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HOUSE OF ASSEMBLY

FOR THE PERIOD:

10:00 A.M. - 1:00 P.M.

FRIDAY, NOVEMBER 19, 1982

The House met at 10:00 A.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Russell): Order, please!

STATEMENTS BY MINISTERS

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

SOME HON. MEMBERS: Hear, hear.

MR. DINN: Mr. Speaker, today I am pleased to announce that the Province intends to participate with the federal government in a \$30 million job creation programme that will provide badly needed employment in all areas of the Province over the next eighteen months.

Mr. Speaker, you will recall on October 27th the federal Minister of Finance, the hon. Marc Lalonde, presented an economic statement which included plans for a new job creation programme. The federal government will allocate \$500 million and create approximately 60,000 jobs over a period of eighteen months commencing January, 1983. Shortly after this announcement the Minister of Employment and Immigration, the hon. Lloyd Axworthy, announced that \$27 million had been allocated to this Province under the NEED programme - NEED is the New Employment Expansion and Development programme. Our allocation was greater than six of the other provinces, behind only Ontario, Quebec, and British Columbia.

MR. NEARY: We were number four.

MR. DINN: That is right. We were number four.

Consistent with traditional 90/10 cost-sharing formulas in federal/provincial subsidiary agreements, the Province is prepared to commit \$3 million to this programme over the eighteen month period -

SOME HON. MEMBERS: Hear, hear.

MR. DINN: - provided certain conditions are met. These conditions are as follows: (1) Both governments are equally represented on the management committee and the advisory board established to manage the programme. (2) The management committee be co-chaired by designated officials of both governments. (3) Appointments to the advisory board be mutually agreed upon. (4) Guidelines for the implementation of the programme and for the selection of projects be mutually agreed upon.

MR. NEARY: How much is Ottawa paying - and you want to be equal!

MR. DINN: (5) Projects be jointly approved by ministers within the guidelines; and (6) The Province will cost-share all projects and our contribution of \$3 million will represent 10 per cent of the \$30 million job creation programme and the federal contribution of \$27 million will represent 90 per cent.

Despite the Province's current account deficit -

MR. NEARY: For 10 per cent you want 100 per cent of the say.

MR. DINN: - in view of the critical unemployment situation currently facing our labour force and the fact that conditions are likely to worsen over the next six months, I believe that the commitment of funds is certainly warranted.

Today I am sending a letter to Mr. Axworthy - and the letter is attached - stating this Province's intentions to participate in the programme and outlining the terms of our participation. It is essential that the Province has equal participation in this programme to ensure that the employment projects approved are meaningful and meet the employment strategies and development objectives held by this government.

In my recent meeting with Mr. Axworthy, I presented a list of worthwhile projects that had been proposed by various government departments. These are worthwhile projects that can contribute to long-term employment in the Province while, at the same time, support this government's national resource development policies. I trust these projects will be given ample consideration when the management committee is established.

The Province is prepared to co-operate fully in making this programme a success in Newfoundland. I am hopeful that an agreement incorporating the conditions I have



MR. DINN: just mentioned can be reached at an early date so that the programme can get underway as soon as possible.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. LUSH: Mr. Speaker, anything that has to do with job creation is certainly welcomed news on this side of the House. And this \$27 million allocated by the federal government certainly demonstrate to the people of this Province the concern and the interest that the federal government have for the people of this Province and for the unemployed. It certainly demonstrates, Mr. Speaker, the magnanimity of the federal government. And it should also be pointed out, Mr. Speaker, that this is the fourth highest amount given to any province in Canada, the fourth highest. We rank only behind Ontario, Quebec and British Columbia. And I think that is very, very significant.

MR. LUSH: But, Mr. Speaker, one wonders at the conditions that the government have attached to the receiving of this \$27 million. By the conditions imposed one would think that the deal was the other way around, that it was 90 per cent for the Province and 10 per cent for the federal government. Here we have the federal government putting in 90 per cent of the money, the Province 10 per cent yet wanting 50 per cent of all the decision making.

MR. MORGAN: Thank God you are not in Ottawa! Thank God for that!

MR. TULK: I hear you are trying to get there, you are trying to set it up.

MR. NEARY: If you run against Rooney you will be wiped out.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (RUSSELL): Order, please!

MR. LUSH: It is funny, Mr. Speaker, how we can use this 90/10 and try to bring such stringent conditions upon a matter where, as I have said before, the federal government is putting in 90 per cent and the Province 10 per cent. One would certainly get the impression that it is the other way around.

Mr. Speaker, I certainly hope that this does not cause any trouble.

MR. NEARY: That is their whole idea behind it.

MR. LUSH: And I hope it will not cause any delay in getting the monies. I would hope that there is some compromise somewhere along the line, that we do not have the provincial government demonstrating the intransigent attitude that they have been demonstrating for the past couple of years. So, Mr. Speaker, let it be said that we certainly welcome this money from the federal government, we welcome the input by the provincial government of \$3 million making it a total of \$30 million. But again we find the conditions attached, Mr. Speaker, rather stringent in view of the 90/10 arrangement.

MR. LUSH: And I think that the Province should have been a little less stringent on the conditions attached. And I certainly hope that they will get politics out of their mind and be concerned about the unemployed people in the Province so that this money can come in, so that we can get the jobs going in whatever areas, in whatever projects that they want to get moving in. And I hope that these conditions attached, Mr. Speaker, will not result in the kind of delay that this provincial government is trying to create. I hope that the money comes in and that the projects and the jobs get going quickly so that the people of this Province can get the benefit of this \$30 million. Suffice it to say that the conditions attached by the government are not going to make it easy for the federal government to come in and give that \$27 million. But I hope somewhere along the line that there is a breakdown of attitude on the part of the provincial government and that this \$27 million, plus the \$3 million, will get moving into the job creation for which they were meant and the people of this Province, Mr. Speaker, the unemployed people, will be able to benefit from the great magnanimity, the great interest and the great concern demonstrated by the federal government.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Russell): The hon. Minister of  
Forest Resources and Lands.

SOME HON. MEMBERS: Hear, hear!

MR. POWER: Mr. Speaker, I would like  
to take this opportunity to bring my colleagues in the  
House of Assembly up to date on the cottage development  
programme of my department.

At this moment we are  
advertising a public draw for pre-planned cottage lots at three  
locations on the Avalon Peninsula. The lots are located at  
Hawco's Pond off the Salmonier Line, Goulds Pond near the  
Hodgewater Line, and Peak Pond adjacent to the Trans-Canada  
Highway west of Whitbourne. Approximately 100 lots will be  
included in this draw. Public access has been constructed in  
each area and all lots have been surveyed. The total cost of  
this programme, including administrative expenses, will be  
recovered from the successful applicants at the time of leasing.  
Under the public draw process, the department's Eastern  
regional office will accept applications any time up to  
December 9th. to be followed by a draw on December 14th. To  
be eligible for this draw, applicants must comply with the  
following conditions which are designed to prevent unfair  
advantages and speculation.

Applicants must be 19 years  
of age or older, be a resident of the Province for at least  
six months prior to the draw, not be the present owner of a  
cottage, and be the only member of a family unit applying.

Following the draw, applicants  
will be notified of the results and the successful applicants  
will be brought together to select their lots. Lot selection  
will be based on the order drawn.

MR. WARREN: Only your buddies will get them.

MR. POWER: Mr. Speaker, could you ask the members opposite to show a little bit of courtesy to the people in the gallery, and the people of the House of Assembly.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Russell): Order, please!

MR. POWER: Each successful applicant will be required to pay a development fee of approximately \$1800 within thirty days of lot selection.

Lots will be offered on the standard 50 year lease basis at an annual rental of \$50. Some notable lease conditions are: A cottage must be completed within 3 years. The lease cannot be sold or assigned for at least 5 years. And the rental is subject to review every 5 years.

This is the first public draw held by the department for cottage lots developed by government. There have been several other draws held throughout the Province this year for approximately 130 lots which were preplanned by my department, but the responsibility for road access and lot surveys were left to the successful applicants.

These development projects are part of a larger programme within my lands branch aimed at relieving the demand for Crown land, reducing delays in processing applications and preserving the quality of our environment.

MR. NEARY: You are fiddling while Newfoundland burns.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Russell): Order, please!

MR. POWER: It is worth noting that in addition to the lots allocated by public draw, my department has approved over 1100 cottage lots since April of this year for lots selected by individual applicants.

MR. POWER: If public response, interest and acceptance of the draw process continues at a high level, it is the intention of my department to step up this programme in the future. However, it is not intended that this programme will eliminate the present option of individual lot selection.

Mr. Speaker, in conclusion, it is also worthy of note that this programme, which will put over 130 approved cottage lots in high demand areas on the market today, will most certainly stimulate the housing industry in this area, especially in relationship to yesterday's announcement of an 8 per cent sales tax on building supplies.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Russell): The hon. member for Fogo.

MR. TULK: Mr. Speaker, no doubt what the minister has said is welcomed news to the people who are going to build the cottages that he is talking about, especially in recreation areas. Mr. Speaker, what we are seeing the minister try, as the Minister of Labour and Manpower (Mr. Dinn) tried to do a few minutes ago, is to get some smidgen of good news that they can spread around in the press.

Now I understand that the minister has already advertised those cabin lots for, I think, some twelve days already. But this morning you had to go down in the bowels of Confederation Building and dig up something so that there could be some good news in the press over the weekend.

MR. NEARY: That is right.

MR. TULK: And that is what is happening. We are back to square one, Mr. Speaker.

But I want to ask the minister about something else that has been lying on his desk and that is the Gander River Development Concept Plan that he has. That has been lying on his desk, Mr. Speaker -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! The courtesy extended to hon. members is to speak for half the time the minister had in making the Ministerial Statement. It is certainly the opinion of the Chair that the hon. member for Fogo (Mr. Tulk) is not relevant at all to that statement.

SOME HON. MEMBERS: Hear, hear!

MR. TULK: Mr. Speaker, I want to point out to the minister that there are many cottage plans that

MR. TULK: need to be developed in this Province as well and one of them is on the Gander River. Now, Mr. Speaker, there is not much that can be said to a statement like this except to point out again that the minister is trying to paint a bright Friday after black Thursday.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Russell): Order, please!

I would like to welcome to the galleries today twelve students from the Pleasantville School with their teachers, Mr. Hedderson, Miss Delaney, and Mrs. Skinner. I welcome you to the galleries.

SOME HON. MEMBERS: Hear, hear!

ORAL QUESTIONS

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

MR. NEARY: Mr. Speaker, the day before yesterday the Government House Leader (Mr. Marshall) misled this House and in so doing misled the people of Newfoundland and Labrador when he stated, inside of the House and outside of the House on public media that all we were going to see in the financial statement, Mr. Speaker, were cuts, there were to be no increases, so therefore there was no need of a mini-Budget or a Budget. Now in view of the financial statement showing the mess that this administration has gotten the Province into in the last few years, would the Government House Leader now care to comment on his statement? Would he admit that he was wrong and that we should have had a mini-Budget or a full-fledged Budget, as he himself said in the House and when he was interviewed outside of the House that if taxes were going up, the hon. gentleman said, we should have had a mini-Budget or a full-fledged Budget? Would the hon. gentleman care



MR. NEARY:

to admit now that he was wrong and would he tell the House why he misled the House the day before yesterday when he made these statements?

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

MR. MARSHALL: Mr. Speaker, I did not mislead the House. I indicated the mode and measure by which the government was going to bring in the economic statement. And I indicated at the time that there would be measures taken. There was no need of a budget statement as such any more than there is need of a new budget when dropped balances occur at the end of a year. You do not have to bring in new measures. We did not change materially the budget so there was no need of a budget speech at all. With respect to the increased taxes themselves, Mr. Speaker, we regret that we have to be in a position to increase the taxes, particularly when we see a situation in this Province where the province of Quebec is getting \$600 million a year from our prime resource in Labrador and we are only getting \$8 million. If that had not been the situation we would have been able to reduce taxes. We regret having to increase taxes, Mr. Speaker, as a result of the situation with respect to the offshore, where we have put a proposal on the table before the federal government which merely just asks that the people of Newfoundland get an opportunity for equality with the rest of average Canadians. Now we are not by way of being duped and forced into, Mr. Speaker, to signing an offshore agreement. What we know is that the people of Newfoundland are

MR. MARSHALL: prepared in the situation to take the measures that are there because they are not for sale. So I say to the hon. gentlemen there opposite there was no need to bring in a budget. We would have been able to bring in a budget, perhaps if we had had a bit more support from the opposite side, except for their mealy-mouthed attitude with the federal government with respect to the offshore issue by putting little innocuous statements underneath the Prime Minister's door that they would like them to resume negotiations, and then running away. There was no need of a budget, Mr. Speaker, because what we were doing is we were providing for revenue -

SOME HOM. MEMBERS: Oh, oh!

MR. SPEAKER (Russell): Order, please!

MR. MARSHALL: - Mr. Speaker, we were providing for revenues to meet the budget, but if the hon. gentlemen -

MR. NEARY: A point of order.

MR. SPEAKER: Order, please! A point of order. The hon. Leader of the Opposition.

MR. NEARY: The House Leader, who continuously abuses the rules of this House, Mr. Speaker, is now abusing the rules and I ask Your Honour to enforce the rules and ask the hon. gentleman that if he cannot answer the question to take his seat.

MR. MARSHALL: I can answer very succinctly the question, Mr. Speaker. If the hon. gentleman would like to give us the support on the Upper Churchill

to get a rational, equitable return on that, if they—  
MR. NEARY: What about the point of order, Mr. Speaker?

MR. MARSHALL: - would give us their support with their colleagues in the federal government so we could bring in more revenue, we would be glad to bring in a new budget which -

MR. NEARY: What about the point of order?

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MR.SPEAKER (Russell): Order, please!

MR.MARSHALL: -would not only reduce  
taxes but increase expenditures.

MR.SPEAKER: Order, please!

MR. SPEAKER (Russell): I would like to remind hon. members, as I have so many times, that we have only thirty minutes for the Question Period and the questions as well as the answers should be brief.

MR. S. NEARY: Mr. Speaker.

