a fair-minded man, you know, we could all agree this is not a partisan matter, not something on which even our Premier can be partisan. I venture to say - I did not hear my learned friend from St. John's East (Mr. Marshall) - I venture to say that even he could not be partisan.

MR. MARSHALL: I am sorry to disappoint you.

MR. ROBERTS: Well, I am not disappointed.

I long ago ceased to be disappointed by anything my friend from St. John's East says. I am neither disappointed nor surprised by anything he says.

MR. CARTER: (Inaudible).

MR. ROBERTS: Mr. Speaker, my friend from St. John's North erupts again!

SOME HON. MEMBERS: Oh, oh!

MR. ROBERTS: If ever there was a case, Sir, of a man who appears to be stupid and then opens his mouth and puts it beyond all doubt, it is my friend from St. John's North. Now, what I am saying - he may not like the fashion in which I am saying it - but what I am saying I mean to be and I would submit is a serious comment on a serious matter. He may regard it as a joke but to him I say, many of us regard him as a joke.

MR. J. CARTER: Will you say what you are going to say?

MR. ROBERTS: Yes, Sir, I will say what I am going to say as soon as I am allowed to say it and I will say it in my own way subject to the rules of the House.

MR. ROBERTS: Now, as I was saying before the eruption from the gentleman from St. John's North (Mr. Carter) -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. ROBERTS: I crave Your Honour's protection from this vicious and vacuous onslaught from a very unvicious but not unvacuous gentleman.

SOME HON. MEMBERS: Oh, oh!

MR. WARREN: You have got the jugular.

MR. ROBERTS: I would say, Sir, that I was making a point to the Minister of Justice (Mr. Ottenheimer), who I know is cringing inwardly at the performance of his friend, soul mate, political bed mate, stable mate, the gentleman from St. John's North. I am saying to the Minister of Justice that I have always, and I still do, regard him as being a very fair-minded and level-headed and sensible individual and a good minister. I do not say that in any partisan sense, he would understand, but he has brought to the portfolio of Justice qualities of humaneness and qualities of common sense and reason which continue the tradition established by the late Leslie R. Curtis -

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: - and embellished as they were by Mr. Justice Mahoney during his brief tenure of that office, traditions which has lustre added to them by the present distinguished Chief Justice of the Trial Division of the Supreme Court. The Minister of Justice, Sir, is right in their path - I do not know about their path to the Bench, that is a matter for another place. Even the most optimistic amendment to the British North America Act has not tampered with the section that makes judges federal, but subject to that comment, the minister is certainly carrying on well and nobly.

Now, I would say to him, Sir, that this bill is good in intent but is flawed in its execution.

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MR. ROBERTS: And I would suggest to him that
in the interests of the administration of justice in this
Province, and that is what we are talking about,

MR. ROBERTS: this is not a partisan matter. I do not think anybody is going to vote for or against the Tory party or for and against the government, for and against the Opposition or for and against the Liberal party. Even my friend from Stephenville (Mr. Stagg), who is so magnificently flawed in so many ways, would have to concede that point. I think this bill can be improved and I am sorry my friend from Stephenville (Mr. Stagg) has now erupted from his somnolence.

MR. STAGG: Have you seen my magnificent flaw?

MR. ROBERTS: Mr. Speaker, to my friend who asked if I had seen his magnificent flaw I would say, Sir, they are paraded before me every time he appears and further more every time he speaks. Sir his flaws speak for themselves with eloquence far more than he can muster.

SOME HON.MEMBERS: Hear, hear!

MR.ROBERTS: There are in this bill a number of provisions which I think are not good provisions. My colleagues, in their inimitable and most effective fashion, have pointed out some of them.

MR. STAGG: (Inaudible)

MR.ROBERTS: My friend from Stephenville (Mr. Stagg) said something half witty.

MR. STAGG: You have not read the bill.

MR. ROBERTS: No, I have read it, but where I differ from the hon. gentleman, who I believe has read it, is I have understood it.

SOME HON.MEMBERS: Hear, hear!

MR.ROBERTS: Mr. Speaker, you know, I would council my hon. friend from St. John's North (Mr. Carter) to have a look at Section 29(1) because he is in there. He is there, Sir, there is a section dealing with seduction and I venture to say, Sir, he has been guilty of improperly

MR. ROBERTS: seducing the electorate on a number of occasions and an action may lie against him. There are in this bill a number of clauses which, I think, are wrong.

