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HOUSE OF ASSEMBLY
FOR THE PERIOD:
3:00 - 6:00 P.M.
21 DECEMBER 1983

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Russell): Order, please!

The hon. the Leader of the
Opposition.

MR. NEARY: Mr. Speaker, I thank the hon. the Premier for agreeing to allow me to be recognized before he makes his Ministerial Statement. I would like to ask the members of this hon. House, both sides of the House, and I make the motion, seconded by the hon. the Premier, to pass a unanimous resolution noting the sad passing of a former member of this hon. House in the person of Charles Maxwell Button, better known as Max Button.

Max Button was born in New Melbourne, Trinity Bay, on August 5, 1913 to the late Elisha and Minnie Button. He was educated at the United Church School at New Melbourne, and joined Her Majesty's Police Force in 1931 and was promoted to sergeant in 1934 in charge of Labrador's police patrol. Max then became a relief inspector for the Department of Public Welfare from 1939 to 1949. He resigned on April 30, and entered public life in 1949 in support of the political party led by the hon. Joseph R. Smallwood. Max was elected to this House on May 27, 1949 and re-elected November 26, 1951, as the member for Trinity South. Max was a member of the Loyal Orange Association, Society of United Fishermen, the Laurier Club and Fellowship of Lions. He was a notable citizen, Mr. Speaker, of this Province while he lived, and it should be remembered in passing that he did much for this Province, for Newfoundland and Labrador, and he will be sorely missed.

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

PREMIER PECKFORD: Mr. Speaker, I thank the hon. Leader of the Opposition (Mr. Neary) for bringing this matter to the attention of the House and I, as the Leader of the Opposition indicated, wish to second the motion that we extend our sympathy to the family and to acknowledge the contribution that Mr. Button has made to the public life of this Province, and particularly along the lines that the Leader of the Opposition just said; Mr. Button was a member of the Ranger Force and was a good friend of my father's, and in that role, as most of us know in this House - the older members; not that I am all that old - know the contribution that a whole host of individuals made to the social, economic, and cultural life of this Province in that role as members of the Ranger Force and then latterly as a relief inspector around the Province. And I am sure there are a great many stories that can be told and were told by Mr. Button and others of his generation who contributed so greatly to the life of this Province. And then, finally, and thirdly, in relation to the late Mr. Button, his contribution

PREMIER PECKFORD: through this hon. House.

What a distinguished career to have, to begin one's life as a member of the Ranger Force. What better way to begin? Then to move on into the social sphere, particularly as a relief inspector, and then into the political sphere of this hon. House. So I wish to add my condolences to those of the Leader of the Opposition (Mr. Neary) and I am sure that an appropriate message will be sent by Your Honour to the family and those who are bereaved this day. There is no question that Mr. Button and people of his ilk have contributed greatly to this Province and we are very, very sad to see another of his kind pass by at this point in time.

STATEMENTS BY MINISTERS

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

PREMIER PECKFORD: It is very difficult to get up and give a statement, Mr. Speaker, after that. Mr. Speaker, since the hon. Pierre De Bane, the federal Minister of Fisheries and Oceans announced his proposed 1984 groundfish and allocation plan, Newfoundland has been faced with the threat that a significant quota of our Northern cod will be caught by deep-sea trawlers from the other Eastern provinces - cod which our own Newfoundland plants have the capability to process and which many of them need to sustain or achieve a reasonable level of viability.

As all members are aware, this government and this House has objected vigorously to this federal plan and our position has received widespread support, including that of this

PREMIER PECKFORD: hon. House and the members opposite and , of course, the support of several major fishing related organizations and community councils whose future is directly connected with the Northern cod stock.

Since this matter came to light I have telexed the Prime Minister on three occasions stating this Province's objections and asking that a new plan be negotiated with the Province. The last communication was sent to the Prime Minister yesterday, December 20th, 1983 after a careful analysis was completed of how the 1984 and long-term groundfish allocation plan violates the restructuring agreement between the Province and the federal government signed on September 26, 1983. As everyone can appreciate, the fact that

PREMIER PECKFORD:

the restructuring agreement is affected by this plan raises even further the seriousness of the federal government's proposed action.

Mr. Speaker, the text of my telex to the Prime Minister is as follows:

The Right Honourable Pierre Elliott Trudeau, Prime Minister of Canada, Ottawa, Ontario. "In recent communication with you and your Minister of Fisheries and Oceans, Mr. De Bane, the Newfoundland Government has pointed out the reasons why we object to the proposed 1984 fish allocation plan. We believe these reasons to be sound and rational ones.

"In addition, the Newfoundland Government has reviewed, over the past few days, the restructuring agreement signed on September 26, 1983. It is clear to us that the proposed 1984 fish allocation plan violates the spirit and letter of this agreement. The first three objectives outlined in the agreement state: a) to find a just and lasting solution for the rebuilding of the deep-sea fishery which recognizes the fundamental role which the fishery plays in Newfoundland and Labrador; b) objective, to see restructuring proceed in an orderly way with minimum disruption to harvesting, processing and marketing; and c) to create a company whose primary objective is to strengthen the Newfoundland fishery, a company that is economically viable, efficient and modernized so that it will be highly competitive, especially in international markets."

Mr. Speaker, those objectives were not entered into callowly or over a number of minutes or hours or days or weeks, it took months to formulate them so that the Province felt comfortable, that everything

PREMIER PECKFORD:

was being accommodated.

"The 1984 proposed fish allocation plan and its implications beyond 1984 violate these objectives. For example, how can the incremental increase in Northern cod be allocated to non-Newfoundland interests without violating objective (c) which was to create a company whose primary objective is to strengthen the Newfoundland fishery!"

More glaring is how section 10 of the agreement is being violated. Section 10 begins with the following - and, Mr. Speaker, just for the record, I remember quite clearly the discussions and the negotiations over section 10, especially to another part of section 10 which I will come to in a second. But here is how section 10 began: "The two governments would establish a resource utilization task force composed of equal representation." And it went on to say - this is just in the preamble - "The first priority" - and, of course, this got in there because we insisted - "The first priority of the task force would be to review resource availability to fish plants on the Burin Peninsula and to report within one year." That was the preamble to

PREMIER PECKFORD: to Section 10, that the first priority of this task force that was going to be established. So I go on to say in my Telex, 'Surely any plan for fish allocation which changes patterns which existed at the time of the signing of the agreement and have an impact over several years, makes the whole process of this task force almost meaningless.' Why did we put first priority in there to study what fish was going to be available if suddenly we knew that two or three months later the patterns that were basing that provision on were going to be changed?

In addition, in the description of the mandate of this task force - not only did we put in the preamble which said the task force would be established; two, that the first priority would be resource utilization, we went on to further refine the intent of that preamble - in the description of the mandate of this task force, the task force is to "review and report upon" - what? - "measures for the utilization of the resource in a manner which would promote local employment and would enhance the long term economic viability of the fishing industry."

There can be no doubt what "promote local employment" means, nor "would enhance the long term viability of the fishing industry" means, that is pretty clear. And surely it means the viability of the fishing industry as it exists, that is what we were talking about. We were not talking about some fictitious industry, we are talking about the industry as it exists right now. All the plants, all the places that were listed in the thing at the end of the agreement, we are talking about here and now and the industry as it is.

The Proposed 1984 management plan takes away from the viability of the fishing industry and

PREMIER PECKFORD: hence violates this section
of the agreement.

"Mr. Prime Minister, the Government of Newfoundland and Labrador signed the restructuring agreement in good faith. Measures now being proposed undermine the agreement and seriously call into question your government's commitment to a strong and vibrant Newfoundland fishing industry and, Mr. Speaker, to seeing a company in which both of us have committed large sums of money now having its viability put into question even before it has been fully established." End of Telex.

As you can see, Mr. Speaker, the Telex is self-explanatory. Before we have even had a chance to fully implement the fisheries restructuring agreement, the federal government is already taking steps which could only serve to dilute the viability of the new company. As I indicated to the Prime

PREMIER PECKFORD:

Minister, the restructuring agreement was signed in good faith. Since its signing, this government, Mr. Speaker, has co-operated to the absolutely fullest extent possible to ensure that the most important agreement signed with the Province since Confederation is implemented with all the care and consideration which it demands and with the urgency that it requires. And we have put people to work, quite a few people within the Government of Newfoundland, on a full-time basis, travelling around on planes to Ottawa, Halifax, or Montreal, or wherever we have had to go, taking people out of their normal jobs and just letting them go full blast on that, sacrificing their families and everything else in the last several weeks. It has just been unbelievable

For our part, we have done nothing which would in any way mitigate against the complete and effective implementation of the agreement. However, if the federal government proceeds with the 1984 and long-term groundfish management plan, this Province will be left to wonder how serious the federal government really is about trying to achieve the objectives on which the restructuring agreement is based. If they are truly serious, Mr. Speaker, then they will take immediate steps to negotiate a new groundfish management plan with this Province. Thank you very much.

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

MR. NEARY: Mr. Speaker, this is the second day in a row now we have had this kind of Ministerial Statement from the Premier. Obviously he thinks he has a good issue and he is going to milk it for everything it is worth. But it is unfortunate, Mr. Speaker, that it should be done in a political way. Now, let me remind the House what

MR. NEARY: it is we are talking about here. And before I do that, let me restate our position, and it always has been our position, that 100 per cent of the Northern cod stock should be processed in Newfoundland plants.

Now, Mr. Speaker, what we are talking about here is out of the total allowable catch this year, of 266,000 metric tons for 1984, we are talking about 12,500 that will be used for the resource-short plants, for the independent trawlers that the hon. gentleman referred to.

MR. MORGAN: Not the resource-short plants.

MR. NEARY: No, the independent trawlers. Let me give the House a breakdown of the allowable catch; 20,000

MR. NEARY:

metric tons will go to the foreigners, or 7.5 per cent; 124,000 metric tons will be for the Newfoundland inshore fishery; 112,000 will be for the Canadian offshore fishery; and 10,000 metric tons for the resource-short plants, the seasonal plants. So, Mr. Speaker, the real issue is the increase from 9,500 up to 12,500, I think, the real issue is the 3,000 metric ton increase -

PREMIER PECKFORD:

No, no.

MR. NEARY:

- yes, Mr. Speaker.

MR. MORGAN:

(Inaudible) allocations to the independents.

MR. NEARY:

To the independents it is 3,000 metric tons.

MR. MORGAN:

No, no, it is 12.5 per cent is the total dee-sea quota for the independents.

MR. NEARY:

Eleven point two per cent, Mr. Speaker. And out of the 12,500 metric tons, 25 per cent will be coming to Newfoundland, to Ocean Harvesters in Harbour Grace. So there will be a very small increase go to Nova Scotia. But be that as it may, Mr. Speaker, I believe what the Premier now is admitting is that, during the negotiations for the agreement, he was so anxious to get an agreement to restructure the deep-sea fishery, that he omitted to discuss these matters, Mr. Speaker. He is admitting now his failure to have enough foresight to realize what could happen. Now he is also admitting that when he signed the agreement that he gave away whatever authority the Province had to the Government of Canada. Now that he is in trouble, Mr. Speaker, and has realized the mistakes he had made, he is now like a puppy yapping at the heels of the federal Minister of Fisheries (Mr. De Bane) who is trying to save what we have left of the fishery in this Province, Mr. Speaker.

SOME HON. MEMBERS:

Oh, oh.

MR. SPEAKER (Russell):

Order, please!

MR. NEARY:

The fact of the matter is, Mr. Speaker, that they have concentrated their efforts in the last several years on oil. All they could think about was offshore oil. They had oil on the brain, they had oil for breakfast, dinner and supper and they neglected the fishery. And now the hon. gentleman can foresee problems with the supercompany and I would get the impression, Mr. Speaker, we would on this side of the House, that

MR. NEARY:

what he is doing, he is looking for an out. He is now looking for some way to get out of the mess that he has created. He gave away the authority to the Government of Canada, whatever authority we had in this Province. And, Mr. Speaker, it is rather regrettable and it is tragic, because by playing politics with this matter it is not going to resolve anything.

As I suggested to the hon. gentleman yesterday, if he wants to go to Ottawa to discuss these matters with the Prime Minister or the federal Minister of Fisheries (Mr. De Bane), I would be glad to join him. As a matter of fact, I would try to arrange a meeting for the administration, for the hon. gentleman.

MR. MORGAN:

They might attend the meetings, but you will not change their minds.

MR. SPEAKER (Russell):

Order, please!

MR. NEARY:

Mr. Speaker, these matters have to be settled around the negotiating table. And by coming in playing little political games with this matter, the hon. gentleman may think he has a good issue, and, Mr. Speaker, he is milking it for everything it is worth, but I would say to the hon. gentleman that it is not going to resolve anything, that will only put us on a disaster course. It would be far better to sit down quietly, without involving partisan politics, without ranting or raving or squabbling or fighting and try to resolve these matters. And if I can help in any way, Mr. Speaker, to set up a meeting with the Prime Minister, I would do it; I would be glad to accompany the hon. gentleman to Ottawa to try to get these matters resolved.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER(Russell): Order, please!

Before we continue, I would like to welcome to the gallery Mr. Wilson Belbin, the Vice-Principal of Jens Haven Memorial School in Nain, Labrador, in the district of Torngat Mountains.

SOME HON. MEMBERS: Hear, hear!

ORAL QUESTIONS

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

MR. NEARY: Mr. Speaker, this may be the last opportunity that we will have in this House to ask questions during this session. I would like to end up my questioning the way I began in the early part of this session, by asking question about the offshore that drove the Premier and the Government House Leader (Mr. Marshall) snarky, questions about offshore drill rigs and safety and so forth. So we may as well end up on the note with which we began.

Mr. Speaker, I would like to ask the hon. gentleman if he has any knowledge about SEDCO 706, And again I have to remind the hon. gentleman that I was right about the Zapata Uglund and about the reduction in the work force. And, Mr. Speaker, I hope nobody will interpret my questions as statements. This is the Question Period and I am putting questions to the hon. gentleman.

MR. WARREN: And you were right about the breakdown off the harbour, too.

MR. NEARY: Yes, I way right, by the way, and I will come back to that probably next session; that was not an exercise that day when the rope got entangled in the propeller of the service ship.

But let me ask the hon. gentleman about SEDCO 706. Does he have

MR. NEARY: about SEDCO 706, does he have any knowledge that the crew, the employees on SEDCO 706 have been given their notice that they will be terminated, that SEDCO 706 will stop drilling sometime early January? Could the hon. gentleman tell us then what will happen to SEDCO 706 if indeed he has any knowledge? I think what the hon. gentleman resents more than anything else is that we always get the information before the hon. gentleman gets it and that is what he resents and that is why I believe he is being so nasty about these matters. But does he have any knowledge of what is going to happen in the New Year with SEDCO 706?

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

MR. MARSHALL: Mr. Speaker, what a grand speech. What a marvellous speech for the hon. gentleman to end this Session with. The hon. gentleman says we should end the Session. I myself had hoped we were going to be here, Mr. Speaker, for Christmas Day. I would not want to give the hon. gentleman the idea I am calling him a turkey, but I thought it would be most appropriate for the Leader of the Opposition (Mr. Neary) to be put on the table of the House and perhaps stuffed for Christmas Day.

MR. NEARY: Go down to Mount Cashel and you will see the two turkeys.

MR. MARSHALL: Mr. Speaker, since we are being so affable today, I would like to say to the hon. gentleman that as much as we would like to control everything, as the hon. gentleman knows we want to control everything in Newfoundland, every person, every ant, every snake, although there are no snakes that crawl anyway, but, Mr. Speaker, that particular rig, the charter is not being renewed. The situation with

MR. MARSHALL: respect to the employees, of course, is a matter for the companies themselves. All we can do, Mr. Speaker, is do what we have done, to secure the largest number of jobs possible for Newfoundlanders and Labradorians as they explore the resource which we own and which we brought into Confederation with us. And will continue to do that. But these people are the employees of the company and I have no doubt that these people, having had the training that they have gotten as a result of the application of the regulations put down and imposed by this government so that all of these young Newfoundlanders have had a chance to get employment, are very eligible for re-employment on the ensuing rigs that will be on the offshore exploring our resource - I have to say this to the hon. gentleman because he does not seem to understand - it is our resource that we brought into Confederation with us.

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

MR. NEARY: Mr. Speaker, a supplementary.
What the hon. gentleman does not seem to realize was that the
Premier took our resource and gave it to three judges of the
Newfoundland Appeals Court to decide on and they decided that
Newfoundland did not own the resources. So the hon. gentleman
sitting next to the Government House Leader (Mr. Marshall) gave
it away when he turned it over to the Newfoundland Appeals
Court, Mr. Speaker.

Mr. Speaker, I have to say this,
that we have heard so much moaning and groaning and the hon.
gentleman has been looking at us with calf's eyes, that we
think it is time to close down the House. Let me ask the
hon. gentleman my supplementary question. Can the hon.
gentleman assure this House that if SEDCO 706 stops drilling
in the early New Year, that when the rig is brought in for
its annual overall, its annual refit, that it will not be
brought to Halifax, instead it will be brought to Marystown?
Can the hon. gentleman assure the House that that will happen,
Mr. Speaker, that the rig will not be taken to Halifax for
its annual refit?

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

MR. MARSHALL: Mr. Speaker, I do not know if he
is referring to me as having calf's eyes, or any member on this
side, but I would say what we have scored this Fall have been
bull's-eyes.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Mr. Speaker, I regret very much the statements made by the hon. gentleman from time to time that we gave it away. Now I do not think anybody in Newfoundland, and certainly not the hon. gentleman's friends up in Ottawa, would ever accuse us of giving it away. But it is rather dangerous because the hon. gentleman has made these statements from time to time. As a matter of fact, after our announcement on Winter drilling last Friday I saw on the teleprompter - and this goes out to the Mainland, to the Atlantic Provinces - words to the effect the Leader of the Opposition (Mr. Neary) said it was rather dangerous for the Government of Newfoundland to be making regulations of that nature because the Government of Newfoundland cannot enforce them. Now I say to the hon. gentleman, we will see who can enforce it, The will of the people of this Province will eventually enforce it if it is not enforced elsewhere. And I say to the hon. gentleman it is very dangerous for the hon. gentleman to be making those statements. I would remind him that the final judicial determination is not in yet on that, number one. I would also remind the hon. gentleman that the oil companies recognize the fact that there has to be co-operation between both orders of government if drilling is going to occur. And when the hon. gentleman, who has been entrusted with the great responsibility of being Leader of the Opposition, is reported as making those statements outside. Not all people outside know the hon. the Leader of the Opposition outside as we do, we know him inside, and it is pretty

MR. MARSHALL: dangerous when he does that as a representative of the people of this Province.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Now, let me say with respect to the rigs that come in, whither they will go, we will do everything possible under the sun to see that these rigs come in for refit into Marystown or into the Province of Newfoundland.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Every single possible job, be it on the exploration offshore, the servicing of the rigs, the repair of the rigs and what have you, will come to Newfoundlanders, but it will only come to Newfoundlanders, Mr. Speaker, because we have a government that is exercising its rights over its resource, and as soon as we have elected representatives, like the hon. gentleman, casting imputations that we may not own it, you will certainly see it all fly away to the good Province of Quebec and to Nova Scotia and all over the place.