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

MR. NEARY: There was a point of order that Your Honour did not rule on and the hon. member was not speaking to the point of order. Well, Mr. Speaker, I will dispense with the hon. gentleman by saying that the hon. the Premier has picked the right man to do his hatchet job for him, his hatchet-man, the Government House Leader (Mr. Wm. Marshall). I will go back to the Minister of Finance (Dr. J. Collins) and ask the Minister of Finance, Mr. Speaker, if he can tell us, because he keeps harping on this \$25 million that has to be paid back to the Government of Canada—and I am glad there are two hon. ministers, our own Newfoundland MP and the Minister of DREE, sitting in the Speaker's Gallery, Mr. Speaker -

MR. SIMMS: Not the Minister of DREE.

MR. NEARY: - and I hope that they will listen carefully here to what has been said here this morning. The hon. gentleman keeps harping on that \$25 million and I want to ask the hon. gentleman if it is correct, is it true that under the established programme financing arrangements back over the last three years, that the overpayment was much more than \$25 million? Could the hon. gentleman tell the House how much the overpayment was, how much the Government of Canada forgave the Province, and how much the Government of Canada wrote off? Because the hon. gentleman withheld that little tidbit, that little piece of information from this House and from the people of this Province. What was the original overpayment and how much did the Government of Canada write off?

DR. J. COLLINS:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, we do not make these projections. The federal government makes these projections in terms of transfers under EPF. Now, the federal government has told us - if the hon. members want a bit of information I will be glad to give it to them - that for the three year period 1979-1980-1981 there was an overpayment to this Province of \$25.4 million based on the fact that the number of Newfoundlanders as shown in the 1981 census was 18,000 fewer than they had put into their calculations previously. There was a \$25.4 million overpayment in those three years and they wished it be returned. We got strong indications from them, when we were renegotiating the Fiscal Arrangements Act with Mr. MacEachen and his officials, we got strong indications from them that it could be phased in, and this also came up at the time the First Ministers met, the Prime Minister and the Premiers met, that there would be a phase in over the next few years for this \$25.4 million overpayment. In actual fact,

DR. COLLINS: we were informed in June, after our budget came down, there would be no such phase in and they wanted the total amount returned in this year.

MR. SPEAKER (Russell): Order, please!

Before I recognize the hon.

Leader of the Opposition (Mr. Neary), I would like to indeed welcome to the galleries the hon. William Rompkey and the hon. Ed Lumley. I welcome you to the galleries.

SOME HON. MEMBERS: Hear, hear.

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

MR. NEARY: Supplementary, Mr. Speaker.

The hon. Minister of Finance (Dr. Collins) carefully chose his words to avoid answering the question, Mr. Speaker. Let me be a little more specific with the hon. gentleman. Is it correct that this Province was told that because of a change in the census figures and so forth that the overpayment was \$95 million? Did the minister ever hear that figure bandied about, that the Province was over paid by ninety-odd million dollars, \$95 million? Did the hon. gentleman ever hear that figure and that the Government of Canada was prepared to write off \$70.5 million? Would the hon. gentleman care to answer that question?

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, yes, I did hear that figure.

MR. NEARY: Oh, I see.

DR. COLLINS: I heard it from the hon. Leader of the Opposition yesterday.

SOME HON. MEMBERS: Hear, hear!

DR. COLLINS: He was the one who bandied about the figure yesterday.

SOME HON. MEMBERS: Hear, hear.

DR. COLLINS: The hon. Leader of the Opposition (Mr. Neary) is rather creative at times, so he created that figure yesterday as far as I know.

For the three years 1979, 1980 and 1981 for which the federal government is asking repayment the sum was \$25.4 million overpayment in regard to the established financing programme. What more can I say? I mean, if the federal government gave us the wrong figure, well, I am glad, but that is the figure they gave us. We did not make it up, they made it up. Whether they should have asked for that repayment I do not know. It is hard on a small Province like this in our economic situation, but they did ask for the repayment. In my view I think it was less than sensitive on their part to ask for the repayment all in one year when they knew the economic times were difficult. Why they did not phase it in I cannot for the life of me see.

MR. NEARY: Supplementary, Mr. Speaker.

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

MR. NEARY: The fact of the matter is that the Government of Canada could have asked for a \$95 million overpayment, The hon. gentleman knows that-

SOME HON. MEMBERS: Oh, oh.

MR. NEARY: -they wrote off \$70.5 million.

SOME HON. MEMBERS: Oh, oh.

MR. NEARY: The hon. gentleman thinks that is peanuts, that it is not worth mentioning.

Now the other thing that the hon. gentleman does not think worth mentioning is this fact, Mr. Speaker, the hon. gentleman knows next month negotiations will take place that may bring additional revenue to this Province from the Government of Canada in a change in the equalization grants. Now why did the hon. gentleman not include that in his financial statement that he made yesterday?

MR. NEARY:

Why will the hon. gentleman not tell that to the House and to the people of this Province, that there may be an adjustment in the equalization payments in the third quarter that will bring additional revenue to this Province before he started to put the hot dog tax on school children who



MR. NEARY: now have to pay a retail sales tax on their hot dogs and the glass of milk they buy down in the school? Why did not the hon. gentleman -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Russell): Order, please!

MR. NEARY: Why did not the hon. gentleman tell the House that it is quite possible that we may get another -

SOME HON. MEMBERS: Oh, oh!

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

MR. NEARY: - it is quite likely we will get another \$5 million or \$6 million or \$7 million or \$8 million under equalization payments? Why did not the minister include that in his statement?

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

DR. COLLINS: Mr. Speaker, the hon. the Leader of the Opposition (Mr. Neary) really does not read the material placed on the table of this House. He says that we are going to put up the tax on meals in schools. You know, I mean, it is clearly stated in the statement that that was not so. Why does he not read what is presented to him?

Now, on the other matter, the hon. the Leader of the Opposition says something may happen in the future, and I am sure that is true. I mean, I do not have a crystal ball. All we can do is make projections, use the information that comes to us. From the federal government we get certain information with regard to transfers. There may be adjustments in the equalization thing, they may be positive, they may be negative. We are certainly still in the process of negotiating with the federal

DR. COLLINS: government over transfers.

MR. NEARY: You mean your officials do not know what they are going to be now?

DR. COLLINS: The information we have is what we have to work on. Now, if the federal government decides that at some point down the road they are going to change their approach on something - I hope it is positively changed, it may be negatively changed - well, we will have to get that information from them and slip it into our projections. But at this point in time, we just can deal with the facts as they are presented to us.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: The hon. gentleman is aware that only the larger schools have cafeterias. In the main, most of the schools in this Province have no cafeterias and are forced to go out and buy a hot dog or buy a hamburger, out to Big Mac's or some other place, and their glass of milk, and the hon. gentleman is going to charge a tax on that.

AN HON. MEMBER: (Inaudible).

MR. NEARY: Only in the city! Everybody does not live in the city.

SOME HON. MEMBERS: Oh, oh!

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

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

MR. SPEAKER: The hon. the President of the Council on a point of order.

MR. MARSHALL: The hon. gentleman is off supplementary questions now and into a great long preamble which is amounting to a speech.

MR. SPEAKER: I would again remind hon. members on both sides of the House that the questions and the answers should be brief.

MR. NEARY:

So therefore, Mr. Speaker, the school children will be paying a tax on their hot dogs, the hot dog tax.

Now, Mr. Speaker, would the hon. gentleman tell us how he expects to end up the financial year? The hon. gentleman told us yesterday, indicated in his statement, that they are going to have to borrow \$25 million

MR. NEARY: to pay off the amount to the Government of Canada. How does the hon. gentleman now expect to end up the fiscal year? Will he end up with a deficit? Even with all the announcements that were made yesterday, and borrowing \$25 million to pay back the Government of Canada, \$25 million out of \$95 million that was overpaid, does the hon. gentleman to expect to end up even-Stephen or with a deficit?

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

DR. COLLINS: Mr. Speaker, I am glad the hon. Leader of the Opposition brought up this subject. We do not have much time to deal with it but, as was stated in the document yesterday, government had to look at longer terms than just the next four months, we had to look at next year also. And in looking at next year we could see that we did not have a recurring expense next year that we will have this year. The recurring expense we will not have next year is the repayment to the federal government for these EPF overpayments. So we did not have to make an allowance for that in our longer term strategy. We will end up this year having a deficit on current account to the extent we will have to repay the federal government. That is not a problem we will have to face next year.

One point I would like to make, Mr. Speaker, is that our capital account this year is \$8 million less than we projected in the budget. So we will not have to borrow as much as we would ordinarily have to make that repayment if we did not have that negative variance on capital account. We will therefore have to borrow only, I think it is,

DR. COLLINS: \$22 million, something of that order, to make that repayment, rather than the full amount.

Now the other point is that in previous years we had surpluses in relation to our current account and these surpluses meant that we did not have to borrow as much.

MR. NEARY: That was a fabrication.

DR. COLLINS: We did not have to borrow as much as we ordinarily would have.

MR. NEARY: You manipulated the figures.

DR. COLLINS: So any increased borrowing we will have to do this year is really offset by the fact that in the previous three years we did not have to borrow as much because of our surpluses on current account.

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

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

MR. NEARY: Would the hon. gentleman indicate to the House what the consequences are of borrowing money to pay off a deficit in current account? What are the consequences in the money markets? Because my understanding, Mr. Speaker, is that moneylenders, especially in the United States, take a very dim view of governments borrowing money to pay off interest on money that is already borrowed. When you reach that stage they think you are bankrupt. But what are the consequences of borrowing \$22 million, or \$25 million to pay off a deficit in current account? What would be the attitude of the people in the money market?

MR. SPEAKER (Russell): The hon. the Minister of Finance.

DR. COLLINS: Mr. Speaker, we are literally in daily contact with our advisers in all the financial markets, both in Canada and the United States and in Europe, and we discuss our affairs with them on a very detailed basis. And we are assured without any shadow of a doubt that they understand this point, that this is a one-shot deal thrust upon the Province by a somewhat insensitive federal government. This will have no influence whatever on our relations with them. One thing that will have an effect on them is that we have been faced with a problem, because of the economic situation by and large, and we have dealt with it realistically, firmly, up front and we have a handle on it now. It will not be a stone around our neck, it will not have us on a slippery slope for next year or the years after that, which some other provinces are facing and they are regretting that they did not face their problems the way we have faced ours.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: We heard all that when the budget was brought down. We heard all that before.

MR. WARREN: Mr. Speaker.

MR. SPEAKER: The hon. the member for Torngat Mountains.

MR. WARREN: Mr. Speaker, my question is for the Minister of Social Services.

In light of yesterday's Ministerial Statement, could the minister advise the hon. House that the thirteen changes in the assistance programme, as announced on October 1st, are in effect as of today?

MR. SPEAKER (Russell): The hon. the Minister of Social Services.

MR. HICKEY: Mr. Speaker, all except three of the changes have been in effect for some time. The circular when it was first compiled was October 1st and after the month of October and the assessment and monitoring of those changes, then certain modifications were made, certain changes and revisions were made to it. Three sections in it were removed and all others were qualified so as to ensure that no undue hardship would be created for people. And when there were extenuating circumstances in any case, the authority was delegated by me to the five regional directors throughout the Province to deal with any case, any situation that might arise.

MR. WARREN: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary, the hon. the member for Torngat Mountains.

MR. WARREN: Mr. Speaker, the minister said that three changes have not been in effect. Could the minister tell the House which three have been deleted?

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

MR. HICKEY: Yes, Mr. Speaker, one section was to take into account and consider as non-allowable income, monies that were paid to students going to trades college, trade schools and the university, and that presented some problems. And, as stated initially, when those changes were first made, where undue hardship would be created, we were prepared to make the necessary changes. So we found that to leave that change in place might have the effect, we could not say for sure, but it might have the effect that a student might in fact not be able to continue. So we

MR. HICKEY: eliminated it altogether and that is now the situation.

In the case of single assistance to single able-bodied adults and childless couples under the age of fifty, there was a policy stated; that policy has been rescinded and we have gone back to where we were before the circular was issued. The other one, it seems to me, was the case of assistance to unmarried mothers. Generally speaking, there was some confusion in interpretation of the first announcement, the first circular. We have modified that and made it abundantly clear that it was not the intent of the change to inflict any hardship but simply to tighten up some aspects of the assistance so as to make sure that when assistance was provided it was indeed required. But where there were alternatives, where the unmarried mothers could live with their parents, then certainly that would be the situation.

MR. SPEAKER (Russell): Before I recognize the hon. member for Torngat Mountains (Mr. Warren), I would just like to welcome to the galleries the Mayor of the Town of Bonavista, Mr. Frank Little.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: And in the galleries we also have from the Holy Trinity Regional High School at Heart's Content approximately sixty-five students and their teachers, Mr. Legge and Mr. Pearcey, and I indeed welcome you to the galleries today.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member for Torngat Mountains.

MR. WARREN: Mr. Speaker, a supplementary to the minister. So now ten of those policy changes are in effect. I would just like to probably zero in



MR. WARREN:

on one or two of them to the minister. Number eleven reads: 'That no building materials will be issued for housing repairs to recipients unless an emergency exists'. Is the minister telling the House that in the past his department issued buildings materials to welfare recipients who did not need it?

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Russell): The hon. Minister of Social Services.

SOME HON. MEMBERS: Oh, oh!

MR. HICKEY: Now, Mr. Speaker, whoever the architect of that question is, I suggest the hon. gentleman should fire him and hire a new one, because the hon. gentleman is certainly digging a hole for himself and his party. I do not want to really get into the area of building materials this morning

SOME HON. MEMBERS: Hear, hear!

MR. HICKEY: - except to say, Mr. Speaker, and I am

MR. HICKEY:

compelled to say that the whole question of building materials as provided by Social Services was the matter of an enquiry in this Province, and we will not dust off any documents on that one. I said yesterday that we will not, however much we are provoked, we will not go back to the past. I refuse to go back to the past, Mr. Speaker. And I will tell the hon. gentleman that I stand on the credibility and talent and commitment of all of my staff and say that knowingly no assistance has been provided to anybody, be it building materials, food, shelter, clothing or anything else, to any client in this Province where indeed there was not perceived to be a real need.

MR. WARREN: Mr. Speaker.

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

MR. WARREN: Mr. Speaker, the minister at least admitted that there are building materials being given out unnecessarily by his department even today. If he is bringing in such a charge -

MR. HICKEY: On a point of order.

