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TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
3:00 P.M. - 6:00 P.M.
MONDAY, DECEMBER 5, 1983.

The House met at 3:00 P.M

Mr. Speaker in the Chair.

MR. SPEAKER (Russell): Order, please!

ORAL QUESTIONS:

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

MR. ROBERTS: Mr. Speaker, in the absence of a number of the ministers, we have here seven only of the ministers, we are obviously going to be somewhat restricted, but I wonder if I could ask the President of the Council (Mr. Marshall) who I assume will speak for the Premier in the Premier's absence, whether the government have as yet entered into negotiations with the Government of Canada with respect to the Northern Fisheries Development Corporation and the mechanisms by which it will into place.

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

MR. MARSHALL: Mr. Speaker, you know, there have been talks that have been ongoing with the Government of Canada coincidental with the entire fishery restructuring programme and at the present time these talks are ongoing. I think the hon. gentleman is aware of the position that the provincial government has taken with respect to the Northern Fisheries Development Corporation and he, I believe, is also aware of the fact that there is a certain amount of divergence of opinion apparently in the federal government, certainly in certain of the Newfoundland representatives on the government side of the House. But our position is quite firm and quite consistent with respect to the Northern Fisheries Development Corporation, and we are in the process of discussing the matter with the

MR. MARSHALL: federal government and we hope to see these talks come to fruition in the very near future.

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

MR. ROBERTS: Mr. Speaker, I appreciate the hon. gentleman's answer and I realize that he is not the Fisheries Minister so I could not with reason expect him to be intimately aware of all the details of what goes on between the Minister of Fisheries (Mr. Morgan) and whoever he deals with, but he did not answer my question. I appreciate what he said and I do not argue with it, may I ask the question again and see if the minister - I mean, if he is not able to answer it that is a fair answer in the circumstances. The Restructuring Bill has now become law in this House, although His Honour I do not believe has given it assent, but I think we have put it through all readings here, have we not?

MR. MARSHALL: All stages, yes.

MR. ROBERTS: All stages, and His Honour, I venture to predict, will give it assent, it would cause quite a fuss if he did not, and it has gone through all

MR. ROBERTS:

stages in Ottawa, both Houses, and has received the assent of the Crown there - whether there have been any negotiations with respect to the NFDC?

MR. MARSHALL: Mr. Speaker.

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

MR. MARSHALL: Mr. Speaker, I can tell the hon. gentleman that the Minister of Fisheries (Mr. Morgan) has been in contact with the federal Minister of Fisheries (Mr. De Bane) with respect to it. I have not had an opportunity to check the progress of it since last Thursday or Friday, but I can tell him that the matter is ongoing with his federal counterpart.

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

MR. ROBERTS: I appreciate that, Sir. A supplementary. The Minister of Fisheries will be back one of these days, maybe after Terra Nova. Can the minister give us any indication -

MR. BAIRD: He was here last week when you were not.

MR. ROBERTS: And the member for Humber West (Mr. Baird) is here whether we need him or not and for all that we do need him, he may as well not be here. Now, Mr. Speaker, let me ask the minister if he can give us some indication - and if he cannot, he cannot, obviously - some indication of when these negotiations might come to an end, when we might expect some decision? The issue, I think he will agree, is a simple one; it is simply what agency ought to be the agency to set up and to administer the NFDC? There is obviously a divergence of opinion but that is what negotiations are about.

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

MR.MARSHALL: Mr. Speaker, I cannot say when that would be, but I would certainly hope that the decision and the resolution of it would be made shortly. I would hope within the period of a week or ten days if it is not already made. I can only reiterate what our position is with respect to it and also once again reiterate the real concern that the Province has with respect to the matter and with respect to the way in which the restructuring should proceed with respect to the Northern Fisheries Development Corporation. And I would hope that it would be relatively soon, but I am not in the position to give a definitive answer. A lot of that depends on the course of the negotiations, obviously, and the reactions of the federal minister and the federal government with respect to our position.