So I say to the hon. gentleman in the Christmas season where we are all full of bon vivant good will and all the rest of it, that he should hold and watch his tongue when he speaks as a representative of the people of Newfoundland.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Mr. Speaker.

MR. SPEAKER (Russell): Order, please!

The hon. the Leader of the Opposition.

MR. NEARY: Mr. Speaker, the hon. gentleman said all they scored were bull's-eyes, Well, I would drop the eyes part of it if I were the hon. gentleman. They scored, alright, but not bull's-eyes. They should drop the eyes

MR. NEARY:

part of it.

Now, Mr. Speaker, as far as safety is concerned, I do not think anybody in this Province will dare question my feeling about safety offshore. The hon. gentleman should reflect back on what he said and the letters I wrote him prior to the Ocean Ranger disaster, Mr. Speaker.

MR. WARREN:

That is right.

MR. NEARY:

How dare that hon. gentleman!

He should be the last in this House to get up and heap scorn and ridicule on the Opposition, Mr. Speaker.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Russell):

Order, please! Order, please!

The hon. the Leader of the Opposition is proceeding to make a speech and I would suggest that he might like to ask a question.

MR. NEARY:

So, Mr. Speaker, I do not think there is any doubt in anybody's mind where I stand on safety offshore.

Now, Mr. Speaker, let me ask the hon. gentleman this in connection with safety. He just made a political statement there on Sedco 706, whether or not it would go to Marystown or Nova Scotia. We will just have to wait and see who wins that battle.

MR. CARTER:

Who are you rooting for?

SOME HON. MEMBERS:

Hear, hear!

MR. NEARY:

Mr. Speaker, let me ask the hon. gentleman about Sedco 710 which did find its way into Marystown. Is the hon. gentleman aware of any incidents that occurred when Sedco 710 stopped drilling and was taken under tow, about ten days ago, to be towed in to Marystown? Is the hon. gentleman aware of any incidents that occurred in connection with moving that rig from the Grand Banks to Marystown?

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

MR. MARSHALL: Mr. Speaker, I am aware of incidents that there was a problem with the chain. We are all aware of that. I am aware of that coming in there was a little bit of concern -

MR. NEARY: Oh! I see!

MR. MARSHALL: - somewhat of a list developed. but that was repaired. Now I do not know why the hon. gentleman is engaged in twenty questions or what it is. I mean what is the purpose? If he wants to ask a question, why does he not come to the meat of his question -

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

MR. MARSHALL: - and ask it directly?

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, maybe I did not make myself clear to the hon. gentleman. I am asking the hon. gentleman about this small list that he just referred to, Mr. Speaker. Is it correct, is it true, that prior to taking SEDCO 710 in tow that they rose the rig -

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

MR. NEARY: - safety is uppermost in our minds, Mr. Speaker - that they rose the rig too far out of the water, instead of bringing it up to a certain number of feet, they brought it up more than they should have and that the list of the rig was severe? It was not just a normal list, it was not a small list, it was not trivial, it was not a little thing, and it was only good luck that they were able to upright that rig and manage to get her towed into Marystown. Can the hon. gentleman tell us whether or not he has any evidence, any facts, in this regard?

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

MR. MARSHALL: The hon. gentleman wants to get up in the House and give innuendo and rumour and all the rest of it. If the hon. gentleman does have any facts that he wishes to put before the Legislature or he wishes to give to the Petroleum Directorate, all he has to do is just give them to us and we will certainly see that they are fully investigated. But I am not going to comment on his innuendo or his rumour. As a matter of fact, Mr. Speaker, I would consider it a great favour in the ten minutes remaining in the Question Period -

MR. NEARY: We have longer than that.

MR. MARSHALL: - if the hon. gentleman could direct his questions elsewhere because it has come to my attention, from my fans and constituents, that responding to questions of the hon. gentleman does not do my credibility any good.

SOME HON. MEMBERS: Hear, hear.

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

MR.NEARY: Mr. Speaker, we cannot help it if the hon. gentleman has a credibility problem. The more exposure we get for the hon. gentleman, by the way, the more it affects the credibility of the administration. We would like to get the Government House Leader (Mr.Marshall) on television every night. If we could get him on television every night we would have her made. He is the best secret weapon we have, Mr. Speaker, for undermining this administration. But let me get back to the SEDCO 710. This is Question Period. We do not make statements during Question Period, we merely ask questions and I am asking the hon.gentleman some very serious questions about SEDCO 710. The hon. gentleman indicated a few moments ago that prior to taking the rig in tow to bring her into Marystown a small list developed. Now could the hon. gentleman elaborate on that and tell us how small that list was and what information he has in connection with this situation that developed, this incident, Mr. Speaker, that developed when they were moving the rig from the Grand Banks to Marystown?

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

MR.MARSHALL: Mr. Speaker, I am somewhat amused. The hon. gentleman talks about the reaction to me on television. I wish the hon. gentleman could have tuned in to Channel 13 last night and seen the little fellow from Gambo and the press and who should erupt from the bottom of the building but the hon. gentleman.

SOME HON.MEMBERS:

Hear, hear!

PREMIER PECKFORD:

I recommend an oscar.

MR.MARSHALL:

I would suggest, Mr.Speaker,
instead of a Throne Speech to commence the next session
we should bring in a hugh television screen and give
everyone a viewing of it. The hon. gentleman was good
last night as well as the hon. member for the Strait
of Bell Isle (Mr.Roberts) with his Joey hat on and
his looking out the window and saying,'You would think
there would be more demonstrators down there from
Memorial. The young people,' says Mr. Roberts, you then
being a young person, they cannot feel
too much about it because it is a nice fine day and
there is not that many of them out there,Mr. Smallwood.'
So if you talk about television,I suggest that the
hon. gentleman get a Betamax, as I have,and look at it.
I have ordered it again and I

MR. MARSHALL: am going to be playing in my house every single day for my children and my grandchildren, and I hope they pass it on.

So, Mr. Speaker, I do not know if I have answered the question. All I will say is that there are always problems offshore and there are always going to be certain problems offshore. It was reported to me that there was somewhat of a list with the SEDCO 710 when it was being towed in but, thank heavens, Mr. Speaker, nothing untoward happened, The SEDCO 710 is safely in dock at Marystown, it is waiting on chains and it is waiting on a decision with respect to other repairs to it. And that is all I can say to the hon. gentleman.

MR. CALLAN: Mr. Speaker.

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

MR. CALLAN: Mr. Speaker, I have a question for the Minister of Education (Ms. Verge). As the minister remembers, as I am sure all teachers and all of us in the Legislature remember, there was a lockout involving teachers last Spring.

SOME HON. MEMBERS: Wrong! Wrong!

MR. CALLAN: I anticipated those catcalls from the other side, Mr. Speaker, but whatever you want to call it, a rose by any other name.

Now, Mr. Speaker, as a follow-up to that fiasco that took place, whatever you want to call it, last Spring, there were supposed to be some amendments to the pension legislation of teachers brought into this Legislature during the Fall Session. In recent days, Mr. Speaker, I have received some correspondence from some teachers in my own district and I want to ask the

MR. CALLAN: Minister of Education (Ms. Verge) to comment. Number one, the teachers who wrote me say, 'Two of these six amendments must be studied by an actuary. However, the government has delayed for seven months the hiring of this person.' Now would the minister comment on that allegation by these school teachers. Has not the actuary been hired? And if so, why have seven months gone by and nothing been done about that problem?

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

MS. VERGE: Mr. Speaker, first of all to set the record straight, the incident last Spring that the hon. member referred to was clearly a strike. There is no doubt at all about that. The lawyers for both sides of that dispute ruled that there was a strike.

MS VERGE:

Mr. Speaker, I believe the hon. member is referring to a number of proposed changes in the teachers pension legislation which have been advocated by the Newfoundland Teachers Association.

I have had discussions about those proposed changes with the President of the NTA this Fall. The proposed amendments fall into at least two categories. One category is provisions which have been definitely agreed by government and which simply have to be brought before the Legislature for passage, and those changes will be submitted to all hon. members for consideration in the Spring session of the Legislature. There is another category of change which is different, on which there has been no agreement other than an undertaking to consider the changes, and if my memory serves me correctly - and it may not, because pensions is quite a technical area - the proposal involving the requirement of an actuarial study, which I understand would not only extend to the Teachers Pension Plan but the pension plans of all public servants or former public servants, is in that second category of change which has not been agreed by government, on which government has simply given an undertaking to the NTA to examine. And the matter of obtaining actuarial experts to carry out this study is in the capable hands of the officials of Treasury Board and the Department of Finance. I understand that that will be done expeditiously and the teachers' suggestion will be examined in the light of the findings of that actuarial study.

MR. CALLAN:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for Bellevue.

MR. CALLAN: Mr. Speaker, the Minister of Education (Ms Verge) must have received some copies of the same sort of stuff that I received. In any event, she anticipated my second question and talked about the other category, category number two, and the no-cost amendment items and she said that that will be in the Spring session even though it was supposed to have been in this Fall session, according to the teachers. But let me ask the minister,

MR. CALLAN:

then, is she saying that there will be no actuary hired, that it will be handled by officials in Treasury Board and there will not be a person hired? Is that what the minister is saying?

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

MS. VERGE: No, Mr. Speaker, I did not say that there will not be an actuary hired, I said the opposite. Action is being taken by Treasury Board and the Department of Finance to engage an actuarial expert to conduct this study.

My colleague, the President of Treasury Board (Mr. Marshall) is a better authority than I am on the mechanics of the engagement of the actuarial experts.

I would just like to come back to the hon. member's preamble. There was never any firm agreement to act on the changes which have been committed in this present sitting of the Legislature. I have personal knowledge of that because I have discussed it with the President of the NTA this Fall. I do not think there is any such thing as an improvement to the teachers pension plan that does not cost anything. I think the hon. member will see upon examination that all of these changes, including those which have been definitely agreed to, involve cost to the taxpayers and the Government of the Province.

MR. CALLAN: Credit for teaching service before age eighteen.

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

MR. CALLAN: Mr. Speaker, there is no point in asking the Minister of Education (Ms. Verge) any further questions. I will be happy to mail out her answers to the

MR. CALLAN: 8,000 or so teachers in the Province. But I have a new question, Mr. Speaker. I might note that it seems as though the Christmas present that the teachers were expecting will now be an Easter present when it is brought in in the Spring session, these amendments.

Mr. Speaker, I have a new question for the Minister of Justice (Mr. Ottenheimer) and it pertains to safety in the home and particularly, of course, during the Christmas Season when we have Christmas trees that can be fire hazards in the home and so on, but of course fire in residences are threats all year-round. I would like to ask the Minister of Justice if his department is taking any special measures to try to educate a public awareness programme or whatever, to educate the residents of this Province as pertains to fire safety, especially during the Christmas Season?

MR. SIMMS: The minister in charge of fires.

MR. CALLAN: No, Mr. Cardoullis is.

MR. SPEAKER(Russell):

Justice.

The hon. the Minister of

MR. OTTENHEIMER:

Mr. Speaker, I had considered getting a Santa Clause suit and spending a couple of days going around advising people about Christmas.

Mr. Speaker, I had

Certainly the Province and the various fire departments, the St. John's Fire Department, the fire departments throughout the Province, many of them volunteer, the Fire Commissioner's office, throughout the year have many programmes with respect to fire safety. Fire safety, I think, has to be regarded as a year-long process. Certainly one can say with Christmas trees there is a danger, but on Labour Day there can be dangers from having fires out in the woods. On the 24th. of May, when people are not used to having campfires, you could also have a special kind of a danger. On the 12th. of July, after the parade, perhaps there could be additional dangers. On St. Patrick's Day there could be other ones, and on Easter Sunday some of the Easter egg wrappings or this or that could cause special hazards.

All I am trying to say, and I am not minimizing the legitimacy of the hon. gentleman's question, what I am endeavouring to say is I think it is much better to have fire safety as a consciousness factor throughout the year and not isolate specific days or specific events. Because, otherwise, I think it becomes extremely costly, number one, and also becomes confusing to the public.

I just got a little brochure here now on Christmas safety hints, and this was circulated -

MR. CALLAN:

the go.

You did not know it was on

MR. OTTENHEIMER:

I knew it was on the go, but I did not know it was so close or I could have sent it over to the hon. gentleman.

SOME HON. MEMBERS:

Hear, hear!

MR. OTTENHEIMER:

It has a Christmas tree
and this gives a very good answer to the hon. gentleman's
question. We certainly encourage people to allow bulbs to
cool off before removing or touching. We also say,
'Proper planning for Christmas lighting enhances safety
but will also help you to get the best out of your display.
Set up trees away from drapes and from heat sources, such
as fireplaces, TV sets or radiators'.

MR. OTTENHEIMER: "Never" - this is important - 'never, never decorate a tree with candles. Do not purchase a tree that has dried out; test twigs and needles to see that they are not brittle. When string is provided with insulating washers on sockets, use them for greater safety, it keeps water from settling in.'

MR. NEARY: Is that the Premier's picture on the back of that? In that column in the right hand corner, is that the Premier's picture?

MR. OTTENHEIMER: That one there? That is a picture of me in my youth.

SOME HON. MEMBERS: Hear, hear!

MR. OTTENHEIMER: And there is a picture of the hon. the member for Bellevue (Mr. Callan). There is a picture there of the hon. the member for Bellville, or Bellevue, wherever the hell he is.

However, I know that answers should be brief, but we certainly do concentrate on a year-long anti-fire programme. I think the hon. gentleman will find this particular brochure very good. 'In case a fire does start, do not allow the tree to block access to doors or windows'. In the event of fire, even if a fire started that had nothing to do with the tree, if the tree is in the way it can block access.

But I think the most important part, to which I would like to call the hon. gentleman's attention, is not to decorate the tree with candles.

SOME HON. MEMBERS: Hear, hear!

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

MR. WARREN: Mr. Speaker, I do not have a question for Santa Clause.

MR. CALLAN: He is shaped like Santa Clause, all he needs is a suit.

MR. NEARY: I believe it is time to close this place up.

MR. WARREN: Mr. Speaker, I have a question not for Santa Clause, but for Mrs. Clause, the Minister of Education (Ms. Verge).

Sometime ago, Mr. Speaker, I asked the Minister of Education a question concerning a student loans, in particular the appeals and those who are waiting for the loans to come through. The minister advised the House at that time that there were very few appeals, there was no backlog. Can the minister still say there is no backlog of students waiting for loans in this Province?

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

MS. VERGE: Mr. Speaker, I am happy to report that great strides have been made in the administration of student aid and in the processing of reviews and appeals -

MR. WARREN: You told lies the last time.

MS. VERGE: - to the staff appeals officer.

As a matter of fact, the member posing the question congratulated me for speedy service -

MR. WARREN: That is right. So you told lies the last time.

SOME HON. MEMBERS: Oh, oh!

MS. VERGE: - on behalf of a couple of his constituents.

MR. WARREN: You told lies last week.

MR. SPEAKER: Order, please!

MS. VERGE: Mr. Speaker, the number of staff appeals officers in the student aid office has just been increased from two to three, the third position has now been filled. Of course, that was in motion some time ago. It was in the hands of the Public Service Commission.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

MS. VERGE: - who have completed their work and recommended a very suitable candidate for that position. Mr. Speaker, all the employees in the student aid office have been working extremely hard and diligently to satisfy all the requests from post-secondary education students. And as I reported to the House earlier, the workload has been extremely heavy this Fall with the unexpectedly high enrollment in the university and colleges throughout the Province this semester.

MR. SPEAKER: Order, please!

Time for the Question Period has expired.

SOME HON. MEMBERS: By leave.

SOME HON. MEMBERS: No, no.

MR. SPEAKER: Leave is not granted.

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

MR. SPEAKER (Russell): Order, please!

The hon. Leader of the Opposition.

MR. NEARY: I heard the hon. the Premier say
by leave he wanted the Question Period to -

PREMIER PECKFORD: We would need unanimity over for
when I made that proposal, Mr. Speaker. I have no control.

MR. NEARY: No control.

PREMIER PECKFORD: I lost complete control over the
caucus. They are all going their separate ways. It is
terrible and I am going to have to consult the Leader of the
Opposition (Mr. Neary) and find out how he keeps everybody
in line.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER: Order, please!

PRESENTING PETITIONS

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

MR. HISCOCK: Mr. Speaker, I rise to present
a petition that again was presented in this House before. And
it is with regard to a petition, Mr. Speaker, the prayer of
the petition is: 'We the resident of Lodge Bay hereby petition
the provincial government to continue with the construction
of a road from Lodge Bay to Mary's Harbour and that a

MR. HISCOCK: bridge be constructed across the Lodge Bay River." At the present time the road only comes to one side of the community leaving 90 per cent of the population, as well as the school, the post office, the Community hall, the Fishermen's SUF Hall and two general stores not connected to this road. At present children and residents must commute back and forth by rowboat and this becomes extremely hazardous during the freeze-ups and thaw-outs each year. When the Coastal Labrador DREE agreement was signed the Provincial government asked for money from DREE to allow fish to be transported from Lodge Bay to the plant in Mary's Harbour, and hence it was included under the economic DREE programme. But the Province did not have the correct survey done, did not do their homework and once the agreement was signed they found out, of course, they did not have enough money to construct the road. They also did not even know that Lodge Bay was a divided community, part on each side of the river, and that they needed a bridge. The officials are now trying to find money. As I said, I have presented petitions before in this House and we find that when the Opposition presents them that somehow or other there is a lack of money. The Minister of Transportation (Mr. Dawe) was just down in his own district of St. George's and opened up the new Codroy bridge. If you go down into the Minister of Transportation's district, and also the former Minister of Transportation's district in Bonavista, you will find that almost everything in their districts is paved driveways, roads to private cabins, etc.. Yet, Mr. Speaker, we find here a community where the children have got to be put in a rowboat, hauled across the ice-just in case the ice is not solid - hauled back and forth. As the Minister of

MR. HISCOCK: Culture, Recreation and Youth
(Mr. Simms) said, "The same as his father." Well, I hope that his grandchildren do not have to do it and I hope that his children never have to do it. Mr. Speaker, I hope that the Minister of Transportation (Mr. Dawe) will take the old bailey bridge that was used in Codroy and bring it up to Mary's Harbour and Lodge Bay, continue upgrading the road, continue it on the other side of the river in the area where all of the residents live and, while they are in that area, upgrade the road and the bridge in Mary's Harbour itself.

