

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD
3:00 p.m. - 6:00 p.m.
THURSDAY, JUNE 10, 1982

The House met at 3:00 p.m.

Mr. Speaker in the Chair.

MR.SPEAKER (Russell): Order, please!

ORAL QUESTIONS

MR.SPEAKER: The hon. member for Bellevue.

MR.YOUNG: You got your picture in the Telegram today.

MR.CALLAN: Mr. Speaker, I am being interrupted by the Minister of Public Works (Mr.Young). I want to ask the Minister of Health (Mr.House) could he indicate if he thinks that caring for older people is not an adequate and a good part of medical care that is given to people in our Province? Does he disagree with giving proper medical attention to the senior citizens of this Province?

MR.SPEAKER: The hon.Minister of Health.

MR.HOUSE: Mr. Speaker, I do not know the question. There are a number of questions there.

MR.MORGAN: Foolish questions.

MR.HOUSE: The point about it is obviously our acute care hospitals are for all people whether they be old or young. It is just as simple as that. Yes, I think the care of the elderly is very important.

MR.CALLAN: Mr. Speaker, a supplementary.

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

MR.CALLAN: Mr. Speaker, the minister has been quoted on the airwaves and I am sure he has a copy of a letter - not a copy, he has a letter from a senior citizen at Whitbourne who takes exception to the remark made by the minister when he says that thirty per cent of the medical attention used at the Markland hospital or expended in the Markland hospital is for the senile, the old and the aged, and it seemed to be implied in the

MR. CALLAN: minister's statement that he was against that sort of thing. But I want to ask the minister a supplementary question. Would the minister tell the hon. House when he is prepared, he and the Premier I assume, are prepared to meet with the Markland Hospital Improvement Committee?

MR. SPEAKER (Russell): The hon. Minister of Health.

MR. HOUSE: Mr. Speaker, in the preamble to the question I mentioned that the hospital - and I do not think I was referring to Markland

MR. HOUSE: at that particular point in time. I was referring, I believe, to Old Perlican when I said that there was an inordinate number of per patient days, the percentage was higher there for senior citizens than for people who were under sixty-five. And I was making reference to the fact that these institutions were being used more for that kind of patient, more for chronic care than for acute care. And I was saying further, these buildings were not adequate for the care of chronic care people but it was relegating them for the rest of their lives to a big ward with all kinds of other patients and I do not think it was fair to the patients, the chronic care or the young people, in some cases, who were there with them.

So we do have a programme for looking after chronic care and it is better able to be looked after them. I mentioned at the same time that the government this year has approved, I believe, thirty-five rooms for the chronic care in the Carbonear area.

With regard to the last part of the question, I wired the Committee either yesterday morning or the evening before saying that I would not attend the public meeting but I would be willing to meet with the hospital committee at a pre-arranged time.

MR. HODDER: Mr. Speaker.

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

MR. HODDER: Mr. Speaker, I have a question for the Premier in the absence of the Minister of Finance (Dr. Collins).

Mr. Speaker, in the 1982 Budget there was a holdback measure on salaries for senior employees or senior civil servants of 5 per cent.

MR. HODDER: I understand that this hold-back was meant to serve as a message to other civil servants that the government would be perhaps tough on the rest of the civil service this year; a message was sent.

I would just like to ask the Premier when will this 5 per cent increase for senior civil servants go into effect?

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

PREMIER PECKFORD: Mr. Speaker, what we are saying is that the people on the Executive Compensation Plan, people covered by the Executive Compensation Plan, in other words, the senior public servants - now, there are other senior public servants, I guess, in the broad interpretation of that term, who would come under the Management Plan, so we have to distinguish between the people who serve under the Executive Compensation Plan and those who serve under the Management Pay Plan, two different components of a broad interpretation of senior public servants. And the intent is that the 5 per cent to senior public servants on the Executive Compensation Plan would come into effect when their present raises from another year had expired. I do not know what the exact date of that is, but

PREMIER PECKFORD: for their new year which would be covered by this budget or for their new year after the raises.

MR. J. HODDER: So it is coming in later.

PREMIER PECKFORD: I am not sure what the exact date is, but under the normal course of events it would be in April or May or June, or somewhere around there, that it would come into effect, that it would be only a five per cent increase upon their salaries as they presently exist.

MR. HODDER: A supplementary, Mr. Speaker.

MR. SPEAKER (Russell): A supplementary, the hon. the member for Port au Port.

MR. HODDER: Mr. Speaker, could the Premier indicate what percentage of increases did these senior civil servants received last year?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: I do not have it at my fingertips. Mr. Speaker, but sometimes there have been overlaps and in some years it has seemed as if the percentage increases were higher than for other groups. But outside of reclassification, the raises have been in line with what has been provided to other people in the service - outside of reclassification.

MR. NEARY: What is that?

PREMIER PECKFORD: Well, it is varied from year to year, from eight to ten to twelve, depending upon what the normal increases were given throughout the whole service. But I would just indicate to the hon. member that that would depend in large measure on - sometimes there has been an overlap and some unions have tried to make the case that a certain senior group have been getting more percentage increases than they were getting, but usually it has been because of an overlap or the time when their new increases came up for renewal. And of course, there is

PREMIER PECKFORD: the other question of reclassification, which from time to time will see larger percentage increases but the reason for a reclassification meant that they were doing additional duties if they got more money.

MR. HODDER: Mr. Speaker.

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

MR. HODDER: Mr. Speaker, last year I believe the government promised to keep salary increases for civil servants to an eight per cent level, and then I believe it was an eleven per cent ceiling. I would just like to ask the Premier how can the increases over the past year, as indicated in a table which I have here, be justified? For instance, Mr. Speaker, the Deputy Minister of Mines and Energy received a 17.5 per cent raise last year. The Deputy Minister of Health 13, Deputy Minister of Development a 17.5 per cent raise, the Assistant Deputy Minister of Finance a 20.1 per cent raise. Most of the raises which were received by the Public Service last year were in the order of about 17 per cent. I would just like to ask the Premier why these increases are not included in last year's estimates?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: We will have to get that information for the hon. member. As I have indicated to him

PREMIER PECKFORD: already in some preliminary question that the hon. member asked, sometimes there were overlaps so the percentages come out for fifteen or sixteen months rather than for the twelve month period. In other cases there was a broadening of responsibilities or whatever. When the hon. member gets into specifics, then I will have to get the specific response for the hon. member in order for it to be a valid kind of answer that I would give to the hon. member. So if the hon. member would like to have some information on a given deputy minister and the raises that they received over the years and a full report on it, then we are only too happy to provide it to the hon. member and to the House. No problem.

MR. HODDER: A supplementary, Mr. Speaker.

MR. SPEAKER (Russell): A supplementary, the hon. member for Port au Port.

MR. HODDER: A supplementary, Mr. Speaker. These particular raises to which I refer, which generally run about 17 per cent, come from a comparison of last year's salary estimates with this year's salary estimates. Mr. Speaker, would the Premier tell me whether these raises, and I will table a copy, Mr. Speaker, of the various raises, if the Premier could tell me whether the 5 per cent will go on top of those secret raises which were given prior to the Budget coming down?

MR. SPEAKER: The hon. Premier.

PREMIER PECKFORD: Well, Mr. Speaker, I have already indicated that the hon. member is doing a very poor job in trying to make his case through the Question Period. The long and short of it is one will have to look upon some of the salaries that are now in the new Budget as opposed to last year's estimates in relation to there might be some

PREMIER PECKFORD: overlap and some of the money for last year's pay might be in this year's budget which could inflate the percentages for those people. So it is not fair to say that these increases and percentages relate to what the hon. member is trying to make them relate to. Sometimes they were late getting their salaries, getting their increases, and therefore some of the money is reflected in this year's budget whilst it was spread over fourteen or fifteen months and just not over the twelve month period that the fiscal year covers for that budget. It has to be picked up somewhere and then it is picked up in the next budget.

So what the hon. member says is not necessarily true at all. And there is nothing secret about these wage increases. But as I say they will reflect themselves in a later budget because of the late time in which the retroactivity was taken into account, so that they come up inflated in the next budget. But if you even them over the last two years, the percentages may not be near as large as the hon. member is trying to imply.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, would the hon. gentleman indicate to the House when these secret increases that the hon. Minister of Finance (Dr. Collins) made no reference to when he was reading the Budget in the House - he merely tried to make himself look good by saying there was just going to be a 5 per cent wage control

MR. NEARY: on top executives-when these secret increases took effect? Last year when the Cabinet voted themselves a raise, did they also increase at that time the wages of the top executives, the group that we are talking about?

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

PREMIER PECKFORD: It is incredible, Mr. Speaker, that the highest paid Opposition Leader in Canada and the highest paid Opposition House Leader in Canada would suddenly start asking questions along this line. But in any case, even though they do not mind themselves being in that category, let me just say, Mr. Speaker, that there are no secret raises in this government. There have been a number of secret raises for perhaps the Opposition House Leader (Mr. Hodder) that the press might not know about, being the most expensive Opposition House Leader in all of Canada, which I think should be known to the press as well now that we want to have full disclosure. But there is nothing secret about these raises. The mere fact that they turn up in the Budget estimates this year show how secret they are; they are in a public document so there is no secrecy attached to it at all. Just let me reiterate again, Mr. Speaker, that because sometimes of the lateness of the raise being approved by Cabinet for these senior public servants that it takes in sometime before this Budget and therefore you have to reflect the retroactivity in the next Budget to come along and therefore you see an inflated figure which is spread over more than the twelve month period. That seems to me to be a logical explanation of why some of the increases and some of the values that are put on the salaries of the senior civil servants reflect themselves higher than would necessarily be the case. Life does not just work from the first of April to the end of March of the next year,

PREMIER PECKFORD: Mr. Speaker. During that year there might be decisions on which there are retroactivity; it has to take in from the previous year as well in order to be accurate and to be true in the Budget that you bring down. So we are trying to be open and free and honest in how we devise our Budget and therefore we have to reflect decisions that were made during that year that impacted upon the year before, thereby inflating the figure

MR. NEARY: Supplementary, Mr. Speaker.

MR. SPEAKER (Russell): Supplementary, the hon. Leader of the Opposition.

MR. NEARY: We are not going to be intimidated by the hon. gentleman, Mr. Speaker, He has a battle on his hands now to try to find out the salaries of the CBC employees and I wish him luck.

Mr. Speaker, the fact of the matter is that while the Minister of Finance (Dr. Collins) was telling the public service employees last year that they would only get a maximum of 8 per cent, and then they upped to 11 per cent, while the hon. gentleman was stating that case, the government was giving their executives increases that ranged anywhere from 17 per cent to 20 per cent -

MR. HODDER: And 5 per cent on top of that.

MR. NEARY: - and now we find out today there is going to be another 5 per cent stacked on top of that this year. And when the minister read his Budget he left the impression that the top

MR. NEARY: executives were only going to get a 5 per cent increase to try to make himself look good, when in actual fact -

PREMIER PECKFORD: Ask your question.

MR. NEARY: Mr. Speaker, if the hon. gentleman would just listen he might get the question. What I am asking the hon. -

PREMIER PECKFORD: A point of order, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Russell): Order, please! A point of order, the hon. the Premier.

PREMIER PECKFORD: Now, Mr. Speaker, if the hon. Leader of the Opposition is allowed to get up and have an extensive preamble and then be able to indicate that in his time he will ask a question, I think that is a blatant abuse of the rules of this House. Everybody knows, Mr. Speaker, that a brief preamble is allowed in Question Period, but I say, Mr. Speaker, and submit that the hon. Leader of the Opposition is abusing that privilege in enlarging his brief preamble to be a large preamble, which I do not think is permitted, and it is not in the best interest of this House because I am sure there are a lot of members who have a lot of questions to ask.

MR. SPEAKER: Order, please! Hon. members realize of course that questions are supposed to be precise and brief and the answers should be similar.

MR. NEARY: Mr. Speaker, the question I want to put to the hon. gentleman is this, would the hon. gentleman confirm or deny that the executives that the hon. Minister of Finance mentioned on Budget Day, that these executives had already received secret increases, substantial increases, and now they are going to have the 5 per cent stacked on top of these increases that they got less than a year ago, in the last

MR. NEARY: six months?

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

PREMIER PECKFORD: Mr. Speaker, we have already noticed that some of the list that the hon. the most expensive House Leader of the Opposition in Canada has tabled, that a number of the individuals that are mentioned -

MR. HODDER: I do not have a house yet.

MR. NEARY: You do not have a car, or a chauffeur, or expensive bodyguards.

MR. HODDER: I do not have a car, I do not have a chauffeur, I do not have a bodyguard.

MR. WARREN: No bodyguard.

PREMIER PECKFORD: But you are still the most expensive Opposition House Leader in Canada.

MR. HODDER: I do not have my groceries bought for me.

PREMIER PECKFORD: You still are the most expensive House Leader in Canada.

MR. WARREN: His lights are not paid for.

PREMIER PECKFORD: It is incredible.

MR. NEARY: The hon. gentleman buys his own toilet paper.

MR. SPEAKER: Order, please!

PREMIER PECKFORD: And the House will stay open until the per diem is up to a reasonable level.

MR. NEARY: The hon. gentleman should advise his own colleagues.

MR. SPEAKER: Order, please!