MR. SPEAKER: The hon. Minister of Social Services on a point of order.

MR. HICKEY: Mr. Speaker, as much as I would like to I cannot let the hon. gentleman get himself in any more trouble.

SOME HON. MEMBERS: Hear, hear!

MR. HICKEY: You know, I mean, my compassion overfloweth. I have to remind the hon. gentleman that that is not what I said at all. Now surely we

MR.HICKEY: do not have to adjourn the House and get Hansard.

MR.SPEAKER (Russell): Order, please! The hon. Minister of Social Services (Mr. Hickey) rose on what he alleged was a point of order and really it is a difference of opinion between two hon. members.

MR.WARREN: Mr. Speaker.

MR.SPEAKER: The hon. member for Torngat Mountains.

MR.WARREN: Mr. Speaker, I wish to go to Item No. 9 where the minister says that at the present time - before October 1st-a social assistance recipient family if there was a death in the family earlier in the month then that family would still receive benefit for that month. He has brought in a policy now that if, for example, a death occurs at the earlier part of the month then social assistance is suspended for that individual. Does the minister expect that this proportion that will be suspended for the recipient, for the person, will that have any effect on that month's revenue that that family is receiving? Will it have any hardship in the burial procedure and taking care of the remains of the individual?

MR. SPEAKER (Russell): The hon. Minister of Social Services.

MR. HICKEY: Mr. Speaker, the hon. gentleman has to make up his mind what he wants. He just indirectly accused me of having my staff issue assistance to people by way of building materials when it was not needed. Now he wants me to provide assistance to the dead.

SOME HON. MEMBERS: Hear, hear!

MR. WARREN: You were doing it all the time.

MR. HICKEY: We were doing it - the fact that one does something and through the normal process of evaluation and assessment they find that they might in fact have been wrong, as we all are sometimes, surely goodness one should not tread on in the dark and continue to make mistakes. That is what got the Liberal Party in trouble a few years ago.

SOME HON. MEMBERS: Hear, hear!

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

MR. HISCOCK: My question is to the Minister of Energy. In view of the fact that the federal Minister of Energy (Mr. Chretien) of Canada is eager to start renegotiations with the offshore, can the Minister of Energy inform this House will this government be having renewed negotiations between the Federal Minister of Energy or will we continue to let it go to both levels of the court?

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

MR. MARSHALL: Mr. Speaker, I can simply answer that by saying that we are quite prepared to resume negotiations provided the federal government will respond to the proposal which we put on the table on January 25th., 1982. To date they have not done so. That proposal merely envisages - puts up a proposal so that Newfoundlanders can draw equal, not ahead of, but equal

MR. MARSHALL: with the average Canadian, and is also a proposal to protect the way of life that all members of this House, including the hon. gentlemen there opposite, cherish.

Now if the federal government wish to respond to that proposal, we are prepared, ready, willing and able to meet them at any time. But the situation at the present time is that the Premier met with the Prime Minister, the Premier attempted to impress upon the Prime Minister the legitimacy of that proposal, how the proposal the federal government put before us, which was the same as the Nova Scotian agreement, was very deficient for Newfoundlanders, did not give Newfoundlanders their rights and was unacceptable. The Prime Minister then elected to say, "Well, we agree to disagree" - in other words

MR. MARSHALL:

'You accept the Nova Scotian proposal or otherwise.' So I want to make it crystal-clear that as far as this government is concerned we are ready, willing, able at any time to negotiate. But in order to negotiate, quite obviously we require not just the courtesy but a substantive response to that basic proposal, which we made in good faith on January 25th, which contained a reasonable, rational resolution of the situation, not only in the judgment of this government but in the judgment of many, many companies, concerns, industry, labour and what have you, not only in this Province but throughout Canada.

SOME HON. MEMBERS: Hear, hear.

MR. MARSHALL: So that is the answer; We are ready, willing and able if the federal government is prepared to respond and not just give lip service to responding. My understanding of what the hon. Minister of Mines and Energy resources said in Halifax yesterday was the same old political ploy, 'Look, Newfoundland could have the same returns'-whatever they may be in Halifax-'if they sign a proposal like the Nova Scotian proposal.' Well, I say with all due respects to the Minister of Energy and the federal government that the people of Newfoundland, as the Premier has said, are not for sale. The young people in this gallery today, Mr. Speaker, have as much right to be able to grow up in their own Province as children in Ontario have been able and not have to go elsewhere.

SOME HON. MEMBERS: Hear, hear.

MR. MARSHALL: And that is what we are striving to do. I invite the federal government at any time to address that proposal and address it on the same basis as we do, as I know all people of good will should, on the basis that young Newfoundlanders and Labradorians have the right to expect to be able to draw equal to average

MR. MARSHALL: Canadians. And if they will address our proposal in that light and tell us in what respect or respects the proposal exceeds these legitimate aspirations, we will talk with them, we will meet them, there will be no problem at all. As I said, we are ready, willing and able, but there has to be some basis of negotiation. And we are not, Mr. Speaker, by the way of getting the hopes of the people of this Province up once again that there can be a resolution unless there is something specific from the federal government indicating that they are prepared to treat Newfoundlanders, at last, equally with the average Canadian.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (Russell): Order, please!

Time for the Question Period has expired.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: I wish to table the report of the Provincial Advisory Council on the Status of Women, April 1st, 1981 to March 31st, 1982. I hereby table it.

Thank you.

NOTICES OF MOTION

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

MR. MARSHALL: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The Leaseholds In St. John's Act" -

SOME HON. MEMBERS: The what?

MR. WM. MARSHALL:

- a very forward piece of Conservative legislation, which you will hear about presently.

DR. J. COLLINS: Mr. Speaker.

MR. SPEAKER (Russell): The hon. the Minister of Finance.

DR. COLLINS: Mr. Speaker, I give notice that I will on tomorrow move that the House resolve itself into a Committee of the Whole to consider certain resolutions related to the imposition of a tax on tobacco, and to consider resolutions related to an imposition of a tax on retail sales, and to consider resolutions related to the imposition of a tax on insurance premiums.

MR. G. OTTENHEIMER: Mr. Speaker.

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

MR. OTTENHEIMER: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled: "An Act To Amend The Companies Act."

MR. SPEAKER: Are there any other Notices of Motion?

PRESENTING PETITIONS

MR. G. TOBIN: Mr. Speaker.

MR. SPEAKER: The hon. the member for Burin - Placentia West.

MR. TOBIN: Mr. Speaker, I rise to present a petition on behalf of 155 residents of the Burin Peninsula. The prayer of the petition is as follows: 'That we, the undersigned, hereby request that the rabbit hunting season on the Burin Peninsula be extended for shooting from the current closing date in December to the end of March as now being enjoyed by hunters in other sections of the Province. Whereas the extension in other areas has not had any adverse affect on the rabbit population, and whereas the



MR. G. TOBIN: neighboring peninsulas of Bonavista and the Avalon have already supported such shooting seasons; and whereas the season for snaring rabbits is open until that date; we the hunters in the Burin Peninsula region should be extended the same hunting privileges.'

Mr. Speaker, on that I would like to say that I believe it is the policy or the philosophy of the department involved to permit as much recreation as possible to the greatest number of people as possible. I think we have seen quite clearly, Mr. Speaker, that over the past number of years since the shooting season was extended on the Bonavista and on the Avalon Peninsulas that there were no great effects - the biologists, I think, can certainly support that - there have been no great effects on the rabbit population in these areas. Some people, Mr. Speaker, I am sure will argue that if we are to introduce such a system that it do open up the areas for greater abuse, or certainly greater area of prey for the poachers. But Mr. Speaker, the people who signed this petition and the people who I have spoken to certainly disagree with that philosophy and have a different argument they put forward. They believe, Mr. Speaker, with more hunters in the woods, with more people who enjoy this type of recreation and certainly, Mr. Speaker, who enjoy it as a livelihood as well, would decrease the amount of poachers that are now in the woods. So, Mr. Speaker, I ask that this petition be laid on the table of the House and referred to the department of which it relates and I certainly hope, Mr. Speaker, that the critic of this department on the opposite side will now stand to speak to the motion, Mr. Speaker, and unlike the finance critic be stifled by his leader this morning.

Thank you very much.

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

MR. SIMMS: I wish to acknowledge receipt of the petition so ably presented by my colleague, the member for Burin - Placentia West (Mr. Tobin).

He would know, of course, that in late August I met with a representative group of those petitioners and responded to them in writing shortly thereafter indicating that I would evaluate their request and make them aware of the decision in due course, certainly by the end of the year.

I might add that I have since had a similar request from some sixty-five petitioners from the Springdale area, who recently presented a petition during the Cabinet meetings in Springdale, asking for similar consideration. I guess hon. members across the way are certainly familiar with some of the points that would need to be pondered. I have asked my officials for comment on this particular issue. We acknowledge that there are some concerns with respect to the problems that could exist with protection and surveillance. We are also aware of conflicts that exist between rabbit shooters and rabbit snarers, but, on the other hand, we acknowledge that there is a certain degree of unfairness, I guess, in preventing the legitimate hunter from engaging in what might be his own preferred form of recreation activity. Because we might have some difficulty in coping with problems that relatively few numbers of people might cause.

In addition, my biologists advise me -

MR. NEARY: Are you for or against the petition?

MR. SIMMS: If the hon. the Leader of the Opposition (Mr. Neary) would keep quiet, he might hear what I am going to do.

I am advised by my biologists, by the way, that there is no biological reason why a longer rabbit shooting season should not be permitted.

SOME HON. MEMBERS: Oh, oh!

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

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

The hon. the Leader of the Opposition on a point of order.

MR. NEARY: Mr. Speaker, my interpretation of the rules of this House is that if you stand, you have to support a petition. There is no way that you can vote against a petition. If you speak, you have to speak in the affirmative, you have to be positive, you have to say, 'I support the petition.' I have not heard the hon. gentleman say that yet and it would appear from the hon. gentleman's remarks, Mr. Speaker, that the hon. gentleman is not supporting the petition, he is giving argument why the season should not be extended.

MR. DOYLE: You must make up your own rules.

MR. NEARY: A former Speaker of the House, especially, should know the rules of this House, Mr. Speaker. I ask Your Honour to enforce the rules.

MR. SIMMS: Mr. Speaker.

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

MR. SIMMS: Mr. Speaker, I do not think that is a point of order.

MR. NEARY: Then what is it?

MR. SIMMS: I believe it is a point of silliness because the hon. Leader of the Opposition (Mr. Neary) will not even wait until I have finished what I have to say and then he might have his answer.

MR. NEARY: But you are giving reasons against the petition.

MR. SIMMS: In any event I am explaining the situation. To the point of order, I suggest there is no point of order.

MR. SPEAKER (Russell): The Chair is not of the opinion that the hon. Minister of Culture, Recreation and Youth (Mr. Simms) has spoken against the prayer of the petition.

MR. SIMMS: What I am doing, Mr. Speaker, is offering some suggestions as to what points have to be evaluated and considered when addressing the prayer of the petition. I am simply saying that there are points to ponder. There are some arguments against, some arguments for, and that in accepting the petition as the minister responsible for the Wildlife Division, I am going to address the question raised in the prayer of the petition, evaluate it and point out that one of the mandates of that Division of the Department is to provide the maximum number of hunting recreation days possible consistent with sound management practices with the species that is being hunted.

SOME HON. MEMBERS: Hear, hear!

MR. SIMMS: So in accepting the petition, Mr. Speaker, I want to advise the petitioners that I will be

MR. SIMMS: cognizant of the mandate of the Wildlife Division -

SOME HON. MEMBERS: Hear, hear!

MR. SIMMS: - and I will advise them of my decision in due course.

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

MR. WARREN: Mr. Speaker, I hope I am given the same courtesy in my remarks. Mr. Speaker, in speaking to this petition presented by the member for Burin - Placentia West (Mr. Tobin), I believe that the member maybe had good intentions when he brought forth this petition from 170 rabbit shooters -

MR. CALLAN: 155.

MR. WARREN: - 155, is it? - rabbit shooters from the Burin Peninsula. I am just wondering, Mr. Speaker -

MR. SIMMS: Are you for it or against it?

MR. WARREN: I am going to do the same thing you did.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. WARREN: I am just wondering if the member for Burin-Placentia West will also present a petition probably from five or six hundred rabbit snarers in his area who, once they hear of this petition being put forward by such a member who is only concerned about rabbit shooters and not rabbit snarers. So I am just wondering if the member -

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

MR. SPEAKER: A point of order, the hon. Minister of Culture, Recreation and Youth.

MR. SIMMS: Using the very same argument that the Leader of the Opposition (Mr. Neary) just used, who insists that one cannot speak on a petition unless he is speaking in support of it, is the hon. member for Torngat Mountains (Mr. Warren) speaking in support the petition? If he is not he should sit down.

MR. WARREN: To the point of order, Mr. Speaker.

MR. SPEAKER (RUSSELL): To the point of order, the hon. member for Torngat Mountains.

MR. WARREN: Maybe, Mr. Speaker, my comments will be the same as the minister's, when I am finished my decision shall be known.

MR. SPEAKER: My comments will have to be the same as well. The hon. member for Torngat Mountains (Mr. Warren), in the opinion of the Chair, has not spoken against the petition.

MR. WARREN: I am concerned, Mr. Speaker, about how safe it will be in the woods when rabbit hunters and rabbit snarers are in there at the same time. I myself spend some time in the woods, not as a rabbit hunter but as a rabbit snarer, and it is very, very dangerous. Mr. Speaker, to be in trying to set snares and at the same time a hunter with two or three dogs in the same proximity.

MR. WARREN: I feel, Mr. Speaker, as the minister said, that his department needs seriously to consider this petition. I do not think that any minister or anybody in this government should automatically say we support this petition, because, Mr. Speaker, this petition needs to be seriously looked at before anybody supports it.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Russell): Are there any further petitions?