So, Mr. Speaker, I ask that this petition be tabled to the appropriate minister. It is unfortunate that the Minister of Transportation is not here but I understand that he is out on business of his department and I hope that the petition finds its way to his office and that we will work together for the betterment of the people in the Lodge Bay - Mary's Harbour area to improve conditions for these people. This time next year when

MR. HISCOCK: we are closing the House we will be able to reflect back on it and realize that the children in Lodge Bay and Mary's Harbour do not have to row back and forth to school each day, and people go to get groceries and their mail using the Bailey bridge over that part of the road.

Thank you, Mr. Speaker.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I just want to take a moment or two to support the petition just presented by my colleague, the member for Eagle River (Mr. Hiscock) on behalf of the residents of Lodge Bay.

Mr. Speaker, I did not cross the river in a rowboat, as the hon. gentleman just described, but I did go across the river on a Ski-doo last Winter.

MR. SIMMS: Was it frozen?

MR. NEARY: Well, we are not like the Premier. I cannot walk on water like the Premier can! But, Mr. Speaker, I went down to visit Mary's Harbour, Southern Labrador, flew down with my hon. colleague, and had an opportunity to visit Lodge Bay while I was there. I went from Mary's Harbour to Lodge Bay on a Ski-doo and then we went across the river and we had a very nice meeting in the hall across the river, Mr. Speaker. And I think it is shameful that due to an oversight on the part of the engineers that these people on the opposite side of the river will not get the services of a road, Mr. Speaker, in the work currently underway.

It is the most beautiful part of Labrador I think I have ever been in. I never enjoyed a couple of days like it in my life, except

MR. NEARY: ice fishing last Winter up off Rigolet. That is an experience that every member of this House should have.

Mr. Speaker, when I came back from Lodge Bay that night, as my hon colleague will remember - I was driving the Ski-doo, my hon. colleague was sitting on the back, and he was holding on tight for dear life and I was really giving it to her - a moonlight night, northern lights, the most beautiful night I think I have ever witnessed in my life. It is an experience that every member of this House should have, Mr. Speaker. And I think it is a shame that the people in Lodge Bay on the other side of the river do not have the services of a road because of an oversight on the part of the engineering department - I am not sure if it is private consultants or the engineers in the Department of Transportation who made the mistake. But it should be rectified, Mr. Speaker, at as early a date as possible, because this road is going to be of tremendous service, not only to the people who live in that area, but it will be a tremendous tourist attraction. And I would urge the Minister of Transportation (Mr. Dawe) who is not in his seat today - obviously he is out looking for the fixtures and the furniture and all the other things that were taken off the ferry boat when she was cannibalized before she went to Marystown - but, Mr. Speaker, I would urge him, even though he is not in his seat, to take whatever steps are necessary in the near future to see that that matter concerning the road in Lodge Bay is rectified.

MR. SPEAKER (Russell): I do not know if any member to my left is going to rise to this petition, but before that I just want to draw members' attention to the fact

MR. SPEAKER (Russell): that routine business should end by 4:00 p.m. on Wednesdays. If we are going to dispense with Private Members Day then, I am prepared to recognize somebody to my left if he wishes to speak to this petition.

MR. MARSHALL: Mr. Speaker.

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

MR. MARSHALL: I think the position is that we have agreed to dispense with Private Members Day, so I think we would agree that the normal rules apply. So the petition should be dealt with.

MR. NEARY: That is okay with us,
Mr. Speaker.

ORDERS OF THE DAY

On motion, the following bills read a third time, ordered passed and their titles be as on the Order Paper:

A bill, "An Act To Amend The City Of St. John's (Loan) Act, 1978." (Bill No. 60).

A bill, "An Act To Amend Certain Acts Respecting Government Departments To Provide The Power For Ministers To Enter Into Agreements Subject To Specified Terms And Conditions." (Bill No. 19).

A bill, "An Act Respecting Certain Powers Of Appointment." (Bill No. 62).

A bill, "An Act To Amend The Retail Sales Tax Act, 1978." (Bill No. 87).

On motion, a bill, "An Act To Authorize The Lieutenant-Governor In Council To Enter Into An Agreement With British Newfoundland Corporation Limited And N.M. Rothchild & Sons Limited And Brinco Mining Limited," read a third time, ordered passed and its title be as on the Order Paper.

(Bill No. 90)

Motion, second reading
of a bill, "An Act To Amend The Crown Lands Act,"
(Bill No. 74)

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

SOME HON.MEMBERS: Hear, hear!

MR.POWER: Thank you, Mr.Speaker.

In introducing Bill No. 74 I just want to say - and Bill No. 74 has six minor amendments, a couple more significant than others, to the Crown Lands Act - to say to the House and to all members present that we will be introducing a full new Crown Lands Act in 1984, either at the Spring session or at the Fall session, in which case these amendments being discussed and debated today, and other amendments between now and then, will be incorporated in one major Act which will then be the new Crown Lands Act for the Province of Newfoundland and it certainly has been a major undertaking for my department officials and the Department of Justice. There are many, many acts which relate to Crown Lands in the Province, and certainly to incorporate all of those acts into one major bill is something which is very difficult to do but something which we hope to have accomplished by the end of 1984. I would also like to say,

MR. POWER:

Mr. Speaker, in introducing these amendments to the Act that the Crown Lands in this Province has been modernized as much as is possible and has been made as efficient as possible to react to the needs of the people in this Province. Certainly the improvements that we have made with the administration of Crown land in this Province over the last , I guess, eight or ten years have been very significant, to the point now where most persons in many parts of rural Newfoundland can find areas in which they can either build remote cabins, a new policy that we introduced last year.

MR. SIMMS:

That has been in the last few years.

MR. POWER:

Certainly, in particular the improvements that have been made, as the Minister of Culture, Recreation and Youth (Mr. Simms) notes, the improvements that have been made since 1979. But certainly , Mr. Speaker, the new policies we have relating to remote cabins, which is an option that now persons have in this Province who did not have that option four years ago. The fact that cabin lots are in very high demand in most parts of the Province and are also -

SOME HON. MEMBER:

Oh, oh!

MR. POWER:

Some of my colleagues do not want me to explain this Crown Land Act, but certainly there are some major things that we are doing in Crown Lands, Mr. Speaker, and we wish to take this opportunity, as close as it is to the Christmas Season, to explain the wonderful things we are doing in Crown Lands.

MR. YOUNG:

And Christmas trees.

MR. POWER:

We also have Christmas trees, not the flaky ones. Mr. Speaker, we also want to say in introducing these amendments to the Crown Lands Act. that all of the other things we have made available to the residents of Newfoundland, from remote cabins to residential occupancies, where you can get land to build a home, land for businesses, in this case here these amendments that we are making, some are not so major, one is simply just a definition of what Crown land is.

MR. POWER: another amendment which we are moving which is very important, is the fact that sometimes in our desire to improve the efficiency rating of applications received by Crown Lands Division, one of the major obstacles we have had to overcome is the fact that there was no time limit in which persons had to send back leases that were sent out by the Crown.

The new amendment says that within ninety days a lease must be returned to the Crown signed and witnessed, otherwise, that application will be considered to have been cancelled. That in itself will improve the efficiency rating of many applications which are of long standing or outstanding in Crown Lands.

The other ones, Mr. Speaker, are simply to designate all of the land that is returned to the Crown, such as the Reid railway lands, or such as Newfoundland Colonization and mining lands which are now being discussed. All of that land will be deemed Crown land and will be dealt with by my department under the Crown Land Act.

One other major one we are doing, Mr. Speaker, is to make adverse possession, I guess squatters' rights in many persons' terminology, make that land - if the occupancy has been twenty years immediately prior to January of 1977, then certainly that land will be deemed to be, I guess, removed from the Crown lands through adverse possession. We have also put in a small amendment to make sure that persons who have occupied Crown land illegally between 1957 and 1977 are punishable by law because they have committed an offence. There is now a sort of a loophole there, and unless we can prove that occupancy took place before 1957, or after 1977, it is somewhat difficult to prove our case, even though people have adversely occupied Crown land.

MR. POWER: Those, Mr. Speaker, are the major amendments that we are trying to do. Again, in summation, just let me say that the major one is certainly to make sure that title documents are returned to the Crown within ninety day, otherwise, that application will be deemed to have been cancelled. Thank you.

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

MR. WARREN: Mr. Speaker, I want to say a few words on this particular bill. I am sure the minister realizes - if he did not he would not have brought in this bill - that the Crown Land Act needs to be refined. However, I wish to mention a couple of incidents in passing. The minister said that a guy can be deemed to be on Crown land illegally if he has no documents to prove his claim. I believe the minister said a mouthful in those few remarks. I am just wondering if the minister or his officicals, his staff, have used their travel time, or the helicopter travel time to the best advantage. I am sure that the minister's officials know of many, even today, cabins being built without any permit from the Province. And it is known where those cabins are but not too much is done about it.

It is interesting, Mr. Speaker, that I am obliged to speak about a particular cabin on the Tom Luscombe's Brook in the Lake Melville area. This particular cabin was built some few years ago without, I presume -

MR. ROBERTS: The hon. gentleman should be aware the courts have ruled on that.

MR. WARREN: I am quite aware, Mr. Speaker, that the courts did rule on it, in favour of the gentleman who owns that particular cabin. However, it is interesting to know -

MR. BAIRD: (Inaudible).

MR. WARREN: Mr. Speaker, would the hon. the member for Humber West (Mr. Baird) return to his own

MR. WARREN:

Brook somewhere?

seat, or go back to Corner

Mr. Speaker, this particular
cabin was built after an act had been

MR. WARREN:

passed in this House saying no cabins shall be built on particular rivers.

MR. WALSH:

Not so.

MR. WARREN:

Maybe it is not. My hon.

colleague probably knows more about the story than I do, knows more about that particular case than I do. However, Mr. Speaker, it is still a very controversial cabin, on a very controversial river, in a very controversial location in Labrador. Whereas people in Labrador cannot -

AN HON. MEMBER:

A dead issue.

MR. WARREN:

No, it is a long way from a

dead issue. Mr. Speaker, it was just only last year that an individual constituent of mine in Rigolet had been told that he must get rid of his cabin on a particular river because he never had the regular deed, and still and all it was handed down by his father, and his father's father and so on. I think if the minister wants to bring in this bill the minister should make sure that all citizens of the Province are treated equally.

At the same time, I would like to ask the minister in closing, what happens to a particular piece of land, for example, that the hon. minister could have been living on ten or fifteen or twenty years ago but all of a sudden decided that he did not have any further use for it and another individual attempts to get this piece of land and is refused not necessarily by the government, but is refused by the hon. gentleman who previously owned it fifteen years ago? He does not want it any longer, he does not need it any longer, he could probably be gone to the Mainland, gone out of the Province altogether, it has not been kept up, just left to

MR. WARREN: deteriorate and everything else, can an individual apply for this piece of land without having to pay compensation to the person who was living on it probably fifteen or twenty or thirty years ago although he never had any title to it? I would like for the minister to answer that one in closing.

Mr. Speaker, I would also like to ask the minister another question concerning Crown land. Did the minister anticipate any problems with the regular sawmillers in the Province and with Abitibi Price and Bowaters owning such a large piece of land? Apparently, at the present time they are allowed to cut pulpwood but they have to leave other trees which is causing a lot of confusion, and it is causing the sawmillers some concern because the bread and butter comes from not only just the pulpwood but the other logs as well. I understand a Mr. Woodridge or Woolridge is doing an enquiry for the minister's department, are planning changes to the act that will give the sawmill operators and other small independents the opportunity of getting more value from the Crown lands that are presently occupied by the two large paper companies? With those few remarks, Mr. Speaker, I am sure that my hon. colleague for the Strait of Belle Isle (Mr. Roberts) might have a few words to say.

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

MR. ROBERTS: I shall be brief, but who am I to pass up an invitation from my colleague? I will say that all of us in the House should adopt a self-denying ordinance. I understand that a certain cataclysmic and very welcome event will happen at about 5:30, so all of us should govern ourselves accordingly. And if only the hon. gentleman from St. John's East (Mr. Marshall) can contain himself it will be okay.

Mr. Speaker, I do not want to get into the Tom Luscombe's Brook situation. I obviously have to declare an interest for the purpose of the act because I acted on it. I would simply say to my friend from Torngat Mountains (Mr. Warren) that the matter came before the courts of this land and was disposed of and as far as I know no appeal - well not as far as I know, I would know if an appeal was taken - they had a good lawyer and the witnesses came and gave evidence truthfully and the judge ruled on that, and an unanimous decision of the Supreme Court of Canada in a case called Sault Ste Marie helped immeasurably as well.

MR. YOUNG: And it helped your fee, too.

MR. ROBERTS: My fee, Mr. Speaker, was exactly what I was worth in the matter, which is a great deal more than the hon. member for Harbour Grace (Mr. Young) would have commanded in similar circumstances. I know he is not getting paid what he is worth but there is a minimum wage law in this province and he can shelter behind it.

Mr. Speaker, I do not want to get into the Tom -

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

MR. ROBERTS: - Luscombe's Brook situation except I should say to my hon. friend that it was not a matter of a breach of the act, in that there is no act that says that

MR. ROBERTS: you shall not build within a quarter of a mile, I understand it was a breach of a policy and the charge was laid against one of the sections of the Corwn Lands Act, that the gentleman involved had allegedly occupied Crown lands unlawfully. The judge, Judge Cane, ruled, having heard the matter, that the Crown had not made out its case and there the matter lapsed and the Crown chose not to appeal.

I want to raise a very different matter with the hon. gentleman from Ferryland, the minister (Mr. Power), and I will be very brief, but it is a situation we have around this Province with Crown land and other land and it is a broader problem than simply Crown land. It applies where the ownership of land is contested for one of two reasons - contested or hard to ascertain - it could apply in a case, as is often the case, where the people who own land have gone away to the Boston States or to somewhere else and they have not tidied up the paper work here and years later when somebody comes to try to acquire the land it is impossible or extremely difficult, expensive and difficult to establish the title. That applies often in the case where land is allegedly Crown land, because the Crown adopts the procedure that if somebody makes a claim against a piece of land or asserts a claim in respect to a piece of land, the Crown will no longer deal with it, will not issue title, it simply says, 'Alright, straighten it out among yourselves ladies and gentlemen', and that is the end of the Crown's role. Now, Mr. Speaker, I could go on at great length but I think the minister has grasped the point. What I simply ask him is can he indicate whether this matter is getting any attention? My own solution in a very simplistic way, and you would have to implement it completely, but simplistically we ought to provide where land has been abandoned, and abandoned would have to be defined, where land has been abandoned we

MR. ROBERTS: should by legislation provide that it reverts to the Crown on the general assumption that if any land in this Province is not owned by an individual, body corporate, or by a group of people in some form then it should go back to the Crown. But all over rural Newfoundland in particular there are areas where people have claims to land and it causes them extremely great difficulty and great expense to establish who owns that land. I have no doubt it is true down in the Ferryland district where there is hardly a family, I guess, that does not have a relative in the Boston states or in Halifax or Toronto or Edmonton or wherever. Often when these people die and then you get great-nephews or great-nieces or grandchildren trying to establish title it becomes very difficult, very, very expensive. The quieting of title legislation does not address the issue, because the quieting of title must deal with interests that are there. And you know the interests are there, it is just you cannot establish who owns them or often cannot establish it sufficiently for the purpose of resolving it.

So I would simply say to the minister that, you know, there is a problem. If he is not addressing it, in my view he should. And I think in a very broad statement, that obviously would require qualification if we were going into it in detail, the obvious answer is where land has been abandoned, say for twenty years, that it revert to the Crown and the Crown may then issue title against it and we can, if need be, set up an insurance scheme to deal with that situation. That is happening, I think, in respect to forest lands. I noticed the other day in the papers mineral interests are now being escheated - that is e-s-c-h-e-a-t-e-d - back to the Crown where, you know, grants were made fifty or one hundred years ago and nothing has happened on them in that period. That is the principle, I think, we should extend

MR. ROBERTS: to the ownership of all land in this Province. We should be able to establish who owns the land so that it can be dealt with and if nobody else owns it, then I think the principle in our law is very clear, it should be the Crown. But, Mr. Speaker, short of that, you know, the rest of the bill I will

MR. ROBERTS:

not go into, I will simply say that these are matters that should be debated at greater length than we are going to be able to debate them, I do not fault the minister in the least but, Mr. Speaker, the Crown Lands Division, or the Crown Lands issues are very serious ones that affect a lot of people in this Province. I think that under the minister's guidance the administration of Crown Lands has improved immensely, whether he gets the credit or whether it goes to his colleagues I know not, I will give him the credit. I can also say as member that dealing with him and with his officials is a pleasure in that he will respond; he is not always able to satisfy, of course, but he responds. And let me say a word of kudos to Mr. David Earles, I believe the gentleman's name is, in Crown Lands, an Inquiries Officer. He is a great help to members and I know to other individuals as well. So it is not inappropriate that we should say that and ask the minister to pass that through.

MR. YOUNG:

Say something good about me.

MR. ROBERTS:

Mr. Speaker, I would say something good about the gentleman from Harbour Grace (Mr. Young) and in the spirit of Christmas I would. I will say simply that the gentleman from Harbour Grace by coming to this House from Harbour Grace has improved the intellectual climate of both communities. Now he can think about that and he can sleep on it. But by leaving Upper Island Cove he did the people of Upper Island Cove a tremendous favour, and by coming here to sit among us he has done us an equally great favour. And in the true spirit of Christian charity at Christmas, my from Humber

MR. ROBERTS: West (Mr. Baird), I would say, simply deserves the friendship of the gentleman from Harbour Grace (Mr. Young), they are peas in the pod, they are fellow cavaliers. And my friend from Humber West has added considerably to the intellectual stature of Corner Brook by leaving it and to St. John's by coming here.

Mr. Speaker, the two points there very briefly, the question of land ownership which has to be addressed, and I regret that we are not going to have the time to debate this bill in the kind of detail we should because there are some important points in it, but I know my friend from LaPoile (Mr. Neary) wishes to say a word and we will gladly hear him. I will say that there are matters in here that are worthy of attention by the House and I would hope we will get an opportunity to debate them at a later time, if not in this Session, obviously in another Session. There are important matters here, Sir.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I would certainly like to echo what the member for the Strait of Belle Isle (Mr. Roberts) said in connection with the time we have to debate this bill, I regret that very much myself. There are a couple of questions that I would like to put to the hon. gentleman and I will be as brief as I can. First of all, could the hon. gentleman tell the House if the procedures for processing Crown lands applications has speeded up any in the hon. gentleman's department, or is it still in the mess that it was always in? The hon. gentleman could give us an updating, a report on that.

MR. NEARY: The other matter I want to raise with the hon. gentleman - and I do not wish to open up a can of worms at this particular point in time, but it is only a matter of curiosity on my part - I was doing some research the other day on the Bowater timber rights in this Province and I came across of legislation that indicated to me at least, as a layman, and I have not asked for legal advice on this matter yet, that the timber rights that were granted to Bowater would only remain in full force if Bowater maintained full production at their paper mill in Corner Brook. Now, I would like to ask the hon. gentleman if that is the right interpretation that I am placing on that particular act. And I am sorry I do not have it here with me, I left it down in my office today. But I would like to find out from the hon. gentleman at this point in time, more or less just to satisfy my own curiosity, if Bowater does not maintain full production in Corner Brook, is it possible that the Crown could move to take back the Bowater timber rights in this Province?