PREMIER PECKFORD: Mr. Speaker, some of the names of the civil servants, public civil servants that are mentioned in that document just tabled by the most expensive House Leader of an opposition in Canada, are twenty-one month - they go back twenty-one months. So, therefore, to talk about it being for the previous year is completely and absolutely inaccurate. That is number one. Number two, it is not secret. We table the information as soon after the House opens through the budget as we can. So there is nothing secret. The increases that the hon. Leader of the Opposition (Mr. Neary) refers to are increases which apply for up to twenty-one months retroactivity, twenty-one months, not a year. So therefore on both counts, the Leader of the Opposition's questions and preamble are inaccurate, erroneous and not true. We are indicating in this Budget of 1982/83

PREMIER PECKFORD: that we intend to show wage restraint in this Province. If we are to stay on a financially responsible course as a government, then we must all do our part to trim programmes, to deliver the programmes which are most essential to the people of the Province, and at the same time, because our salary bill ranges somewhere - what? - between \$350 million and \$400 million, or \$500 million a year?

DR. COLLINS: \$700 million.

PREMIER PECKFORD: \$700 million.

We have a salary bill of over a half billion dollars a year. As a matter of fact, it might almost be three-quarters of a billion dollars a year. That has a tremendous impact upon our budgetary position, when three-quarters of a billion dollars out of a \$1.6-\$1.8 billion budget is just for wages. So, therefore, we have to do our job on programme refinement, we have to do our job on wage restraint. We have indicated that as politicians we will take no increase this year, and that we will limit our senior executives, who are on the executive compensation plan, to just 5 per cent in the year '82 - '83.

The increases that have been demonstrated and shot down by the most expensive House Leader of an opposition in Canada, and he has tabled in this House this document, we have already been able to show in the last couple of minutes one individual on that plan that that increase represents a twenty-one month period and not a twelve month period. So, Mr. Speaker, when we are talking about the difference in the estimates from one year to the next it must reflect retroactivity which, in some cases, can go as long as twenty or twenty-one months.

PREMIER PECKFORD: We are serious as a government in instituting wage restraints, and we are going to be the first ones to demonstrate that restraint.

The economy of Newfoundland and of Canada has gotten worse over the last six or eight months, has deteriorated substantially. The amount of revenue that we take in as a government on our various revenue sources has not increased at the same level as it has in the past so that, therefore, we are forced to refine our programmes, make sure that we do it in the most efficient way possible, and because our salary bill is around \$700 million a year, we must also address ourselves to that component and, therefore, for this coming year, '82 - '83, we have indicated to the senior executives on the executive compensation plan that

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PREMIER PECKFORD: their increase will be five per cent and no more this year.

MR. NEARY: A supplementary, Mr. Speaker.

MR. SPEAKER(Russell): A final supplementary. The hon. Leader of the Opposition.

MR. NEARY: I am sorry if the hon. gentleman's feelings are hurt about the stories about him being the most expensive Premier in Canada. We are sorry about that, Mr. Speaker, but he should not try to take it out on the House. He may be still smarting under that story that was done by the CBC, but let him fight with the CBC.

Now, Mr. Speaker, I want to ask the hon. gentleman how many assistants, how many representatives he has in his office in Corner Brook?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: He should direct supplementary questions to the whole business of wage restraint, Mr. Speaker. Is that a supplementary to the senior public servants -

MR. NEARY: You can take it how you like.

PREMIER PECKFORD: - wage restraint? I wanted to finish off talking about that. I thought there were going to be more questions. Is that a supplementary question to that? I do not think that is a supplementary question. It has to do with my office in Corner Brook.

MR. NEARY: The hon. gentleman can take the question how he wants.

PREMIER PECKFORD: You said a supplementary question.

MR. NEARY: I am asking the hon. gentleman a question, to tell the House how many elected representatives he has working in his office in Corner Brook?

MR. SPEAKER: The point raised by the hon. Premier, and the question posed by the hon. Leader of the Opposition, in the Chair's opinion certainly was not a supplementary question.

PREMIER PECKFORD: I am very happy, Mr. Speaker, that

PREMIER PECKFORD: once again we see that this veteran of the parliamentary system in Newfoundland has been found again to not know his rules of the House.

MR. MORGAN: The most over paid member in the House.

PREMIER PECKFORD: This Leader of the Opposition who pretends from time to time, because of his longevity in this hon. House, knows all the rules and is now found to be out again on how to ask a question in the House. One would think that the Leader of the Opposition, the first thing he would do is know the rules on how to ask a question so that he would not be ruled out of order. As it relates to the question that the Leader of the Opposition asked, how many elected, 'elected', assistants that the Premier's office has in Corner Brook. One, Mr. Speaker.

MR. NEARY: Mr. Speaker, a supplementary.

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

MR. NEARY: Mr. Speaker, would the hon. gentleman care to identify that one?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: It is no great secret, Mr. Speaker. Up until a little while ago the member for Bay of Islands (Mr. Woodrow) was acting as the assistant. There has been a change in that and the member for Humber West (Mr. Baird) will be the assistant in the Premier's office in Corner Brook.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Well, Mr. Speaker, I am sorry to hear that because I have such a great deal of love and respect for the hon. member for Bay of Islands (Mr. Woodrow).

MR. NEARY: I am sorry to hear he has been shafted and thrown out of his job, Mr. Speaker. Would the hon. gentleman -

MR. P. WALSH: They are doing a rotation on it.

MR. NEARY: Another question to the hon. gentleman.

MR. CALLAN: It is rotation of jobs.

MR. NEARY: They call it rotation, I call it getting shafted, getting fired, demoted.

MR. MORGAN: You will get the shaft in six months time, too. You will get the shaft in six months time.

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

MR. WARREN: Listen to the judge.

MR. MORGAN: You will get shafted. You will get shafted.

MR. SPEAKER: Order, please!

MR. NEARY: I can wait, Mr. Speaker, until they settle down over there.

Mr. Speaker, I want to ask the hon. the Premier if he could tell the House whether the newly elected parliamentary secret in Corner Brook will get the same salary that the member for Bay of Islands (Mr. Woodrow) received when he was in the job?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Well, Mr. Speaker, number one is that I realize that the hon. the Leader of the Opposition (Mr. Neary) has a lot of respect for the member for the Bay of Islands and so do I. The member for Bay of Islands is one of the stalwarts, a fantastic member.

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: As a matter of fact, the Liberal Party of Newfoundland thought, in the last election, that by getting a person from the Development Association to run against him that suddenly the member

PREMIER PECKFORD: for Bay of Islands
(Mr. Woodrow) was in trouble. Well, he demolished her
in short order in the election of April 6th.

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: The member for Bay of
Islands as the Leader of the Opposition (Mr. Neary) knows -
no wonder he respects the member for the Bay of Islands.
Because, unlike the member for the Bay of Islands, the
member for LaPoile just barely held on to his seat
under intense pressure, while the member for Bay of
Islands increased his majority in Bay of Islands.

So I can understand why the
member for LaPoile has a lot of respect for the member
for Bay of Islands, because he can learn a lot of lessons
as to how to increase his majority rather than reduce it.

Now as it relates to
salary, of course the hon. the member for Humber West, who
is now to take over that important position on the West
Coast, will be getting the same remuneration as the
member for Bay of Islands was getting, of course.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, another question
to the hon. gentleman. The gentleman who is seated to
the hon. the Premier's right, the Minister of Energy
(Mr. Marshall), could the hon. gentleman tell the House,
because we found out this morning at a Committee meeting
by the minister admitting himself that he is only a part-
time minister -

MR. MORGAN: One more bites the dust.

MR. WARREN: Three strikes and you are
out.

MR. NEARY: Are you going to kiss
the Premier?

MR. RIDEOUT: Kiss him three times a
day and more often if required.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Russell): Order, please!

MR. NEARY: The hon. gentleman should indicate if that is back or front.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: He should indicate, Mr. Speaker, if that is the back or front that he kisses three times a day.

MR. NEARY: Mr. Speaker, the gentleman to the hon. Premier's right admitted this morning -

MR. CALLAN: I will stay on this side I think.

MR. NEARY: The gentleman to the hon. Premier's right admitted this morning that he is only a part-time minister.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: Would the hon. gentleman indicate if the Minister of Energy (Mr. Marshall) -

MR. MORGAN: You are only a part-time Leader as well.

MR. NEARY: -receives a part-time salary?

MR. WARREN: He is not a judge.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: The hon. Premier.

PREMIER PECKFORD: Mr. Speaker, I thank the hon. Leader of the Opposition (Mr. Neary) for that question. It is a very good question for the hon. Leader of the Opposition to ask. As a matter of fact, the minister responsible for Energy, the Petroleum Directorate and Newfoundland and Labrador Hydro is the President of Executive Council, the member for St. John's East, and he takes half a salary, he takes less, I think, than the House Leader for the Opposition

PREMIER PECKFORD: (Mr. Hodder), he earns less -

SOME HON. MEMBERS: Hear, hear

PREMIER PECKFORD: - than the hon. member for Port au Port earns. So he takes half of his Cabinet salary because he is only responsible for the Petroleum Directorate and Newfoundland and Labrador Hydro. So I am very pleased to inform this hon. House that a highly respected member of the Bar, one of the great lawyers of Newfoundland -

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: There is nobody, Mr. Speaker, nobody in Newfoundland who has anything to do with law that will say a negative thing about the member for St. John's East (Mr. Marshall).

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: He is highly respected and everybody keeps their distance from the member for St. John's East when he starts talking about matters of law. And I can tell you right now that everybody in the front benches and in the Cabinet and in the backbenches are pretty proud of the job that the Government House Leader is doing, the President of the Executive Council, and the Minister responsible for Energy all for half price.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: A supplementary, Mr. Speaker.

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

MR. NEARY: A supplementary, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: Mr. Speaker, I would assume from the hon. Premier's answer that as President of the Council the hon. gentleman does not receive any salary, that he only receives part of a minister's salary as Minister of Energy

MR. NEARY: and no income as President of the Council. I would assume that is the answer the hon. gentleman gave. Now would the hon. gentleman tell the House if the Minister of Energy (Mr. Marshall), so-called, part-time Minister of Energy is still the spokesman in the negotiations - if negotiations should continue, should resume - with the Government of Canada in connection with the offshore? Will the part-time Minister of Energy still be the spokesman or has he withdrawn as the spokesman in these negotiations?

MR. MORGAN: We are going to engage Jim Evans out in Corner Brook.

MR. SPEAKER (Russell): The hon. Premier.

PREMIER PECKFORD: Mr. Speaker, the Minister responsible for Energy, who only takes a half salary, continues to be involved, because he is responsible for the Petroleum Directorate, in the offshore

PREMIER PECKFORD:

negotiations and is leading the effort on behalf of the Government of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. HODDER: Mr. Speaker.

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

MR. NEARY: That is not what he told us this morning.

MR. HODDER: Mr. Speaker, just to get back to the original question at hand on these salary increases and the Premier's statement that they are over twenty-two months: Would the Premier explain to me why, when looking at last year's salary details and this year's salary details, that the junior civil servants increases reflect small amounts like 5 per cent and 7 per cent? Because there were the same periods of time. Why is it that they are much smaller?

PREMIER PECKFORD: Sir, no problem, because usually we have the executives track the General Service and the M.O.S., rather than the other way around. The increases for the executives come into effect later than they do for the people who are in the middle and lower management of government.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I would like to change the subject for a minute and come to the Minister of Justice (Mr. Ottenheimer).

MR. STEWART: He has got to change it.

MR. NEARY: No, we do not have to change it. We will deal with it when we get back under the - Obviously, Mr. Speaker, they are calling legislation today to try to get the heat and try to get the pressure off the Premier.

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Question, question!

MR. NEARY: First, he did not turn up in the House for his estimates and now they are going to talk about legislation instead of -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Russell): Order, please! Order, please!
The time for Question Period has expired.

SOME HON. MEMBERS: Hear, hear!

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SIMMS: Mr. Speaker.

MR. SPEAKER: The hon. the Minister of Culture, Recreation and Youth.

MR. SIMMS: Mr. Speaker, I would like to table the statistical report which presents a summary of the use of the Newfoundland and Labrador provincial parks for the operating season, 1981.

AN HON. MEMBER: Hear, hear!

DR. COLLINS: Mr. Speaker.

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

DR. COLLINS: Mr. Speaker, pursuant to Section 51, Paragraph 3 of the Financial Administration Act, I would like to table details of guaranteed loans paid in part or in whole since the last sitting of the House.

June 10, 1982

Tape 1176

EC - 3

ORDERS OF THE DAY

On motion, second reading of
a bill, "An Act To Amend The Unified Family Court Act,"
(Bill No. 43).

MR. SPEAKER (Russell): The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, the effect of this amendment will be to make the Unified Family Court a permanent and continuing part of the judicial system.

The Unified Family Court became operative June 18th, 1979, as a joint project of the federal and provincial governments and the legislation which was then enacted provided for its continuation for a three year period which would obviously give us an opportunity to assess it. And the purpose of the bill that we are now considering, "An Act To Amend The Unified Family Court Act", the purpose and result is to make the Unified Family Court permanent and continuing. It is done by a mechanism -

MR. NEARY: Is it operating now?

MR. OTTENHEIMER: Yes. It is done by a mechanism of repealing a section which is really a sunset clause so that that mechanism does not confuse the issue, that is the mechanism, the repealing of a sunset clause, the affect and the purpose and the one and only affect is to make the Unified Family Court a continuing institution.

Now I will give hon. members some - and I will not be very lengthy on this - overview of the work of the Unified Family Court. As I said, it began on June 18th, 1979, jointly funded by the federal and provincial governments, intended that it be for a three year period as a pilot project which would then give the Province an opportunity to decide whether it wished to continue it or not and the Province does wish to continue it as a permanent institution. Hon. members may know as well that Mr. Justice Fagan was appointed as the Justice of the Unified Family Court and, apart from some recent illness, has been presiding over the court.