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

MR. ROBERTS: That is fair enough, Mr. Speaker, you know, one can start but it takes two to conclude a negotiation.

I will make this the final question. My colleagues have some others and I have some others as well - I have one or two for my friend, the Minister of Social Services (Mr. Hickey), he will be surprised to hear. I wonder if the President of the Council could tell us whether this government have made any representations or proposals to Ottawa since the restructuring bills in each House got through the legislative process and have become law? Has anything gone up from this government to Ottawa about the NFDC?

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

MR. MARSHALL: Mr. Speaker, I believe our position has been clear and I do not think it was necessary for anything further to go up with respect to it. It did require a certain amount of discussion because of the position - and I have to be very careful here because I do not want to say things that are going to affect in any way these discussions, but I think it is a matter of public knowledge that there is a divergence in the position taken by the federal Minister of Fisheries (Mr. De Bane) with respect to this matter and certain of the members on the government side of the House from Newfoundland. So, you know, they are aware, definitely aware of our definitive position. Our Minister of Fisheries (Mr. Morgan) is in contact on a very frequent basis about the matter with the federal minister so, you know, that is all I can really tell the hon. gentleman at this stage.

MR. ROBERTS: Meanwhile, there has been nothing new go up.

MR. MARSHALL: No, nothing.

MR. HISCOCK: Mr. Speaker, a supplementary question.

MR. SPEAKER (Russell): The hon. the member for Eagle River, a supplementary.

MR. HISCOCK: The plants along the Labrador Coast, in most cases, are owned by the provincial government and the Northern cod are coming back in greater quantities than expected but not as great as the scientists had anticipated. If the Province is going to prepare for future stock, the plants in Labrador need upgrading. The federal government have agreed to upgrade these plants on a 50/50 cost shared basis but the provincial government have refused to do this. The federal government have been prepared to assume 100 per cent cost if they get title to these plants, but again the provincial government have refused to grant ownership to them.

Could the President of the Council (Mr. Marshall) inform this House what the provincial government will be doing with regard to making sure that the plants in Cartwright, Williams Harbour, Forteau, Nain, Makkovik, all along the Labrador Coast - the Kirby Commission itself has pointed out that the fishermen along the Labrador Coast receive the lowest per capita income in the Province.

The plants are owned by the provincial government and need to be upgraded. The federal government are willing to do it on a 50/50 basis. What is the Province's position on this?

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

MR. MARSHALL: Mr. Speaker, I congratulate the hon. member on making a great speech and at the same advancing a question. But as the hon. gentleman knows, this is part and parcel of the Northern Fisheries Development Corporation and that is all part and parcel of the negotiations. So I am not in a position to comment on that at this time. I can only tell the hon. gentleman that when we signed the fishery restructuring agreement we had a great deal of hope, and we still have a great deal of hope, with respect to the future of these particular fish plants. Because we saw it as a step for the first time in this Province having a very meaningful say in the development of the fishery not only on the Island of Newfoundland but also these fish plants that the hon. gentleman referred to. And I think it is one of the major steps forward that this government was able to achieve in these negotiations, that we have achieved a greater degree of control with respect to the fishery than at any time since Confederation. We are not by any means going to let this particular agreement and the benefits from that be eroded in any way. We are in the process of discussing that and we will have a definitive position with respect to it. And when the hon. gentleman is making statements like that, I mean, the future of the fishery up there obviously depends upon upgrading of the plants, and we look forward to upgrading the plants through the Northern Fisheries Development Corporation. At the same time, when he mentions the Northern cod and cod stocks, it also very much depends upon the stock that is available and in that connection, the hon. gentleman did not ask me, but I can say that the government has a great deal of concern with respect to the proposed new arrangements that Canada is entering into with respect to