AN HON. MEMBER: You have the wrong bill.

MR. ROBERTS: The wrong bill?

MR. SPEAKER (Simms): Order, please! The hon. member is having difficulty proceeding with his speech because of interruption I would ask hon. members to give him the courtesy and the right -

MR. BARRY: He is embarrassed, Mr. Speaker. He cannot stand it.

MR. ROBERTS: I am most grateful to Your Honour for the protection of the Chair, Sir, carrying on the tradition established-I could go back probably to Simon de Montford's parliament. I am most grateful and I hope that those opposite, Sir, hang their heads in shame at the fact that Your Honour was forced to admonish them for their ungentlemanly and unparliamentary behaviour. And what I am trying to say and I am having, as Your Honour rightly pointed out, I am having some difficulty in getting it across. Now that is nothing compared to the difficulty in having it understood, but I can lead a horse to water - even half a horse as in the case of gentlemen opposite but I cannot make them drink, to carry the analogy through. There are some sections, Sir, which are wrong. One of them, Mr. Speaker -

MR. STAGG: It is a parade of (inaudible)

MR. SPEAKER (Simms): Order, please!

MR. ROBERTS: The hon. gentleman from Stephenville (Mr. Stagg) says it is a parade of tardiness. He should not speak of his colleagues in that way. They will take offence. But what I am trying to say is there are a number of sections, Sir, which I think ought to be re-examined.

MR. ROBERTS: I will not attempt to name them all but I do want to speak on some of them. I think first of all Section 8, which is the section that embodies the provision that somebody who is over the age of sixty-five is in some way as unfitted to be a juror as the law of Newfoundland now says a woman is, because that section is almost word for word the same as the section which now exempts women in the present Judicature Act.

Mr. Speaker, Section 8 says, "shall" s-h-a-l-l, "shall" mandatory - I will repeat the statement, Sir, that Section 8 says that a person who is of the age of sixty-five or over is as unfit to serve on a jury in this Province as is a woman according to the law of Newfoundland and Labrador as it stands this day.

SOME HON. MEMBERS: Oh, oh!

MR. ROBERTS: No, I am afraid that for once the member for Stephenville (Mr. Stagg) is right. It was brought in by the administration of which I was a part. At the time it was a considerable advance. In those days the gentleman from Stephenville (Mr. Stagg) was a Liberal. He had not been converted.

MR. STIRLING: That explains everything.

MR. ROBERTS: He had not undergone that process, whatever that may have been.

MR. HANCOCK: That was the best thing that ever happened to the Liberal party.

MR. ROBERTS: Yes, the hon. gentleman may well have been disqualified under the mentally incompetent section, 72(c), And I do wish he would

MR. ROBERTS: let me get on with what I am trying to say.

I think Section 8, which deals with the people who are sixty-five and over, is wrong in principle. If it is wrong to exclude a woman because of her biological state - and I agree with the minister that it is - then it is surely equally wrong to exclude a man or a woman because of his or her chronological state.

Some of the speakers yesterday, and I have no doubt some today made reference to the fact that a person may serve in the House of Assembly, the House of Commons, may even aspire to the Cabinet or even to the Speakership without any age barriers, none at all. The Senate of Canada has a seventy-five year old retirement - you know, 'seventy-five and out' clause. The Bench has a 'seventy-five and out' clause. I do not know why when a man or woman reaches sixty-five, he or she is automatically then deemed to be in a category that somehow is less fit to be a juror than the day before his or her sixty-fifth birthday. And that is what this act provides, and that is wrong. I say to the minister that he should re-think that, and the way to re-think it is either to let the bill stand for a day or so and we will come back to it or to have amendments moved by his colleagues when the bill goes to Committee. The minister, I know, is big enough to rise above the narrow, partisan considerations which would prevent most politicians, I venture to say, most of his colleagues, from accepting amendments. But the minister is big enough, man enough, confident enough in his own judgement in the rightness of what is proposed to look at amendments on their own merits. And I would say to the minister that I think he will come out of this even of greater stature than he now is in the eyes of his brethren at the Bar, his peers and in the eyes of his colleagues here in the House

MR. ROBERTS: on both sides and in the eyes of his legion of admirers throughout the Province. They are like grains of sand, Sir, they are unnumbered and numberless.