Without going into each and every aspect of the jurisdiction of the court, if I give

MR. OTTENHEIMER: the most important areas I think it will be clear what the court is doing, in areas of marriage, dissolution and annulment, separation, alimony, maintenance, maintenance of children, affiliation, enforcement of alimony and maintenance orders, custody, adoptions, guardianship, in this entire area.

MR. NEARY: Divorce too?

MR. OTTENHEIMER: Yes, divorce too.

And they are fairly brief but I will read what are described as the goals of the Unified Family Court and that, I think, gives a very good description of it, and there are five of them. One, to provide a court with jurisdiction over family matters which understands a range of problems beyond legal issues and can deal with the family as a unit through a combination of court and social services; two, to recognize the importance of the family unit and to help identify the responsibilities and rights of its members to each other and to society whether they live together or not, to provide practical and humane help to

MR. G. OTTENHEIMER: those whose families are in the process of breakdown or have broken down, and to ensure the rights, needs and feelings of children are properly recognized and protected in the resolution of family problems. Three; to provide ready access to confidential counselling to family members who need help in resolving their problems before legal proceedings, during legal proceedings and during the period of adjustment which follows. Four; to save time, effort and money for the clients and the courts by consolidating legal issues and avoiding unnecessary trials. And five; to develop appropriate and effective policies, procedures and administrative structures for the court and to inform the public and professional groups of the purpose of the Unified Family Court and the services that it provides.

The court has jurisdiction geographically of St. John's, the St. John's Metropolitan area, and Bell Island, approximately 150,000 people.

MR. ROBERTS: That is what it serves?

MR. OTTENHEIMER: That is what it serves.

So that would be less than twenty-five per cent of the population.

AN HON. MEMBER: Yes, around there.

MR. OTTENHEIMER: Yes. It would be somewhere in the twenties, per cent of the population. Twenty-two, twenty-three per cent, whatever.

It would be our hope and our intention to develop the service of the Unified Family Court by having a similar court and facility available to other residents and we would hope within a year or two that this would be possible. Conceivably, Corner Brook would suggest itself as a logical area, and arguments could be made for other places as well,

MR. G. OTTENHEIMER: but certainly as the next largest center of population, and then could serve Western Newfoundland, moving into Central Newfoundland and indeed Labrador. But it is hoped that within a year or two it will be possible to have an additional Unified Family Court. But as it is, the one that has worked during the past three years and will continue now, services approximately 150,000 people, which is between twenty and twenty-five per cent of the population.

To give an example of the work it has done, I have the annual report for the period ending June, 1981. The annual report for the period ending June, 1982 is not yet available. But I will give the statistics from the period, this is the period which would cover from June, 1980 to June, 1981, and the period June, 1981 to June, 1982 would, I would suggest, be quite similar. But this is for the period June 1981, to 1982: 334 divorces processed, twenty-five actions under The Matrimonial Property Act, forty-three custody hearings -

AN HON. MEMBER: How many divorces?

MR. OTTENHEIMER: 334 divorces.

- 128 actions under The Maintenance Act, forty-two actions under The Reciprocal Enforcement Of Maintenance Orders Act, 264 under The Neglected Childrens Act - the question of warship - thirty-nine actions under The Children Of Unmarried Parents Act, 107

MR. OTTENHEIMER:

adoptions and ninety-five hearings under the Criminal Code, and they would be just specific sections to the Criminal Code dealing with family matters, well, for example, assault, breach of recognizance, failure to comply with a probation order when these are in a family context.

Now, these are statistics for the period ending up to June 1981. And the statistics for the period ending June 1982 would, I am sure, be quite, quite similar. There could be some increases, some decreases, but would be very similar.

Let me say as well that the court works differently than other arms of the judiciary in that there is a relationship with the Department of Social Services, and, indeed, Social Service experts work with the court in the areas of counselling and conciliation and in a lot of pre-trial counselling. And, also, the Memorial University School of Social Work has had somebody available.

So the overall purpose is that when a family arrives in the unfortunate position of a breakdown, a marriage breakdown, a situation where the interests of people cannot be reconciled and there is a breakdown, that this be done with a minimum of pain, a minimum of expense, a minimum of embarrassment to all concerned, and in order to make that unfortunate occurrence which happens as painless as possible, and to give a full recognition to the rights of children and minors and to other people who are affected.

That essentially is what I wish to say, Mr. Speaker, and say the purpose of the act is to continue the Unified Family Court as a permanent feature of our judiciary. Certainly it has been a quite busy court and those to whom I have spoken

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MR. OTTENHEIMER: who have been involved
with it, I think they would be unanimous in saying it
is a very worthwhile service, and, indeed, we look
forward to its continuation, and that we hope, within
the next year or so, it will be possible to provide
this kind of a service,

MR. OTTENHEIMER: as well for citizens outside of the radius now served by the Unified Family Court.

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

MR. NEARY: Mr. Speaker, I do not object to this bill, it is a very brief bill as a matter of fact, all it does is say that section 22 of the Unified Family Court be amended, and the Court Act is repealed. As the hon. gentleman indicated, and I thank him for the information and the statistics, Mr. Speaker, that the hon. gentleman laid out for us, it does indeed show that this court is a very busy court. I do not understand, perhaps the hon. gentleman when he is speaking in closing the debate on second reading could tell us, why it was only brought in for a three year period in the first place. Was it an experiment? If so I would assume that now that they are going to set it up on a permanent basis that the experiment must have been successful.

Mr. Speaker, I am rather impressed and discouraged at the same time. I am impressed with the work of the Unified Family Court but I am awfully discouraged over the statistics that the hon. gentleman just laid on the table of the House. Mr. Speaker, who would think in an area that only covers 150,000 people, 25 per cent of our population, that in the year ended June 1981 that you would have 334 divorces in that small area? I do not know if it is an indication of the times, Mr. Speaker, a lot of people argue that because of the state of the economy, inflation, high interest rates, high unemployment, that there is a breakdown in the moral fibre, but certainly, Mr. Speaker, the statistics just given to the House by the hon. the gentleman would indicate that there is

MR. NEARY: something radically wrong,
334 divorces in a court that only handles 25 per cent of the
population of Newfoundland.

Now I would assume that none of
these divorces were outside of that area of jurisdiction,
that in the other courts throughout the Province a similar,
probably, Mr. Speaker, four times, three or four times the
number of divorces just indicated by the hon. gentleman have
taken place.

MR. OTTENHEIMER: It would appear the more urban the area the greater the ratio of divorce. I think that is probably a general trend.

MR. NEARY: The more urban the area, the hon. gentleman says, the greater the rate of divorce.

MR. OTTENHEIMER: I think that is so.

MR. NEARY: I wonder what the reason for that would be? Would it be that there is more activity going on, there is more- what shall I say? How shall I put it? -there is more temptation, more unemployment, more breakdown in the social fabric, social and moral fabric of our society? It would seem to me that if you would just calculate based on the number of divorces in this particular area of 150,000 people that there was something like 1,000 or 1,200 divorces throughout Newfoundland and Labrador last year. I wonder would that be an accurate figure?

MR. OTTENHEIMER: I will have that checked. I will check that. It would be good to know.

MR. NEARY: I would appreciate it if he would check that because the number of divorces seem to be increasing at an alarming rate. The number of divorces are going up faster than the bankruptcies.

MR. WARREN: It is almost impossible to do that.

MR. NEARY: Mr. Speaker, the hon. gentleman may refute what I am going to say, but you cannot help but link the number of divorces and the breakdown in society, in the family, you cannot help but link that to the state of the economy. It has to be, Mr. Speaker. I would suspect that some of these divorces were brought on by a lack of income in the family, probably no income. Nothing can bring on a row and break up a family as quick as lack of finances, lack of money to pay the bills, lack of resources to educate the children, properly clothe your children,

MR. NEARY: Lack of funding to be able to buy groceries, to put food on the table for the family.

Mr. Speaker, all these matters are contributing factors, are they not, to divorce? So I would say that you can link the high rate of divorce in this Province at the present time, which seems to be increasing at an alarming rate, that you can link it to the state of the economy. What I would really be interested in, Mr. Speaker, is finding out if the Unified Family Court has any success rate at all or does every case that comes before the Unified Family Court end up in divorce? Do they have any success rate at all?

MR. NEARY: It is easy to throw out figures showing the number of divorces, the number of custody cases, and the number of neglected children cases etc. it is very easy to lay these figures out, but what about the success rate? Is there indeed any success rate?

MR. MARSHALL: Of what?

MR. NEARY: At reconciliation.

AN HON. MEMBER: No.

MR. NEARY: No. None.

MR. NEARY: I hope the hon. gentleman outside the door is listening to me there, Mr. Speaker.

MR. OTTENHEIMER: I am.

MR. NEARY: The hon. gentleman is listening.

Well I would like for the hon. gentleman to react to the question that I just put to the hon. minister about whether or not there is any success at all at reconciliation. And does he have any statistics to show what the success rate is or does everybody who goes before the Unified Family Court since it is too late for reconciliation? Do they all end up in divorce? Because the hon. gentleman did indicate that there were social workers attached to the Unified Family Court and I think we would all be interested, Mr. Speaker, in finding out just what the success rate might be.

This is a very delicate matter we are dealing with here, Mr. Speaker, so therefore I have to pick and choose my words, but I will say this, that I think I am speaking for all members of the House when I say that divorce in this Province seems to be increasing at an alarming rate. Perhaps the hon. gentleman might have some statistics to also indicate the reasons for divorce. Are these statistics available?

MR. NEARY:

How many breakdowns in these marriages have occurred because of economic problems? Other factors? Surely the hon. gentleman has some ideas or some statistics along these lines.

It is all right to lay out the hard, cold statistics, Mr. Speaker, but I think what the members of the House would be interested in is finding out what efforts are being made to salvage marriage? What the success rate is?

I was glad to hear the hon. gentleman say they are going to expand or they are thinking about expanding the Unified Family Court to other parts of Newfoundland and Labrador.

MR. YOUNG:

Harbour Grace in particular.

MR. NEARY:

includes Harbour Grace.

Well I would assume 150,000

But, Mr. Speaker, the trouble is with expanding, if you make the

MR. NEARY: road to divorce easier, then you never know, Mr. Speaker, it is quite possible that more people may take advantage of it. Maybe we should be making the application for a divorce more difficult, maybe that is what we should be doing instead of expanding, maybe we should be limiting it. I do not know. I would like to hear the hon. gentleman comment on that.

MR. WARREN: The Matrimonial Property Act was a help for divorce.

MR. NEARY: Well my hon. colleague says the matrimonial act may have been an incentive for divorce. Certainly social assistance is an incentive for separation and divorce. Let me see how many separations we have here - 334, that is divorces, right? - how many separations do we have?

MR. OTTENHEIMER: No, separations do not show because these would usually be agreed to by both parties without necessarily going to the court at all.

MR. NEARY: That is exactly the point, Mr. Speaker, We have been hearing reports and rumours about people who arrange, as a matter of convenience, for a separation and sometimes they make it legal just so they can draw social assistance. Too bad the Minister of Social Services (Mr. Hickey) is not in his seat because we understand, Mr. Speaker, that this is a bit of a racket. I do not know if the hon. gentleman is aware of it or not, but it is a bit of a racket where people want to get social assistance so they go and get separated, the woman will go and apply for social assistance and get social assistance and get her rent paid, while the husband is out working or drawing unemployment insurance and creep home under cover of darkness. This is happening, Mr. Speaker, that is happening. I am not exaggerating, everybody knows that that is happening. There is a bit of a racket there. But it certainly does provide an incentive, social assistance

MR. NEARY: provides an incentive for people to get a legal separation if they are having any difficulties at all with coping with the cost of living. The man could be out working, he could be driving a taxi, and his wife drawing social assistance and they could have a legal separation. And I hope nobody will stand in this House and tell me that it is not happening because it is happening.

MR. NEARY: So sometimes, Mr. Speaker, in trying to help out, what we do is we provide incentives for people to get a divorce or to get a legal separation. So, Mr. Speaker, while we may be looking at expansion, the minister should also keep in mind that we do not want to make divorce easy to get or separation easy to get. The hon. gentleman may get up and say, 'Well, you know, how can you explain that?' I really cannot explain it, Mr. Speaker, except to say that if you provide all the facilities and you provide the incentives, that, obviously, people will take advantage. There is not much else I could say about this, except that I would like to repeat that the statistics given by the hon. gentleman are alarming. I do not know what positive steps we can take to try to curb the alarming rate of increase in the rate of divorce and separation in this Province, Mr. Speaker.

MR. OTTENHEIMER: Not very much.

MR. NEARY: The hon. gentleman says not very much. Maybe we cannot. Maybe it is just an indication of the times, the hard times that we are going through.

MR. TOBIN: It is an indication of good times.

MR. NEARY: Good times? It is an indication of good times? Well, perhaps the hon. gentleman may have a point. Perhaps we are living too high on the hog; perhaps there are too many temptations thrown in people's way; perhaps there are too many topless clubs, which the hon. the President of the Council (Mr. Marshall) is so concerned about. Maybe that is

MR. NEARY: the kind of thing that is causing a breakdown in families. But it is something to be concerned about, Mr. Speaker. I think once you have a breakdown in the family unit then you have a breakdown in civilization and mankind, Mr. Speaker. It is a very serious matter and something that I hope hon. gentlemen do not treat very lightly.

We are going to support the bill, Mr. Speaker, and I will be interested in hearing the hon. gentleman's comments and the answers to some of the questions that I raised.