ORDERS OF THE DAY

MR. MARSHALL: Order 22, Bill No. 17.  
Motion, second reading of  
a bill, "An Act To Amend The Contributory Negligence Act, The Married Women's Property Act And The Automobile Insurance Act".  
(No. 17)

MR. SPEAKER: The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, the purpose of this bill is to abolish what is called interspousal tort immunity. What that means is that between spouses there exists still in Newfoundland the rule that in a civil wrong, such as negligence or defamation, one spouse may not take an action against the other. That is what it means. It has nothing to do with the criminal law but it means in civil areas, such as negligence, such as defamation, the same would be true of assault - civil assault, not criminal - that in these kinds of areas between spouses there is no right of action of one spouse against the other. So I think the general concept hopefully is clear. I know the term is quite technical but that is what it means: Between two spouses there is no right of action, one against the other, in these areas such as civil negligence, defamation, there would be others as well but these would, I think, be the ones which are most significant.

Now this was based on a common law practice and I would suggest it grew out of the concept that spouses constituted perhaps one legal entity rather than two.

MR. OTTENHEIMER: In other words, the full legal identity or personality of each of the spouses was largely denied. This practice, for example, was put to an end in England in 1962. In Canada the rule was abolished in Ontario and Prince Edward Island in 1978. The Law Reform Commissions of Manitoba, Alberta and Saskatchewan have desired with respect to its abolition and I think it is fair to say that all progressive views would coincide with the abolition of that rule.

The enactment of this bill would therefore abolish that immunity. Another way of putting it would be the enactment of this bill would give spouses a right to civil action which is now denied them with respect to each other. I think that is probably a better way of putting it. The enactment of this act will give full recognition to the legal identity and rights of both spouses with respect to actions between themselves and it will do so in three specific acts, One is the Married Women's Property Act. And there is a phrase in there now that no husband or wife shall be entitled to sue the other for a tort, that is a civil law. In other words, the right of action of a spouse is denied. It is based on the older concept of not recognizing fully the legal identity of each of the spouses. It will do so with respect to contributory negligence which, as it is now, this rule prevents the recovery of a spouse's proportionate liability if each of them together have been joint tortfeasor, have committed a civil wrong.

MR. NEARY: (Inaudible) damage or a civil wrong?

MR. OTTENHEIMER: A civil wrong which could result in damage.

MR. NEARY: Not physical damage?

MR. OTTENHEIMER: No. Well, yes, it could be physical damage as well, That would be specifically in the



MR. OTTENHEIMER: Automobile Insurance Act. As it is now without this amendment there is a section, and this amendment would abolish this section, which now says, 'The insurer is not liable under an insurance contract for a motor vehicle for any liability resulting from bodily injury to or the death of a daughter, son, wife or husband of any person injured while being carried in or getting into or getting out of that automobile which is driven by one within that unit.' What that does really is gives

MR. OTTENHEIMER:

an artificial protection to the insurance company. Because if a wife is injured through negligence of a husband's driving, let us say, there is no reason why that person should not have full rights of recovery. The fact of being the spouse should not -

MR. NEARY: Or he left the door to the basement open and she fell down the stairs or something.

MR. OTTENHEIMER: Right.

MR. NEARY:

Have the lawyers found a loophole in the Matrimonial Property Act? Is this why it is being brought in?

MR. OTTENHEIMER: No, no. I would say when the Matrimonial Property Act was enacted, at that particular time -

MR. NEARY: Nobody thought of this.

MR. OTTENHEIMER: I would not say that nobody thought of it, but there had not been a policy decision to abolish the immunity which had existed in common law and interspousal tort. Now a firm policy decision has been made to abolish that immunity which means - and it is clearer when one puts it affirmatively - to fully recognize the legal identity of each spouse in terms of injury resulting from the actions of one on the other one. And it is operative not only in the Matrimonial Property Act -

MR. NEARY: It has nothing to do with the property?

MR. OTTENHEIMER: No, it has nothing to do with the property, but that is just one of the acts that becomes operative in the Matrimonial Property Act, the Contributory Negligence Act, where two people jointly may have a responsibility for a wrong,

MR. OTTENHEIMER: and also in the Automobile Insurance Act. So, as I say, it is a technical concept, and when put in the technical way to abolish interspousal tort immunity, it is rather confusing, but I think if one puts it affirmatively,

MR. G. OTTENHEIMER: that would be to give full recognition to the legal identity and the legal rights of spouses with reference to any right of action which might arise as a result of a civil wrong committed by one of them affecting the other. As I say, it was enacted in England in 1962, it has been enacted in a number of provinces of Canada, and law reform commissions in other provinces have recommended it. It would be my view certainly that it is a progressive and reasonable thing to do and I think the difference in the philosophy is now that each spouse be given full legal recognition and should not be denied the right of access to courts by the fact of being a spouse, that being a spouse should not be a deterrent with respect to legal rights a person may have and that would be the way, I think, to summarize the philosophy behind it. So that essentially is what this act would do and it certainly would be my view that this would be welcomed by the vast majority of people who are affected and by those who are interested in law reform and that it is in the best interests of spouses.

MR. S. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I am not going to try and unravel all the legal ramifications and implications of this bill, but if I were the students sitting in the gallery today and when I went back to my classroom the teacher asked me to write an essay or to make a few comments about what transpired in the House of Assembly during their visit, I am sure they must be puzzled after listening to the explanation of the hon. gentleman. As hard as the hon. gentleman tried to explain this bill in simple terms, layman's language so that we would all understand it, I am afraid that he failed. I did

MR.S. NEARY: get a few things out of what the hon. gentleman said but really what the bill is doing, as I think it says in Section 13, is, 'No husband or wife shall be entitled to sue the other for a tort.' Now, Mr. Speaker, that sounds like something vulgar. It sounds like a vulgar word but I presume what the hon. gentleman is saying is that previously - to see if I got the message - one spouse could not take the other spouse to court in civil action, or in criminal action for that matter -

MR. G. OTTENHEIMER: Just civil action, not criminal.

MR. NEARY: Just civil action?

MR. OTTENHEIMER: Yes.

MR. NEARY:                    Alright, in civil action for damages that may have occurred because of negligences of one party or the other, or it could have been done intentionally, I suppose. But that would enter into the area of criminology, would it not? It had to be accidental, damages that are caused through accidents and the like. The example I used for the hon. gentleman, the husband could leave the door to the basement open and the wife may fall into the basement and break her hip, then she would have the recourse to take an action, a civil action against her husband for leaving the basement door open and causing an accident. Or if they were driving down the highway and they had an argument, or something like the late princess in Monaco who was driving along with her daughter, if they had been man and wife, went off the road, then somebody would be able to initiate an action. You can take an action now against yourself, a civil action, for damages. Well, I do not know. I do not know what the implications of that are, to be honest with you. I would hope that the minister, when he is concluding second reading, will tell us if there is a great demand for this piece of legislation. Has there been a number of cases and how many cases have we had in this Province where a husband or a wife wanted to taken an action against a spouse and was unable to do so because the statutes in this Province were silent on the matter? We did not have an act on the statutes that would

MR. NEARY: allow one spouse to take an action against the other. What kind of a demand did we have for this kind of legislation? Or is it just somebody like the Status of Women or some other group lobbying for this reform, if you can call it a reform, lobbying for it and the government is just acceding to the wishes of some lobby group to have this piece of legislation passed by the House and become the law of this Province? I do not have anything else to say about it, Mr. Speaker, because I do not really know all that much about it. The only thing I know now is that as of today I have to be a little more careful because when I go home this evening and tell my spouse debating in the House today, I am sure she will be greatly relieved to know, that from now on, as of today, I have to be careful about leaving stepladders around the house, about leaving the basement door open because if she gets injured through my carelessness or neglect I may end up in court

MR. NEARY: My spouse could sue me, haul me into court for damages, and make a claim under my insurance. To simplify the matter, I believe that is the message he was trying to give us in his introductory remarks. So I cannot argue for or against the bill, Mr. Speaker, except that a spouse will be interested in knowing that she can now sue me under the insurance on the house, on the car, or any other way that she can get at me, if she so desires. When Your Honour goes home this evening and sits down for supper he will be able to say, 'Look, my dear, you better be careful. If you have arsenic in my food or if you are trying to make away with me, and you put some kind of a poison in my food and I get sick, then I can sue you.' I do not know if it goes that far, Mr. Speaker, perhaps the minister can tell us. If his hon. went home this evening and found out that he wife had put a nail or put something that you could not digest in your food and in the process his hon. got injured or felt that his wife was attempting to make away with him, could his hon. then take action against his spouse? Mr. Speaker, I rest my case, and I look forward to hearing the concluding remarks by the Minister of Justice (Mr. Ottenheimer).

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

MR. OTTENHEIMER: Mr. Speaker, in the hypothetical case, of course, it could well be that without this bill a person would have a right of action. Certainly attempted murder or manslaughter or that type of thing, because there has always been the criminal aspect, but there will be a new right of action now because of negligence.

To the best of my knowledge there has been no great lobbying for this that I am aware of.



MR. OTTENHEIMER: What it comes from is a policy orientation that the legal identity of both spouses should be given full recognition, that a person should not be precluded from exercising his or her legal rights because of

MR. OTTENHEIMER: the fact that they are espoused  
There is no way really of knowing how many cases would  
come under this because, there never having been a right  
of action, obviously there would be no way of knowing  
how many possible rights of action that would have existed,  
I would say 90 per cent, perhaps more.

MR. NEARY: What kinds of pressures did  
you have?

MR. OTTENHEIMER: I am not aware that there are  
any great pressures, but it is based on a principle that  
the legal identity of both spouses should be given full  
recognition, that the more old-fashioned idea, you know,  
which sort of regarded - well, we might as well call a  
spade a spade - the wife, it was usually the wife who  
suffered, as, you know, being assumed into the legal  
identity of the husband. But certainly today it is  
recognized that the full legal identity of both should  
be recognized and that one should not lose legal rights  
by the mere fact of being a spouse. But I would say  
over 90 per cent of any benefit which would accrue  
from this would come from the right of recovery in  
automobile accidents. I would say that is the main  
area. And now, to a large extent, one can say that  
insurance companies benefit because - that is put  
the wrong way - that certain spouses are denied  
benefits they would otherwise have with respect to  
injuries resulting from automobile accidents because  
we have still continued that immunity.

So I would say certainly  
the basic and essential benefit from it will be in  
the area of automobile accidents whereby spouses will  
now have firmly established the right of recovery.

MR. OTTENHEIMER: Mr. Speaker, I think that is about all I can say on it. I move second reading.

On motion, a bill, "An Act To Amend The Contributory Negligence Act, The Married Women's Property Act And The Automobile Insurance Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 17).

MR. MARSHALL: Order 23, Bill 16.

Motion, second reading of a bill, "An Act To Amend The Conveyancing Act," (Bill No. 16).

MR. SPEAKER (Aylward): The hon. the Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, this is quite straightforward. It will be recalled that the Conveyancing Act was amended in 1978, and it was amended in order to provide that

MR. G. OTTENHEIMER: 'A duty on all non-resident mortgagees' - not resident in the Province - 'to appoint a Newfoundland attorney' - that means somebody with the power of attorney, it does not have to be a lawyer - 'to sign releases of mortgages.' And this was because where the mortgagees were non-resident in the Province it often took a long time to close a real estate transaction. So that amendment was passed in 1978 and the purpose of it, as I say, was to provide for release of mortgages to be made without delay. Now, a number of mortgage companies and banks required releases of mortgages to be signed outside the Province before, and that caused the delay. So then that amendment in 1978 was passed in order to require that there would be somebody with the power of attorney in Newfoundland. Most of the mortgage companies complied with that provision. In other words, they had to appoint somebody with the power of attorney, that was what the law said. And they appointed people with the power of attorney but what they have done, in some cases, is they have not used the power of attorney, have not utilized that power of attorney to execute the conveyance in the Province and therefore you still have the strong delays. They were in a strict sense in compliance with the law because the law required them to appoint somebody with the power of attorney, but they were certainly not in accord with the spirit of the act because the only reason to require a mortgage company to have somebody here with the power of attorney would be that they would exercise that power of attorney, not merely having it and not having it exercised. And I suppose the reason for that is they wanted to keep putting these matters back to their head office outside of Newfoundland. So, while they complied with the strict, literal interpretation of the law, they certainly did not comply with the spirit of the law. They appointed people with the power

MR. G. OTTENHEIMER: of attorney but they never used them. They still sent back these deeds to Halifax, Toronto or wherever it was. So, the purpose of this amendment is to ensure that not only are they required to appoint somebody with the power of attorney but that person is required to release upon payment of all money owed under the mortgage, to release the mortgage. The amendment would also provide that the Registrar of the Supreme Court would be empowered to release a mortgage if the person with the power of attorney of a non-resident mortgage failed to execute the release.

What it come to really is that there are sometimes long and unnecessary and inordinate delays in completing a real estate transaction where the mortgagee is resident outside the Province and people have to wait sometimes for months, and this is to ensure that mortgage companies have somebody with the power of attorney in the Province and also that that person with the

MR. OTTENHEIMER:

power of attorney must actually use it. And barring that, if all monies are paid and all the legal requirements have been met, then the Registrar of the Supreme Court can do it and the effect of it would be that we will no longer have these unnecessary long delays.

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

MR. NEARY: Mr. Speaker, it would seem from what the hon. gentleman says that it is almost impossible to foresee when you introduce a piece of legislation what the lawyers will do to get around that piece of legislation, it is almost impossible to foresee the loopholes in such an act. The bill was obviously brought in in the beginning in good faith to accomplish a purpose, but then somehow or other the mortgage companies found a way to get around it. They complied with the law but there was not enough sufficient teeth in the legislation to say that they had to make a decision in the Province. So they merely complied with the law. We have to take the minister's word again that this is precisely how the situation worked out. And the minister convinced me that this is necessary, although I am always very concerned, Mr. Speaker, about putting so much power in the hands of people outside of this House.

In this particular case we are giving tremendous power to the Registrar of the Supreme Court. Mr. Speaker, you know, I sometimes wonder if it is right for us to do that, not necessarily because it is the Registrar of the Supreme Court but it happens in a good many instances. We always argue in this House that nobody should be given the ultimate power, not even ministers of the Crown, we argue against that all of the time. But in this case we are putting tremendous power in the hands of the Registrar of the Supreme Court and his decision apparently is final.

MR. OTTENHEIMER: Only after all the legal requirements have been met. If a person were to act without all the legal requirements having been met obviously he would be acting illegally, including the Registrar of the Supreme Court. He can only act after all legal requirements have been met to effect that release.