MR. NEARY: Is that the correct interpretation of the provision of their agreement, Mr. Speaker?

MR. SPEAKER (Aylward): If the hon. minister now speaks he will close the debate. The hon. Minister of Forest Resources and Lands.

MR. POWER: Mr. Speaker, as mentioned by the member for the Strait of Belle Isle (Mr. Roberts), certainly today we do not have a sufficient amount of time to debate in any great detail the provisions of the Crown Land Act that we are amending today. I certainly just want to take one moment to thank the member for the Strait of Belle Isle for his kind comments about myself, and very particularly to thank him for his kind comments about David Earles who is in that division specifically to liaise with the members of the House of Assembly. And I am sure that any member of the House of Assembly who has had the opportunity to work with David Earles finds him to be extremely competent, capable and co-operative. Just let me try to answer briefly, Mr. Speaker, some of the queries brought up by the members opposite who spoke. In the case of the Leader of the Opposition (Mr. Neary) who mentioned the Bowater Act, I would remind the Leader of the Opposition - if I could have his attention for a moment, seeing he asked me the question.

MR. NEARY: I am listening.

MR. POWER: I just want to remind the Leader of the Opposition that in looking at the timber rights relating to the Bowater Act be careful, that there are two Bowater Acts, one of 1938 which he may be reading, and there is another one of 1956 or 1957 which updates and

MR. POWER: changes some of the provisions of the Bowater Act. We also as a government have been working, obviously, on all aspects of the Bowater situation and the lawyers in the Department of Justice and others are advising government on that matter as it relates to timber rights. But there are certain parts of the act which seem to say it would be very easy to get the timber rights back to the Province. There are other provisions in other parts of that Bowater Act which do not make that so easy to accomplish.

MR. NEARY: It is being looked at by the legal beagles.

MR. POWER: Yes, by the Department of Justice and by other lawyers who had some interest in the Bowater operation. As it relates to the processing of Crown land applications, let me tell the Leader of the Opposition that I think we have done everything administratively possible to improve the processing of Crown lands. What we now need in the Crown Lands Division would be about \$12 or \$15 million over a ten or twelve year period to computerize and modernize that whole system of Crown land registrations, and a Registry of Deeds to have some of the same things done with it. Certainly the member for Torngat Mountains (Mr. Warren) and the member for the Strait of Belle Isle (Mr. Roberts) talked about land ownership and having land revert back to the Crown. There are some merits to that, but there are also some very significant problems to it. It is not always easy to say simply because land is not occupied have it revert to the Crown. If land has been granted, then obviously it causes some problems. But certainly compulsory land registration transactions would be one way to solve some of the problems of land

MR. POWER: ownership, which we do not now have in this Province. But as I mentioned in my opening statement, we will be bringing in a full Crown Lands Act to incorporate these amendments and some of the suggestions that have been made by many other persons in this House of Assembly and around the Province, to improve the administration, control and disbursement of Crown land to the residents of the Province. And certainly all these things being said, Mr. Speaker, I am sure that next year, either in the Spring session or in the Fall session, we will have a fair and adequate amount of time to discuss many of the provisions of the Crown Lands Act. With that, Mr. Speaker, I would now like to move second reading.

On motion, a bill, "An Act To Amend The Crown Lands Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill No. 74)

Motion, second reading of a bill, "An Act Respecting The Award Of Interest On Judgements Of The Courts Of The Province," (Bill No. 91)

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

MR. OTTENHEIMER: Mr. Speaker, this legislation will establish the payment of pre-judgement interest in the Province. Now pre-judgement interest is defined in Section 3, Subsection (1), and I think it is defined there as clearly as anybody can, "Where a person obtains a judgement," that is from a court and this would apply to any of the courts, the provincial

MR. OTTENHEIMER: court, the District Court, the Supreme Court, so, "Where a person obtains a judgement for the payment of money," or a judgement of money is owing, "the court will award interest on the judgement." In other words, let us say there was a cause of action which occurred in January of a certain year and there was a decision, let us say, the following December. As the situation is now, the aggrieved person although successful in the judgement, and

MR. OTTENHEIMER: is found to be owed \$10,000 by the person, does not receive any interest on that money for that whole period of time. This legislation when enacted will assure that interest is paid, calculated from the day the cause of action took place, the day that the person was injured in an automobile accident, or the day that a bucket fell from a roof due to somebody's negligence and injured that person, or whatever. So it will provide that the interest is paid, and the interest starts running from the day of the cause of action. Not the day that the matter necessarily started before the courts, or where the aggrieved person started the action, but from the time when the cause of action originated and, of course, ending on the day that judgement is given.

So that is what pre-judgement interest is. In fact, most of the provinces do have pre-judgement interest, Ontario, British Columbia, Nova Scotia, New Brunswick, Manitoba and Saskatchewan. It is brought in with the consent, approval, endorsement, if you wish, of the legal profession. Not that that is a prime concern, but it is a matter of interest to hon. members. But, of course, this will be of benefit to the general citizen, or the general consumer, the aggrieved party, because he will not then, or she will not then be deprived of interest. Because, after all, a certain amount is owing. It takes nine months, or ten months, or however long it takes to get the court judgement, it really does not appear to be fair at all that that person should be deprived of interest on that money which, if they had from the day the cause of action arose, they would be able to put to use. Nor does it appear fair at all that the person who caused the injury should not have to pay interest. Of course, I think it will lead to, and should lead to, a more expeditious settlement for many claims, because there will not then be an incentive,

MR. OTTENHEIMER: let us say, to have a matter postponed and postponed over a period of time if the assessment is that money may well have to be paid and it is known that interest will start running from the date of the cause of action. Right?

MR. NEARY: You have us convinced.

MR. OTTENHEIMER: Okay. So there is very little more really to say about it. I would point out that there is an area of judicial discretion, and I think that is necessary in all of these matters. And this is based on uniform legislation, as well. 'The court may', the act points out, 'with respect to the whole or any part of the amount for which judgement is given, where the court feels it is just having regard to the circumstances, 'may refuse to award interest or award interest at a rate or for a period or both', a rate and a period different from that which would normally be pursuant.

So that is essentially it. The post-judgement interest, of course, we have always had, but that will now be at the same amount, at the same rate as pre-judgement interest. Since we are having pre-judgement interest it is certainly appears totally logical, indeed, it would be most illogical not to have both rates of interest the same and to have a uniformity there. So it provides for that as well. And it will be the government's intention to proclaim legislation as early as possible in the New Year. I think that is essentially it. So it will bring in for the first time in Newfoundland pre-judgement interest, which is operative in the vast majority of provinces.

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

MR. ROBERTS: Mr. Speaker, we on this side certainly have no difficulty at all with this legislation. It is not radical, or it is not a revolutionary piece at all. As the minister has indicated, this has been in effect, or a

MR. ROBERTS: comparable piece of legislation has been in effect in a number of other provinces.

I have one or two specific comments which grow out of the provisions of the bill. The post-judgement interest section, I would suggest the minister should consult with the law officers. That, I believe, is established by the Judicature Act. I think it is a section of the Judicature Act which establishes the rate of interest. I have not taken the opportunity to research it, but I do not know if this act will be held

MR. ROBERTS:

to have amended the Judicature Act and we may apparently have a conflict between these two provisions. Section 5 of this bill provides for interest at a certain rate in respect of matters in which judgement has been rendered by the court, the Judicature Act provides a different rate of interest. There may possibly be a conflict between these two, and the minister may want to address that. Again one of the problems with the rush, rush, rush of legislation is that it may not be possible to do anything about it today, we may end up having to pass a bill knowing that it will create legal problems down the road. And I think that would be unfortunate, but I draw it to the minister's attention so he can take whatever action is appropriate.

Secondly, I do want to ask if the minister could give us some indication of how the interest rates are going to be determined. I know the mechanism but I want to know the standards. There is a very broad grant of power in here, 'The Lieutenant-Governor in Council shall determine and publish in the Gazette interest rates in accordance with the regulations'. The regulations simply say the Cabinet may determine the method and the rate of interest, and I want to know how they propose to do this. I would have felt a great deal happier if this House had been asked to establish the method, if the minister had come before us with a methodology, but since that is not the case perhaps, the minister could indicate how he proposes to go about it. Is it going to be pegged, say, to the Bank of Canada prime rate, or to whatever? But there is nothing in this that would govern the interest in any way. In theory the Cabinet could provide 100 per cent a day. You know that is absurd, that is

MR. ROBERTS: ridiculous, but I would point out legally there is nothing in this bill which would stop it, in fact to the contrary, this bill would allow it. That is a very broad grant of power. I am not sure why the minister or the Cabinet need so much power. I would have thought we could spell out a method in the bill and ask the House to approve it. In any event, the Cabinet, for whatever reason, have chosen not to do this.

It is like much of our legislation, Mr. Speaker, I am becoming increasingly concerned with the appallingly badly drafted legislation. And when I say badly drafted I do not mean technically. Technically I think our legislation has improved immensely in the last few years, very much better wording, but appallingly badly drafted in the sense that it has not been thought through, that the House is being asked to deal - and in many cases the Cabinet is being asked to deal - with substantive points embodied in legislation that have not been thought through, have not been considered. I do not know whether this is such a point or not, I would say if the minister has not addressed it then it is such a point. If on the contrary the minister has addressed it, perhaps he could indicate to us why this particular method has been chosen. I am obviously prepared to suspend any judgement, with or without interest, until I have heard what the minister has to say on the matter.

But, Mr. Speaker, generally speaking this is a welcome piece of legislation in that it allows the court to grant interest, in fact, it provides 'the court shall grant interest' but then allows, as the minister told us, a discretion in the court, and I have no doubt that the court will exercise that discretion wherever it feels it appropriate to do so. And I have no doubt, as well, that we will develop in this Province a body of jurisprudence

MR. ROBERTS: I think that has been well developed outside Newfoundland and I have no doubt we shall import it here.

Other than that, Mr. Speaker, it is a fairly significant bill. It will quite conceivably add very largely to the amounts that people will receive in settlement or in judgements. It, interestingly enough, does not, nor could it, I guess, provide for interest on settlements, matters that are negotiated outside of court but I suppose that the Bar will accommodate itself to that and the pre-judgement interest will be reflected. 'Judgement includes order of a court, but this act only applies, obviously, to judgements. I have no doubt that the practitioners at the Bar will become aware of this and will incorporate it in their settlements and will say, 'Alright, we are entitled to interest, if you will not give it to us we will go to a court and we will see where we get.' It should certainly speed up the process of resolving litigation primarily, this will deal primarily or affect primarily with motor vehicle claims, which are a large part of the litigation dealt with by the courts of this Province, but it should be noted it applies to everything; in fact, it also changes the law of Newfoundland in contract, where in contract matters there has been no interest before judgement and it is quite conceivable now that this will be applied to the courts as well.

Finally, I am glad that it does not apply to a cause of action that arises before the coming into force of this act or to a judgement payable before the coming into force of this act. I think that is appropriate too. Whether we welcome a change or not, we should be aware of the fact that people have hitherto conducted their affairs under a given set of rules and

MR. ROBERTS: if we are changing the rules now, it is not, in my way of thinking, to any degree fair to apply these changes retroactively and I congratulate the minister on not having done so. I think he has done it the right way in this bill.

But, Mr. Speaker, for my part, and I am sure I speak for my colleagues, we are prepared to support this legislation and to see it enacted into law.

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

DR. COLLINS: Mr. Speaker, I just want to rise very briefly to comment on a few statements made by the hon. member opposite, because he has made those statements in the past, that is referring to the drafting of the bills that come before this House. The hon. member, I think, made the statement yesterday over a bill that came before the House, but that was not the only occasion, he has made it a number of times. The hon. member, of course, has every right to express such an opinion. It is obviously a personal opinion. Because he says it that does not say it is true. When he says the bills are very poorly drafted, what he means is that 'in my view, in my narrow view, they are poorly drafted,' but that does not say that they are.

The reason why I rise to my feet is that I think the hon. member, in making such statements, should really put before the House some evidence. For instance, if the hon. member could show that in Committee in this House, we bring in more amendments to bills brought in than, say, the House in New Brunswick or the House in Ottawa or the House in Westminster or whatever, I think that would add substance to the statement

DR. COLLINS: he made and even give it some credibility, but just to make a statement like that and to make it repeatedly without evidence, I do not think it adds in any way to the stature of the debate in this House. I would hope that the hon. member will take the remarks I make now in good faith and when he wants to bring in things like that to show us substantively the evidence for the statements he makes. Because, otherwise, I think it really just does lead to a certain amount of confusion, certainly it does tend to confuse the media, because one often sees statements from the hon. member, and not only the hon. member, other members too, which are statements that seem to come through as facts in the media.

DR. COLLINS: Well, anyone with any inkling at all about the subject knows that they are unsubstantiated, no underpinning to them and are quite often very wide of the mark.

Thank you, very much.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I did not intend to speak at all on this bill, my colleague, the member for the Strait of Belle Isle (Mr. Roberts) outlined our position on this bill, but after listening to the rubbish and the garbage that just came from the lips of the Minister of Finance (Dr. Collins), Mr. Speaker, I just had to get up and make a few observations with regard to debate that has taken place on this bill. The debate was of a high level, by the way, before the Minister of Finance entered into it. I thought the Minister of Justice (Mr. Ottenheimer) did a pretty fair job of introducing the bill, and my colleague, the member for the Strait of Belle Isle, did an excellent job of debating the bill and making a few valid points.

AN HON. MEMBER: I found it boring.

MR. NEARY: Well, it may have been boring to the hon. gentleman but it certainly was not boring to the members of this House.

The only confusion, Mr. Speaker, on this matter is in the mind of the Minister of Finance. Yesterday my hon. colleague scored some very, very valid points on the retail sales tax changes, the changes that were being made involving the directors of these companies. Now, the hon. gentleman may have lost that debate and he may

MR. NEARY: resent my colleague for picking the loopholes in the bill and being quoted in the press. The hon. gentleman seems to be very concerned and very sensitive about criticism in the press. I believe that is why he spoke, Mr. Speaker. He resents it, he feels hurt about it. The hon. gentleman is so pious and self-righteous that he thinks that everything he says is Gospel. Mr. Speaker, he should be the last man on the government side of the House to get up and criticize anybody. With the kind of a budget, the kind of estimates, the unrealistic estimating by the hon. gentleman, he should be the last to criticize anybody. My hon. colleague is so right, Mr. Speaker, that even a layman like myself- I am not a professional man, but even I could see what the hon. gentleman was driving at. And sometimes when I read the legislation I am at a loss myself to figure out what implications this may have on another piece of legislation, on another law of this Province. And my hon. colleague was not criticizing the competence of the legal draftsmen. That was not the point at all. As a matter of fact, he went to great pains to explain that I believe, that he was not criticizing the legislative draftspeople. That was not his point at all. The point he made was that they have not thought the thing through far enough, that was his point. Mr. Speaker, therefore in view of the fact that the Minister of Finance (Dr. Collins) felt compelled to leap into the debate and throw chaos and confusion into the debate, I believe the matter deserves to be straightened out and I think that every member, especially the legal minds in this House, should have an opportunity to express their views on this bill. So, I would like to move, Mr. Speaker, seconded by the member for Bellevue (Mr. Callan) that this

MR. NEARY: bill be read this day twenty-four hours hence.

MR. SPEAKER (Russell): The motion made by the Leader of the Opposition (Mr. Neary) appears to be in order.

MR. NEARY: Thank you, Mr. Speaker.

So, Mr. Speaker, that will give my colleague an opportunity to comment on the ridiculous and outlandish statements made by the Minister of Finance (Dr. Collins), who can only think about deficit financing in this Province and whacking taxes on people.

Now, Mr. Speaker, let me say this, that I doubt very much if there is a member on either side of this House, outside of the member for the Strait of Belle Isle (Mr. Roberts),

MR. NEARY: who is more competent, who knows more about how the system works, who can evaluate legislation better than the member for the Strait of Belle Isle (Mr. Roberts). I commend him for it, Mr. Speaker, I only wish that I had the hon. gentleman's talent when it comes to getting to the heart of the legislation. And every hon. gentleman there opposite recognizes that fact, Mr. Speaker.

Mr. Speaker, I think every member on both sides of the House recognize the fact that my hon. colleague is probably the best in the Province for assessing legislation. And for the Minister of Finance (Dr. Collins) - how brazen can you get? - a gentleman who has made such an incredible mess of the finances of this Province, how dare he get up and criticize the member for the Strait of Belle Isle?

MR. BARRETT: He deserved it.

MR. NEARY: He did not deserve it. He certainly did not deserve it.

SOME HON. MEMBERS: Oh, oh.

MR. NEARY: Well, my hon. colleague will have a chance now to speak in this debate again.

MR. BARRETT: You were not in the House when we said it yesterday.

MR. NEARY: I was here yesterday, and I was here today, and I heard what my colleague said and I agree with him 100 per cent. The question that arises, Mr. Speaker, is whether the legislation, the bill that is before the House, had been thought through sufficiently enough before it was brought into the House and made into law. That is the question. So, therefore, Mr. Speaker, I condemn the Minister of Finance. And I hope, Mr. Speaker, in the interest of expediting the business of this House, that the Government House Leader (Mr. Marshall) would get the Minister of Finance to restrain himself so that he will not get up as he just did

MR. NEARY: and make a complete fool of himself and heap abuse and criticism on the only man in this Province who has the knowledge and the insight and is competent enough to assess the legislation that comes before this House.

MR. ROBERTS: Mr. Speaker.

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

MR. ROBERTS: Mr. Speaker, I do want to say a few words and I want to thank the gentleman from LaPoile (Mr. Neary). The encomium I take in the spirit in which they are intended and I am grateful, but I do want to deal with the Minister of Finance (Dr. Collins). It is too bad, Your Honour, because we were planning to get out of the House at 5:30, I do not see how we are going to be able to do it now. I have half an hour on this bill, on this motion, and then there is committee, so I guess we will be back here again tomorrow and all because the Minister of Finance could not contain his bile. The real reason he got up, I suggest, at least in my view the reason he got up was that he was taken apart yesterday, not that he was made a fool of, he got up and spoke and confirmed what many of us suspected, which is that he did not know what he was talking about.

MR. CARTER: You had that planned from the beginning.

MR. ROBERTS: I had it planned? Yes, I say to my hon. friend from St. John's North (Mr. Carter), I prompted the gentleman from St. John's South (Dr. Collins). He is well known for dancing to my tune. All I have to do is say something and he is like a puppet, he jumps up and speaks. I have a right to speak for half an hour in support of this motion. I do not know if I will need half an hour or not, but I intend to say what I wish to say subject to the rules of the House. And that is the way it should be and that is what I shall do.