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

M.R. ROBERTS: Mr. Speaker, I want to add a word or two - perhaps my hon. friend could pass me the bill itself - I would like to add a word or two because, as my friend just reminded me, it is a very simple bill. It simply repeals one section of the Unified Family Court Act. I think the Minister of Justice (Mr. Ottenheimer) announced the other day that the effect of this is to make permanent the court. As

MR. ROBERTS: printed in explanatory notes, this is the transitional - this was a sunset law to use the - I think that is one of the buzz words now, is it not? - sunset laws, and we are taking out the sunset provision, which is fair enough.

And my hon. friend from LaPoile (Mr. Neary), the Leader of the Opposition, has said that we are in support of this and it is a good move and I certainly would simply add to that and say that the more I see of the Family Court - and I bow to my friend from St. John's West (Mr. Barrett) who is visiting the House today. I am disappointed my friend the Minister of Fisheries (Mr. Morgan) is absent, but I have no doubt he is seeing the Queen on the Queen's business and I have no doubt the Queen -

MR. BARRETT: It is nice to see you, boy.

MR. ROBERTS: I am sorry?

MR. BARRETT: It is nice to see you.

You add so much to the other side of the House.

MR. ROBERTS: I say to my friend from St. John's West I too am glad to see him, and I am sure he is glad to see us, and certainly, Sir, what he sees now is better than what he sees when he looks at the backs of the heads of his colleagues, which is what he sees most of the time.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: Now, Sir, where was I? I was back on the principle of this bill. Of course the Family court is working out to be a very, very valuable part of the administration of justice in this Province. The three years is up now, is it? How quickly the three years go. It has, I think, demonstrated its value. I do not do any of the type of law that is dealt with in the court, it is something beyond my knowledge, but I

MR. ROBERTS: know some people who do, and the lawyers who appear there find that the court works marvellously well and I think the clinicians, the men and the women and, for that matter, the children who have some experience with the court, find that it is performing a very useful function.

I would simply want to ask the minister, when he closes the debate on second reading, to deal with a point or two. We all know that Mr. Justice Fagan, who is a judge of the Supreme Court assigned to the Unified Family Court, has been ill. I was very pleased to learn the other day that his illness is now behind him and that he will be coming back to work, I understand, initially for three days a week. The minister may be able to tell us about that, Not that I am suggesting that it is the business of the House to deal with the health of any of Her Majesty's judges, We obviously are all concerned, but I am not suggesting that is our business here. My concern is this, that Mr. Justice Fagan, who has served with exemplary dedication, and punching in very long hours in what can be very arduous work - now the fact that much of it is the same, and the fact that much of it is repetitious, does not make it any less arduous and I would think Mr. Justice Fagan's work in that court has been - his workload there is just as heavy as any other judge in Canada and just as heavy as that of any of his brethren. But he has been ill and the minister may be able to tell us whether he will be able to resume his duties full-time, and that is my concern. Because

MR. ROBERTS:

if the judge's health has not been restored sufficiently to the point where he can carry on full time, it means his brethren in the court will have to do as they have been doing. They have been - when I say covering that sometimes in this House has another implication given Her Majesty's Ministers and their activities - but they have been subbing for them, they have been substituting, they have been carrying on the work of the court and in fact they have been giving it a degree of priority, and again it is rightly so.

Chief Justice Hickman I think has been spending a great deal of time sitting in the Family Court, that division if you wish, of the Trial Division of the Supreme Court. The minister might be able to tell us about that. There has been some comment, and one of these days when it is appropriate I will ask him a question and the minister can speak to it, but there has been some comment from the organized bar, the Canadian Bar Association, which is sort of the trade union of the bar, about the fact that our judges are being spread thin, if that is not an incorrect phrase.

MR. NEARY: He admitted that at the Estimates Committee.

MR. ROBERTS: My friend from LaPoile, the Opposition

Leader (Mr. Neary), says that the minister admitted that at the Estimates Committee, He is simply then admitting the truth. The Bar Association made some - I am not sure if they are recommendations, in fact I have not seen their brief, but certainly made some representations about it and it has shown up, as the minister no doubt is well aware, it has shown up, I am told, most dramatically in the Unified Family Court. The Supreme Court Trial Division has given priority to the work of the Unified Family Court. They have -

MR. REID: (Inaudible).

MR. ROBERTS: If my friend from Trinity-Bay de Verde (Mr. Reid), I guess it is Trinity-Bay de Verde, would keep that stentorian voice of his under control I would be grateful.

MR. REID: I never thought I would take your time.

MR. ROBERTS: Mr. Speaker, I can accept the first part of that statement that the hon. gentleman never thought, I have difficulty accepting - all I ask of him is that he be a little quieter. The Minister of Justice (Mr. Ottenheimer) and I are engaged in an important dialogue and I know the - I was going to say the minister, the former minister and perhaps a future minister, would control his voice somewhat and instead of dropping pearls before the Gadarene gentleman, whoever he was addressing,

AN HON. MEMBER: What?

MR. ROBERTS: If the hon. gentleman does not know the reference he will find it in his bible.

Now let me come back to the Minister of Justice (Mr. Ottenheimer). Now, Mr. Speaker, let me say to the Minister of Justice there is a concern among the bar, and I think among those who have business before the courts, and that is not everybody all the time, but over the course of one's lifetime many people come into contact with the courts in this country and perhaps the minister could tell us what if anything is going to be done to ameliorate the situation in the Unified Family Court by alleviating the strain being placed upon the judges. They are being spread very thinly indeed.

MR. E. ROBERTS: We had two extra judges added to the Supreme Court there by legislation in this House and then by complimentary action by the Government of Canada, Mr. Justice Lang and Mr. Justice Steele were added to the Supreme Court but I think as the President of the Canadian Bar Association here, Mr. Micheal Harrington, said the other day in a meeting with the minister, the net affect of those two judges being added has been zero ineffective work output by the judges because of course, Mr. Justice Mahoney has been sitting on an inquiry for a number of weeks now, a very valuable increase, and Chief Justice Hickman, I gather, effectively is not going to be judging for about two years because that is how long the Ocean Range inquiry will take.

Now there is no doubt about the value of the Ocean Ranger inquiry, and I certainly have no doubt about the contribution which Chief Justice Hickman can make to the work of that inquiry, anymore than I have no doubt at all as to the value of Mr. Justice Mahoney's contribution to the Artic Explorer inquiry, but the problem is we only have in this Province a very limited number of Supreme Court judges. Perhaps on that point too the minister might briefly, Sir, if it is not too far away, and I do not think it is, from the principle of this particular bill, might tell us where we are with the proposal to marry the two courts, the District Court and the Supreme Court, which would give us no more judges, per se, but would give us a great number of judges with the ability to handle all matters as opposed to the judges we now have, some of who may handle certain types of matters in the District Court and some in the Supreme Court with a much wider range of jurisdiction.

But the Family Court, Sir, is an experiment that has worked very well and I think credit should go to those who made it possible.

Who is the Minister of Justice in Ottawa

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Tape No. 1187

MJ - 2

MR. E. ROBERTS: that came in?

MR. G. OTTENHEIMER: Otto Lang.

MR. E. ROBERTS: Otto Lang, the hon. - well, he is still the hon. Otto Lang, he is now in private business in Winnipeg working for the Richardsons. But Mr. Lang, and I guess Cheif Justice Hickman was the Justice Minister here in Newfoundland, and they set it up. And I think the Social Services people have helped mightily. One of the secrets, I am told, for the success of the Family Court is the fact that it has social workers attached to it. The minister has been most understanding of requests made of him for assistance and

MR. ROBERTS:

the money he has made available. I understand as well Mrs. Mary Noonan, one of the solicitors who practices with the Justice Department has, I was going to say, worked manfully- that may get me in trouble with the Minister of Education (Ms. Verge) or the Minister of Municipal Affairs (Mrs. Newhook)-but has worked personably - is there such a word, Sir? - anyway wonderfully as well as wondrously and has done great and wondrous things and I would like to say just a word of tribute.

The minister might in closing the debate, unless somebody else wants to speak on it, Sir, say a word or two on these points. They are of some concern to the practicing bar, but more importantly they are of some concern to those whose affairs come before the courts. The Unified Family Court has been, I am sure minister knows, sitting nights, it has been sitting regularly until seven or eight o'clock in the evening, it has been working very hard, and I gather the workload increases. I have not checked the calendar, I do not pretend to know where it stands, but I do understand it still takes a lot of time to get a matter on there even with the co-operation and even with the very hard work. The problem, of course, is that many of these matters ought not to be before the court, by which I do not mean that there ought not to be divorces, that is a matter on which everybody can have his own view, but if there are to be divorces they ought not to be handled in most cases by the courts anymore than marriages are not handled by the courts. And I think it is the wrong idea to have the judicial process used to break-up a marriage, There may well be problems coming out of the break-up of a marriage which need to be resolved by the judicial process - I think England, the United

MR. ROBERTS: Kingdom, Britian has gone a long way towards straightening out what should be done-but that is really irrelevant because we have not jurisdiction in this House, as Your Honour knows, Sir, and as the minister will confirm, we have no jurisdiction in this House to deal with matters affecting divorce. We can pass laws on marriage but not on divorce, and only those who can understand the Canadian Constitution can understand that. I do not pretend to understand it but I know it is so. And so that is the situation. But the Family Court has worked well and I think all who work in it should be complemented. I am glad we are making it permanent, it is the right thing to do and, as my colleague the Leader of the Opposition (Mr. Neary) said, we on this side support it, Sir.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (Aylward): If the hon. Minister of Justice speaks now he will close the debate.

The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, I will deal with the matters referred to by the hon. member for the Strait of Belle Isle (Mr. Roberts) and then to the matters referred to by the hon. Leader of the Opposition.

As the hon. gentleman said, Mr. Justice Fagan has been ill for some time. I understand that he is returning to work this month and will be working a half day or a half period, perhaps three days a week, a half period for a certain period of time. And I do not know, and I guess it will be some time before I do know, whether in fact he will be able to resume his duties on a full-time basis. That, of course, is one of the things we will have to know, whether he can resume on a full-time basis, before examining various other options. But certainly that is a matter that

MR. OTTENHEIMER: in a short while after he has resumed part-time work we should be able to know whether he will be able to resume full-time work. And then, based on what in effect does happen there, then we will have to examine various possibilities. Because it would certainly be contrary to the whole purpose and intent of the Unified Family Court to have a backlog and to have matters procrastinated while the whole concept behind it is that these matters can come to a conclusion with a minimum of time and a minimum of expense and pain, etc., for all involved.

With respect to the number of Supreme Court judges we have in the Province, and that was something discussed during the estimates of the Department of Justice this morning, certainly with two judges of the Supreme Court involved in royal commission enquiries, this certainly does encroach upon and into the time available for judicial duties. It is something certainly that needs to be borne in mind when appointing royal commissions. And I am not commenting on these, you know, specific to royal commissioners or those two royal commissions or the individuals involved at all. I am sure they will both do an excellent job and are in that sense excellent choices. I would point out, however, that it is not necessary in my opinion for royal commissions to regard the judiciary as the sole or only source.

MR. NEARY: Why do we always pick on the judges?

MR. OTTENHEIMER: I do not know.

I do not mind saying that I personally for the three years that I am the Minister of Justice have not appointed one royal commission of a Supreme Court judge. And I am certainly not saying that there are not instances where a Supreme Court judge might be valid.

AN HON. MEMBER: That is right.

MR. OTTENHEIMER: But I think we ought to be careful not to fall into that category of always appointing a Supreme Court judge.

MR. ROBERTS: Would the minister just yield for a second?

MR. OTTENHEIMER: Surely.

MR. ROBERTS: Do not judges need the permission of - is it the Chief Justice or the Chief Judge or the Minister of Justice in Ottawa? If, for example, the minister wanted to appoint, as he once did, Mr. Justice Mahoney to be a royal commission - you know, the Public Works situation - does a judge need to seek permission from anybody?

MR. OTTENHEIMER: I think the judge would certainly need permission from his chief, For example, if the Province were to - I think all the Province could do would be to invite a judge to act as a royal commissioner. I think he would then need the concurrence of his chief.

MR. ROBERTS: But it does not work the other way.

MR. OTTENHEIMER: But it does not work the other way. If the federal government appoints a judge, no doubt he would, I think, he would need the consent of his chief here if he were not the chief judge. But they do not need any consent of the Minister of Justice in the Province.

MR. ROBERTS: It really is anomalous, you know, We create them and Ottawa appoints them, and pays for them.

MR. OTTENHEIMER: Yes, and then take a course of action which would put them in another activity, apart from the judicial one, for a period of one, or two or perhaps more years. You know, I am not arguing

MR. OTTENHEIMER:

against it. I am just saying that I do think that it is wrong if immediately when royal commission comes to mind, a commission of enquiry comes to mind, immediately, and almost exclusively, we look to the Supreme Court, because I am sure there are other people who can do an adequate job. And I say that without any comment at all on the present-

MR. ROBERTS: They are certifiably impartial and certifiably competent and that is the reason why, surely, is it not?

MR. OTTENHEIMER: But as I say, we have not had many royal commissions in the past three years provincially, but we have had a number of provincial royal commissions and we have not appointed one judge, actually, a federal district- Provincial judges, of course, do provincial court enquiries, but that is a different matter. They have to do those. The only point I am making is that a number of years ago we were in a position where, I suppose at least half of the federally appointed judges were involved in royal commissions, either federal or provincial, many of them provincial. There was a period where they were numerous.

MR. ROBERTS: We have gone from four high court judges ten years ago to ten- is it today?

MR. OTTENHEIMER: Yes. Four in the Court of Appeal.

MR. ROBERTS: Six or seven in the trial division, counting Mr. Justice Fagan.