MR. MARSHALL: accessing of fish with the EEC and to that intent the Premier wired the Minister of External Affairs, Mr. Alan MacEachen, last week with respect to that matter very, very clearly pointed out that it is imperative that Canada not enter into any new fishery arrangements with the EEC of a type which had been in place over the last number of years and urging him to bring this into consideration. He points out, I think which is very real, that we should not try to buy access to fish stocks any more in the EEC than we would give Japan the right to mine coal in Canada in exchange for markets for that product. So the hon. gentleman is right when he talks about the fishery in Labrador being very much tied to the fish plants, certainly, and we are in the process of seeing what we can do. We have a very meaningful say in it for the first time, and we are pursuing this particular right at the present time. But at the same time, the hon. gentleman should be aware that the fishery is also very much entwined with the supply and stock of fish and many other factors as well.

MR. HISCOCK: Mr. Speaker.

MR. SPEAKER (Russell): Order, please!

MR. SPEAKER (Russell): Before I recognise the hon. member for Eagle River (Mr. Hiscock) there are two delegations in the Speaker's gallery I would like to welcome. First of all there is a delegation here from Gander representing the Gander Action Committee consisting of two councillors, Councillors Fraser Lush and Eric Dawe and also Sandra Kelly. I would like to welcome these people to the galleries today.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I would also like to welcome a delegation from Birchy Bay, in the great district of Lewisporte, headed by the Mayor Mr. Henry Mews, Deputy Mayor Mr. Wallace Parsons and Councillors Aaron Lake and Alma Pope.

The hon. member for Eagle River.

MR. HISCOCK: My question is to the Minister of Energy (Mr. Dawe). We have heard in this House the concerns of the Minister of Fisheries (Mr. Morgan) and the Premier about plants that do not have enough fish, and we have also heard about allowing foreigners to come in to catch the fish and bring it into the plants. In the district of Eagle River, along the Labrador Coast, we find that we have over-the-side sales when plants are being closed down because of a lack of workers and a lack of fish. We also see in Quebec, the Blanc Sablon area, that the Provincial Quebec Government is building a multi-purpose fish plant there. They are also upgrading the Marine Haulout Centre, and as a result fishermen from Labrador are going up to Green Island and Blanc Sablon, Quebec, catching fish and selling it to Quebec, thereby depriving L'Anse-au-Clair, Forteau, L'Anse-au-Loop of jobs, because these plants are not capable of looking after the over-supply. Also, down in Cartwright, William's Harbour, and Black Tickle this year we have seen those

MR. HISCOCK: plants again close down while we have had over-the-side-sales.

The people along the Coast of Labrador, on the South and the East Coasts, are only asking one thing: While this dispute is going on between the federal and provincial governments, the Province still owns the plants, the question is, Is the provincial government going to upgrade its plants so that we do not have to sell the fish to Quebec, or we do not have to sell the fish to Spanish or Portuguese dragners?

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

MR. MARSHALL: Mr. Speaker, what an astonishing statement for the hon. gentleman to make. I mean, the hon. gentleman is fully aware of the fact that one of the major problems that we have in this Province is the right to our traditional fishing stocks, the right to our natural resources.

MR. MARSHALL: And the marine resources surrounding this Province are natural to this Province and we have as much a right to those natural resources as any other Province has a right to its natural resources. Now when the hon. gentleman starts trumpeting he is not really zeroing in on the real problem with respect to the supply of fish. The real problem with respect to the supply of fish is that it is not recognized by the Government of Canada fully and with all of its import as it ought to be, that the fishery and the offshore for that matter, being marine resources are natural resources to this Province, and for us to be treated equally within the Canadian Confederation that we have to have access to these resources the same way as the Western provinces have access to theirs. So I should think that the hon. gentleman if he wants to address this in a realistic fashion, should address it from that point of view. The very first thing that is necessary before you can build up an industry that there be a supply of fishing stock. And when you have fishing stock being diverted, be it to the EEC or be it to Nova Scotia or be it to Quebec, I think the hon. gentleman as a red-blooded Newfoundlander ought to get up and object rather than just parroting what has happened.

MR. HISCOCK: (Inaudible)

MR. SPEAKER (Russell): Order, please!