MR. ROBERTS:

Now, Mr. Speaker, the issue is whether this bill should be deferred for twenty-four hours or no. That is the motion before the House. It is a motion which, as Your Honour has agreed, is in order

MR. ROBERTS: and it is a motion which is being moved for two reasons; one is to protest the unseemly haste, and the second is to allow me to demonstrate the Minister of Finance (Dr. Collins) does not know what he is talking about when it comes to legal matters. He has already demonstrated amply to this House and to the Province that he does not know what he is talking about when it comes to financial matters. Any man who cannot even estimate to the nearest \$20 million what the sales tax yield is going to be, if he did not have the brazen gall of the Minister of Finance, if he did not have the side and the thick hide of the Finance Minister would have slunk his head, slunk around and tried as best he could to sort of wait for a number of months in the hope that people would forget it. But the Minister of Finance goes down in our history in Newfoundland as a man who cannot even estimate to the nearest \$20 million what the sales tax will yield. Forget that he cannot read what Ottawa sends him, forget that he cannot understand it all, that is fair enough, we accept that, but he cannot even, to the nearest \$20 million, estimate what the sales tax will bring.

MR. CARTER: A vile personal attack.

MR. ROBERTS: No, Mr. Speaker, it is a strong and a well-based attack upon the minister's official duties and his carrying out of those duties. If I wanted to be personal I would have to talk about my friend from St. John's North (Mr. Carter), and I would not talk about my friend from St. John's North because I am filled with the milk of human kindness and also because of the great kindness he has done my wife in sending her some of the excellent herbs which he grows.

MR. CARTER: Malevolent.

MR. ROBERTS: No, the herbs may be malevolent, I trust they will not, because I understand they will shortly be presented on the table, a sweet basil and marjoram as I understand them, and my friend is probably the only person in Newfoundland who grows these herbs, and one of the very few people in Newfoundland who knows anything about their use. So I want to thank him. I would say to him that my wife will be in touch with him to thank him. It was very kind of him and I do appreciate it.

Now, Mr. Speaker, the question before the House is whether we should suspend this bill for twenty-four hours or no. I think we should to enable the Minister of Justice (Mr. Ottenheimer) to have a look at one or two of the points which I raised and he can then determine whether, for example, the Judicature Act is in conflict with the provisions of Section 5. I think they are in conflict with each other, and if that is so that may very well cause problems. Because when this House enacts legislation it must bear in mind the fact that all of the legislation stands as a seamless web and that one act must be considered in accordance with another. And, Mr. Speaker, this House should be cognizant of that. And the minister brings in a bill, and I was quite prepared to let it stand and let the Minister of Justice look into it until the Minister of Finance (Dr. Collins) chose to insert himself into the debate and expose his ignorance, and it is ignorance, Sir, because he knows not what he talks about.

Mr. Speaker, the other point which I made was that much legislation coming before this House has not been fully considered by the Cabinet. Only the minister's twisted, tortured mind could possibly construe that as an attack upon the draftsman. Maybe the minister does not understand this, maybe that is the answer. Maybe he has not got a twisted mind after all. Maybe he just does not understand. Let me take a second and tell him.

MR. ROBERTS:

The draftsman's job is to translate into words the policy and the principles that the government set down, and the draftsman's job is also to suggest to the instructing person, usually a minister, often a deputy minister acting in the name of the minister, what might be needed to make the act complete and whole. That is the draftsman's job.

The minister may not have heard, and if he heard he may not have understood, that the drafting in this Province has improved immeasurably in the last four or five years. Many of the draftspeople are Clerks at the table, and that causes a concern to a number of us, Your Honour, because I am not sure that Your Honour's assistants at the table ought to be on the government's payroll, I think they ought to be on the House's payroll and they ought to hold office only under Your Honour, and if Your Honour then wants to provide them for other duties then that is fine.

But, be that as it may, we have had a group of professionally trained draftsmen. We have always had lawyers doing the drafting, but we have had in the last few years a group who have been trained professionally in the somewhat arcane art of drafting and the legislation has shown an immense improvement. My criticisms of the badly drafted legislation - as I said yesterday, as I said earlier today and as I say again; even the minister may get it the third time I say it - my criticisms are centered about the fact that the ministry do not - even, I would venture to say, the Minister of Finance (Dr. Collins) has not read any single bill that comes before this House, except possibly those which he himself has

MR. ROBERTS: sponsored. I would venture to say he has not read a piece of legislation. I do not know whether the Cabinet, as they presently constitute themselves, have a legislation committee. I do not know about that, it does not matter to me one way or the other. If they do have one, the minister may even be on the committee. But I will say without any fear of successful contradiction that the Minister of Finance (Dr. Collins) has not read a single piece of legislation except possibly those in which, as minister, he has a direct interest.

MR. NEARY: If he did, he would not understand them.

MR. ROBERTS: My friend from LaPoile (Mr. Neary) has said exactly what I was going to say, the Minister of Finance, even if he has read them, is unable to understand them. He is certainly unable to defend them here in the House. Yesterday in the House, he was saying that the reason he was against some of my comments was that they were too plausible.

MR. NEARY: And you might get a bit of coverage from the press.

MR. ROBERTS: Yes. So then, instead, he gets up and he uses such dignified words as 'rubbish' and so forth. They reveal the clarity of his analysis and the character of his mental processes.

So now we have a situation where we have a bill before us which provides in section 6 that 'The Lieutenant-Governor in Council shall determine and publish in the Gazette interest rates in accordance with the regulations.' Now, that is a pretty broad grant of power, Mr. Speaker.

Let me read section 8 -
we are not in any hurry, we have lots of time -

MR. ROBERTS: "The Lieutenant-Governor in Council", it says in section 8, "may make regulations a) respecting the method of determining and the frequency of publishing interest rates and the periods with respect to which the interest rates are in effect; and b) prescribing the rate of interest." Now, put those together - and I realize the minister has not read either of them - but putting both of those together, Mr. Speaker, it is obvious that the Cabinet, by this legislation, is taking unto itself a power to establish any rate of interest. They could, as I said, bring in a rate of interest of 100 per cent per day in respect of interest. And this also binds the Crown and so it should, but also this could run against the Crown, it could cost the House a great deal of money, cost the people of the Province a great deal of money through the government.

All I said, in all innocence was to ask the Minister of Justice (Mr. Ottenheimer), who I have no doubt would have given a sensible answer - in that, he is unlike his colleague, the Finance Minister (Dr. Collins), but also the Justice Minister has been known to rise to eloquence, and eloquence, of course, distinguishes

MR. ROBERTS: him from his colleague in Finance, and to rise to wit and humour, neither of which has ever escaped from the lips of the gentleman from St. John's South (Dr. Collins). These are matters which are foreign to him, as foreign to him as the true interests of most of the people of Newfoundland. He has no conception of either.

But, Mr. Speaker, the Minister of Finance takes issue with this. I say it is an issue that ought to be addressed. Should we give the Cabinet this degree of power?

MR. CARTER: Yes.

MR. ROBERTS: Yes, says the gentleman from St. John's North (Mr. Carter), who is no longer a member of the Cabinet, a move which has greatly improved the Cabinet. As lamentable as the caliber of the Cabinet may be, it has been improved greatly by the absence of the gentleman for St. John's North, a significant improvement. Mr. Speaker, the Minister of Justice (Mr. Ottenheimer) might be able to defend this but has not had an opportunity to because the Minister of Finance decided to make a display of himself, to expose himself before the House, which is what he has done. He has exposed himself nakedly, unashamedly, indecently. He has revealed the innermost processes of his mind, and that really is a sorry act, a pitiful act for the Minister of Finance to stand up on this. No doubt when it comes to matters within his professional ken he is well qualified to speak. I do not doubt at all that within the sphere of professional expertise he is a man of some considerable attainment. I do not doubt that at all. It is too bad, I feel, that his professional expertise is not being used by him in this job. Instead he is in a job for which not only has he got no expertise, he has demonstrated a substantial degree of incompetence.

MR. ROBERTS: But the point is that our legislation is appallingly badly drafted, not technically. I said that at second reading; I say it now in this debate on whether or not we should give it a twenty-four hour hoist. It is appallingly badly drafted because the minister as a member of the Cabinet has not read the legislation and has not considered it at any length. The Minister of Justice (Mr. Ottenheimer) may well have done so. The Minister of Justice may well be able to defend this. The Minister of Justice may succeed in persuading us to pass this bill this day, but the Minister of Finance (Dr. Collins), Sir, has not read this legislation. I say that without any doubt.

DR. COLLINS: I did.

MR. ROBERTS: No, Sir. If the Minister of Finance has read it he has read it since it came up in the House. And if he has read it, he has not understood it. But the fact remains that the legislation is appallingly badly drafted, that the ministers, and the officials who act in their name and who answer to them, do not give adequate instructions.

MR. CARTER: Leave staff out of this.

MR. ROBERTS: No, Mr. Speaker. The gentleman from St. John's North (Mr. Carter) has never of the Crichel Down case. Maybe I should take five minutes and tell him about Crichel Down which for his benefit is spelled C-r-i-c-h-e-l D-o-w-n, two words.

MR. CARTER: He has the right to reply, does he not?

MR. ROBERTS: The hon. gentleman may speak in this debate. I hope he will. The hon. Minister of Finance (Dr. Collins) has a right to speak in this debate. I hope he will. And any of my colleagues who wish to speak, or any other members of the House who wish to speak, I hope they will.

MR. CARTER: The staff cannot speak.

MR. ROBERTS: Mr. Speaker, the only people whom we in this House know are the ministry. They answer. They are supposed to be responsible. In some cases they even are. The Minister of Finance (Dr. Collins) if he understands that realizes that when instructions are given on a finance bill, it does not matter whether they are given by him or whether they are given by somebody acting in his name. In fact, I would prefer the latter because the odds are considerably higher that the official giving it will understand what is happening as opposed to the minister understanding what is happening.

MR. CARTER: Do not insult their staff.

MR. ROBERTS: Mr. Speaker, only the gentleman from St. John's North (Mr. Carter) could think I am insulting the staff. He never had a staff who could work with him. One of the reasons he was fired from the Cabinet was his officials went to the then Premier (Mr. Moores) and said, 'Save us from this minister.' You know they had endured much over the years in Education, they had endured a great deal. I will not name all the Ministers of Education, but I will tell you, Mr. Speaker, that the officials in that Department had endured much over the years, but never had they been so sorely tried as when the gentleman -

MR. NEARY: Bingo was his downfall.

MR. ROBERTS: Well now, it was not actually bingo, I say to the member for LaPoile (Mr. Neary), it was the bus regulations. He brought in a series of bus regulations which (a) were unworkable; (b) just about bankrupted the Province, and (c) got every single school board and parent in the Province united against the government.

MR. NEARY: Well, that is how bingo came in. He told them to go out and raise the money through bingo.

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Tape No. 4240

IB-4

MR. ROBERTS:

He told them to go out
and raise the money by bingo. Well, it could have been
by selling savoury.

MR. BAIRD:

I saw you on television
last night.

MR. ROBERTS: I say to my hon. friend from Humber West (Mr. Baird) I am glad he saw me on television, I did not, but I did have a telephone call from my mother to say I needed my hair cut. The hon. gentleman's mother, if the lady still be living, would never have said that about him. Nobody would say the gentleman from Humber West needs his hair cut. In fact, Mr. Speaker, when my friend from Humber West goes to get his hair cut he is charged full fee and he once asked, 'Why am I charged full fee? I have only got a little up here.' And the answer the barber gave, 'That is a searching fee we have to charge you, Sir, not a cutting fee.'

MR. BARID: Only a mother could be so caring.

MR. ROBERTS: I am grateful, on behalf of my mother I concur.

MR. MORGAN: He was on CBC, was he?

MR. NEARY: Yes, they showed The Little Fellow from Gambo.

SOME HON. MEMBERS: Oh, oh!

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

MR. ROBERTS: I can only deal with one heckler at a time, Sir. The gentleman from Bonavista South (Mr. Morgan).

MR. MORGAN: It had to be CBC, If it was negative it had to be CBC.

MR. ROBERTS: Oh, I see. The hon. gentleman from Bonavista South does not like the CBC, That is okay, they do not like him, but they are just reflecting what many people say.

MR. MORGAN: Anything positive they will not carry, if it is negative they will carry it.

MR. SPEAKER: Order, please!

MR. ROBERTS: Well, Mr. Speaker, I do not know if we can really debate that at this stage, but if the

MR. ROBERTS: hon. gentleman would care to put down a motion I would be quite happy to say what should be said on it. The Government House Leader (Mr. Marshall) is looking anxious. I hope he is not going to do the Governor the discourtesy of keeping him waiting because we are not going to be able to finish this Order Paper by 5:30 p.m. today. His colleague, the Minister of -

MR. BAIRD: You should have been here a month ago.

MR. ROBERTS: I should have been and I was.

MR. BAIRD: We did not hear you talking then.

MR. ROBERTS: The Minister of Finance (Dr. Collins) has singlehandedly succeeded in keeping the House opened for an extra day. Now I can tell the House Leader how to get around it. He can simply move that the rules of the House, which say we must rise at 6:00 p.m., be altered for this day. By keeping this open we may get through by 7:00 p.m. or 8:00 p.m. tonight. But the Minister of Finance has chosen to -

MR. BAIRD: You should have been here a month ago.

MR. ROBERTS: I was here a month ago, I say to my friend from Humber West (Mr. Baird). Where was he? More to the point, why was he?

MR. NEARY: He was out looking for the unidentified company that is going to buy Bowater.

MR. SPEAKER (Russell): Order, please!

MR. ROBERTS: Well, there may be. No doubt whatever company is going to buy Bowater is unidentified.

MR. BAIRD: I would say it was more authentic than mushroom growing on Bell Island.

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

MR. ROBERTS: May I carry, Mr. Speaker?

MR. SPEAKER (Russell): The hon. the member for the Strait of Belle Isle (Mr. Roberts) may continue, but I wish he would be a little more relevant to this bill.

MR. ROBERTS: You Honour, with all respect, I am being relevant. This is a motion, We are not speaking on a bill at this stage, we are speaking on a motion. The motion is that this bill be further considered, be read a second time this day twenty-four hours hence, which I guess means tomorrow, and I am giving my reasons why we should have it for tomorrow. I do not think we are going to be able to deal adequately with this today, We were going along quite happily until the Minister of Finance (Dr. Collins) got up.

MR. BARRETT: He dared to criticize you.

MR. ROBERTS: I do not mind the Minister of Finance criticizing me at all. What I do mind -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. ROBERTS: -Sir, is the Minister of Finance criticizing me in a cowardly way when I have spoken in a debate trying to insert himself into it. He is not a man of sufficient gumption. I took him on in a debate yesterday. He had two chances to speak and needed both of them because he still did not come away on top. But what I do mind is him choosing to insert himself into a debate in which he has no ministerial interest, in which he has no professional interest, in which he has no knowledge, in which he has no competence, in which he has no interest of any sort except the right to speak. I do not quarrel with his right to speak.

MR. BARRETT: Are you suggesting that you know it all?

MR. ROBERTS: No, I am not suggesting that to my friend from St. John's West (Mr. Barrett). I have a right to speak, as does he, on any bill, as does the minister.

SOME HON. MEMBERS: Oh, oh!

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

MR. ROBERTS: Mr. Speaker, if my friend from St. John's West had done me the courtesy to listen, he would have heard me say that the minister has the right to speak. What I am questioning is not his right to speak, but the cowardly way in which he chose to insert himself into this debate. Thinking that since I had spoken and have no further right to speak, he thought he would get up and try to do what he could not do yesterday, which was try to best me. He did not.

AN HON. MEMBER: He speaks to close the debate, does he not?

MR. ROBERTS: No, no. This does not close the debate.

AN HON. MEMBER: No. I am saying when he speaks he closes the debate.

MR. ROBERTS: No, the Minister of Finance did not sponsor the bill. We are on this motion. For all I know my friend from Bellevue (Mr. Callan) and my friend from Eagle River (Mr. Hiscock) may want to speak.

MR. MORGAN: We know that. But the Minister of Finance (Dr. Collins) can speak in the debate.

MR. SPEAKER: Order, please!

MR. ROBERTS: Of course he can. He can speak on the debate on this motion too, of course he can. Of course he can, Mr. Speaker. In fact, if he wants to, I would be delighted. If he wants to carry on with this, we will carry on in Committee, because this bill has to go through Committee, and in Committee we are allowed to speak as often as we want, subject, of course, to the

MR. ROBERTS: rules. But the Minister of Finance (Dr. Collins) has chosen this cowardly way to go about it. If he wants to have a public debate, let us go hire a hall. I will bring my friends, three of them, and he can bring all two of his and we will have a debate and we will see who wins. But what we do resent is the hon. gentleman getting up, in pursuit of his undoubted right, and sticking his nose in where he has no business being even though he has a right to be.

MR. BAIRD: Are you speaking on the bill now?

MR. ROBERTS: My friend from Humber West (Mr. Baird) used to grace the Chair of this House and now has been promoted to greater things, whatever they may be. But I should say to him that His Honour the Speaker has established

MR. ROBERTS: that we are speaking on a motion now. We are not speaking on a bill, we are speaking on a motion.

MR. BAIRD: Get on with it, will you?

MR. ROBERTS: I am getting on with it, but I have once in a while to lend a hand to those who need help such as my friend from Humber West (Mr. Baird). And I am all for giving my friend from Humber West a hand, Sir, he has given me a hand on many occasions, an admirable Vice-Chairman. I would think if I have to be Chairman of the Public Accounts Committee and consider whether interest should be paid or not, there is nobody I would rather have as Vice-Chairman than my friend from Humber West.

MR. HOUSE: Show some Christmas spirit.

MR. ROBERTS: I am showing the spirit of Christmas, I am overflowing with Christian charity, and I have the same desire as every other member to get out of this House today. We have sat too long for any good that we did. In fact, we have sat months too long for any good this House has done. All I am saying is that the gentleman from St. John's South (Dr. Collins) no doubt will, as is his perfect right, launch himself into the debate. And my friend from St. John's West (Mr. Barrett) has the right as well to speak. We would gladly hear from him, we would welcome any contribution he cares to make. And then no doubt we will carry on in the normal way. All I am saying is that the Minister of Finance has succeeded in doing what everybody in the House did not want to do and that is to keep the House sitting until tomorrow.

MR. MORGAN: You are the one doing that.

MR. ROBERTS: No, I am simply defending myself against an onslaught.

MR. MORGAN: It is not the Minister of Finance (Dr. Collins) keeping the House open, you are keeping the House open.