MR. OTTENHEIMER: Six with the Unified Family Court, that is ten. And then seven district court judges.

MR. ROBERTS: Eight district court judges.

MR. OTTENHEIMER: Right, with one coming up for Labrador to make nine.

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MR. ROBERTS:

Do you want the job?

SOME HON. MEMBERS:

Oh, oh!

MR. OTTENHEIMER:

So obviously we will have to see what develops there with respect to the judge of the Unified Family Court. Merger now is due, we are planning it for July 1983, thirteen months away. That, of course, as the hon. member for the Strait of Belle Isle (Mr. Roberts) said, will not add any people as such to the judiciary, but it will certainly build in a flexibility and a possibility of deployment which is not present now. So what we have to bear in mind, and I am obviously aware of the recommendations of the Newfoundland Branch of the Canadian Law Society, what we have to bear in mind before we finalize the position there is, number one, the situation with respect to Unified Family Court, and hopefully in a month or six weeks we will know to what extent additional personnel might be necessary there. And then also in terms of the phasing in of merger, which is now due for July of 1983. So those matters we realize are extremely important. We have to keep an open mind for at least a month or six weeks until one of the factors becomes known.

MR. ROBERTS:

There is no problem at all then. Hopefully Judge Fagan will be back.

MR. OTTENHEIMER:

Hopefully, yes, on a full-time basis.

Some of the matters raised by the Leader of the Opposition: he asked why it was a three year period in the first place and the only answer is that it was done as an experiment, on a trial basis. It was cost-shared then by the federal government, cost-shared by the federal/Provincial governments and now, of course, apart from

MR. OTTENHEIMER: judge's salary, is taken over by the Province. But the reason it was originally a three-year period was because it was regarded as an experiment.

I do not have the figures for divorce throughout the Province, although I will get them and make them available to the House, because it would be interesting to have. I do not think that they would - whereas now we have 334 going from June, 1980 to June, 1981 through Unified Family Court, for the rest of the Province, I do not think the number, you know, would progress according to the population because, for some reason, the more urban the area, I think it is true, the more incidents of divorce; or put the other way, in rural areas there seems to be less incidence of divorce. But I will get those statistics.

I know, as well, that during the past number of years the rate of divorce has increased in Newfoundland and is increasing, but we are still significantly below the national average, whatever consolation that is.

MR. NEARY: But we are getting there.

MR. OTTENHEIMER: No doubt we are. Of course, the divorce law itself and the grounds for divorce, all of that, is within the federal area jurisdiction. This is a matter discussed during the Constitution.

MR. ROBERTS: Nearly made it to provincial jurisdiction, did it not?

MR. OTTENHEIMER: Yes. Well, there were some provinces who wished to have provincial -

MR. ROBERTS: It should not.

MR. OTTENHEIMER: But then if you get into grounds of divorce, you could have ten different - of course, that is the situation in the United States, I know.

MR. ROBERTS: But they have a full faith clause in their constitution and we do not. I assume that each administration did not -

MR. OTTENHEIMER: No, our position was that we wished divorce to stay in the federal area of jurisdiction and we did not wish to have a situation where you had grounds for divorce in different provinces.

MR. ROBERTS: I agree completely, yes.

MR. OTTENHEIMER: That would unnecessarily complicate and could lead to a lot of hardship and forum shopping and -

MR. ROBERTS: Sure, like Vegas in Nevada.

MR. OTTENHEIMER: Yes. So we have maintained that position and, indeed, if my memory recalls, the vast majority of provinces did not maintain it.

MR. ROBERTS: Manitoba was pushing for it, was it not?

MR. OTTENHEIMER: Manitoba was pushing, and Quebec, Ontario I do not recall. But certainly the majority were for keeping divorce in the federal area of jurisdiction and not having different grounds for divorce in different parts of the country.

The hon. the Leader of the Opposition asked to what extent conciliation is working. To be perfectly frank, I would say, in the vast majority of cases when people end up in the Unified Family Court, they have exhausted conciliation. Whatever went on before in the family, with friends, with clergy, however, I would say it is exhausted.

MR. ROBERTS: But I am told that counselling works well.

MR. OTTENHEIMER: Yes.

MR. ROBERTS: I mean, once one gets the basic decision to go separate.

MR. OTTENHEIMER: Yes, in terms of custody of the children, visiting rights and financial matters, this is able to be done

MR. OTTENHEIMER:

with a minimum of acrimony, and, indeed, I think frequently with harmony between the parties. And I do understand, yes, that the counselling does work well.

MR. ROBERTS:

Then the minister is saying by the time they come to court it is for the putting asunder part, there is nothing left of the marriage.

MR. OTTENHEIMER:

Yes. I think the percentage of times where there would be reconciliation would be very, very small.

MR. ROBERTS:

That is why it really should not go to court at all.

MR. NEARY:

Can you explain an annulment?

MR. OTTENHEIMER:

An annulment?

MR. NEARY:

Yes. What does the court have to do with an annulment?

MR. OTTENHEIMER:

An annulment is where the court would decree that there never was a marriage in the first place.

MR. NEARY:

I see.

MR. OTTENHEIMER:

I do not think there are very many civil annulments. There are some, I think, canonical or church, ecclesiastical annulments, Anglican and Roman Catholic, I think, fairly rare, but I think what is stated there in a decree of annulment is that there never was a marriage in the first place.

MR. NEARY:

You mean the State could decide that.

MR. ROBERTS:

Well, the State courts can.

MR. OTTENHEIMER:

The State courts can.

MR. ROBERTS:

The hon. the minister, as far as I know, is lawfully married -

MR. OTTENHEIMER:

As far as I know.

MR. ROBERTS: - and happily too, and more power to both him and his wife. If he were to go through a marriage ceremony, his 'second wife' would go and seek a decree of annulment.

Presumably the courts would say there never was a second marriage.

MR. OTTENHEIMER: Right.

MR. ROBERTS: That would be an annulment.

MR. NEARY: In other words, it is not essential to go through the church.

MR. ROBERTS: No. No.

MR. OTTENHEIMER: No. An annulment is used in a church sense, in an ecclesiastical sense, but can also be used in the civil sense where the effect of it is that the court would say there is no valid marriage in the first place because the person was not free to marry, was not capable of marrying, did not have the mental capacity to enter into the contract -

MR. ROBERTS: No consent.

MR. OTTENHEIMER: No consent, or for physical or other reasons.

MR. NEARY: The church can annul a marriage on it own.

MR. OTTENHEIMER: Yes. Now, whether -

MR. ROBERTS: When the church marries, the church is marrying by virtue, in part, by virtue of the State's authority which we have conferred upon the churches to marry people.

MR. OTTENHEIMER: Yes.

MR. ROBERTS: It is all very confusing, but it is correct.

MR. OTTENHEIMER: And there have been, of course, in history, a number of very interesting instances of annulments.

MR. ROBERTS: The Pope was in England
the other day, the first time since Henry VIII
was divorced by parliament but not by the church.

MR. OTTENHEIMER: But there are cases of
annulment within the court system as well as within
the ecclesiastical system.

MR. ROBERTS: Where do we send the bill for legal advice, Neary?

MR. OTTENHEIMER: And the final matter the hon. Leader of the Opposition (Mr. Neary) mentioned, you know, how can the incidence of divorce be curbed? I do not know that it can to be perfectly frank. I do not know that it can. I suppose more pre-marriage counselling, but I do not know that it can. And in the final analysis, I think one of the greatest advantages of the Unified Family Court is the pain that it can prevent from accruing to the children and that. I mean, if a marriage has definitely broken down, and especially if there are young children, then if the question of who is to have custody, and the system of maintenance and the visiting privileges with the parents, if all of that can be worked out harmoniously, then certainly that is a very worthwhile social accomplishment.

So I thank hon. members for their participation and I am pleased to move second reading.

SOME HON. MEMBERS: Hear, hear'
On motion, a bill, "An Act To Amend The Unified Family Court Act", read a second time, ordered referred to a Committee of the Whole House on tomorrow.

MR. OTTENHEIMER: Order 3, Bill no. 2.
Motion, second reading of a bill, "An Act To Amend The Highway Traffic Act." (Bill No. 2).

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

SOME HON. MEMBERS: Hear, hear!

MR. SIMMS: A good minister.

MR. DAWE: Mr. Speaker, this bill includes some twenty clauses of amendments to the Highway Traffic Act. They are brought about some by circumstance, some by initiative of the department to acknowledge changes in what is happening underneath this particular piece of legislation, and it also represents some requests from agencies which fall under the bill which have requested some amendments to the act.

Essentially, Mr. Speaker, clauses 1, 2, 3, 4, 5, 17 in part, and 18 in part,

MR. DAWE: make the necessary wording changes in the act to accommodate the new system of vehicle licences in the Province which now provide for the licencing of vehicles on a yearly basis spread over the year, rather than the old method of having to renew licences on the 31st of March annually. This has been introduced into the Province this past licencing year and this hopefully will be the last year, on March 31st of this year, when we would have the traditional line-ups and the large volumes of people going to the Motor Registration Offices and having to wait their turn in order to get their licences.

Mr. Speaker, this will allow the individuals to mail in and have adequate time to make application for their new licences, based on what will be in the future the date of purchase and registration of their vehicle in twelve months time.

Clauses 6, 7, 8, 9, 10 and 11 and 17 and 18 in part make the necessary wording changes to deal with and reflect the classification system of drivers that was introduced in 1977. In November of 1977, a new system of classifying drivers according to the type of vehicle or combination of vehicles being operated, was introduced in this and seven other provinces of Canada. At the present time Nova Scotia and Prince Edward Island are bringing in a similar system. While the current legislation does not give the Registrar of Motor Vehicles the authority to issue different licences to different classes of drivers and undergo medicals or other examinations, there have been several instances where clear direction could not be established under the act and this particular amendment will specify under regulation exactly what is meant and what the classifications are. And if the House will bear with me, Mr. Speaker, there are seven classifications of drivers' licences. They

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MR. DAWE: are as follows: A Class 1 licence will permit the holder to operate all motor vehicles or combination of vehicles - semi-trailers, power units or buses-and it will also permit the operator to operate vehicles in classes in the remaining classes. In other words, that will be the top licence available and a driver who has that licence will be able

MR. R. DAWE: to operate all vehicles. A Class 2 licence will permit the holder to operate buses having a seating capacity greater than twenty-four passengers and also permit them to operate vehicles in the remaining Classes, 3, 4, and 5. Class 3 permits the holder to operate trucks with three or more axles, including any combination of vehicles, but does not include semi-trailer trucks where special requirements are needed. It includes all Class 2 buses while not carrying passengers and all vehicles in the remaining Classes, 4 and 5. Class 4 permits the holder to operate buses having a seating capacity of not more than twenty-four passengers, taxis, ambulances and Class 5 vehicles. Class 5 permits the holder to operate all motor vehicles with not more than two axles, passenger cars, vans, van trucks, all two axle motor vehicles having one or more vehicles in tow when the weight of the unit being towed does not exceed 4,500 kilograms, and buses, taxis and ambulances while not carrying passengers. Class 6 will permit the holder to operate motorcycles, and also permit them to operate Class 5 vehicles as a learner if the licence is endorsed and accompanied by a licenced driver in that Class. Class 7 permits the holder to operate vehicles in Class 5 as a learner, when the licence is endorsed and accompanied by a person who holds a licence for that Class. It also permits the holder to operate motorcycles if the licence is endorsed. However, the motorcycle is not permitted to be operated on any public highway.

So essentially, Mr. Speaker, these wording changes are the amendments to these particular clauses that I outlined before.

Clauses 12 and 13 contain new provisions respecting Section 66 of the act. This section presently imposes a mandatory suspension of drivers' licences for a period of four months or at the discretion of the Registrar of Motor Vehicles, not more than six months for the first conviction and

MR. DAWE: The definition of 'subsequent conviction' has led to some confusion and some, if you will, unjust treatment in the courts in that if, in fact, there were two violations of the act which occurred on different dates, if it happened that these were heard on the same -

MR. ROBERTS: Under the Criminal Code.

MR. DAWE: Under the Criminal Code - that these were heard on the same day, it was possible and, in all likelihood was a fact, that the penalties ran concurrently as opposed to consecutively, if they were heard on two separate dates. What this will do, Mr. Speaker, is clarify that and whether, in fact, the court hears two or more violations on the same day, the penalties will run consecutively as opposed to concurrently which should alleviate any or remove any of the so-called unjust treatment from particular driver to another.

Sections of the Criminal Code which are covered under (12) and (13) are Sections 203 which is criminal negligence causing death; 204 criminal negligence causing bodily harm; 219 manslaughter in relation to the use of a motor vehicle; 233 (1) criminal negligence in the operation of a motor vehicle; 233 (2) failing to remain at the scene of an accident; 233 (4) dangerous driving; 234 impaired driving; 234 (1) refusal of roadside alert device; 235 refusal of a breathalyzer test; 236 failing of a breathalyzer test; 239 motor vehicle equipped with a smoke screen device; and 295 stolen vehicle.

Clause (14) will amend Section 68 of the act and this is brought about, Mr. Speaker, by, on February 3, 1981, a Supreme Court decision which deemed unconstitutional the federal law which made it a crime to drive with a suspended or a cancelled licence. What this amendment does, Mr. Speaker, is that it changes that.

In fact, there will now under the act be a fine imposed

MR. DAWE: under the Criminal Code, penalties not to exceed, I believe it is \$500, and a jail term of about six months or both. And it will also allow under the Highway Traffic Act for the additional suspensions to be imposed if someone is convicted of driving with a suspended or cancelled licence.