MR. NEARY: Well, I am still not so convinced, you know, that that is right. Maybe in all of this kind of legislation there should be some recourse to appeal of some kind.

MR. OTTENHEIMER: If a person acted improperly there would automatically be.

MR. NEARY: There would automatically be an appeal? To whom? To the Supreme Court?

MR. OTTENHEIMER: Yes.

MR. NEARY: Okay. Fine, Mr. Speaker. Anyway we support the bill.

On motion, a bill, "An Act To Amend The Conveyancing Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 16)

Motion second reading of a bill, "An Act To Amend The Prisons Act." (Bill No. 14)

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

MR. OTTENHEIMER: It is quite straightforward what this bill will do and actually by reading the legislation, unless you have all of the full statute in front of you it probably is not clear but I will tell hon. members what in fact the effect of this is.

Within the prison service there is obviously internal discipline and regulations. It is a uniformed service and there are regulations, as there are in the police. What the effect of this is that a warder, let us say, is in breach of regulations. The Superintendent disciplines the





MR. OTTENHEIMER:

and it seems much more appropriate, I mean, if a person is to be disciplined, let us say, by their superintendent, who is in the management area, and if there is an appeal, it is a bit awkward and it does not seem to be totally satisfactory that the appeal should be to the minister but it should be to somebody outside of the system and this will put the warders on the same footing as the Constabulary now are where the appeal with the Constabulary from the Chief's decision is not to a minister but to the provincial court. And the same will be true in the correction service where an appeal from the decision of the superintendent will be not to the minister but to the provincial court.

MR. NEARY:

Mr. Speaker.

MR. SPEAKER (Aylward):

The hon. Leader of the Opposition.

MR. NEARY:

This bill makes some sense but we would have preferred on this side of the House that the warders at the Penitentiary, at the prisons, the people who discipline in prisons and indeed the fire department should have been included. The other day when we brought in a bill allowing the Ombudsman access to the records of the Newfoundland Constabulary and the Waterford Hospital, on reflection, Mr. Speaker, I thought I was probably a little bit quick at the time, although I talked about giving the Ombudsman a little more authority, but if I had my time back I would have - and maybe I can do it in Committee of the Whole - when I went home that evening I could not figure out why it just mentioned the Waterford Hospital, why not all hospitals.

MR. OTTENHEIMER:

I think the other hospitals are already in it.

MR. NEARY:

No, they are not. I do not think so. I do not think the Ombudsman has access to medical records, does he?

MR. OTTENHEIMER:

He has access to the hospitals. That

MR. OTTENHEIMER: was the reason that came in, Waterford Hospital was regarded as different but now that includes the Waterford Hospital and also psychiatric units at the other hospitals.

MR. NEARY: Well, if that is so, and I can only take the minister's word for it, it should include all hospitals, not only the Newfoundland Constabulary but the Fire Department, and the warders and employees of prisons and penitentiaries throughout this Province.

MR. OTTENHEIMER: Could I just point out, with respect to the police, the amendment is for the citizen, if a citizen has a complaint against the police. It is a citizen's complaint if a person feels they were harassed or undue force was used.

MR. NEARY: I see. So the members of the Brotherhood, the individual policeman, still cannot go to the Ombudsman with their complaint or with a grievance.

MR. OTTENHEIMER: Depending what nature it was.

MR. NEARY: I am talking about discipline now within the organization.

MR. OTTENHEIMER: The discipline within the organization, their appeal would be the Provincial Court.

MR. NEARY: And not to the Ombudsman?

MR. OTTENHEIMER: And not to the Ombudsman.

MR. NEARY: So the other day all we did was give the general public access to the police records?

MR. OTTENHEIMER: What it would be then, if a member of the general public had a complaint against the police that person can now go to the Ombudsman; the Ombudsman has the power to investigate it whereas he did not before.

MR. NEARY: I see.

MR. NEARY: That does not apply to inmates at Her Majesty's Penitentiary or in any of the prisons, they do not have that right. They cannot appeal to the Ombudsman in case they feel they have been unjustifiably disciplined.

MR. OTTENHEIMER: Under certain circumstances they would, basically matters of maladministration. There certainly have been matters which have gone from inmates to the Ombudsman.

MR. NEARY: Does the Ombudsman then have access to the files at Her Majesty's Penitentiary and the prisons and jails around the Province?

MR. OTTENHEIMER: I would have to check to see what particular access he would have.

MR. NEARY: Here are two things: First of all, in that case my argument would be that the general public should have access to the prison records and to the records of the jails and the prisons around Newfoundland the same as we just gave the general public access to the Royal Newfoundland Constabulary files. And the same thing with the fire department; I think that the general public should have access to these records and files if they do not already have them. In that case, Mr. Speaker, if that is the way the Brotherhood and the Newfoundland Constabulary, if that is the procedure that they follow, that they can appeal to the court, and now we are going to give that privilege to wardens at the penitentiary and prison guards and people who work in jails and so forth, well so be it. If it is working for the Newfoundland Constabulary there is no reason why it would not work for these groups. But I would still like for the

MR. NEARY: minister to consider giving the employees in these various institutions the right of access to the Ombudsman or to the Commissioner of Human Rights. I think the thing could be carried a step further - this is a step in the right direction. It is giving them a procedure that they did not have before - but, nevertheless, I think we should go all the way and not just hem and haw about it. We should give all these employees, if they do not already have it, we should give them access to the Ombudsman and to the Commissioner of Human Rights in this Province.

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

The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, I will speak just briefly. With respect to what access to what the Ombudsman would have in the Penitentiary, I will check and inform the hon. gentleman. I just want to make the point that this bill obviously deals with the internal matters of the staff, vis-a-vis the management of the penitentiaries. It is something that they are in favour of and I think it is certainly preferable with the access to the court rather than to the minister. Number one, the courts are judicial bodies and the minister, I think, is in somewhat of a precarious position in second guessing, if you wish, or reviewing the decisions of superintendants and police chiefs in this kind of a matter. It is much better that it be done by an outside authority.

I move second reading.

November 19, 1982

Tape No. 2494

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On motion, a bill, "An Act  
To Amend The Prisons Act," read a second time, ordered  
referred to a Committee of the Whole House on tomorrow.  
(Bill No. 14)

MR. MARSHALL:

Order 25, Bill No. 3.

Motion, second reading of a bill, "An Act To Amend The United Church Of Canada Act," (Bill No. 3).

MR. SPEAKER (Aylward):

The hon. the Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, the whole purpose of this bill, and it is requested by the United Church, is that the United Church has been known up to now in the Province as the Newfoundland Conference of the United Church of Canada. After the enactment of this bill, that body will be known as the Newfoundland and Labrador Conference of the United Church of Canada. That is what it does; from the Newfoundland Conference to the Newfoundland and Labrador Conference. There is not a great deal more I can say about it.

MR. NEARY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. NEARY:

Mr. Speaker, this is one of the rare occasions in this hon. House when I can congratulate a minister for bringing in a major piece of legislation, bringing in a major reform in this House. In congratulating the minister for introducing this bill, I also want to congratulate the new Newfoundland and Labrador Conference of the United Church of Canada. I want to congratulate them on assuming their new name. I also want to congratulate the Newfoundland and Labrador Conference of the United Church of Canada, Mr. Speaker, for the outstanding work that they are doing in this Province, for the outstanding way that the Moderator of the United Church has taken the lead in major reforms and matters of public importance. The role that they



MR. S. NEARY: They can bring tremendous pressure, both individually and more so collectively, on government when they think that government or the members of the House of Assembly are acting in an unethical and immoral fashion, or when they think the administration, here or in Ottawa, is not acting in the best interest of the people that they were elected to serve, then the heads of the churches should not hesitate to let their views be made known. And I congratulate them, Mr. Speaker, on doing just that in the last year or so. They seem to be doing it more now than previously. The first example that we saw was when a conflict developed between the provincial government and the federal government over whether or not we should have one inquiry or two inquiries to look into the Ocean Ranger tragedy. I was very happy to hear, very pleased indeed to see that it took words of wisdom from one of the heads if not all of the heads of the denominations, the churches in this Province, to bring a little common sense into what I deemed to be an unnecessary conflict. Mr. Speaker, I am not going to belabour the point. I just want to take advantage of the introduction of this bill to, first of all, congratulate the Newfoundland and Labrador conference of the United Church of Canada. I think that is a very fine name for a very fine organization. Mr. Speaker, I can tell you one thing, that I do not think since I have been elected in politics that I have ever missed an occasion on New Year's Day, when the Lieutenant-Governor and the heads of the churches of the Province had open house, unless I was out of the Province I cannot think of one New Year's Day when I did not call on the heads of the churches and on His Honour the Lieutenant-Governor who is the Queen's representative in this Province.



MR. NEARY: I do not recall even missing an opportunity to visit the Moderator of the United Church and to shake his hand, he and his wife -

MR. STAGG: Moderator? Moderator?

MR. NEARY: - shake their hands and wish them well for the coming year.

MR. HOUSE: President of the Congress.

MR. NEARY: Excuse me, the President of the Congress. I stand to be corrected.

But, Mr. Speaker, the point that I am making is that I never miss an opportunity to visit these people on New Year's Day, but I am sad to say it is a sad commentary, Mr. Speaker, indeed on members of this House. One time members and ministers would dress up in their top hat and their tails and they would go around on New Year's Day and they would visit the heads of the churches. It is one of the few occasions throughout the year -

MR. YOUNG: I go around New Year's Day with my shirt tail out. What are you worrying about?

MR. NEARY: Well you are going around all of the time with your shirt tail out, but I happen to be talking about something now that is probably over the hon. gentleman's head. They used to go around with their top hats and tails and they would visit the dignataries and heads of state and heads of the churches, and I thought it was a pretty good custom. I have been doing it now and carrying out that tradition for twenty years myself, this will be my twenty-first year coming up, and I have started to take my children too, Mr. Speaker. I introduced my children to that custom about five or six years ago when they were just little toddlers. And I can tell you that the heads of the churches and His Honour the Lieutenant-Governor and His Worship the Mayor appreciate it very much. And I am sure they must be awfully

MR. NEARY:            disappointed when they look out in the audience with the big lineups that are coming in, well-wishers, that there are not more ministers and members of the House of Assembly. It will only take two hours on New Year's Day. You can visit his Grace the Archbishop in the morning, and they have it arranged so that you can have your New Year's Day dinner and then you can go and call on the heads of the churches and His Worship the Mayor.

I would encourage members to do that if they are in town. If they are outside of St. John's they cannot do it. But I must say that I have often taken note of the fact - now the hon. Ank Murphy when he was here he did it religiously. He was one of the gentleman who went around; the Hon. W. J. Browne, when he was a member of the House, he did it, and I believe, with all due respect to the present Minister of Justice (Mr. Ottenheimer), I think to a large degree he has pretty well carried out his social responsibilities. So I would encourage it, Mr. Speaker. I think it is a very good thing. You can have a cup of tea, and you can have some nice cooking by the ladies, and you have an opportunity to chat with the President of the Newfoundland and Labrador Conference of the United Church and to chat with his Grace and to chat with The Lord Bishop and to chat with His Worship The Mayor.

MR. NEARY: And they may like just to say something nice to you. They may like to just give you a little suggestion, which they have often done to me when I have been talking to them. I enjoy it very much and I only wish that more members would do it.

So, Mr. Speaker, I congratulate the United Church of Canada for Newfoundland and Labrador, or the Labrador Conference of the United Church of Canada for their new name, and I wish them well in the future. And I hope that they will continue to take the lead in this Province in all social, major and economic important matters relating to the future of this Province.

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

The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, just briefly, I certainly agree with the comments made by the hon. Leader of the Opposition (Mr. Neary). I think in Newfoundland the denominations have played a very important role not only in the religious life of the Province, but in its social life as well and recently they speak on a number of social matters. I think there are some who think, well the churches should only be interested in religious matters in a very strict sense, in a very, very strict sense, and who perhaps have reservations when churches speak on social and economic matters. I personally do not share that opinion. There is no reason that churches should not make known their views on social and economic matters when they wish to so do. And indeed there are many who would argue

MR. OTTENHEIMER: that it is beneficial that their views be made known. But certainly in Newfoundland the denominations have played a very important role in our overall social development, and it is to be hoped that that will continue.

This has nothing to do with the United Church, but while I still remember it I will say that with respect to the Ombudsman he has access to all prison records. The Ombudsman does have access to all prison records. It has nothing to do with the United Church but the Ombudsman does have access to all prison records.

So I move second reading.

On motion, a bill, "An Act To Amend The United Church of Canada Act", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 3)

Motion, second reading of a bill, "An Act To Amend The Wild Life Act." (Bill No. 4)

MR. SPEAKER (Aylward): The hon. Minister of Culture, Recreation and Youth.

MR. SIMMS: Mr. Speaker, I believe my colleague, the member for Torngat Mountains (Mr. Warren), wanted to have a comment on this. So I presume he is within earshot.

MR. NEARY: Who?

MR. SIMMS: The member for Torngat Mountains.

MR. NEARY: Go ahead, he will hear.

MR. SIMMS: Okay. The bill, Mr. Speaker, is basically an amendment proposing some housekeeping changes,

MR. SIMMS: so I will be relatively brief but at the same time I will try to explain exactly what the bill does. And I think it is outlined fairly clearly on the explanatory notes when it says that 'the amendment will provide for service of a summons under The Wildlife Act in cases of offences under that act or the regulations. It would also provide that where a person who has been served with a summons does not appear, the Provincial Court judge could deal with the case in his absence, or could adjourn the case to a later date. The Bill would also provide that any firearms or other items owned by a non-resident and held by the department may be disposed of after one year if the non-resident does not appear before the court to answer the charge against him.'

There is, at the present time, Mr. Speaker, no provision in the Wildlife Act for the issue and service of summonses by Wildlife Officers. This is presently covered under the Summary Jurisdiction Act of the Department of Justice, but because it is often difficult to conclude cases against non-residents and so on where prosecution action is desirable, we felt that it would be desirable to have the situation cleared up and have it included in our own act so that there would be no doubt about it whatsoever.

The bill also provides for the grounds for the issue of a summons by a Wildlife Officer and also details how the summons is to be served. And again, this presently is covered under the existing judicial regulations but we wish to put it in our own act so that there will be no doubt. The bill provides for proof that a summons has been served and this, of course, would be for use in the courtrooms and it provides for the disposition of the case where the person summonsed fails to appear. And again, this is transferring it to our act so that there will be no doubt about it in court.