MR. ROBERTS: My friend from Bonavista South (Mr. Morgan) and I have had many differences of opinion. Once in awhile we have even agreed, but we have often disagreed, and I would say on this point we should disagree because the Minister of Finance chose to put himself into this debate. Everything was going along hunky-dory. There had been an understanding, Mr. Speaker, that the speeches would be short and to the point, but the gentleman from St. John's South (Dr. Collins) chose to get into the debate and chose to bring up something because he lost yesterday. You have to hand it to him, he is the kind of guy who keeps butting his head against a stone wall, maybe because it feels so nice when he stops, but he had to come back again. All that I said is that there are a couple of points in this bill where I question very much whether the minister had addressed the issues. In fact I said I would suspend judgement until I heard what the Minister of Justice (Mr. Ottenheimer) had to say. The Minister of Finance had to get into it and launch himself into an attack on me, I would say to my friend from St. John's West (Mr. Barrett), for daring to use my right to criticize what this ministry do. Well, as long as I feel that this ministry are doing things which ought to be criticized I shall do so, of course I shall, and so would he, and so would my friend from St. John's West if he sat on this side as well he may one of these days. He may well

MR. ROBERTS: be one of those who survives the cataclysm which will follow. Inevitably the cataclysm will come, whether it comes in the next election or the one after or the one after that, it will come. This government will be beaten, Mr. Speaker, and in my view they should be beaten now. Unfortunately there is no opportunity to do that right now. In a general election they may or may not be beaten. That is up to the people who vote. Mr. Speaker, this bill, as I said, is a good bill. I think the Minister of Justice (Mr. Ottenheimer) should be congratulated. I have no problem with that at all. I raised some serious issues which I have no doubt the Minister of Justice will address seriously and that is what I would expect of him. He is just as capable as am I of political partisanship and just as capable as I am of indulging in rhetoric for the sake of rhetorical exuberance. But I will say the minister will no doubt deal with these issues seriously. I regret that the Minister of Finance (Dr. Collins) has chosen not to deal with them seriously. I regret that he was so ill-advised in his own mind, because nobody else advised him to do it, but I regret that he was so stupid as to feel that he could accomplish something by this except keeping this House sitting until tomorrow, and I fear that is what he has accomplished. In any event, Mr. Speaker, unless anybody else wishes to speak on this motion, let us put the motion - I suspect it will lose - and then we can carry on and the minister will then close the debate. There may be some others who wish to speak. If the Minister of Finance wishes to speak I shall gladly hear him, Sir. He has never yet said anything much but I will gladly hear him, and perhaps while he is at it he can tell us how he managed to be \$20 million out on sales tax returns.

MR. ROBERTS: How can a man with ten fingers and ten toes be unable to estimate the sales tax accurately? There has never been a performance like it in Canada. But, Mr. Speaker, the motion I think has great wisdom and this bill should be considered this day twenty-four hours hence.

MR. CARTER: Sit down.

MR. ROBERTS: I will sit down because I am ready. The hon. gentleman from St. John's North (Mr. Carter) may or may not be ready, that is his problem. I shall gladly hear the Minister of Finance (Dr. Collins). He will excuse me taking a phone call that has been waiting for a few minutes. I shall make that, but I shall hear him on the loudspeakers and in the event he says anything worthwhile we will deal with it later.

Thank you, Sir.

MR. SPEAKER (McNicholas): The hon. member for St. John's West.

MR. BARRETT: Thank you, Mr. Speaker. I think that it is only right to remind the House that the gentleman opposite have used what is generally conceded to be a very appropriate bill in which to delay passage at this particular time. It is unfortunate indeed that they had to use this particular bill to try and accomplish some quasi-political gain, if they feel that that is the case in this. But the unfortunate part of it is the fact that this particular piece of legislation is being held up. The people who are going to suffer from this are not the members opposite, they are the people of this Province who are waiting court awards, awards for damages, and not being able to accumulate any interest considerations as a result of those long delays in awards.

Mr. Speaker, I think I have to suggest that my colleague, the member for St. John's South (Dr. Collins) quite appropriately criticized the member for the Strait of Belle Isle (Mr. Roberts) with respect to what he had to say yesterday. I think it is worthy

MR. BARRETT:

for this House to be reminded that the Orders of the Day yesterday we were debating an Act To Amend The Retail Sales Act, 1978. And I think I might have liberty to actually quote from Hansard because I think it is most appropriate that it be done to put the issue in perspective.

My colleague had rose to be critical of the methods and manner in which the member for the Strait of Belle Ise (Mr. Roberts) used the House of Assembly to directly criticize officials of the Department of Justice ,of this House in formulating legislation. There is no question that the Leader of the Opposition (Mr. Neary) and the member for the Strait of Belle Isle are trying to now suggest that what was said yesterday was not indeed said by the member for the Strait of Belle Isle.

To quote Mr. Roberts as recorded in Hansard, "Now I think this is an appalling piece of draftsmanship. I think that these amendments, I do not know who drafted them, and I do not care, because they are the worst drafted amendments I have ever seen. Section 13 in the bill as it originally stood was an abomination and 14, which is 79 (1), was even worse. The draftsman should go back to law school-if ever he was there." "The draftsman should go back to law school-if ever he was there," There is no suggestion in these words whatsoever that the member was referring to the minister or the filtering process of trying to implant in the legislation the intention of the minister. He is directly assaulting in this House the draftsman of this particular bill, and that is what my colleague, if I understood him right, stood to support, that this should not take place when that gentleman or that lady has not a right to defend himself or herself.

MR. BARRETT: "Section 13 in the bill as it originally stood was an abomination and 14, which is 79 (1), was even worse. The draftsman should go back to law school-if ever he was there," whoever wrote these sections, and I can give them the precedent, but I will say that new section 13 is shameful!"

Later on in his speech he concludes, "I have already advanced my opinion on 13 as it was originally drafted. It was an astonishingly inept piece of draftsmanship." Mr. Speaker, there is absolutely no question that the gentleman referred to the individual, the capability of the individual, and

MR. BARRETT: absolutely nothing and nowhere in his remarks did he ever consider or make reference to the fact that this person was working under the direct order or intentions of any other person. I think that point had to be clarified, Mr. Speaker, and I thank you for the opportunity.

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

MR. HISCOCK: Mr. Speaker, I will be extremely brief on the bill. We find out that everybody is saying good-bye, Merry Christmas and here we are now -

MR. NEARY: Another day.

MR. HISCOCK: - another day and the world goes around and around. The member for St. John's West (Mr. Barrett) said, "An Act Respecting The Award Of Interest On Judgment Of The Courts Of The Province", should not be held up in the House because to do so causes suffering for people awarded damages by the courts in that they would not receive interest. That, Mr. Speaker, is not true. The Minister of Justice (Mr. Ottenheimer) is quite aware, as is everybody else who has read the bill, that it does not come into effect until it is proclaimed. No doubt it would have ended up being proclaimed today, if it were signed, but a delay of one day in itself will not cause suffering. There is nothing wrong with the Opposition asking ministers to re-examine pieces of legislation and how they are drafted.

One of the things that I am rather concerned with has nothing to do at all with draftsmanship, but the instructions of a minister asking for legislation. It is not enough to say, 'Now we want a piece of legislation on Crown land. We want a piece of legislation on the Department of Health or the Department of Education.' The people who end up drafting the bills can only operate on their understanding of the philosophy and the intention that is laid down to them by ministers -

MR. NEARY: And by Cabinet.

MR. HISCOCK: - and by the Cabinet. And I am amazed at times how many straightforward amendments come before the House. Bills should be drafted in such a way as not to have amendments. I remember that the Minister of Municipal Affairs (Mrs. Newhook) brought in a municipal act that was passed as one of the greatest pieces of legislation this government, the Conservative regime had produced in the past twelve years giving larger towns incentives on collecting taxes with the government matching the funds thus raised. But in the very next session the Minister of Municipal Affairs had to come in with major amendments to the original act. That was only passed in one session

MR. HISCOCK: We find out that this happens quite often. The reason for it is what concerns me, because I think we are wasting the energy of the draftsmen in their attempting to follow the philosophy and intent of government and the direction of the Cabinet. By having this motion brought to the floor to postpone debating the bill for twenty-four hours, could result, Mr. Speaker, not only in a better piece of legislation, but maybe the government itself will be a little bit more cautious and a little bit more responsible in bringing in legislation to make sure that it is correct in the first place.

So the member for St. John's West (Mr. Barrett) is not correct in saying that this will interfere with justice and people will not be able to get awards from the courts, because it will not come into effect until it is proclaimed. The other thing is that he attacked the member for the Strait of Belle Isle (Mr. Roberts) saying that he was attacking the draftsmen. If he had paid attention to what the member for the Strait of Belle Isle said shortly before he left, he would have heard the member say that it was not the draftsmen that he was attacking but the philosophy of Cabinet. The draftsmen can only put into legislation what was directed to them. And, as I said, I feel that sometimes direction is lacking, whether it is from incompetent ministers or whether it is from ministers who are not particularly keen on a piece of legislation. I would have to admit myself pieces of legislation are brought into this House at times and if I were the minister I would not necessarily be overly enthusiastic. An example would be the legislation changing the designation of principal of the Bay St. George College to that of president. A piece of legislation like that is really major, and you can go on and on.

MR. HISCOCK: So I can understand sometimes why some of the ministers do not scrutinize some of their bills and some of their amendments and some of their terms, because they are not overly excited about it and it is not a major piece of legislation. But in the meantime, as I said, when the member for the Strait of Belle Isle (Mr. Roberts) talked about the draftsmen it was from the point of view of the philosophy, intent and direction by the government and the Cabinet as a whole. So, Mr. Speaker, in concluding my part on this, I hope that any other pieces of legislation brought in will not have to be deferred for twenty-four hours so that we can study it.

MR. SPEAKER (Aylward): Order, please!
The hon. the Minister of Finance.

DR. COLLINS: Mr. Speaker, I think that the hon. member who just sat did bring up a point of considerable importance. He said that this is a time of the year of goodwill and it is unfortunate that we get into some controversy. However, I just would point out to the hon. member opposite that when I rose a short time ago I exhorted the hon. member for the Strait of Belle Isle that when he made these statements that he endeavour to supply some evidence as to the validity of his statement. That was the burden of my message. It was not in any way, shall we say, abusive. Now I cannot say the same for the member for the Strait of Belle Isle when he rose to reply, I cannot say that his remarks were not abusive. I cannot say that. When I rose, and I can remember my remarks, and they were not abusive. I merely pointed out that the hon. the member for the Strait of Belle Isle has been wont on a number of occasions to make up and come out with categorical statements without

DR. COLLINS: supplying any facts to back them up and which, when one looked into them, very often showed that they were totally empty of contents, and I made that point yesterday. It is unfortunate in a way that we did get into this unseemly squabble, but I do not have any regrets about it even though it is this time of the year, because I think it is important that when people take on the mantle of spokesmen for the people that they be shown in their true colours sooner or later and I think that this has shown indeed the hon. member for the Strait of Belle Isle (Mr. Roberts) in his true colours to some extent. It was a very petulant act on his part to bring in this amendment, a very petulant act, a childish act. He wanted to punish. He wanted to say, 'I will keep this House open. You people over there, how dare you even think that I said something that I cannot back up or whatever. I will punish you. I will do something to you.' I think that it is useful for the people of this Province to see, if there is a person purporting to represent them, exactly the character of a person representing himself in that way. I might add, Mr. Speaker, that when I spoke yesterday about the tendency of the hon. member to do this, I did bring forth some evidence myself. I did point out that he had made statements, I might say on the tube, too, so it was made to a large number of people in this Province, that it was unusual for the AG's report not to be tabled immediately. He said it was the usual thing in Canada for that to be so. And I pointed out to the House yesterday that I suspected that was totally wrong and without foundation in fact. And in actual fact when I had people look into it, canvass the Province, canvass the Federal Government, as I suspected it was totally without foundation. When I made a statement I then backed it up with evidence, and that is what

DR. COLLINS:

I exhorted the hon. member to do. The hon. member made a number of points. I do not think I will answer them all, but one of the things I do have to answer, because I think it was a slur that I do not think I can accept very happily, was he said I took the action I did because I was a cowardly person. In other words, if he speaks and anyone dares to speak and debate the points that he brings up, that is a cowardly act of a cowardly person. I reject that. I certainly will not ask the hon. member to retract that, although I suspect that implying that another member of this House is a cowardly person is unparliamentary. I am not going to ask him to retract that, but I will say I will have my piece and I will say that I consider it my right in this House to debate any point that comes up. I do not care whether the people think it is cowardly or not. I do not think it is cowardly. I do not think my colleagues think it is cowardly and I do not think that the vast majority of the people opposite think it is cowardly. I think that it is a proper right that one exercises and I will continue to do it in the future. I will say this, if any member of the House, the member for the Strait of Belle Isle (Mr. Roberts) or otherwise, makes statement that I think are factually insupportable, if they are of sufficient substance to debate or question, I will certainly go ahead and do it.

SOME HON. MEMBERS:

Hear, hear!

MR. WARREN:

Mr. Speaker.

MR. SPEAKER (Aylward):

The hon. the member for Torngat Mountains.

MR. WARREN:

Mr. Speaker, I was shocked to start off with. Just coming from the fifth floor, Mr. Speaker, of the Confederation Building, I could hear a hon. minister of this House getting up and making such an attack on an hon. member on the opposite side. Mr. Speaker,

MR. WARREN: I believe, Mr. Speaker, that the hon. member for the Strait of Belle Isle (Mr. Roberts) did say that the hon. Finance Minister (Dr. Collins) is a coward. Mr. Speaker, I believe he is a coward. Yes, I believe he is, Mr. Speaker. In fact I believe -

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

MR. SPEAKER (Aylward): A point of order, the hon. the President of the Council.

MR. MARSHALL: Mr. Speaker, that is outside the rules of the House. I mean, it is there plain on page 111 of Beauchesne, that to call another member a coward in unparliamentary and should be retracted.

Mr. Speaker, in raising on a point of order, if that is the purpose of the hon. gentleman is getting up to speak on the amendment that has been proposed, it indicates the purpose of the hon. gentleman there opposite. Now, we had an agreement today whereby the Lieutenant-Governor was informed, and he interrupted his schedule, to come in at five-thirty or six o'clock. The situation is people can judge for themselves whether the petulance of a certain individual has caused this. Mr. Speaker, I just want to advise the House that we are not going to be dictated to or bullied in this government. We have conducted the proceedings of this House in an orderly fashion like it has never been before, from three to six. We will sit from three to six again today, Mr. Speaker, and we do not detract from anyone's right to speak, do not misunderstand that. But we will come back tomorrow if necessary, as it appears to be.

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Aylward): Order, please!

MR. MARSHALL: I have relayed a message to His Honour, Mr. Speaker, with respect to it. As I say, I do not denigrate from anyone's right to speak or to motivated by whatever motivation there may be. But I will say, on behalf of the government anyway, I have conveyed the apologies of the government for any inconvenience that may have been caused to His Honour as a result of the interruption of his Christmas visits. We will proceed accordingly, Mr. Speaker. But the main thing is now I am up on a point of order with respect to the hon. gentleman who is using this debate to call the Minister of Finance (Dr. Collins) a coward. That is out of order and I ask for a retraction by the hon. gentleman.

MR. SPEAKER: To that point of order, the hon. the Leader of the Opposition.

MR. NEARY: Mr. Speaker, first of all let me say that my hon. colleague, the member for Torngat Mountains (Mr. Warren) was about to finish the sentence and the hon. Government House Leader (Mr. Marshall) did not give my colleague an opportunity to finish his sentence. What he was doing was questioning the hon. gentleman's conduct as being cowardly, and that is perfectly parliamentary, Mr. Speaker. You can say that the conduct of a gentleman, a member of this House, is cowardly, and that is what my hon. colleague was about

MR. NEARY: to say when he was cut down -

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: - Mr. Speaker, he was cut down by the -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (AYLWARD): Order, please!

MR. NEARY: - Government House Leader (Mr. Marshall). So as far as bullying people is concerned, Mr. Speaker, there are forty-five members on that side of the House, seven on this side. So who is going to swallow that rubbish about who can bully whom?

Mr. Speaker, when the Government House Leader and myself yesterday talked briefly, when we spoke briefly -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: - about getting the Lieutenant-Governor to come in today, the hon. gentleman suggested around five-thirty, there was no mention of members not being permitted to speak. There was no mention of not being allowed to debate bills as long as you wanted to, no mention of that at all. It was just a suggestion that was put on the Table, Mr. Speaker, I do not know, but if the hon. gentleman wants to call it a deal, let him call it a deal. But I agreed that we would try to close the House today at five-thirty when His Honour the Lieutenant-Governor came in, but there was no mention of cutting off debate on any of these bills. And the governor can still come. The hon. gentleman, if he wants to, knows what he can do.

MR. ROBERTS: The only reason the Governor is not here is because the government told him not to come.

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

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MR. NEARY: if we have to stay here
until Friday it does not make any difference to us. We
have given them a shellacing in this session of the House,
and, Mr. Speaker,

MR. NEARY:

if we need two more days to polish them off, then sobeit.

MR. SPEAKER (Aylward): Order, please!

To that point of order, I rule that there is a valid point of order. I heard the hon. member for Torngat Mountains (Mr. Warren) say, 'He is a coward,' and I would ask him to withdraw.

MR. WARREN: Yes, Mr. Speaker, I withdraw. However, Mr. Speaker, I believe the minister, in all due respects to him, is acting in a very cowardly way.

MR. OTTENHEIMER: Mr. Speaker.

MR. SPEAKER: On a point of order, the hon. the Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, I think really for the continuity of the rules it is necessary to intervene here, and I am sure the hon. gentleman realized somebody was going to. I mean, the hon. gentleman may be the man to be protected the next time. These rules apply to all of us. I think it is quite clear that when one is not permitted to say something directly, one cannot say it indirectly either. I think the hon. gentleman is aware of that.

MR. SPEAKER: Order, please!

To that point of order the hon. member for Torngat Mountains.

MR. WARREN: Yes, Mr. Speaker, I withdraw.

MR. SPEAKER: He withdrew. The hon. member withdrew the remark.

The hon. member for Torngat Mountains.

MR. WARREN: I am sure, Mr. Speaker, that all hon. members on both sides of this House know that the action that the minister has taken and his response to the hon. member from the Strait of Belle Isle (Mr. Roberts) are most unusual. With all respect, Mr. Speaker, it really is a cowardly way to act in this hon. House. All the member for the

MR. WARREN: Strait of Belle Isle (Mr. Roberts) asked was to delay the bill for twenty-four hours.

MR. ROBERTS: All I did originally was ask.

MR. WARREN: That is all.

MR. ROBERTS: I asked two questions to the Minister of Justice (Mr. Ottenheimer) -

MR. OTTENHEIMER: And I have two answers for you.

MR. ROBERTS: - and then the Minister of Finance (Dr. Collins) chose to carry on the debate because of yesterday.

MR. SPEAKER (Aylward): Order, please!