Clause (15) will amend Section 78. This is required as a result of amendments made under Clauses (12) and (13). The current

MR. DAWE: provision whereby the Lieutenant-Governor in Council can make regulations governing licencing and operation of official inspection stations. What has been the practice, Mr. Speaker, is when an agency or a garage has been given the privilege of being officially certified to inspect motor vehicles as to their safety condition for the road, where a garage or an operator has not lived up to any particular condition and has, in fact, allowed a vehicle to go on the road which has not been properly inspected or the necessary work has not been carried out, the only option available to the department was to remove his particular licence to be able to carry out this business. What this amendment will do is not only allow for the removal of his operating licence or his permit to inspect vehicles but it will also impose a fine consistent with the severity of his violation.

Clause 20, Mr. Speaker,

MR. DAWE: is an all-encompassing clause which affects the fines and the imprisonment penalties that are associated with various violations of the Highway Traffic Act. The last time there were adjustments made in these particular provisions was some twenty years ago. In fact some of the fines and jail terms were set back in the fifties. What the department, in conjunction with the Department of Justice has done, is gone to our sister provinces in Atlantic Canada and other jurisdictions to bring our system of fines and penalties more in line with what is current in other provinces, and also to reflect adjustments that are more in keeping with the present times. What we found, Mr. Speaker, was in one instance that some of our fines themselves were considerably low. Some of them have remained the same but in light of some of the particular clauses and violations that occurred, the real crunch of the issue is that the prison terms or jail sentences that were associated with the penalty did not really fit the crime and they were unduly harsh. And in most cases if not all cases under the list that is attached to the bill, you will find that the imprisonment terms that are associated with these penalties have been drastically reduced. This is long overdue, Mr. Speaker, and I would hope that in the future we will make, from time to time, periodic studies of the fines and penalties section under the act and make the adjustments as and when it becomes necessary.

Mr. Speaker, those are the twenty clauses that are included in the amendment to Bill 2 and I look forward to any debate, or any questions that members opposite and members on this side of the

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MR. DAWE: House might have to ask about the changes that we have brought about in the act.

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

MR. ROBERTS: Thank you, Mr. Speaker, and in particular may I thank you for getting the name of the electoral district correct. Many of the members of the House - I had a letter from a minister the other day addressed to the member for the Strait of Belle Isle, s-t-r-a-i-g-h-t, which may tell you something of the straits to which the ministers have been reduced.

MR. NEARY: The Minister of Fisheries.

MR. ROBERTS: I do not know if it is the

MR. NEARY: Minister of Fisheries (Mr. Morgan).

MR. ROBERTS: Well, I do not know if it was the Minister of Fisheries, I will not tell that. I do not get letters from the Minister of Fisheries, he sends thunderbolts instead.

Mr. Speaker, the bill has been very adequately and ably explained by the minister. I compliment him. He read the explanatory notes in fine fashion and I think all members of the House understand, and I mean this quite seriously, understand what this bill is about. Essentially it is a large number of words that carry into effect a relatively small number of house keeping amendments to an act that most people have not heard of but which touches every Newfoundlander and Labradorian every day of our lives because -

MR. YOUNG: (Inaudible)

MR. ROBERTS: I am sorry, did the gentleman for Harbour Grace (Mr. Young) say something?

MR. YOUNG: It is not of interest to you.

MR. ROBERTS: No, Sir, I must say much of what the hon. gentleman from Harbour Grace says is of no interest to me, Sir, or anybody else for that matter.

SOME HON. MEMBERS: Oh, oh.

MR. ROBERTS: Mr. Speaker, I am quite happy to engage in badinage with the hon. gentleman from Harbour Grace. He comes half armed to a battle of wits but I am quite happy to take him on. He can play that game if he wants, Mr. Speaker, with his horse-like, h-o-r-s-e horse-like voice, his neigh and his whinny, or he can let me carry on, Mr. Speaker, with my few remarks, humble as they are with respect to the bill which his colleague the Minister of Transportation (Mr. Dawe) has brought before the House. Now, Sir, it is entirely the choice of the gentleman from Harbour Grace. I am in his hands.

MR. ROBERTS: I may add, I do not expect to be in his hands very often and I have made sure that my personal representatives, Mr. Speaker, who will be charged with the duty of disposing of my mortal remains will not place me in his hands either. I can assure you of that, Sir.

But, Mr. Speaker, if the hon. gentleman wishes to muzzle himself, he wishes to apply to himself a bit and a muzzle, then I shall carry on with my few remarks. On the other hand, I have I believe half an hour under the rules of the House, I am quite prepared to engage in badinage with the hon. - it is a new word I learned the other day, the hon. gentleman may not have learned it yet. It is spelled b-a-d-i-n-a-g-e and I would think, Sir, badinage, which is a perfectly polite word I hasten to assure Your Honour-I realize Your Honour is always properly on guard against the use of unproper words and really- improper words- there is a word applied to the gentleman from Harbour Grace, there is a prima facie case that it is improper by definition but, Mr. Speaker, the real question is whether the hon. gentleman from Harbour Grace who inserted himself rudely but volubly into this debate

MR. E. ROBERTS: wishes to engage in badinage or whether he wishes to engage in an educational exercise whereby even he, Sir, may learn something. And I realize that that is going a long way.

Now, Sir, if he could carry on his reading of his papers there, and I commend him to that, Sir, I have no doubt his officials have given him many and varied papers with little pictures on them, comic books and other things so he can understand them.

MR. NEARY: He is reading about the latest in embalming fluid.

MR. ROBERTS: He may be. He may well be reading about the latest in embalming fluid, I have no idea what he does. I would say it would be a great service to the Public Works if he -

MR. NEARY: If he would swallow some.

MR. ROBERTS: Yes.

Now, Mr. Speaker, let come back to the minister because the Minister of Transportation and Communication (Mr. R. Dawe) has always has -

MR. YOUNG: It is just transportation now.

MR. ROBERTS: Oh, I am sorry. They have stripped him. He is the hon. the Stripped Minister of Transportation.

MR. SIMMS: It is good enough.

MR. ROBERTS: Yes. I agree it is quite enough for the minister. In fact if I had my drutchers the minister would be stripped further.

MR. POWER: The largest man power department in government.

MR. ROBERTS: The largest man power department. I agree and it is certainly one of the most valuable departments in the government and, of course, that would lead me, if I were not in

MR. E ROBERTS: such a jocular mood, to ask why the minister has been entrusted with that. But, sir, that is something the Premier will have to answer for. Now let me come back to the bill.

MR. J. CARTER: (Inaudible)

MR. YOUNG: How true.

MR. ROBERTS: You can always count on the gentleman from St. John's North, sir, to bring the debate down to his own level. The level he understands down in the nether regions where he feels so at home, sir, and where his scintillating wit and his braying voice brings him right to the point.

Now, Mr. Speaker, really I am trying to make a couple of points about a bill which is a good bill, and which we are supporting.

MR. CARTER: (Inaudible)

MR. ROBERTS: If you will excuse me, Your Honour, for a moment the gentleman from St. John's once again chooses to interrupt. Have at it, Mr. Speaker, when the hon. gentleman speaks he reminds me of another biblical quotation, 'He is at it again using the jawbone of an ass', you know. Now Mr. Speaker, if I may carry on with the bill which after all is what brings us before Your Honour today. There are relatively few amendments in this bill. The minister has explained what they are. We on this side are quite prepared to support them. The minister has demonstrated his knowledge -

MR. CARTER: Sit down boy.

MR. ROBERTS: has demonstrated his - Mr. Speaker, the hon. gentleman from St. John's North (Mr. Carter) says sit down. I am like him, I choose to demonstrate my support just as he chooses to demonstrate his appalling ignorance from time to time. Now, if I could carry on again. I mean, I am quite prepared to, sir. I have got about four minutes worth to say and I am quite prepared, if the hon. gentleman opposite insists,

MR. ROBERTS: quite prepared to take thirty minutes to say it. And everytime they interrupt, Sir, they just give fuel to the fire. And I will go on throwing pearls before swine as long as they choose to interrupt me.

Now, if the hon. gentleman from Harbour Grace (Mr. Young) wishes to leave, having had his drink, I would be the very first to encourage him to leave.

Now, Sir, we are all copacetic again, we are all settled down. The gentleman from Harbour Grace has taken his embalming fluid and gone, embalmed or not, as the case maybe.

Now, let me come back to the minister and the bill because, really, he is making some very sensible requests of the House in this bill.

I wanted to ask him several questions about the administration of The Highway Traffic Act, And in saying that may I say a word of commendation to a man who I think is one of the best public servants in this Province, and a man who must be getting very close to retirement, and I speak of the Registrar of Motor Vehicles, Mr. Michael Haire. And Mike Haire has been the Registrar of Motor Vehicles for, I do not know how long, ten or fifteen years, maybe longer. And he is, I would guess, getting close to retirement. I do not know how old he is, but he certainly is a most capable public servant, and I venture to say that the fact that the Motor Registration Division functions so very efficiently is, in large part, due to the very fine work of Mr. Haire.

Now many of these ammendents, as the minister will agree, speak to the administration of motor vehicles. And there are just one or two very

MR. ROBERTS: minor points. The Judgement Recovery System, I wonder if the minister could tell us if this is working? Now, I do not have much to do with Judgement Recovery Limited, either as a member or in my other work as a lawyer, because I tend to end up dealing with Insurance Companies, as the minister will know, by definition. If there is an Insurance Company in the picture, judgement recovery does not come into it. The idea behind judgement recovery is extremely valuable. It is really just a form of assigned risk. And that is fair enough. It provides recourse for people who are injured and uninsured drivers.

Now, I wonder if the minister (Mr. Dawe) could tell us though, where we are with respect to judgement recovery? How busy is it now that we have come to compulsory motor insurance? And while we are on the question of judgement recovery and compulsory motor vehicle insurance, let me ask the minister whether there is any hope that we will move to something which I believe, and I suggest anybody who is involved in anyway with the administration of the motor vehicle laws in this Province would equally believe - now, if I can have the minister's attention. I do not know whether he wants to speak to one of his colleagues.

MR. DAWE: I am listening.

MR. ROBERTS: Okay, he is just listening with his eyes. Okay, I am not trying to harass the minister.

MR. TULK: You are not in that mood this evening, are you?

MR. ROBERTS: No, I am in my usual jocular, jovial mood today, beneficent, filled with the spirit of human kindness and as soon as the minister finishes his conversation I will carry on. He is presumably asking to get one of his officials, and that is fair enough. I have no problem with the minister getting all the help he can get.

The point I want to make is one that has been discussed before, but I would like to hear what the minister has to say on it, and it grows out of this bill, Mr. Speaker.

In this Province we have a law that says, 'No person shall drive a motor vehicle unless that motor vehicle is insured'. And that is a very wise law. In fact, I think there is a bill somewhere on the Order Paper which I, of course, will not debate because I am not permitted to at this stage, to require that the minimum insurance is \$200,000 and so it should be. In fact, even that may not be high enough, but we will cross that bridge when we come to that bill.

The system, however, is defective. We have this marvellous rule, 'You shall not drive unless you are insured' and that is designed to protect people, that is designed, in fact, to obviate the need for judgement recovery limited. The only problem is the system has more holes in it than a net, more holes than a colander, more holes than a sieve, more holes than the Minister of Finance's budget.

MR. TULK: More holes than the government.

MR. ROBERTS: What happens in many cases is that a person goes and buys his insurance. He goes to

MR. ROBERTS: an insurance company and you can get an insurance policy in this Province, in most cases, by paying one month's premium. If you go to an insurance agent he will write you a policy, or issue a policy and you pay one month's premium, Twenty, thirty, or forty dollars, whatever it is, you get your little pink slip, you send it in to - in fact, you do not send your slip in, you - hold on now, once the conference is over insofar as the minister is concerned. I do not mind the other ministers - once you

MR. ROBERTS: send your information into the Motor Vehicle Registration Division, they will issue you your licence. I do not even know if they check on it. Maybe they cannot check. They are - what? - a quarter of a million personal drivers' licences in this Province today and maybe a quarter of a million vehicles registered. I do not know how many but it is of that order, maybe more. They could not possibly check on them all.

There is nothing then to stop that driver going to his agent and cancelling his policy, and it happens. Then what you have is a person at liberty on the highways of the Province driving a motor vehicle on which no valid insurance is in effect. And he is licenced, his vehicle is licenced and there he is, a time bomb just looking - he is an accident waiting for a chance to happen. Of course the harsh reality of it is that the people who do this sort of stunt are the very people who need to be insured because they are often the people who are involved in accidents or certainly the people most likely to be involved in accidents. These are the young kids, eighteen and nineteen and twenty who drive too fast and drink too much, a very potent, a very formidable and a very dangerous combination. These are the drivers who have got a record as long as your arm. These are the drivers whose insurance rates are sky-high because they have cost their insurers thousands upon more thousands of dollars. And it happens.