MR. SIMMS: The bill provides also for the forfeiture of items that have been seized in cases where the person who is summonsed resides outside the Province and fails to appear within one year of the issuance of the summons. So whether or not the case is disposed of within one year, we can dispose of the items and the items seized are automatically forfeited after a one year period.

It also provides for the disposition of any funds derived from the sale of forfeited items, which is really just to clarify the procedure as it relates to these particular forfeitures. And the bill provides for the forfeiture of items currently held in our possession that had been seized from non-residents who have not actually been prosecuted. The earlier amendment, of course, would deal with the future and this particular amendment -

MR. HISCOCK: (Inaudible) that equipment.

MR. SIMMS: Not to my knowledge, no. The earlier amendment, as I said, would deal

MR. L. SIMMS:

with the future cases as this particular amendment provides for disposition of items that we have already held for a year. The precise numbers, incidently, as to the number of non-residents prosecuted are not readily available but we do not think there are very many cases involved. I understand that very few hunting regulations are detected for non-residents, mostly fishing violations and things of that nature. In any event, the number is probably not any greater than four or five. More violations by non-residents are detected, but many of them are relatively innocuous and are first offenses and in those cases cautions and warnings might be given, such as not having a licence on his person or an individual who indicates that he was not aware that a licence was required because of their own laws in their own province that they would be most familiar with.

So, there is not much more I can say on the bill, Mr. Speaker. It is, as I said at the outset, really a housekeeping bill that provides for some changes and some existing regulations, currently found in the Department of Justice act, to be transferred to our own Wildlife Act so that there would not be any doubt about it whatsoever when the matters are brought to the court room. And that pretty well explains the amendment and I therefore move second reading.

MR. G. WARREN:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for Torgat Mountains.

MR. WARREN:

Mr. Speaker, I was just listening to the minister from down in my office and I can understand it is just a housekeeping bill. However, Mr. Speaker, I think it is long overdue. I am surprised that we have not seen

MR. G. WARREN: this amendment brought in in the last three or four years, especially when you see that there really is a crackdown under the Wildlife Act. Mr. Speaker, it will make it much easier for the Wildlife officials. They do not have to trust to the RCMP in the remote areas where the RCMP is only infrequently around, that they can deliver the summonses to the individuals who committed the offenses.

In speaking on confiscated arms and equipment, I would like the minister to clarify when is it for sale? Take, for example, a pick-up truck; an individual has a pick-up truck, he is paying for it through a finance company and this pick-up truck has already cost the individual in the amount of \$3,000 or \$4,000 for a down payment and so much monthly payments, and there is \$4,000 or \$5,000 left on the truck if it is new, if it is in good condition. When it is on the auction block, does that individual have the first choice to purchase that vehicle for the amount that is outstanding, or can another individual make a higher bid than what is outstanding to the finance company and purchase that truck and get a good deal on that truck? Meanwhile, this individual is not only out the fine



MR. WARREN:

that he justly deserves, but also he is out \$4,000 that he still owes on the truck, and the same thing with the arms and ammunition and anything else that is confiscated: Does the owner have the first option? And if he does have the first option, is there any differential in the selling price back to the owner or the selling price back to an individual that wish to get the product for maybe a more expensive price than is owed on the thing, but much less than the market value? I would like for the minister to answer that.

MR. SPEAKER (Russell): The hon. member for Eagle River wishes to speak to the bill.

MR. HISCOCK: Mr. Speaker, I just have a few comments on the bill, and I also have to support my colleague in saying that it is long overdue, and we need stronger tightening of the regulations. But it is also a reality in rough economic times that crime goes up and with the crime going up, of course, poaching increases. What I find is the attitude that we have of the Provincial Government here, is an attitude that instead of prevention and education in our schools and in other ways, in service clubs and that, instead of education by way of the danger of poaching to moose and to salmon, and how it is going to affect the long-term viability of those species that what we are doing we are bringing in stiffer rules and regulations and fines to punish them. And then we are building more prisons around the Province and it is almost becoming now a self-perpetuating industry. We do not raise the taxes but we raise the fees for rabbits, we raise the fees for wildlife, partridge and other things, and then we raise the fees with regard to punishing for poaching. And as I said we should crack down on it, but it is always an ongoing process. And now, as I said, we are building more prisons around the Province to accommodate that. So if it continues

MR. HISCOCK: one has to ask the question, you know, where does it stop? And I do not think the answer to it is bringing in stiffer rules and regulations. Some people would agree that it is probably a little bit of a deterrent, but the people who are killing the moose and selling it for fifty cents a pound or a dollar or the people who are putting nets across the river are doing it from the point of view that, you know, they want it.

With regard to the regulations here of transferring certain aspects from the Department of Justice to the Wildlife with the idea of giving summonses and that, yes. But I want to use this period to speak on the principle of it, is that with regard to our wildlife management it is not greater fee by way of deterrent or punishment. The answer is to convince our younger people in the schools, use our wildlife officers in the schools and other places

MR. E. HISCOCK: to get in and point it out.

As I said before, if I may with regard to the cutbacks, here we are closing down the Boys' School and building more prisons and here are stiffer rules and regulations against poaching. So I have to just suggest again that instead of a deterrent by way of fines, we should be getting more and not using not our wildlife officers to go around issuing summonses we should be using our wildlife officers to be speaking to service groups, Lion's Clubs, Kinsmen, etc. and we should also use our wildlife officers in the schools under a more education programme and we should also use them not from the point of view of laying them off in winter and in other areas when they are needed the most. We should use that period for the educational part, which we are not doing.

Thank you, Mr. Speaker.

MR. S. NEARY:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the Leader of the Opposition.

MR. NEARY:

If I may, I do not intend to speak very long on this act. Mr. Speaker, most of us are alarmed and concerned about the news that has been coming out of late concerning the attacks and the assaults that are being made on the wildlife officers in this Province, and the hon. gentleman must be concerned. We are told that wildlife officers are having a very difficult indeed to enforce the laws that are made in this House, to enforce the laws that are on the statutes of this Province. Now, Mr. Speaker, I do not know what the reason for it is, I do not know if there is a complete breakdown in law and order in this Province but crime seems to be increasing in Newfoundland and Labrador at an alarming rate and the government has as

MR. S. NEARY:                    their number one priority building jails and prisons all over the Province - close down hospital beds, cut out ambulance services, sock it to the welfare recipients but build prisons and jails strategically located the Province. I do not know if coming events cast their shadows before them and if the Minister of Justice (Mr. G. Ottenheimer) is expecting an big influx of prisoners, if crime is out of control in this Province, but it would appear that way. There seems to be a dropping off of respect for law and order in this Province.

MR. NEARY: And I am told that the wildlife officers, when they prosecute, they become the subject of abuse, sometimes vicious attacks. Outside the courthouse in their own communities they are looked upon as traitors to their neighbours and to their fellow citizens. And, Mr. Speaker, I am concerned about this, concerned about it. And I think the situation just becomes worse when the government decides to crack down on poachers, that when they get caught in the act poaching they seem to be more resentful and they are making life very difficult and miserable for the wildlife officers.

Mr. Speaker, one of the duties and responsibilities of this House, of members of this House is to uphold law and order. We make laws and we would hope that they will be enforced and carried out. And under these various laws we provide ministers and departments with the right to hire law enforcement officers, in this case wildlife officers, to protect the wildlife in this Province. That is why we make the laws in the first place, for conservation purposes so that wildlife will not be abused, to see that hunting and fishing is carried out in an orderly fashion. And I think that we should sit up and take notice in this House, Mr. Speaker, that my hon. friend's employees are being abused and apparently do not have the backing of the department or of the government of enforcing the law. Attacking a wildlife officer in my opinion is the same as attacking a policeman or a RCMP officer. That gentleman is a law enforcement officer acting on behalf of the Crown, and if he or she is impeded in any way, shape, or form from carrying

MR. NEARY: out their duties or enforcing the law, then the full weight of justice and laws of this Province should come down on these people.

I have heard, Mr. Speaker, that wildlife officers have been beaten up in the process of carrying out their duties. And I do not think I have ever met a wildlife officer, although I have heard them called anything but gentlemen, but I do not think I have ever met one who was not a perfect gentleman. I have observed them attempting to carry out their duties under very difficult circumstances. Sometimes they have a lot of territory to cover.

MR. NEARY: I am amazed that they can do their job at all with the rivers that they have to walk up and the countryside they have to survey,

MR. SIMMS: Traverse.

MR. NEARY: Traverse. I think it is amazing that they are able to do it at all, and they are not the highest paid people in the world. And I am only raising it now, Mr. Speaker, I am taking the opportunity under this bill, because that is the kind of situation, if that kind of situation is allowed to go on and on, it will deteriorate and get out of control, and the next thing a wildlife officer will be risking his life to enforce the laws of this Province.

There is too much poaching, there is too much breaking of the law as far as the wildlife is concerned. And the only protection that we have for our environment and for the wildlife of this Province is the wildlife officer. He is up on the front line, he is on the line of fire.

Mr. Speaker, as I said, I do not wish to belabour the point, but I also have one other matter that I want to raise in connection with the wildlife and offenses and policies— well, not policies, but it has to do with helicopters. Now I know that skidoos have been a problem in the Wintertime, I am not so sure that we have gotten that under control. But I will tell you this, Mr. Speaker, down in my district on the Southwest Coast I would say that we probably have more hunters per capita in that Southwestern corner of the Province than any other part of Newfoundland. And they are good hunters, they are not poachers. The only time we saw poaching in my district was when the former Premier went in to LaPoile Bay and came back

MR. NEARY: with a plane load of partridge  
and moose and set a bad example for the people who live in  
that area. That is the only example of poaching that I know  
in that general area, He



MR. NEARY: went into a cabin in LaPoile Bay and brought it back without any tags to put on the moose, broke the laws and got away with it. Mr. Speaker, I would suspect that that is the kind of example that has caused people to rebel against wildlife officers, when a plane landed a load of moose and partridge down at Paddy's Pond. The plane was so loaded down that a second plane had to bring in the culprits. A second plane had to bring in the former Premier and his ministers. And everybody in Newfoundland knew about that, it was well publicized.

MR. TULK: Anybody over there now?

MR. NEARY: I do not think there is anybody over there now, I am not sure. I believe they are all gone now. They are all gone, but the example is still there, the stigma is still there. And ordinary people felt at that time, 'Well, if they can get away with it, why cannot we?'

MR. TULK: They felt the same way as they do now about Mount Scio House.

MR. NEARY: That is right.

MR. HODDER: You know, the caribou population in my district went from eighty down to about twenty after that incident.

MR. NEARY: It does not take very much, Mr. Speaker. It does not take very much for people to hang their hat on, for people to latch on to and say, 'Well, if the Premier of this Province or the ministers can get away with it, so can I.'

And people hear about ministers going around in planes like the Minister of Environment (Mr. Andrews), for instance. I happened to be down in Argentinia a couple of months ago - less than that, I guess -

MR. NEARY: when the Minister of Environment (Mr. Andrews) and a well-known captain of a sealing ship came in in a whirly bird and landed down by the stadium in Argentina. And this good captain, who is a well-known Tory who has gained concessions from this government, decided to go into the bar and have a drink. Both the minister and his passenger decided to wander into the bar. Now, Mr. Speaker, I have no objection to the minister and this captain going into the bar on a Saturday morning for a drink, but the excuse that they gave the people who asked them, 'What are you doing here?' the excuse was that they were counting moose - the

MR. NEARY: minister out on a Saturday morning with a well-known sealing captian counting moose in a bar.

MR. CALLAN: I thought you said Moose Head Ale was gone.

MR. NEARY: Well, maybe they were suffering from hallucinations, maybe they were in the horrors and they thought they was moose's heads hanging on the wall.

MR. HISCOCK: Maybe they were drinking Moose Head.

MR. HODDER: Which minister?

MR. NEARY: I already named the minister.

MR. HODDER: Is he here now?

MR. NEARY: No, he is not here now. But this goes on all the time. Ministers take the helicopters whenever they feel like it. There is the minister over there, you are looking right at him now, out counting moose on a Saturday morning.

MR. ANDREWS: Not worthy of a reply.

MR. NEARY: It is not worthy of a reply, no, because the hon. gentleman should reimburse the public treasury for the little job ride he had that Saturday morning, and God only knows how many more Saturday mornings. There are other ministers who used the helicopter to take them home.

AN HON. MEMBER: Name them.

MR. NEARY: Yes, I can name them. They want to go home, are in a hurry and they get the helicopter to take them home. But, Mr. Speaker, I am getting sidetracked now, I am off on a different matter, I was talking about wildlife.

This year for some reason or other, I had more complaints about helicopters being used to stampede and herd and frighten wildlife than I have ever had since I have been in politics, and so have my colleagues. I am told that helicopters are dropping smoke bombs, whatever that means. I called the hon. gentleman, the Director of Wildlife, and I must say that I had nothing but the utmost

MR. NEARY: co-operation from the minister's director. He investigated every case - I think I brought two or three to his attention, there were others I did not bring to his attention - but he thoroughly investigated them and had the decency and the courtesy to report back to me, gave me a report back. But in our conversation, I found Mr. MacPhee and you have to speak as you find -

MR. SIMMS: Dave Pike is the Director.

MR. NEARY: No, Mr. MacPhee is the man I am talking about.

MR. SIMMS: He is not the Director.

MR. NEARY: What is his title?

MR. SIMMS: He is the Chief Wildlife Protection Officer.

MR. NEARY: Well that is him.

MR. SIMMS: That is the one.

MR. NEARY: I would say the hon. gentleman should be proud of him. He carried out a very thorough investigation and then he reported back to me. But one of the problems seems to be reporting. There are not enough people in the field reporting. The incident is over by the time you get a handle on it.

I am told that down in one area down on the Burgeo Road this year, in that particular area, very few moose were taken by hunters for some reason, but the helicopters had been there whirling around, dropping what was reported to me as smoke bombs.

MR. CALLAN: Stink bombs.

MR. NEARY: Stink bombs, smoke bombs -

MR. CARTER: Who reported that?

MR. NEARY: - frightening the herd and driving the herd away.