MR. WARREN: Mr. Speaker, it is ridiculous that a minister would try to defend the indefensible. That is what he is trying to do, Mr. Speaker. All we are doing is continuing in this House while the Lieutenant-Governor is in waiting and this has happened year after year, after year. I have only been in this House since 1979 and the House Leader (Mr. Marshall) on that side has continuously tried to bring controversial bills into this House on the last day when the Lieutenant-Governor is in waiting. I think it is a disgrace, Mr. Speaker, and furthermore I believe is lowdown. If the minister wants to save face with members concerned on both sides of this House, the least he can do is hold this bill over for twenty-four hours and then we can get on with the rest of it and have the Lieutenant-Governor come in and close the House.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

I have a motion here moved by the Leader of the Opposition (Mr. Neary) and seconded by the member for Bellevue (Mr. Callan) that this bill be read this day twenty-four hours hence.

All in favour, aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Contrary, nay.

SOME HON. MEMBERS: Nay.

MR. SPEAKER: I declare the Nays have it.

MR. ROBERTS:

It should be noted on division.

MR. SPEAKER (Aylward):

Noted on division.

he will close the debate.

If the hon. minister now speaks

The hon. the Minister of Justice.

MR. OTTENHEIMER:

Thank you, Mr. Speaker.

There are really only three points I wish to make, two of them are replies to questions and one is a very brief comment with respect to the responsibilities or the organization with respect to legislative counsel.

In my opinion, the system that we have in Newfoundland, and it is not unique to Newfoundland, of Legislative counsel is a very excellent one. There is no conflict of interest because legislative counsel in their legislative drafting capacity are responsible to the Minister of Justice - not to the Deputy Minister of Justice or not in the general administrative sense, but obviously everybody is responsible to somebody and they are responsible to the Minister of Justice, but, I point out, not the Deputy Minister. But in

MR. OTTENHEIMER: their function as Clerks at the Table, they are exclusively responsible to the Speaker. They do not obviously refer to the Minister of Justice (Mr. Ottenheimer) in any way in the performance of their parliamentary counselling and clerking capacity.

MR. ROBERTS: Would the minister permit a question?

MR. OTTENHEIMER: Yes.

MR. SPEAKER (AYLWARD): A question, by leave, by the hon. the member for the Strait of Belle Isle.

MR. ROBERTS: I thank the minister. There was no suggestion, the minister will concur, in their role as Clerks at the Table that they take direction from the Justice Minister. The point was a different one. The question would be, if I may ask him, has consideration ever been given to having the legislative draftsman employed by the House - we employ many other people, quite a large payroll, the people who work for the House - and then having them made available to the Minister of Justice for drafting purposes. That is the way it works, I understand, in some jurisdictions. It would be a simple matter of moving the votes from the head, whatever the Justice head is, to the head in which the legislative votes are carried, which, as I recall is Head III. I think it is Head III but it does not matter, it is somewhere in there. Has any consideration been given that? Because that would meet the need. I think the minister and I are of one mind, that it is obviously important that not only must justice be done but justice must be seen to be done.

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

MR. OTTENHEIMER: Mr. Speaker, obviously that can be done. I know the hon. gentleman would agree that in a sense the money is obviously coming from the same place.

MR. ROBERTS: A case of 'Cape St. Mary's paying for all'.

MR. OTTENHEIMER: Yes. But it would be an administrative change of vote.

I am not aware that it has been. You know, the only point I wanted to make was that there is a very strict delimitation of to whom the clerks as clerks are responsible and the same people in their capacity as legislative draftspeople are responsible.

With respect to the two questions asked with respect to the bill: One was to the effect of section 8 and why have the matters respecting the method of determining and the frequency of publishing interests and the periods with respect thereof and for prescribing the rate of interest, why have that governed by regulation rather than put it in the Statutes.

MR. ROBERTS: No, no. Why not put the methodology in the Statutes because the Cabinet has the power to adopt the methodology as well, as the minister will agree.

MR. OTTENHEIMER: The general answer to that, and I should say as related to that, it is the intention to have prime rate as the applicable rate. But with relation to that, it is the government's opinion - and one can always say that there should be as little done by regulation as possible, and I am certainly aware that Statutory instruments do affect great areas. But that is not only in Newfoundland, I suppose, that is everywhere.

MR. ROBERTS: We do not have a Statutory Instruments Committee but we should, really.

MR. OTTENHEIMER: No, that could well be. But in this respect, if, for example, in the methodology it were found that something were inconvenient or inefficient or this or that, obviously the Statute has to be amended.

MR. ROBERTS: We do that all the time, sure.

MR. OTTENHEIMER: We do it all the time, but I really think the hon. gentleman can trust the Lieutenant-Governor in Council in this respect and trust the Cabinet. After all, these are -

MR. ROBERTS: I would trust some ministers further than others.

MR. OTTENHEIMER: - procedures which will be affecting the courts and the general public and the officers of the court, the legal profession. And in case there is an inefficiency in methodology which could be determined after a month or two of operation, because it is the first time we have had pre-judgement interest, then that could be obviously affected or altered through the Lieutenant-Governor in Council much more expeditiously.

MR. ROBERTS: True. True. Do you want to talk about the Matrimonial Property Act, which is a nightmare and needs to be amended in significant ways, as the minister will agree? And I think there will be amendments forthcoming. It is too bad we do not apply the principle equally.

MR. OTTENHEIMER: Well, we do not want to get into a debate on the philosophy of -

MR. ROBERTS: No, no.

MR. OTTENHEIMER: - subordinate legislation, because I think there are certain fundamental things that obviously one should

MR. OTTENHEIMER: not delegate, but I think there are administrative procedures or efficiencies or methodologies which can appropriately be delegated and one has to trust, I suppose, that one is dealing with reasonable, accountable, intelligent people.

MR. ROBERTS: In the case of the minister I accept that, but some of his colleagues I am not so sure.

MR. OTTENHEIMER: Now the other matter was with respect to the designation of the interest rate for judgement or post-judgement interests.

MR. ROBERTS: Does that impinge upon the Judicature Act?

MR. OTTENHEIMER: The Judicature Act at present, and it is under a very general section, 260, Rules of Court and under the various subsections here it is under the most general one that post-judgement or judgement interest is now determined. It is under the most general one, which says that the rules committee may, having been appointed, do this that and the other thing, and is responsible for - and then it is under the most general one generally for regulating any matters relating to the practice and procedure of the Supreme Court or to the duties of the operators thereof or to the cost of proceedings therein.

MR. ROBERTS: But the rules have the force of law.

MR. OTTENHEIMER: Yes. The rules have the force of law. I am told, and I have specifically looked into this matter, that with respect to the legislation which is now before the House, we have here a specific authorization of the Lieutenant-Governor in Council and that there is no probability or possibility of there being a conflict between that and the statutory provision in the Judicature Act. This being a specific statutory authorization whereby the Lieutenant-Governor in Council may make regulations, and it is very specific

MR. OTTENHEIMER: respecting the method of determining and the frequency of publishing, etc., and (b) prescribing the rate of interest.

MR. ROBERTS: Well, 5(2) is sufficiently specific that the rubric that the specific overrules the general will carry it against a challenge.

MR. OTTENHEIMER: I share the opinion, but it is also an opinion I have from people whose judgement and knowledge I respect, that there is no possibility -

MR. ROBERTS: I will accept that.

MR. OTTENHEIMER: - of a conflict and that the bill before the House now, the statutory provision is specific and handles the point that there would be no need in putting in an additional section.

 With that, I move second reading on this very popular bill.

SOME HON. MEMBERS: Hear, hear!

 On motion, a bill, "An Act Respecting The Award Of Interest On Judgements Of The Courts Of The Province," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 91)

 Motion, second reading of a bill, "An Act To Amend The Alcohol And Drug Dependency Commission Act." (Bill No. 65)

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

MR. MARSHALL: Mr. Speaker, this is a relatively routine bill but an important bill nonetheless. It is one that just adds two people to the Commission, two members at large, and provides that they will be

MR. MARSHALL: elected for the term of five years.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I am not sure if elected is the right -

MR. MARSHALL: Appointed.

MR. NEARY: Appointed, that is better. The hon. gentleman got a bit carried away there at the end. The hon. gentleman thought he was a member of a Liberal administration when he said they should be elected. We do not know why they want to add two members to the foundation. We do not know. The hon. gentleman did not tell us why. We do not care if they add twenty-five or fifty, Mr. Speaker, if the Alcohol And Drug Foundation will do the job that it is set up to do. So we are not going to delay the passage of this bill. We support the bill, for whatever reason we do not know.

MR. ROBERTS: We have not been given any reason.

MR. NEARY: We have not been given any by the hon. gentleman who seems to be rush, rush, rush and beside himself these days, Mr. Speaker.

MR. ROBERTS: Why is it retroactive?

MR. NEARY: Perhaps the hon. gentleman can tell us why it is necessary to add two members to this Commission. And why retroactive? Are they already appointed?

MR. MARSHALL: Mr. Speaker, it is just to give broader representation from the general public

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On motion, a bill, "An Act To Amend The Alcohol And Drug Dependency Commission Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 65)

Motion, second reading of a bill, "An Act To Amend The Social Assistance Act, 1977." (Bill No. 82)

MR. MARSHALL:

Mr. Speaker, in the absence of the minister, this is an addition to the Social Assistance Bill which gives the minister the power

MR. MARSHALL:

to enter into an agreement with the Canadian Employment and Immigration Commission, respecting the exchange of names and social insurance numbers of applicants and recipients of social assistance and unemployment insurance. The purpose of the bill, Mr. Speaker, is to enable there to be a free exchange of information between both orders of government with respect to this matter to make sure that somebody -

MR. ROBERTS: Just to (inaudible) and -

MR. MARSHALL: Yes.

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

MR. NEARY: Mr. Speaker, we have no objection to the bill, so we will not delay it. It seems like a sensible thing to do. So, Mr. Speaker, we concur.

MR. ROBERTS: There is only one question if I might.

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

MR. ROBERTS: Can the minister tell us whether the agreement has - and I suspect this just ratifies what has been the practice for some time, but we are all for collecting overpayments of people who have been getting U.I. and Social Assistance together, they are not entitled to both and that is that - does the agreement address the issue of confidentiality? Because what concerns me, and I am sure my colleagues and I suspect the whole House, is the fact of the immense amount of information that goes into these data banks. And we do not have in this Province

MR. ROBERTS: legislation to deal with this. We have a privacy act which has not been tested very well, it may be good when it is tested. But do the agreements address this and, if so, can we be assured that the information will be restricted to the C.E.I.C.

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

MR. MARSHALL: Mr. Speaker, it is my understanding that it is. I am pretty sure it is in the agreement. The hon. member will be, I think, sympathetic with the fact I am not aware. But he raises a very good point, and we will see if it is not in the bill that it is attended to and the rights of people are protected.

On motion, a bill, "An Act To Amend The Social Assistance Act, 1977", read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 82)

Motion, second reading of a bill, "An Act To Amend The Newfoundland Medical Care Insurance Act". (Bill No. 92).

MR. SPEAKER: The hon. Minister of Health.

MR. HOUSE: Mr. Speaker, this act is being amended. A couple of years ago we made optometry an insurable item, and we are just now putting it into the act. Of course, that is the appropriate time to do it because, of course, it has been said by a lot of people of late that we are eroding medicare. And this is just one example of where this government is adding to Medicare by making that particular item, optometry, an insurable item. So clauses 1, 2, 4 and 6 are being amended to put

MR. HOUSE: in the Newfoundland Association of Optometrists the medical association or the dental association.

Now, the other one is consequential on that. Clause 3 of the bill will allow an optometrist, in this particular case, or anybody else deemed by the Commission to refer to a specialist. As is now the case, of course, in this particular act a specialist cannot receive his full fee if the person is not referred. And usually the referrer is a general practitioner. In this case it will allow, of course, for anybody else deemed by the medical commission to refer. And specifically, I think, the reference here is made to optometrists referring to ophthalmologists.

So, Mr. Speaker, I am being looked at to hurry this on. That is what this is all about, to acknowledge in this particular act optometry as an insurable service.

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

MR. ROBERTS: Mr. Speaker, I wonder if the learned gentleman from St. John's East (Mr. Marshall), the Government House Leader, could tell us whether the House proposes to sit beyond six tonight.

MR. MARSHALL: Mr. Speaker, I could say to the hon. gentleman, look, as it appeared about half an hour ago or so, you know, that we would not get through the business and I had to deal with the slings of outrageous fortune, not that His Honour The Lieutenant-Governor is outrageous fortune, but I had advised His Honour not to come in. Now, you know, the fact of the matter is - I have to choose my words very carefully now, I have to be very careful. I mean, it is the government's position that the running of the House should be in such a way that we sit from three to six.

MR. MARSHALL:

And it would not be the intention to sit for very long beyond six if we are going to take the time. But, I mean, if we could just say, 'Stop the clock' and it is a matter of fifteen or twenty minutes or so, fine. But apart from that,

MR. MARSHALL: I think all members will agree that no member of the House wants to inconvenience His Honour.

MR. ROBERTS: Hear, hear!

MR. MARSHALL: So if we could agree on that, on the understanding it would not go much more than fifteen minutes, I would advise His Honour, who is very affable, and I am quite sure he would be able to come.

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

MR. ROBERTS: Mr. Speaker, like the hon. gentleman opposite, I have ever desire to accommodate His Honour, who, of course is -

AN HON. MEMBER: Yes (inaudible)

MR. ROBERTS: I am sorry?

AN HON. MEMBER: Carry on.

MR. ROBERTS: If any hon. gentleman opposite wants a row he can have one as the Minister of Finance (Dr. Collins) found out.

Mr. Speaker, I appreciate what the gentleman from -

SOME HON. MEMBERS: Oh, oh!

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

MR. ROBERTS: I appreciate what the hon. gentleman from St. John's East (Mr. Marshall) says. I understand there is only one bill to be called after this and that is the Wilderness Act - perhaps an appropriate way to end the session. I understand only my colleague from LaPoile (Mr. Neary) wishes to speak on that and I do not think he will be lengthy. I only need about three or four minutes on this Medicare bill. So if the hon. gentleman opposite wishes to

MR. ROBERTS: advise the Governor, I think I am as anxious as he must be to have this clued up, and His Honour may at most end up having dinner a few moments later. Now the Minister of Finance (Dr. Collins) has left the Chamber, that may speed it up too.

MR. SPEAKER (Russell): Order, please! Just before I recognize the hon. the Leader of the Opposition, it is understood that the clock will be stopped for a period of time. Is that agreed?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Agreed.

The hon. member for the Strait of Belle Isle.

MR. ROBERTS: Mr. Speaker, I say to the Minister of Health (Mr. House) that a reasonable minister such as he is deserves a reasonable response and I shall endeavour to give him one. There is a rule in the bible that says, "Do unto others as you would be done unto," and that is a good rule for a minister to follow in the House. The Minister of Fisheries (Mr. Morgan) shows that at times. He is reasonable and affable and open and he gets that kind of response. If he chooses to be contentious, then obviously he expects what he gets. And he would not complain, unlike his colleague the Finance Minister.

Now the adding of optometrists is something with which we are fully in agreement. It has been done for some time in effect, all we are doing now is legislatively tidying up the situation. I suspect the Medicare Commission has been paying optometrists and what we are really doing is ratifying that. In fact, this is one of these cases where I do not understand why there is not a retroactivity clause in the bill. I would have thought this is one where the lawyers would have -

MR. HOUSE: They have been paid, I guess.

MR. ROBERTS: Yes, I say to my friend, the Minister of Health, that I am of the same view as he is, he has different sources than I do, but I think all roads lead to Rome, that optometrists have been paid for rendering the types of services which fall within the insured services definition and I am surprised that the draftsman have not suggested - in fact, they may have suggested - but I am surprised there is no retroactivity in this bill. Because I suspect those payments in the strictest letter of the law have been made unlawfully. But be that as it may, we are all in agreement with it. I would simply ask the minister with reference to clause (3), it adds as I understand it, the words, "by a person authorized by the Commission to refer a beneficiary to a specialist," to the other one. Now this clause (3) it should be noted, which amends clause (24) of the Medicare Act, is the only example in Newfoundland that I can recall where a doctor practicing within Medicare - they have a right to opt out and I believe two or three have -

MR. HOUSE: One.

MR. ROBERTS: Are we down to one only? There were three originally and two have now come back in, have they?

MR. HOUSE: There was only one who opted in. As a matter of fact, the one who is out now never opted in.

MR. ROBERTS: Yes, but there were three originally - I will not name the gentlemen; most of us know them - estimable doctors, but for their own reasons chose not to practice within Medicare. We are now down to one; well, that is interesting.

Now this is a case where a doctor may extra bill, or balance bill, I do not care what you call it, where he may look to the patient, the beneficiary, if you use that term,

MR. ROBERTS: for money, for part payment of the fee. That is what it says, 'The participating patient may make charges against that beneficiary in excess of the amount paid or payable to him.' That is a case where a specialist sees somebody who has not been referred to him. My understanding is that the specialist - there have been no charges made under this, perhaps the minister could confirm it - the specialists have the right to do it but they have never exercised it. Instead they have done one of two things, either they have not seen anybody except somebody referred, usually by a general practitioner, and that makes sense; or they have seen a patient who has not been referred and billed at the GP scale instead of at the specialist scale; they are billed for the service as if they were general practitioners and either of those is acceptable and

MR. ROBERTS: either of those are acceptable and either of those is to the credit of the doctor. This is the only extra billing that is allowed by a doctor practicing within Medicare, which is just about every doctor in the Province. I will not take up the minister on his invitation to debate Medicare. Medicare in this Province has worked exceptionally well. It is one of the provinces in Canada where it has worked well and that is a credit to the doctors, it is a credit to the MCP Commission, Medicare Commission, and it is also a credit to the government that brought it in and the government that administered it then and now. The only problem with Medicare is, as with all the health systems in the Province, it is seriously underfunded, but that is another debate we will have at another time. Can the minister just assure us, if my understanding is correct, that people have not been charged even where they have not been referred by a GP, and, secondly, who are the persons whom the Medicare Commission will authorize to refer a beneficiary to a specialist? That is a very broad term, 'a person authorized by the commission to refer a beneficiary to a specialist.' Could the minister tell us whom the commission have in mind and is that subject to ministerial approval? Again the same issue as the Minister of Justice (Mr. Ottenheimer) and I were talking about, which is how far should we delegate. I have no problem delegating this type of authority but I would be happier if I could be assured that the commission would be subject to the minister's direction. I know their regulations are subject to the minister, in fact, I believe their regulations are subject to Cabinet approval but that is a rubber stamp if the minister recommends them. I am not sure that this falls within the regulations and I have not taken the time, the two or three hours that we would be needed to give an opinion on that point. But perhaps he could address that issue for us.

MR. ROBERTS: Other than that the bill is quite unexceptional, It simply ratifies something which has been done for a number of years and should have been done with the full support of us all. I will not even ask about chiropractors, we will come to that at another time.

Thank you, Mr. Speaker.

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

The hon. Minister of Health.