Now as far as I know - and the minister can correct me if I am wrong and I am sure he will and so he should - there is no system in effect which requires anybody to notify anybody if an insurance policy is cancelled. Originally the insurer was required to notify Motor Registration, to notify Mr. Haire and his officials and his associates if a policy was cancelled. That was stopped. I am not sure if it was done by legislation or whether it was done by regulation, but it was stopped. It is no longer

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MR. ROBERTS: done. Now I do not know why that should be so. I have done some checking and I can conceive of no valid reason why it is so. It would not be a terribly large administrative load. Sure there might be, over the course of a year, a number of thousands of policies cancelled and each one, you know, the file would be looked up and it would have to be noted. Then some word would have to go out - if my friend, the Leader of the Opposition (Mr. Neary) cancels his policy and there is no new policy that the division knows about, they would have to send out word, 'You are not insured. You have fifteen days to get word in or else we cancel your licence,'

MR. ROBERTS: remembering always it is a condition of having a licence in this Province it has been laid down by this House. But a condition of driving in this Province is that you are insured, not for your sake, you do not have to have collision insurance, but for the sake of those whom you may run into, you have to have the public liability and the property damage insurance. So maybe the minister could tell us whether that can be changed back. I can conceive of no valid reason - I have spoken to one or two insurance companies and they tell me it would not be that large an operation and they say, in any event, we end up paying the cost because, of course, if somebody is hurt by an uninsured driver the judgement mechanism comes into play and then the judgement recovery, of course, is financed by all of the automobile drivers in this Province by means of levies through the insurance companies. It is just an assigned risk plan and it is a mechanism that was adopted a number of years ago, to handle it and as far as I know, it works relatively well. So the minister might tell us about that because there are problems. I do not know how close he is to it, he is not a member of the bar, he has not practiced law, he may not have had any experience, he may not have heard directly from anybody who has had experience, but I can tell him there are problems, there are people driving today in Newfoundland who do not have valid insurance, they do not have it because they have gone and cancelled it in a deliberate attempt to get around the law set up by this House. Now, Mr. Speaker, the rest of the bill - you know, there are conversations going on all around the chamber, inside, outside, just like London bridge.

MR. NEARY: It is getting out of hand.

MR. ROBERTS: Really, Your Honour, as my friend the Leader of the Opposition says it is getting out of hand. Maybe Your Honour could exert the authority of the Chair and at least within the House and the precincts of it, we could let whoever happens to have the floor from time to time be heard without trying to bawl and shout into the teeth of a Northeast gale.

MR. NEARY: Right on!

MR. ROBERTS: Is your Honour going to say anything in the response to that? If not I will carry on.

MR. SPEAKER (McNICHOLAS): I do not hear anybody speaking other than the hon. gentleman.

MR. ROBERTS: Well, I commend Your Honour's powers of concentration and I am glad with all respect I am not Your Honour's - what is the word? - not audiologist - anyway the ENT guy.

MR. NEARY: Ophthalmologist.

MR. ROBERTS: No, I am not Your Honour's ophthalmologist either but it is the ear man, I forget the technical - the ENT specialist. Now, Sir, the bill really does two or three things, the minister talked about them. I am glad they have cleared up this anomaly of convictions, because there were injustices being done inadvertently. The principle is quite clear, that if you are convicted under the Criminal Code you should lose your licence

MR. E. ROBERTS: for a period of time, and that is what the bill does as I understand it. I am glad they have updated the penalties and, in fact, I think the minister said that it would be done from time to time. There ought to be some way that that can be done - I do not want to take away from the authority of the House but there ought to be some way that could be done on a regular basis. These penalties now - when were they set, does the minister recall? The bill was done about '67.

MR. DAWE: About twenty years ago, some of them were done back in the fifties actually.

MR. ROBERTS: And, you know, what might have been a healthy fine twenty years ago is insignificant today. In fact I notice we are still down to the \$10.00 a day bit. You know, the only place in the world, or at least in this Province where your day is worth \$10.00, is in the courts of this land. If you are convicted of a breach of Section 23(c) and you are fined the maximum of \$200.00 or the minimum of \$50.00, if you do not pay you go to jail for twenty days or five days. I do not know why we value a day at \$10.00. And it is either worth nothing if the man has got all the time in the world and would rather be in jail than pay his money. you know, if he just says, 'I do not care', then his time is worth nothing. All we are doing is housing him for free. On the other hand, anybody who has got any sort of employment in this Province, \$10.00 a day - what is the minimum wage, \$4.35 an hour now and going up? - you know, that is two and a half hours work. Is it intended by the minister that this a means of forcing people to pay fines? I suggest that it is not, because this appears in act after act.

MR. DAWE: Which one are you looking at?

MR. ROBERTS: Well I was just looking,

MR. ROBERTS: and it happened to be the last one, it is on page 51 of the printed bill: 'A person applying for registration of motor vehicle where plates are held by court, the maximum is \$200.00 the minimum is \$50.00'. But in each case it is the same, the number of days is defined by dividing the amount of the fine by 10 and that makes a day worth \$10.00. 'Pay a \$10.00 fine or go to jail for a day,' that is what it says. And I just do not know the principle on which that is done. I cannot think of any rational principle on which it is done. And I suspect that is a carry-over from the old days. I suspect if the minister goes back he will find that that was so twenty years ago, that what has happened when drafting this bill it is just simply that-let us take the same one I spoke of; it is now \$250.00, it might have been in the old days \$50.00 and \$25.00, or \$50.00 and \$10.00. Section 230 paragraph 5 sub.C, and it is the last item in the schedule, if the minister wants to look up the schedule, my guess is-

MR. ROBERTS: I do not know what it was, but that has been increased and I suspect the number of days has been increased, but I suggest to the minister, the deviser, the figure of ten has not changed.

MR. DAWE: The previous penalty was fifty dollars and thirty-five dollars.

MR. ROBERTS: And how many days?

MR. DAWE: Six weeks and three weeks.

MR. ROBERTS: So it has been reduced

MR. DAWE: It certainly has.

MR. ROBERTS: Has that been throughout?

MR. DAWE: Yes.

MR. ROBERTS: Well, then, it should be reduced further. I mean, I compliment the minister on that. But it should be reduced further because fifty dollars for six weeks is - unless you want a five or seven day week. Take a seven day week, and that is a dollar a day. The general principle that runs throughout our legislation is ten dollars per day. I do not think that is realistic. How often do people go to jail for refusing, for saying, 'you give me a choice judge, I will take the jail-term.

MR. DAWE: My understanding is very, very frequently.

MR. ROBERTS: Very, very frequently. And, you know, that just reinforces what I am saying

PREMIER PECKFORD: The fine is the operative part though, I think.

MR. ROBERTS: The fine is the operative part, sure. We do not think it is so serious, and I agree with the Premier, we do not think it is so serious that that type of offence mandates a jail sentence. If we do we ought to make it mandatory and that is a separate thing. Generally the bill, you know, is a good piece of legislation, it is the sort of thing we need more of in this Province. In fact, I would suggest to the Premier that one of the things he might attend to.

MR. ROBERTS: it is not a major item of policy but something that very much affects the administration of the laws of this Province, many of our laws are now out of date and there ought to be a consolidation of the Statutes. We are now overdue and his colleague the Minister of Justice (Mr. Ottenheimer) may well have raised the matter, how do I know? But it is something that should be done and in doing it, one of the things that should be done is not simply to consolidate them, they should be revised and updated. Because our Statute laws are filled with these anomalies throughout. So, I would say to the minister that he has convinced those of us on this side and I hope he has even convinced his colleague, the member for Harbour Grace (Mr. Young) to vote for this Bill. We are prepared to support it, and any such reasonable legislation will gladly win our support, Sir. Thank you.

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

MR. NEARY: Mr. Speaker, I just want to add a few comments to the words of wisdom already expressed by my colleague the member for the Strait of Belle Isle.

MR. OTTENHEIMER: Yes, a good presentation.

MR. NEARY: It was an excellent presentation, as always from this side of the House.

PREMIER PECKFORD: From the member for the Straits from time to time.

MR. NEARY: From time to time. You will not concede that his presentations are always good?

PREMIER PECKFORD: From time to time.

MR. NEARY: Same as the hon. The Premier, from time to time.

MR. WARREN: Hear, hear!

MR. NEARY: He has his ups and downs the same as the hon. the Premier. The only thing is my hon. colleague will admit it but the hon. Premier will not.

MR. RIDEOUT: His are very seldom.

MR. NEARY: That is right, very seldom. Mr. Speaker, the first matter I want to raise has to do with licence renewals.

MR. WARREN: He might kiss his picture, but he will not pat him on the back.

MR. TULK: He will soon break his arm patting himself on the back.

MR. NEARY: As soon as the conversations are over now I want to raise the matter of licence renewal. Apparently, Mr. Speaker, Motor Registration sent out the renewals for drivers licences and in the process sort of confused the people who received these licence renewals. They did not know they were renewals. There was nothing to indicate -

MR. TULK: About 20,000.

MR. NEARY: I understand that 20,000 went out, the so-called licence renewals dating back a year, two years ago. People did not understand they were renewals because they were attached to the driver's licence. They thought it was just a part of the driver's licence. It had to be torn off and signed and sent back. Twenty thousand, I am told, went out and did not come back. So what is happening now as a result of that, Mr. Speaker - and I was one of the victims, by the way. I must tell the House that I was one of the ones who drove for several months without a driver's licence and did not know that I did not have a driver's licence. I just only discovered it the other night when I was coming down Portugal Cove Road and a policeman stopped me to give me a ticket for speeding on the Portugal Cove Road -

MR. CALLAN: Join the club.

MR. NEARY: No, that is all right. I am not complaining about that. The poor fellow was only doing his duty although, Mr. Speaker, I have to say the area that has suddenly turned into a police state is the area that was just taken in by City Council. I understand that the Minister of Justice (Mr. Ottenheimer), or the Chief of Police issued instructions to step up the surveillance in the new area that came into the city. That was their welcome to the city. The police are up there night and day. You can hardly turn around but somebody

MR. NEARY: is getting a ticket coming to
work or going home from work.

PREMIER PECKFORD: You have to obey the law.

MR. SPEAKER (MCNICHOLAS): Order, please!

MR. NEARY: Pardon?

MR. SPEAKER: I am sorry. I should have
announced at five o'clock that there are no items
on the so-called Late Show today.

MR. NEARY: Mr. Speaker, it is all right
for the Premier to say you have to obey the law but,
Mr. Speaker, these people are just new

MR. S. NEARY:

by the city.

in the city, just new, taken in

MR. DAWE:

MR. NEARY:

limit on Portugal Cove Road has changed and there is no signs to indicate-

The laws have not changed.

The laws have changed. The speed

MR. DAWE:

MR. NEARY:

law?

That has nothing to do with the law.

It has nothing to do with the

MR. DAWE:

happens everyday.

They changed the speed limit, that

MR. NEARY:

people at Airport Heights, are law-abiding citizens in case the hon. gentleman is not aware of it, and the policemen would serve a much better purpose if they were down trying to catch criminals and crooks instead of up there trying to catch these innocent people who are law-abiding citizens,

I see. These people up there, these

MR. DAWE:

MR. NEARY:

these people who live in the Airport Heights who are being harassed night and day.

But you just said you broke the law.

I did yes, but I am talking about

MR. SIMMS:

the airport?

Where do you live up there, near

MR. NEARY:

AN HON. MEMBER:

MR. NEARY:

Airport Heights. And I am sure they have a better area in St. John's, where crimes are being committed twenty-four hours a day, robberies of gas stations and so forth, where these young rookies, these policemen could be put to better use by being assigned to other parts of St. John's, instead of up there harassing these innocent people, these law-abiding citizens of Airport Heights.

I live in Airport Heights-

In Belair Sub-division.

- Mr. Speaker, which is the same as

MR. NEARY: Mr. Speaker, so I discovered after I got pulled over the other night and

AN HON. MEMBER: They got you?

MR. NEARY: They got me, yes. They got me, but I am not complaining about that. I could not care less. A ticket, a twenty-five dollar ticket does not mean anything. But, Mr. Speaker, when the young officer asked me for my driver's licence, he went back to his car and he checked into the police station and he came back and he said, 'I am sorry to inform you that you are driving without a licence.'

MR. OTTENHEIMER: Got them on you birthday?

MR. NEARY: I said, 'Is that so? I am driving without a licence?' He said, 'Yes. I am going to have to give you a ticket for driving without a licence.' I said, 'You can take that ticket and stick it.'

AN HON. MEMBER: You said that?

MR. NEARY: Yes, I certainly did. Because, Mr. Speaker-

MR. TOBIN: No respect for the law.

MR. NEARY: I have respect for the law. The reason I do not have a driver's licence,

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: There is the driver's licence I have, Mr. Speaker, issued by Motor Registration. It is called a Province of Newfoundland and Labrador- No, that is not the one.

MR. TULK: Do not anybody else look.

MR. NEARY: Hold on now, 'Driver's licence valid for ninety days.' What happened was, Mr. Speaker, I was the victim of this

MR. NEARY: gross misunderstanding that happened to 20,000 other Newfoundlanders who hold drivers' licences. And when I realized I did not have a licence back a few months ago, I got my secretary to call up the Motor Registration to find out why I did not get the form and then I asked them to send me out a form. They sent it out and I sent back my form about - let me see the date on this. There is no date on it, when it was issued.

MR. WARREN: It was some time in March 'Steve'. It was before the election was called.

MR. NEARY: I know the expiry date. It says here, is the 21/6/1984, I think it is, marked here.

MR. WARREN: The 21st. of June.

MR. NEARY: The 21st. of June. Well, anyway, that is what I got back. But obviously somebody in Motor Registration did not inform the Newfoundland Constabulary over at Fort Townshend, and so when the policeman called in they said, 'No driver's licence'.

Well, Mr. Speaker, I jumped in my car and I went straight to Fort Townshend and I asked for the officer in charge. There was a sergeant in charge that night and I asked him, I said, 'What would you call this? Is this a driver's licence?' He said, 'Yes, Sir, that is a driver's licence'. 'Well', I said, 'why is not shown on your records?' He said, 'I do not know. I will go and check'. He came back and he said, 'Well, we are sorry, we guess our records are not up to date'. But, Mr. Speaker, the point that I am making is this, how many more Newfoundlanders, how many more drivers get tickets that they have to pay because of a misunderstanding in sending out the renewal forms for driver's licences.