In another case I found out locally that some other department, or some other branch of government or of the minister's department was out counting the herd right in the hunting season -

MR. SIMMS: Aerial surveys.

MR. NEARY: - aerial surveys and that was not a very popular thing to do during the hunting season. I hope that practice will be discontinued.

MR. SIMMS: It was not deliberate.

MR. NEARY: It was not deliberate, it was just a coincidence but it did cause an awful lot of trouble and torment and complaints.

So these are the kind of things that I hope the minister will address himself to, Mr. Speaker, when he closes this bill. Again I have to raise the

MR. NEARY:

matter of the way the draw for moose licences takes place. I know the hon. gentleman is not going to satisfy everybody, but I guarantee you there will be more complaints this year than last year, and more complaints last year than the year before.

MR. TULK:

It leads to poaching too.

MR. NEARY:

Yes, that is right, Mr. Speaker.

That is one of the things that is leading to poaching.

There is no excuse - I am not making any excuse for poachers, I think the law should come down hard on them - but the fact still remains that there seems to be a discrepancy in the -

MR. TULK:

There are an awful lot of (inaudible).

MR. NEARY:

Yes, there seems to be an awful discrepancy in the licencing. And I keep telling people it is the luck of the draw.

MR. HISCOCK:

And who you know.

MR. NEARY:

It is the computers. I say, "Look, you cannot argue with the computers." But then I have had people point out to me, "So-and-So had a licence last year, the year before, the year before, the year before."

MR. HODDER:

His wife and his son.

MR. NEARY:

And his son and his wife and his daughter. I mean, is that the luck of the draw? You know sometimes I get the props, the legs knocked right out from underneath me using that argument, "It is the computers." And I do not know if there is any better system. I am sure the hon. gentleman has done the best he can to improve on the system. I do not think he should just stop because he thinks we have a good system. You know, I do not know if you could make it any better than it is but obviously you can. I mean, you would be surprised how right sometimes these hunters are. I mean, this is a profession with them. They do know the score.

MR. NEARY: And then the other thing,  
Mr. Speaker, is these hunting capability tests. The hunting  
capability test this year -

AN HON. MEMBER: Forget it.

MR. NEARY: Forget it? The hunting  
capability tests were held when the snow was on the ground  
in areas of the Province where hunters -

MR. SIMMS: That has been changed.

MR. S. NEARY:

- well I hope so - where hunters had to travel as much as thirty to forty miles, sometimes fifty miles to get there on a given day to take the test.

MR. L. SIMMS: It is done early in the Summer.

MR. NEARY: Pardon?

MR. SIMMS: It is done early in the Summer.

MR. NEARY: Well, the minister says it is being changed. Well, I am glad to hear that. It will be done early in the Summer and it will be done in areas where you have a large concentration of population. For instance, why did all the people down around the Southwest corner, down towards Rose Blanche, Bird Islands, Fox Roost, Margaree and Isle aux Morts have to travel all the way up to Chignic Lodge to do a hunter capability test? I asked about it and I was told that there is no shooting range down towards Rose Blanche, down that way. Mr. Speaker, the whole area down there, I mean, they could not find a shooting range? They can find one in the Codroy Valley or near Chignic but down where you have barren wasteland they could not find a shooting range. They did change it after, fortunately, but I thought it was rather silly at the time. I mean, we should not have to argue about these things, we as members, trying to remedy and rectify these things. We have got enough to do now trying to keep the government on track. You need eyes in the back of your head for that, to try to stop the government from covering up and withholding information from this House in regard to the finances of this Province -

MR. L. SIMMS: Are you going to continue?

MR. NEARY: No. I am finished I am getting hoarse again.

-and you have to have eyes in the



MR. S. NEARY: back of your head for that. We have problems enough in our office trying to run the Welfare Department and the Manpower Department without having to bother about where the hunter capability test is going to take place. We have enough problems, Mr. Speaker, in our office listening to complaints from people who live in Tory districts who say they cannot find their member. They cannot get into to see the Minister of Social Services, who has a locked door policy, nobody is allowed to get in to see him.

MR. G. TOBIN: That is not true.

MR. NEARY: That is true, Mr. Speaker.

MR. J. HODDER: And he does not answer his mail either.

MR. NEARY: And we have mail, we have all kinds of mail. Our workload is so heavy! Now, Mr. Speaker, the Premier would like to cut our telephones off.

SOME HON. MEMBERS: No!

MR. NEARY: Yes, he would like to cut him in half.

MR. L. SIMMS: So I have time?

MR. NEARY: No, you do not.

Just imagine,  
my constituency is the whole of Newfoundland,

MR. NEARY: just the same as the Premier. But because my telephone bill is higher than the average minister or member over there, he wants to cut it in half. Is he going to cut his own in half or cut the ministers' in half? Our constituency is the whole of Newfoundland and Labrador. Mr. Speaker, we have enough to do dealing with complaints from Tory districts.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: And, Mr. Speaker, talking about the telephones there are eleven members over there from St. John's who do not have to make long distant calls, and that should be taken into account. But this is just a little bit of viciousness and dirt and slime that they are trying to pump out.

And so, Mr. Speaker, I hope that when the minister stands in his place to close this debate that the minister will address himself to some of the matters that I just raised, especially the ones that have to do with the poaching and the abuse of the wildlife officers. I think the minister must be very concerned about that matter and if he is not he should be. But I guarantee you if I were a minister and I saw one of my employees being abused or beaten up because he was carrying out his duties as he was sworn to do, I will guarantee you that that particular individual would feel the full brunt of my authority and the law of this Province. And so, Mr. Speaker, I look forward to hearing what the hon. gentleman has to say, if none of my colleagues wish to add a few remarks to what I have already said.

MR. TULK: The minister cannot wait to get out for a smoke.

MR. SPEAKER (Aylward):  
now he will close the debate.

If the hon. minister speaks

The hon. Minister of Culture,  
Recreation and Youth.

The hon. Minister of Culture,

MR. SIMMS: Mr. Speaker, I appreciate the comments made by all the hon. members opposite and I will deal with them in the order that they came. First of all, I apologize to my friend of Torngat Mountains (Mr. Warren) because we have discussed this particular bill and this particular amendment and agreed that most of this particular amendment, all it does really is transferred the judicial responsibilities from the Department of Justice to our own Wildlife Act, dealing with the servicing of summonses. And that there is another bill on the Order Paper dealing with the increased fines and the like, and it was felt that probably would be -

MR. NEARY: That is the one I am interested in.

MR. SIMMS: Bill No. 70, yes, and I think that would be the most appropriate place perhaps to debate the overall issue in much greater detail.

In any event, I am very pleased that the spokesman for the Opposition, my friend for Torngat Mountains, agrees that this amendment was necessary. I should have pointed out at the outset that violations referred to in this particular amendment frequently occur at those locations where the services of a permanent Provincial Court do not exist, and the areas where those violations primarily would occur would be primarily along the Quebec Labrador Border, the Southern Labrador Coast and the Western Coast of the Northern Peninsula.

MR. SIMMS: Basically, that is what this bill refers to, to matters that occur, violations that occur in those particular areas.

With respect to the sale of items, I will check the facts on that for sure, but it is my understanding that the sale of items is done by public auction and advertised whenever there are enough items available to warrant an auction somewhere; it is held by public auction. I will check it a little further. I know the point that the hon. member was making.

Then the member for Eagle River (Mr. Hiscock), of course, stood up and supported the hon. the member for Torngat Mountains (Mr. Warren) and said that this amendment was needed, but then went on to talk about developing an education programme, which I fully agree with and fully support and have announced publicly that we are in the process of developing a good educational programme for use in the schools and the like. I might add, for his information, that wildlife officers do at the present time visit schools around the Province and so on, and address groups and classrooms with respect to improving their knowledge of wildlife and how much there is to preservation and conservation of wildlife. So we do already have that.

Then, of course, we reached the Leader of the Opposition, the member for LaPoile (Mr. Neary), who talked not about this bill but just about

MR. SIMMS:

everything else, I suspect.

I think he merely dusted off the shelves at the beginning and talked about some issues that occurred years ago - I was not even in the House at the time. Then he reminded me in listening to him - and I enjoy listening to the hon. the member for LaPoile (Mr. Neary) speak, by the way. I am one of the few on this side who enjoys listening to the hon. the member for LaPoile speak; I think he has a very good sense of humour. He reminded me today in listening to him of the announcement in the House of the new Prince that was born to Charles and Lady Di, and the Leader of the Opposition stood up and announced to all and sundry that it was also his birthday, he was born on the same day as Prince William. Hon. members will recall that. As I listen to him, I sometimes think he is getting a little senile. I did some further research into the matter and researched the story of Walt Disney, the history of Walt Disney, and lo and behold, in conducting that research, I found that the Leader of the Opposition and Mickey Mouse are the same age.

SOME HON. MEMBERS:

Hear, hear!

MR. SIMMS:

It frequently shows, of course, in not only the age but other resemblances.

In any event, he talks about the attacks on wildlife officers and that is a very unfortunate incident - I know the one he is referring to. His colleague, the member for Torngat Mountains (Mr. Warren) and I have discussed it. And I am aware of that one situation, which I believe the hon. the Leader of the Opposition has perhaps blown a little out of proportion. But in any event, I prefer to reserve my comments on that matter because I am having the situation investigated and I want to look into it a little bit further.

MR. SIMMS:

Other than that, the Leader of the Opposition (Mr. Neary) said little else that related to this bill and, as I said, there will be an opportunity, I think, to debate the issues that he and his colleagues raised on another occasion

MR. SIMMS: when Bill 70, "An Act To Amend The Wildlife Act (No. 2)" will come forth and then members will be able to put forth all of their ideas and all of their suggestions. I will say that if members have any difficulties and any questions that arise in their constituencies or in their districts, please feel free to contact myself or any member of the department, especially the Director of Wildlife, the Chief Protection Officer or any of those individuals. I know that they will be willing to co-operate. And they do, by the way, report to me, they have been advised to report to the minister any concerns raised by members of the Opposition in particular, but members of the House of Assembly as well. So I am well aware of the items that have been raised.

MR. CALLAN: Would the minister permit a question?

MR. SIMMS: No, I think we are ready to move on with some other items. I am only kidding go ahead.

MR. SPEAKER The hon. member for Bellevue.

MR. CALLAN: I thank the minister, Mr. Speaker. Actually I did not intend to talk on this particular bill, as the minister said there is another one coming up, but I am wondering, Mr. Speaker, about some of these wildlife officers, You know, I can think of an example that happened in my district last year where an hon. gentleman out there, a hunter who had a legal licence and so on, was accused of poaching. He was brought to court, he had to get a lawyer obviously, and he was brought to court and it cost him a lot of money ; you know, he lost some days from work. Anyway, the magistrate threw out the case, you know, there was nothing against him. Now here was this hunter who hunted





MR. CALLAN:

agree that just because some wildlife officer, for example, thinks that somebody poached an animal, did not get the animal where he was supposed to get it because he had a legal license and so on—you know, there was a lot of embarrassment and a lot of expense to this gentleman and he is still being punished. Now there is going to be an appeal, not by the wildlife, but apparently the Department of Justice is going to appeal the magistrate's decision and so he is not finished with it yet.

MR. SIMMS: I thank the hon. member for his question and I think the question would be better addressed to the Hon. Minister of Justice (Ottenheimer).

MR. CALLAN: Sure, if he were here.

MR. SIMMS: Such matters, Sir, are presently covered under the existing judicial regulations and the Minister of Justice would be the best one to perhaps answer. Just as an off-the-cuff response, I suppose, because a case is dismissed from the court does not necessarily mean that the individual charged—and we are not talking about any particular individual—but it does not necessarily mean that the individual charged is innocent, the person charged is innocent simply because it is dismissed, because it could be dismissed for technicalities or whatever. But the specific question that the hon. member poses, I think, would be more appropriately put to the Minister of Justice. I am not a lawyer so I could not even offer an opinion on that particular matter.

In any event, Mr. Speaker,  
I move second reading of the bill.

On motion, a bill, "An Act To Amend The Wild Life Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 4).

MR. MARSHALL:

Order 30, Bill No. 5.

Motion, second reading of a bill,

"An Act To Amend The Gander Development Corporation Act, 1975".

MR. SPEAKER (AYLWARD):

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, this is an amendment to the Gander Development Corporation Act, and what it does is it abolishes the office of Vice-President and replaces that with the Chairman, and provides that if the President is not there for a meeting that the Chairman will preside; and if the Chairman is not there, that they can elect from amongst their members, the members of the Board of Directors, somebody to preside. The way it was previously is as shown in the explanatory note, there could not be an alternate person preside in the absence of then the Vice-President unless it had been sanctioned by the Lieutenant-Governor in Council. So it is a

MR. MARSHALL: bill really to make it easier for the Gander Development Corporation to function.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, the hon. gentleman makes it seem like it is just an innocent little item, and the bill probably is, but being the suspicious type that I am, of course, I always like to examine these matters a little more closely and look beneath the surface to see what we can find under the rocks.

Mr. Speaker, I have to confess that I am not all that familiar with the -

MR. TULK: Confession is good for the soul.

MR. NEARY: Yes, confession is good for the soul - with the Gander Development Corporation Limited.

I am not that familiar with it. I hear of it once in a while, it creeps into the news once in a while, and we hear somebody spouting off, probably after taking a trip halfway around the world, telling us about all the wonderful things that they have seen in Japan and Taiwan and in Germany and other capital cities of the world. But apart from that, I do not see any real accomplishments of the Gander Development Corporation. I ask hon, gentleman, has anybody in this House - my hon. friend who lives right next-door to the Gander Development Corporation, I would like to ask -

MR. TULK: I read about it once in a while.

MR. NEARY: The hon. gentleman reads about it once in a while. But when the hon. gentleman goes up to Gander to do his supermarket shopping, is it the talk in the supermarket?

MR. TULK: No.

MR. NEARY: Is it the talk in the bars  
in Gander?

MR. TULK: It is an elite group.

MR. NEARY: A little elite; but what is  
it? What is the Gander Development Corporation? What  
is it doing? How much funding do we give them? How do  
you get appointed to it? Do you have to be a blue blood  
Tory?

MR. MARSHALL: No.

MR. NEARY: No? Who do you have to be to  
get appointed President?

MR. MARSHALL: I believe the former chairman  
was a Liberal.