MR. HOUSE: Mr. Speaker, I guess I will refer to the last question first. It would be done by regulations, The persons authorized by the commission to refer a beneficiary to a specialist, that would be done by the regulation and would have to get approval of the minister, I think, in this particular case.

I am reading Clause 3, of course, as laid out there. It does not have anything to do with extra billing. What it has to do with is the fact that a specialist may see a patient without the patient being referred.

MR. ROBERTS: May he charge?

MR. HOUSE: Yes. Now in that case, of course, he can only charge the amount of a GP.

MR. ROBERTS: He may extra bill the difference between a specialist rate and a GP rate?

MR. HOUSE: I cannot answer that. It says: "Where a participating physician who is a specialist provides insured services to a beneficiary who has not been referred to him by a physician" -

MR. ROBERTS: A or B

MR. HOUSE: - the person we are talking about -

MR. ROBERTS: An authorized person.

MR. HOUSE: - "the participating physician"

MR. HOUSE: may make charges against that beneficiary in excess of the amount paid or payable to him by the commission" -

MR. ROBERTS: That is what I said.

MR. HOUSE: - "to the extend of the charges authorized by regulations made by the commission for that purpose."

MR. ROBERTS: He may extra bill for the difference.

MR. HOUSE: That is the difference.

MR. ROBERTS: Sure he can.

MR. HOUSE: Mr. Speaker, I would question that interpretation. What it is meant to be is that the person can only charge his particular fee if it comes through a physician or through the person authorized.

MR. ROBERTS: True, but what the section authorizes is a specialist to bill the patient directly on the difference of the GP rate and the specialist rate. That is the only occasion where a physician practicing within Medicare may bill a patient directly. I am not counting third party services. They are outside. That is the only occasion in the act where a patient may have to pay more directly.

MR. HOUSE: Well, this is not a change, Mr. Speaker.

MR. ROBERTS: No, I know it is not.

MR. HOUSE: Right. Okay. Well, I cannot get the answer to that now because I would have to -

MR. ROBERTS: No. But I explained all of it to you anyway.

MR. HOUSE: The other thing is about the people who would be referred. Right now we are thinking in

MR. HOUSE: terms just basically of the optometrist. But there are a couple of people we have in the Province, a couple of nurse practioners I can think of, and a couple of other parts of the Province which are served by nurses, for instance, the Grenfell stations where we have these kind of people. The commission may accept these people as being able to refer.

MR. ROBERTS: And the chiropractor.

MR. HOUSE: And the chiropractors, there is no legislation governing them in the Province, but I would suggest at a time when there is that they may be able to look at these as referrals.

MR. HOUSE: Mr. Speaker, I move second reading.

On motion, a bill, "An Act To Amend The Newfoundland Medical Care Insurance Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 92).

Motion, second reading of a bill, "An Act To Amend The Wilderness and Ecological Reserves Act (No. 2)." (Bill No. 93).

MR. MARSHALL: Mr. Speaker.

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

MR. MARSHALL: Mr. Speaker, as I said, a very appropriate bill for the last one.

MR. ROBERTS: As I said.

MR. MARSHALL: Well, we both said it. It is a very appropriate bill.

Mr. Speaker, this bill very briefly results from the recommendations made by the advisory council that has been established with respect to wilderness and ecological reserves. The first section merely gives 120 days instead of 30 days for the advisory council to report to the government with respect to any reserves it has under consideration. Thirty days was too short a period of time to hold the hearings and to do the very necessary things that had to be done. There was a section in the act which said if a reserve had been denied by the council, had been turned down, it could not be considered again. The amendment here allows it to be considered again because, as the council points out, there may even be parts of the reserve that may want to be incorporated into another application.

MR. MARSHALL: And finally, Mr. Speaker, and this is very relevant as well, bird sanctuaries. Although I should not say this, I will: In my opinion, the biggest bird sanctuary existing is probably the House of Assembly today.

MR. CARTER: It is Christmastime now.

MR. MARSHALL: It is Christmastime, the hon. gentleman reminds me.

But it empowers bird sanctuaries, Mr. Speaker, to be designated as ecological reserves and I am sure that that is great news for the pigeons and the Jays and everything. There will be great rejoicing in the wilderness areas tonight.

So, Mr. Speaker, on behalf of the minister, who could have introduced this, I know, much more competently than I, I move second reading.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I believe the only time that the hon. gentleman and myself, I believe there was one other occasion when we agreed this Session, but, anyway, in case there is no other time I have to agree with the hon. gentleman, Mr. Speaker, that this is a very becoming and fitting bill on which to end this Session of the Newfoundland and Labrador Legislature. A bill, 'An Act To Amend The Wilderness and Ecological Reserves Act,' Mr. Speaker, is most appropriate. This session of the House has been for the birds, it has been barren of ideas and plans to deal with the Newfoundland and Labrador economy and the financial mess that the hon. gentlemen there opposite have gotten the Province into. There were occasions, Mr. Speaker, when it was certainly a wild session

MR. NEARY: of the House especially after the Auditor General's report was tabled in this hon. House.

MR. MORGAN: We increased our number by one.

MR. NEARY: We do hope - just for the benefit of the Minister of Fisheries (Mr. Morgan) - we do hope, Mr. Speaker, that when this bill is passed that it will prohibit forever hunting from helicopters or shooting birds or rabbits out of season.

MR. BAIRD: It protects endangered species and Liberals.

MR. SPEAKER (Russell): Order, please!

MR. NEARY: Mr. Speaker, it gives us great pleasure to support this bill, Mr. Speaker, and, as the hon. gentleman indicated, it is a most appropriate way to end the government's legislative programme in this session of the House.

On motion, a bill, "An Act To Amend The Wilderness And Ecological Reserves Act (No. 2)," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 93).

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

COMMITTEE OF THE WHOLE

A bill, "An Act To Repeal
The Ferries Act." (Bill No. 83).

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

A bill, "An Act To Amend The
Crown Lands Act." (Bill No. 74).

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

A bill, "An Act Respecting
The Award Of Interest On Judgments Of The Courts Of The
Province." (Bill No. 91).

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

A bill, "An Act To Amend The
Alcohol And Drug Dependency Commission Act." (Bill No. 65).

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

A bill, "An Act To Amend The
Social Assistance Act, 1977." (Bill No. 82).

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

A bill, "An Act To Amend The
Newfoundland Medical Care Insurance Act." (Bill No. 92).

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

A bill, "An Act To Amend The
Wilderness And Ecological Reserves Act (No. 2)." (Bill No. 93).

MR. CHAIRMAN (Aylward): Shall clauses (1) through (5)
carry?

MR. MARSHALL: Mr. Chairman.

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

MR. MARSHALL: There is just one amendment

MR. MARSHALL: to the schedule, and it is the co-ordinates in the Hare Bay seabird sanctuary. Rather than give North and South, can I just move the amendments that are before the House?

On motion, schedule as amended, carried.

Motion, that the Committee report having passed the bill with amendment, carried.

On motion, that the Committee rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

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

MR. AYLWARD: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed Bill Nos. 83, 74, 91, 65, 82 and 92 without amendment and Bill No. 93 with amendment.

On motion, report received and adopted, Bill Nos. 83, 74, 91, 65, 82 and 92, ordered read a third time, presently by leave.

On motion, amendment to Bill No. 93 read a first and second time, bill ordered read a third time, presently by leave.

On motion, the following bills were read a third time, ordered passed and their titles be as on the Order Paper:

A bill, "An Act To Repeal The Ferries Act." (Bill No. 83).

On motion, a bill, "An Act Respecting The Award Of Interest On Judgments Of The Courts Of The Province", read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 91).

On motion, a bill, "An Act To Amend The Alcohol And Drug Dependency Commission Act", read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 65).

On motion, a bill, "An Act To Amend The Social Assistance Act, 1977", read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 82).

On motion, a bill, "An Act To Amend The Newfoundland Medical Care Insurance Act", read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 92).

On motion, a bill, "An Act To Amend The Wilderness And Ecological Reserve Act" (No. 2)", read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 93).

MR. MARSHALL: Mr. Speaker.

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

MR. MARSHALL: Mr. Speaker, I do not know whether His Honour is here yet, If he is not he is on his way, is he not?

MR. SPEAKER: Yes. He is en route.

MR. MARSHALL: He is en route. Perhaps we could just adjourn for a few moments until His Honour arrives.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Before we adjourn, while we are waiting for His Honour, Mr. Speaker, perhaps it might be a good opportunity for us to express our deep appreciation to a number of people who we feel have worked very hard in this Session of the House. On behalf of the Liberal Opposition I want to express our deep appreciation to the staff of the House and to the staff of the Speaker's office for the excellent co-operation and assistance they have given us. I want to say a special word of thanks to Hansard, to the employees of Hansard because I understand -

MR. ROBERTS: The unsung heros.

MR. NEARY: That is right, the unsung heros.

- a lot of them have not even done their Christmas shopping yet because they have to work here until 7:00 p.m. or 8:00 p.m. in the evenings. And then, Mr. Speaker, there is the Legislative Librarian and her very competent staff who have been most helpful to us. I would like to thank the Opposition staff and my colleagues who have worked very hard this Session, Mr. Speaker, I am sure they are all tired, and the parliamentary press gallery and the gentleman who turns on and off the microphones up there in the corner, Mr. Speaker, who knows all and hears all but is not allowed to say anything. I would like to thank the Pages, the Sergeant-at-Arms and the Commissioners and the member of the Newfoundland Constabulary who have worked so hard this Session.

MR. ROBERTS: That must be the Constabulary's oldest punishment, to sit outside.

MR. NEARY: So, Mr. Speaker, I would like to say a special word of thanks to all these people for their loyalty and dedication to their responsibilities and all those who co-operated and helped us in every way they could, and I would like on behalf of members of the Opposition to

MR. NEARY: wish one and all a very
Happy Christmas and a prosperous New Year, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Mr. Speaker.

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

MR. MARSHALL: Mr. Speaker, we certainly
echo those sentiments. I mean, the hon. gentleman has
certainly covered everybody that we would want to cover,
but I would also like to include as well in it the
Leader of the Opposition (Mr. Neary) and the members of
the Opposition and all members of the House -

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: - certainly all members of the
staff of this House. The hon. the Leader of the Opposition
ended the Session on a very elegant note and he very
eloquently described them all and the functions that
they were doing and I couple with that the press and
everybody. I wish them all a Merry Christmas and a
Happy New Year.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (RUSSELL):

Order, please!

SERGEANT-AT-ARMS:

Mr. Speaker, His Honour
the Lieutenant-Governor has arrived.

MR. SPEAKER:

Admit His Honour the
Lieutenant-Governor.

It is my agreeable duty
on behalf of Her Majesty's dutiful and loyal subjects, Her
Faithful Commons in Newfoundland, to present to Your Honour
Bills for the appropriation of Supply and Supplementary
Supply granted in the present Session.

A bill, "An Act For Granting
To Her Majesty Certain Sums Of Money For Defraying Certain
Expenses Of The Public Service For The Financial Year Ending
The Thirty-First Day Of March One Thousand Nine Hundred And
Eighty-Three And For Other Purposes Relating To The Public
Service". (Bill No. 44)

HON. W.A. PADDON (LIEUTENANT-GOVERNOR): In Her Majesty's
Name, I thank Her Loyal Subjects, I accept their benevolence,
and I assent to this Bill.

MR. SPEAKER:

May it please Your Honour,
the General Assembly of the Province has at its present
Session passed certain Bills, to which, in the name and
on behalf of the General Assembly, I respectfully request
Your Honour's assent.

A bill, "An Act To Revise
The Law Respecting Dentistry And Dental Surgery In the
Province". (Bill No. 26)

A bill, "An Act To Amend
The Accident And Sickness Insurance Act, 1971". (Bill No. 14)

A bill, "An Act To Ratify,
Confirm And Adopt An Agreement Entered Into Between The
Government Of The Province And The Government Of Canada
Respecting The Restructuring Of The Newfoundland Fishery".
(Bill No. 88)

A bill, "An Act To Give Effect To The Convention On The Civil Aspects Of International Child Abduction". (Bill No. 63)

A bill, "An Act Respecting Reciprocal Enforcement Of Custody And Access Orders". (Bill No. 64)

A bill, "An Act To Amend The Public Utilities Act". (Bill No. 28)

A bill, "An Act Respecting Pension Benefits". (Bill No. 7)

A bill, "An Act Respecting The Provincial Archives And The Management Of Public Records". (Bill No. 31)

A bill, "An Act To Amend The Criminal Injuries Compensation Act". (Bill No. 13)

A bill, "An Act To Amend The Fire Prevention Act". (Bill No. 12)

A bill, "An Act To Amend The Local Authority Guarantee Act, 1957". (Bill No. 49)

A bill, "An Act To Amend The Loan And Guarantee Act, 1957, (No. 2)". (Bill No. 77)

A bill, "An Act To Amend The Local School Tax Act". (Bill No. 6)

A bill, "An Act To Amend The Education (Teacher Training) Act". (Bill No. 42).

A bill, "An Act Respecting The Conferring Of Titles And Degrees By Queen's College". (Bill No. 85)

A bill, "An Act Regulating The Granting Of Degrees And Respecting The Operation Of Universities And Other Degree-Granting Institutions In the Province". (Bill No. 68)

A bill, "An Act To Amend The Memorial University Act". (Bill No. 86)

A bill, "An Act To Amend The Department Of Education Act". (Bill No. 5)

A bill, "An Act To Amend The Leaseholds In St. John's Act". (Bill No. 11)

A bill, "An Act To Amend The Law Society Act, 1977". (Bill No. 34)

A bill, "An Act To Amend The Election Act (No. 2)". (Bill No. 71)

A bill, "An Act To Revise The Law Respecting Limited Partnerships". (Bill No. 69)

A bill, "An Act To Consolidate The Law Relating To Compensation To Workers For Injuries Suffered In The Course Of Their Employment". (Bill No. 80)

A bill, "An Act To Amend The Hospitals Act, 1971". (Bill No. 76)

A bill, "An Act Respecting The Registration Of Nursing Assistants". (Bill No. 75)

A bill, "An Act To Amend The Environmental Assessment Act". (Bill No. 73)

A bill, "An Act To Control And Regulate The Distribution And Use of Pesticides". (Bill No. 72)

A bill, "An Act To Amend The Liquor Control Act, 1973". (Bill No. 58)

A bill, "An Act To Amend The Income Tax Act". (Bill No. 55)

A bill, "An Act To Amend The Gasoline Tax, 1978 (No. 2)". (Bill No. 84)

A bill, "An Act To Amend The Income Tax Savings Plans Act". (Bill No. 61)

A bill, "An Act To Amend The Solemnization Of Marriage Act". (Bill No. 78)

A bill, "An Act To Amend The Regulation Of Mines Act". (Bill No. 17)

A bill, "An Act To Amend
The Occupational Health And Safety Act". (Bill No. 16)

A bill, "An Act To Amend
The Labour Relations Act, 1977". (Bill No. 15)

A bill, "An Act To
Repeal Certain Obsolete And Spent Statutes". (Bill No. 27)

A bill, "An Act To
Amend The Newfoundland Human Rights Code". (Bill No. 79)

A bill, "An Act Respecting
Defamation". (Bill No. 70)

A bill, "An Act To Amend
The Newfoundland And Labrador Housing Corporation Act".
(Bill No. 4)

A bill, "An Act To Amend
The Livestock (Health) Act". (Bill No. 22)

A bill, "An Act To Amend
The Natural Products Marketing Act, 1973". (Bill No. 23)

A bill, "An Act To Amend
The Newfoundland Public Service Commission Act, 1973". (Bill
No. 21)

A bill, "An Act To Amend
The Fishing Ships (Bounties) Act". (Bill No. 8)

A bill, "An Act To Amend
The Status Of Women Advisory Council Act". (Bill No. 20)

A bill, "An Act To Amend
The City Of Corner Brook Act". (Bill No. 29)

A bill, "An Act To Amend
The City Of St. John's Assesement Act". (Bill No. 18)

A bill, "An Act To Amend
The Department Of Public Works And Services Act, 1973".
(Bill No. 32)

A bill, "An Act To Amend
The Municipal Grants Act". (Bill No. 52)

A bill, "An Act To Amend
The City Of St. John's (Loan) Act, 1978". (Bill No. 60)

A bill, "An Act To Amend
Certain Acts Respecting Government Departments To Provide
The Power For Ministers To Enter Into Agreements Subject
To Specified Terms And Conditions". (Bill No. 19)

A bill, "An Act Respecting
Certain Powers Of Appointment". (Bill No. 62)

A bill, "An Act To Amend
The Retail Sales Tax Act, 1978". (Bill No. 87)

A bill, "An Act To Authorize
The Lieutenant-Governor In Council To Enter Into An Agreement
With Brinco Limited, Formerly British Newfoundland Corporation
Limited And N.M. Rothchild & Sons Limited And Brinco Mining
Limited". (Bill No. 90)

A bill, "An Act To Repeal
The Ferries Act". (Bill No. 83)

A bill, "An Act To Amend
The Crown Lands Act". (Bill No. 74)

A bill, "An Act Respecting
The Award Of Interest On Judgements Of The Courts Of The
Province". (Bill No. 91)

A bill, "An Act To Amend
The Alcohol And Drug Dependency Commission Act". (Bill No. 65)

A bill, "An Act To Amend
The Social Assistance Act, 1977". (Bill No. 82)

A bill, "An Act To Amend
The Newfoundland Medical Care Insurance Act". (Bill No. 92)

A bill, "An Act To Amend
The Wilderness And Ecological Reserves Act (No. 2)". (Bill.
No. 93)

HON. W.A. PADDON (LIEUTENANT-GOVERNOR): In Her
Majesty's Name, I assent to these Bills.

Mr. Speaker and hon.
members of this House, I would like to wish you all, at
a time when you very obviously need it, a very merry
Christmas and a very happy New Year. And we trust that
you will not be unduly merry, because the House will be
waiting for you again. Thank you.

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

MR. MARSHALL: Mr. Speaker, before
moving the adjournment motion, I just want to explain once
again for the benefit of all members so that they will
know what is the practice of this administration, that
we will be adjourning to a day in February. The purpose
for the adjournment is because in the event that it is
necessary for the House to be recalled, the House can
be recalled without reading a Throne Speech. It would
be intended to prorogue the House at that date, to be
followed very shortly thereafter by the next session of this
House.

MR. MARSHALL: So having said this, Mr. Speaker, I move that this House adjourn, and when the House adjourns today it will stand adjourned until Thursday, February 23rd., 1984, at three of the clock. Provided always that if it appears to the satisfaction of Mr. Speaker, or in the case of his absence from the Province the Chairman of Committees, after consultation with Her Majesty's government that the House should meet at an earlier time than the adjournment, the Speaker or in his absence the Chairman of Committees may give notice that he is so satisfied and thereupon the House shall meet at the time stated by such notice and shall transact its business as if it had been duly adjourned to that time.

On motion, the House at its rising adjourned until tomorrow, Thursday, February 23, 1984, at 3:00 P.M.