But really, you know, that sixty-five provision is wrong. I can see if an elderly person or a person of any age says, 'I am not competent.' But there are adequate provisions in Section 7: a person who is infirm or aged, a person who is mentally incompetent ought not to be able to serve on a jury. That is fine.

You know, this is a very serious matter, this bill, and hon. gentlemen opposite ought not to allow that fact to escape them. A jury is very much a bulwark of the system of law that we have erected in this Province and in this country. It is important that jurors be drawn from the citizens of the Province and drawn as widely as possible, and for that reason alone, if no other, the discrimination embodied in Section 8 is wrong and ought simply to be dropped. At the time the original provision was brought in exempting women because they were women on their application, the thought behind it - I am not revealing any secrets of the Cabinet - the thought behind it, as I believe, looking at Hansard, the hon. Mr. Curtis' eloquent and very direct remarks will confirm - was that women ought to be able to exempt themselves, and that was some sort of genuine - perhaps misguided - but genuine notion of chivalry. And I do not find that offensive, I think it is now outdated. I think the world has come a great way indeed since 1970 or 1971 when that particular section was enacted into law.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: Yes, let them laugh but, I mean, you know, I do not mind people like that laughing. I would be worried if some of the gentlemen opposite whom I took seriously laughed, but those who are laughing now are not

MR. ROBERTS: the people I take seriously,
so I am not the least bit concerned about what they think.
The Minister of Justice (Mr. Ottenheimer) is not laughing
and the minister without portfolio (Mr. Marshall) is not
laughing and even my friend, the Minister of Finance
(Dr. Collins) is not laughing, and heaven knows, he and
I have jostled on occasion and doubtless, will again.
They have the good sense, and

MR. ROBERTS: I venture to say, Mr. Speaker, unless they are overruled by their colleagues in the Cabinet, that this change will be made. And, you know, we will know about that. Cabinet solidarity will require the Minister of Justice (Mr. Ottenheimer) to say whatever the Cabinet decision is, but I know that in his heart of hearts he agrees with the points that are being made on this. He is too good a lawyer and too good a man, too good a Newfoundlander not to.

Now, there are some other provisions that are equally wrong, and again, most of them have been mentioned by my colleagues. One of them is the list of exemptions. And I think it is found in Section 5, should Your Honour wish to have a look at it, particularly subsection L of Section 5. I think it is offensive in the extreme and sexist in the extreme and I am surprised that the Minister of Education (Ms Verge) who holds herself out as being concerned with these issues, has allowed this to go through to exclude a spouse simply because he or she is a spouse. How sexist can you get? How wrong can you be in principle? I mean, that is going right back before the Married Women's Property Act where the woman could not own property with her husband.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: I mean, to exclude a man from a jury because his wife was employed as a stenographer in the Department of Justice, that is wrong, is it not? And I think the minister would be the very first to - well, look, I know what happened, this is the draftsmen again, the gnomes of Zurich, who are not given adequate instructions and therefore have to respond in the face of inadequate instructions.

AN HON. MEMBER: (Inaudible) one minute.

MR. ROBERTS: My friend, the House Leader - I will move either the adjournment of the debate or the

MR. ROBERTS: House as we wish. I understand
His Honour is having us down for -

AN HON. MEMBER: A cup of tea.

MR. ROBERTS: - a cup of tea.

AN HON. MEMBER: Refreshments.

MR. ROBERTS: Refreshments is the phrase, is it?
That is like saying 'amusement', but the amusement is here,
Your Honour, the bingo game is later.

SOME HON. MEMBERS: Oh, oh!

MR. ROBERTS: Anyway, I move the adjournment, Sir,
and we will carry on.

SOME HON. MEMBERS: Hear, hear!

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

MR. MARSHALL: I thank the hon. gentleman,
Mr. Speaker.

I move the House at its rising do
adjourn until tomorrow, Wednesday, at 3:00 P.M. and that
this House do now adjourn.

On motion, the House at its rising
adjourned until tomorrow, Wednesday, December 10, 1980
at 3:00 P.M.