MR. NEARY: Is that so?

MR. HODDER: Who?

AN HON. MEMBER: Lewington.

MR. NEARY: I see. He was chairman.  
I guess he knew when to leave, when to go. He could see  
the handwriting.

Mr. Speaker, I would like to  
take the opportunity while we are discussing this bill  
to be given some background and be told what the Gander  
Development Corporation is doing, how much funding they  
are getting. Have they been asked to cough up the  
cut in their budget before we put on the hot dog tax?

MR. RIDEOUT: They had to cut \$10,000.

MR. NEARY: Ten thousand dollars before we  
put the hot dog tax on. Well, Mr. Speaker, how much of  
a budget do they get? What do they do with it? What  
are their accomplishments? What is their track record?  
What have they done?

MR. TULK: The minister should tell us  
all that.

MR. NEARY: Yes, we should have an accounting to this House. I hear reports from Gander that they are trying to get Gander turned into a tax free port,

MR. S. NEARY: Mr. Speaker, I am not sure I understand it but I think I have an idea on what is involved, where you can process and manufacture all kinds of things at Gander. You can bring the raw material in tax free and take the finished product out tax free. A tax free port, which would be a very good thing for Gander, being the jump off point across the Atlantic, the cross-roads of the world, it might be a good thing to have there. I do not know how near we are to getting that or I do not know if the Gander Development Corporation is the one spearheading it, sponsoring it. I tell you this: It would be a very good day for Newfoundland if we could wake up tomorrow morning and see a good Liberal appointed as president of this development corporation. A man of the caliber, for instance, of Harry Steele. Now, I am not saying Mr. Steele is a Liberal, or a good Liberal or a good Tory, but if we could see a man of that caliber, you know, then we might have some -

MR. B. TULK: I wonder if it is possible that we may see a man of that caliber in this House one of those days?

MR. NEARY: Well, I tell you, I would like to see a man like Mr. Steele run in politics on either side of the House. I am sure he would make an excellent member.

MR. TULK: We want him over here.

MR. NEARY: And not only that but he would make a good leader, Mr. Speaker. And I guarantee that I would not hesitate at all to welcome him into this party in 1984 when we are having our great leadership convention.

MR. WM. MARSHALL: Are you going to run or retire?

MR. S. NEARY: Pardon.

MR. MARSHALL: Are you going to run or retire?

MR. NEARY: Mr. Speaker, anybody who assumes that I am going to run or that I am going to do something or other, there assumptions may be wrong.

MR. B. TULK: You will do what is best for this party.

MR. NEARY: I will do what is in the best interest of this party and in the best interest of the people of this Province.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: And I have indicated to my hon. friend on a number of occasions that I have occupied every seat of this House; I was a private member on that side of the House -

MR. J. CARTER: And a bad one at that.

MR. NEARY: -I was a minister in the government; I administered three departments; I was acting minister of two departments when the government changed; I came over here; I was a backbencher here on this side in the Opposition; I was Opposition House Leader; I was Opposition Whip; I was an Independent Liberal and now I am Opposition Leader. There is only one other seat, Mr. Speaker. One other seat that I have to

MR. NEARY: occupy in this House. And it happens to be vacant at the moment. I have my eye on it, Mr. Speaker. And I can tell hon. gentlemen this, that what has happened in this Province in the last month, the best friend that we have, the best friend the Liberal Party has to help me accomplish my number one objective, my number one goal and objective, my ambition, to help me to fulfill my ambition, the best friend we have is the present Premier, in the last month or so. And now, Mr. Speaker, people are looking at the alternatives.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: First of all, it is very difficult last night and today to find anybody who voted Tory, number one.

MR. TULK: Not one around.

MR. NEARY: Not one. You cannot find anybody who voted Tory. Now in the second place, they are looking at the alternatives. They are saying, I wonder if Neary is the right alternative to the Premier? I wonder if Beaton Tulk the right man, is Jim Hodder the right man -

AN HON. MEMBER: Ed Roberts

MR. NEARY: Ed Roberts. Now they have narrowed it down to that now that they are now -

MR. TULK: They are starting to think.

MR. NEARY: - they are thinking, they are now having a debate on the attributes of the various leaders on this side of the House.

MR. MARSHALL: And they cannot come up with anything.

MR. NEARY: Oh, Mr. Speaker, they are arriving at a conclusion, a consensus.

SOME HON. MEMBERS: Oh, oh.



MR. NEARY: They are looking at us as -

MR. TULK: They are arriving at the consensus and that there are eight leaders over here.

MR. TOBIN: You did not name Mr. Hodder -

MR. NEARY: They are looking at us as the -

MR. TOBIN: - or Mr. Lush  
or Mr. Callan.

MR. NEARY: No, Mr. Speaker, the hon. gentleman has a buttoned-down mind. I said and so on and so on, etc., etc. And they are looking at people like Mr. Steele and Mr. Crosbie and Mr. Murphy and this one and that one. They are looking at all of these, but the main thing is, the main point, Mr. Speaker, is this, that they are thinking, they are thinking and they are saying to themselves is it Neary, is it Tulk, is it Hodder, is it Murphy, is it Steele, is it Crosbie, is it Callan, is it Hiscock?

SOME HON. MEMBERS: Oh, oh.

MR. NEARY: Yes, that is the motion we are going through at the moment.

AN HON. MEMBER: What does it have to do with the Gander Development Corporation?

MR. NEARY: That is what we are going through at the moment. Well, it has to do a lot with the Gander Development Corporation because what put it in my mind was Mr. Steele, the owner of Eastern Provincial, I think would make an excellent President for this Gander -

MR. HODDER: Deer Lake's favorite son.

MR. NEARY: What?

MR. HODDER: Deer Lake's favorite son

MR. NEARY: Mr. Speaker, I know the hon. Government House Leader is concerned about the baymen taking her over, he is very concerned.

MR. NEARY: Here you have a bayman President of the Liberal Party, a bayman Leader of the Opposition, Leader of the Liberal Party, a bayman Premier, and a bayman owning an airline.

MR. MORGAN: You lived all your life in St. John's East.

MR. NEARY: No, I was only born right out in the middle of a bay.

MR. MORGAN: Yes, born.

MR. NEARY: And lived there for the first thirty-seven years of my life, on an island. You cannot get any closer to the bay than that.

Mr. Speaker, the baymen are taking her over. Mr. Steele is a bayman. He is the son of what?

MR. TULK: He is the son of a fisherman and a logger.

MR. NEARY: A son of a fisherman and a logger from -

MR. TULK: Musgrave Harbour.

MR. NEARY: Musgrave Harbour. The baymen are on the march. The baymen are ready to take her over. And I can see the look of dismay and the look of sadness on the face of the Government House Leader (Mr. Marshall).

MR. TOBIN: What about our Premier?

MR. CALLAN: He was not born in the bay.

MR. NEARY: And, Mr. Speaker, when she changes she will not be changed to a townie, she will be changed from one bayman to another. The premiership will change from what it is now, from one bayman to another bayman.

MR. TULK: We have just eliminated Marshall.

SOME HON. MEMBERS:

Oh, oh!

MR. NEARY:

Do not tell him I said that.

Anyway, Mr. Speaker, that is the exercise. I was in the post office this morning down here on Elizabeth Avenue, and when I walked in all the postal clerks were having a discussion, who is going to make the best premier of Newfoundland? Now, Mr. Speaker, would you have suspected that a month ago? And one fellow said when I walked through the door, "Well, there he is coming now."

SOME HON. MEMBERS:

Oh, oh!

MR. NEARY:

And being very humble -

AN HON. MEMBER:

You said, "No, no, no -

MR. NEARY:

No, I did not. I said,

"You are entitled to your opinion."

SOME HON. MEMBERS:

Oh, oh!

MR. TOBIN:

What was it like when you woke up?

MR. NEARY:

Mr. Speaker, it is getting late and I am sure the hon. gentleman is anxious to get on his feet to tell us all about the Gander Development Corporation, what kind of a track record it has, what it is doing, how much money they get every year. I will run through that dialogue again, by the way, that scenario again before the House closes about the premiership. I will run through that again for hon. gentlemen. I have a few more little tidbits I want to add. And I can tell you this, Mr. Speaker too, just for the record that one of the first items of priority for the new Liberal Government will be to put a for sale sign on Mount Scio House.

MR. YOUNG:

Why do you not give it back to Dr. Kavanaugh?

MR. TULK: You know what, that his business is the only business that was (inaudible) here in Newfoundland.

MR. NEARY: That is right.  
Something like that can only come from the lips of a complete and utter ignoramus in this House, Mr. Speaker.

MR. SIMMS: I heard the hon. Leader is the same age as Mickey Mouse. Is that true?

MR. NEARY: So, Mr. Speaker, I will run through this scenario again before the House closes for the benefit of the hon. gentlemen, especially when the Premier is in his seat. Anyway I hope we get an explanation of what the Gander Development Corporation is all about.

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

MR. MARSHALL: The hon. member was humorous before he got vicious. I must say, he was really in good form. It is nice to know that the Liberal Party is at such a stage as it is at now that it is consulting telephone directories looking into barrels. Some of the names, not all of them, some of them names are indicative of the fact that they are scraping the bottom of the barrel when they are looking frantically for their new leader. I noticed with a great deal of amusement though, you know, the hon. gentleman - I have to say this - when he was naming leaders, potential leaders, did you notice how he just managed with the member for the Strait of Belle Isle (Mr. Roberts) just the first syllable of his name, 'Mr. Rob' - and he stopped. Then he even had to recant from that, Mr. Speaker, after because he had to then define, had to move it away and define that the successor was going to be a bayman. Now, we all know that the member for the Strait of Belle Isle even though he represents the

MR. MARSHALL: the Strait of Belle Isle, that he has no association with the bay except when he was sent out by the former, former Premier (Mr. Smallwood) to run and he still sits up there. He grew up on Military Road swinging on a gatepost.

MR. CALLAN: How much did you give to Bob Cole?

MR. NEARY: Do you think that whatever it is they put in people's mouths, you know, when they are going to the hereafter, do you think you could get a little bit of that for yourself for this House? Because your only contribution to the House is sarcasm and dirt and slime.

AN HON. MEMBER: Oh, listen to him.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Surely you must be able to - can you not lift your sights at all? I mean, can you get up to the level that is required in this House?

MR. YOUNG: I am down to the level -

MR. NEARY: You are down, are you?

MR. YOUNG: - down to your level, like a snake.

MR. NEARY: He is setting a bad example for the member for Burin-Placentia West (Mr. Tobin) who is almost just as bad. Sarcasm and dirt and slime and low level debating and snide remarks does not go over in this House. I do not know if the hon. gentlemen are aware of that or not, but that does not go over in this House.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Mr. Speaker, members will have to realize that this is not a bar. This is not a tavern, this is not where you go in and have a few beers and argue and fight and hammer your fist on the table, this is the people's House, the House of Assembly.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: And I would like for both hon. gentlemen to remember that.

MR. YOUNG: We try fighting fire with fire.

MR. NEARY: Mr. Speaker, there is the slime and the filth and the lies and the dirt again. The hon. gentleman knows that is completely untrue.

MR. WM. MARSHALL: He does not know anything, so he has him eliminated. Bad news again, Mr. Speaker, for Mr. Murphy. Bad news again. For awhile I thought the old yellow gloves were going to be dusted off and they were going to be in action, but there is no point at all of Mr. Murphy taking out his yellow gloves now and even going into the Liberal leadership campaign because of the fact that he has been written off by Mr. Neary, the Leader of the Opposition. I must say he was very good, Mr. Speaker, with his slapstick when he got on there. He would have been very good in the days of the silent movies, because that is where he would have been good.

He asked questions of the Gander Development Corporation. The Gander Development Corporation is a very effective organization. What does it do he asks? - It looks after the interests for development in and around the Gander area. It has been very effective in its representations to the government and to the member for Gander, the hon. Minister of Municipal Affairs (Mrs. H. Newhook), in advocating certain measures that can be taken for the improvement of the economic welfare of the Gander area. It has made very strong representations with respect to the improvement of the airport, and recently with respect to the layoffs which have occurred and are going to occur out there at the airport as a result of actions of the federal government.

So, it has also been very active in advocating establishment of industrial parks and enticing industry to Gander. It is a very, very effective medium and one which the government is determined to support. And this bill is another example of another measure that the government is using to make the conducting of the affairs of

MR. MARSHALL: the Gander Development Corporation better than it has in the past, because for some reason or other in the previous bill it said the President would preside and it could only be the President. If the President was not there it had to be the Vice-President or one member designated by the Cabinet. In other words, the Cabinet had to designate, even if the President was away, who could hold the meeting. Now, I do not know how that occurred in the legislation. I suspect it was a hangover perhaps from the legislation in the previous government, pre-1970, because that is the way that they used to do things. They used to try to keep their fingers on everything for their own political control. Maybe



MR. MARSHALL: it was enacted after. It says 'The Gander Development Act, 1975.' It might have been a continuation, it might have been enacted by this government, but in any event I would suggest that the draftsmen put this in out of habit from the previous years. It is probably a draftsman who has been there for a long period of time so they just copy precedents, because this is the type of precedent that was always there in the Leader of the Opposition's (Mr. Neary) administration when he was there. They always wanted to keep control. There could not be a meeting of this sort, Mr. Speaker, unless that government, and in particular the leader of the government at the time, indicated who was to preside. But this is not the way that this government operates. This government operates on the basis of establishing rural development authorities and corporations of this nature which can foster the growth of an area. We look forward to these groups making a contribution as the Gander Development Corporation has done. And this particular bill, not very long, but it is one that is another example of the government's wish to make this Development Corporation more effective and I have much pleasure in moving second reading.

On motion, a bill, "An Act To Amend The Gander Development Corporation Act, 1975", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 5)

MR. MARSHALL: Now, Mr. Speaker, in view of the fact we appear to have the Opposition ground into the ground, I think we will, despite the taxes yesterday and their coming in today, Question Period and what have you, I think we can call it one o'clock because the Opposition is tired.

MR. MARSHALL: So I move, Mr. Speaker,  
the House at its rising do adjourn until tomorrow,  
Monday at 3:00 p.m. and that this House do now adjourn.

On motion, the House at its  
rising adjourned until tomorrow, Monday at 3:00 p.m.