MR. SIMMS: It is a very serious matter.

MR. NEARY: It certainly is a very serious matter. It is irritating and aggravating and frustrating. The poor old policeman is trying to do the job, and the records are not up to date.

So, Mr. Speaker, I hope that no driver in this Province will be charged or given a ticket for not having a driver's licence when, in fact, the trouble is with the minister's department, his own department and not with the drivers.

So, Mr. Speaker, I would like for the hon. gentleman to take a look at these driver renewal forms. They are not right, and they have caused nothing but confusion and frustration to people. I would also like the hon. gentleman to tell us what is happening in the case of the branch of the Motor Registration in Corner Brook.

MR. NEARY: I have had an awful lot of complaints from people in the general area of Corner Brook who are complaining about having to wait long periods of time before they can get an application for a drivers licence or a vehicle licence processed. There is a gentleman down in Port aux Basques who brings up licences when they expire, brings them up to Corner Brook, passes them in and they refuse to deal with them.

MR. DAWE: That is not true.

MR. NEARY: It is true. Oh, Mr. Speaker, it is true. They refuse to deal with them in bulk.

MR. DAWE: No, no.

MR. NEARY: Yes. They say -

MR. DAWE: No, no.

MR. NEARY: The hon. gentleman says 'No'. Okay, I will wait for the hon. gentleman's explanation. Maybe I am only getting one side of the story. But I can guarantee you that if they are processed it takes two or three days to process them. And this is a real problem in the Corner Brook area, Mr. Speaker, and I hope the hon. gentleman will address himself to that problem when he speaks in second reading, in closing the debate on this bill.

I would like for the hon. gentleman also to tell us about the seat-belt legislation that is coming into effect the first of July. I am getting an awful lot of calls and complaints from people who do not understand whether or not they have to buckle up. And I am referring to people who are ill, people who are sick, who have hernias, whether or not they can get permission or get a certificate from the doctor saying that they cannot buckle up. I am getting calls from taxi drivers who want to know if it is compulsory for them to

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MR. NEARY: buckle up, if the law applies to taxi drivers in St. John's and taxi drivers in other parts of Newfoundland. Do they have to buckle up? And I believe now, Mr. Speaker, we are less than a month away from this compulsory seat-belt legislation.

MR. TULK: The publicity campaign talks about that kind of thing.

MR. NEARY: Well, the publicity campaign does not seem to be working. Sometimes I wonder if the minister should not give part of the allocation for the publicity campaign to our office down in the Opposition offices. Because a lot of the calls we are getting these days are about the compulsory seat-belt legislation. And perhaps the hon. gentleman can tell us who is exempt from it, if there are indeed any exemptions,

MR. S. NEARY: how people who are ill can go about getting exemptions. I had a call from a woman yesterday morning who has a severe hernia and she wanted to know if she would be forced to buckle up. Perhaps the hon. gentleman can supply me with the information. I could not answer the question, and I have been listening to the so-called educational programme that is going on.

MR. TULK: There is nothing to it.

MR. NEARY: No, there is nothing to it.

MR. TULK: It does not tell you much.

MR. NEARY: It certainly does not give people the information that they want. I do not know how much they are spending on it. It is a very slack programme being undertaken by the minister. But I believe now would be a good opportunity, Mr. Speaker, to tell the House the situation on the compulsory seat-belt legislation. I think, Mr. Speaker, these are the only points that I want to raise and -

MR. SIMMS: Seat belts.

MR. NEARY: - No, no. We expect to get the answers from the hon. gentleman, but one or two of my colleagues may have a few more questions they would like to ask.

MR. SPEAKER(Russell): The hon. member for Torngat Mountains.

MR. WARREN: Yes, Mr. Speaker, I have a couple of questions also for the Minister of Transportation (Mr. Dawe).

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. WARREN: Regarding this bill, Mr. Speaker, this morning at the Estimates Committee the Minister

MR. WARREN: of Justice - I raised, I thought, a very valid point and I would like to raise it with the Minister of Transportation (Mr. Dawe). Drivers who are suspended, in particular for failing the breathalyzer test, impaired driving, under the new budget to get their licence renewed or reinstated it is going to cost them the big fat sum of \$10.00. Now, I would think, Mr. Speaker, that if the government was interested in collecting revenue, they would get full support on this side, because as far as I am concerned, the charges are not too great, the charges are not too great for a person who has been suspended for the second

MR. WARREN: time for impaired driving, or failing the breathalyzer test, I believe, Mr. Speaker, that those people who are out on the highways have been proven a menace to the rest of us citizens, and , in fact, personally I do not think they should get their licence back unless it is under extreme circumstances. I would almost go to the point of saying, 'Look, it will be a long, long time before those drivers should get their licences reinstated'. And I think it is ridiculous! And to hear the hon. the member for Fortune - Hermitage (Mr. Stewart) say it is a shame, is he agreeing that those drivers should be allowed on the roads?

Mr. Speaker, I believe that those drivers get their licences back, probably after killing somebody or causing a serious accident, for a measly ten dollars.

Mr. Speaker, also I would like to ask the minister if it is compulsory to have a rear and a front licence plate displayed on your vehicle. Because I noticed, Mr. Speaker, during the past year or so, on some vehicles, in fact on some of the hon. members' vehicles, there is only one licence plate displaying the motor registration number. The The Minister of Public Works (Mr. Young) is one, for example.

SOME HON. MEMBERS: Hear, hear!

MR. WARREN: So I am just wondering, Mr. Speaker, if it is compulsory that a citizen has to display two licence plates with identical numbers, one on the rear and one on the front of the vehicle. And if it is, Mr. Speaker, surely goodness the Minister of Transportation (Mr. Dawe) should make it mandatory that all of us should display our numbers.

MR. DAWE:

That is an enforcement.

MR. WARREN:

It is an enforcement. It is fine and dandy for the minister to say it is an enforcement, Mr. Speaker, but surely goodness when the enforcement officers see a minister of the Crown going around with only one plate displayed, I think there is something to be considered.

Mr. Speaker, another concern I wish to raise to the minister is regarding the operating of skidoos. There have been cases where a person has been charged with impaired driving while operating a skidoo. There have been cases where they have been charged, pretty well with the same thing as under the Motor Vehicle Traffic Act, but as soon as that fee is paid

MR. WARREN: that guy can go out tomorrow morning, get on his skidoo and use it. Is he permitted to use that skidoo under the same terms, and the same conditions as an operator of an automobile? So I think, you know, if it should include the skidoos and, in fact, boats, pleasure boats -

MR. STEWART: There are seat belts on skidoos.

MR. WARREN: There are seat belts on skidoos. So, Mr. Speaker, these are some of the concerns that I wish to ask the minister to take a serious look at.

The suspended drivers,
Mr. Speaker, my hon. colleague -

SOME HON. MEMBERS: Oh, oh!

MR. WARREN: There is no sense talking here, Mr. Speaker, at all. You have four or five ministers over there chatting. I am trying to get the attention of the Minister of Transportation but it is very, very difficult.

I want to say that my hon. colleague from Exploits (Dr. Twomey) brought up a very valid point this morning in the Committee. And I wish to again this question should be referred to the -

MR. NEARY: That is why he lost his job.

MR. WARREN: - Minister of Transportation (Mr. Dawe). If a person is charged, just to use an example, for failing the breathalyzer test and the court date is set for maybe six weeks hence, now meanwhile, between day one and six weeks hence, this same individual can get the second charge or can get the third charge. So I am just wondering are there any regulations under the Minister of Transportation's act, under the Highway Traffic Act, that once -

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MR. WARREN: I think the Minister of Justice said, 'You cannot charge a person unless he is proven guilty' which I believe. But if the guy has already been charged by the police with

MR. WARREN: failing the breathalyzer test, and his court date is set six months hence, and subsequently, in between this six month or six week period he is charged again and again, should not there be something under the Highway Traffic Act prohibiting this guy from operating his vehicle until his case is heard in court? I am just wondering, because there are cases - in fact, my hon. colleague from Exploits (Dr. Twomey) brought it up this morning - there are cases in this Province where some individuals are charged two or three times before their cases are heard in court. And this guy is just going around, he has a free will to do what he likes and, incidently, it could be very dangerous to the rest of the citizens of the Province. So, I am wondering if there could be anything tied into one of these acts to prohibit these individuals from operating a vehicle until their cases are at least heard in court. With those remarks, Mr. Speaker, unless any of my colleagues want to have something to say, I will sit.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Russell): The hon. member for St. John's centre.

DR. McNICHOLAS: Mr. Speaker, I would like to speak very briefly in this debate because there was one point brought up by the hon. member for the Strait of Belle Isle (Mr. Roberts) that I feel very strongly about. I think it is a shame and a scandal that people should be driving around our Province without a insurance. I think there should be very strong measures taken to stop them. They are generally young people, very often people who have no means, and if they injure a person, a child, or an adult, in most cases they do not have the wherewithal

DR. McNICHOLES: to look after the damage that is caused. And generally speaking that is the reason that these people do not have insurance. I would like to recommend strongly to the minister that steps be taken that insurance companies will have to go to the Registrar, and the Registrar will have to take action when it is reported.

MR. SPEAKER (Russell): If the hon. minister speaks now he will close the debate.

MR. DAWE: Thank you, Mr. Speaker. The member from the Strait of Belle Isle (Mr. Roberts) has left. There are a couple of items that he brought up that perhaps I should address myself to. A number of years ago there was an effort to have insurance companies report to the Motor Registration Division when, in fact, an insurance policy had been cancelled. In a three month period there were over 20,000 cancellations reported to the department, and you can appreciate the volume. An insurance agency indicated that Newfoundland has perhaps a 40 per cent

MR. DAWE: turnover of insurance companies. Unlike any other part of Canada, we have more people who change insurance companies. The Problem associated with it is the follow-up necessary to -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (RUSSELL): Order please.

MR. DAWE: The problem is the numbers of people that would be necessary to follow-up this kind of an investigation. And what essentially has happened, we did a sampling of a thousand drivers just to see what kind of a percentage, and it was a random sampling all over the Province, just a miscellaneous pick, and we found that less than 4 per cent of those investigated in the follow-up were, in fact, driving without insurance, which is, again, outside of Provinces which have government insurance programs, the lowest percentage of people driving without insurance in Canada. What will perhaps alleviate some of the problems is the bill that is coming before the House, which will increase the liability, the mandatory liability insurance for people driving vehicles to \$200,000, which will then subsequently increase the amount that Judgement Recovery NPLD can pay to victims of accidents where the driver at fault does not have an insurance policy. So it will become more in line with the people who do, in fact, have insurance. The member for LaPoile (Mr. Neary) indicated that there were some 20,000 people or an estimated 20,000 people who did not renew their licenses on time. I would suggest to him that there were some 230,000 or 240,000 Newfoundlanders who did, and perhaps there is not everything you can do to have people address themselves to what is publicized information given to them, that it is a renewal application, a new licence policy about the time

MR. DAWE: of the year when your licence is due and so on. You cannot really lead everyone around by the hand, including the hon. gentleman opposite.

MR. HEMMS: Hear, hear!

MR. DAWE: The Corner Brook office that he spoke about, Mr. Speaker, the individual mentioned approached me at home and again at my office, and indicated that he was having problems with the Motor Registration office. On checking I found that an offer was made to this particular gentleman who sometimes comes in with a large volume of

MR. DAWE: applications on behalf of drivers in his particular area of Port au Basques and there may be, in fact, a lineup of ten or fifteen people in the building and he might have as many as twenty-five or thirty applications and slow down the process.

The offer was made to him that if he would leave the applications with the Motor Registration Office he could pick them up the next morning when he made his return trip to Corner Brook.

The seat-belt legislation and the information on it: I would suggest to the hon. the Leader of the Opposition (Mr. Neary) that we could provide for him and his colleagues, if he wished, the same type of an education briefing session that has been provided all across the Province to schools, to service clubs -

MR. SIMMS: A very good one, too.

MR. DAWE: - and other things, films, resource personnel to explain completely to hon. members opposite the seat-belt legislation, and if the hon. member would like to take advantage of that, I will certainly provide it.

SOME HON. MEMBERS: Hear, hear!

MR. SIMMS: Hear, hear! A good minister.

A good offer.

MR. NEARY: Do not try to be funny.

For the first time in your life, buckle up your lip.

MR. DAWE: Mr. Speaker, I remember the gentleman opposite looking across and saying, 'The member for St. George's, a one time member, gone!' I will have the hon. member know that my majority was 1,255 not forty-one.

SOME HON. MEMBERS: Hear, hear! Hear, hear!

MR. DAWE: Mr. Speaker, I move
second reading of the bill.

SOME HON. MEMBERS: Hear, hear!
On motion, a bill, "An
Act To Amend The Highway Traffic Act", read a second
time, ordered referred to a Committee of the Whole
House on tomorrow. (Bill No. 2).

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

MR. MARSHALL: Mr. Speaker, before
you put the adjournment motion I would like to inform
the House that on Monday - I do not know why I have it
now, but, anyway, I will give it now. On Monday the
Social Services Committee will meet at 9:30 in the
Colonial Building and the Department of Environment's
estimates will be considered then. Tomorrow we will
be doing the Conflict of Interest Bill and certain
Justice bills that are on the Order Paper there, the
Provincial Court and the other one.

MR. OTTENHEIMER: Nothing very controversial.

MR. SPEAKER: The motion to adjourn is
in order. Those in favour 'aye', those against 'nay',
carried.

I do now leave the Chair
until tomorrow, Friday, at 10:00 a.m.