MR. MARSHALL: He knows where the control comes and why the fish is being diverted, and I think he should address his question in a much more direct fashion to his friends in Ottawa.

MR. ROBERTS: Mr. Speaker,

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

MR. ROBERTS: Mr. Speaker, if I may ask a question to the Minister of Social Services (Mr. Hickey) who

MR. ROBERTS: I know will welcome the opportunity to talk about the situation in Gander with which, of course, he is so very familiar.

I want to know if the minister could tell us please whether the statement of 23 August 1982 which you will remember is that still the government's policy in this field? The minister, I assume, knows the statement of which I speak, it was his statement, of course. Could he tell us whether that still represents the policy of the administration with respect to this matter?

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

MR. HICKEY: Mr. Speaker, the statement I assume the hon. gentleman is referring to is an announced four year plan. If that is his question, then the information provided at that time is accurate for the most part, I believe, with one variation and that is one home

MR. HICKEY:

expanded and another, which preceded it in terms of priority, namely Harbour Lodge, which was not. It placed Gander in the second year and third on the list. In view of one home which was due for expansion and did not expand in the first year, that left Gander fourth on the list. And that is the position as outlined by me to the various groups in Gander.

MR. SPEAKER (Russell):

The hon. member for the Strait of Belle Isle.

MR. ROBERTS:

Mr. Speaker, I appreciate the minister's answer. There are one or two other questions which grow out of it; could he indicate to the House, please, whether the programme which was outlined in a statement, and his memory is good in that it was a four year programme of which he spoke with the first part coming in '82-'83 and the second part in '83-'84 and the third part in '84-'85 and then the fourth part in '85-'86. I may have slipped a year or gained a year but it was a four year programme and I assume it began in '82, the year in which the minister announced it. Could he tell us whether the programme as he announced it was an annual programme by which I mean in each of four years there were to be done a number of projects - he is nodding acquiescence, but I do not want to put words in his mouth of course - or whether it was a programme which was stated to be one of, "We are going to build, I believe it was, nine expansions or new homes over the next four years and here is the priority beginning with number one and going on to number nine." It was one of those two, I assume, could he tell us, please, which one it was?

MR. SPEAKER (Russell):

The hon. Minister of Social Services.

MR. HICKEY:
part of the question.

I did not get the last

MR. ROBERTS:
us which of the two alternatives was the correct one, one is an annual programme in that we are going to do so many this year and so many next year and so on, or we are going to do nine over four years and here is number one, and here is number six, and here is number nine?

MR. HICKEY:
Mr. Speaker, in terms of the four year package, the four year plan was to be followed in the order in which the homes appeared on the list. And that information was conveyed to Canada Mortgage and discussed with Mr. Ryan by my deputy minister on a number of occasions

MR. HICKEY: so that Canada Mortgage knew clearly what the needs of the department were in regards to provision of long-term care services and also the priority and the order in which those expansions and/or new facilities would come on stream. As the hon. gentleman is probably aware, we have lost a year, all but a year because of no funds being available through the interest subsidy programme as provided for through the federal government.

MR. ROBERTS: Mr. Speaker.

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

MR. ROBERTS: Mr. Speaker, I appreciate what the minister had to say. I had not come to Canada Mortgage but let me ask the minister on Canada Mortgage whether he is prepared to table in the House a copy of the letter which he wrote to Mr. Ryan, to whom he referred, on 6 December 1982? And I ask that, and the minister could perhaps confirm, because if my understanding is not correct the request will not stand, I ask that because I understand it was in that letter that the minister informed Canada Mortgage of the programme. Would he agree to lay that on the table of the House?

MR. SPEAKER: The Minister of Social Services.

MR. HICKEY: Mr. Speaker, it is no problem, I will be glad to table that letter. A number of letters have received wide publicity, and unfortunately some of them received wide publicity in the absence and in isolation of that letter, because that letter informed Canada Mortgage clearly of the order in which expansion was to take place. There was a subsequent letter signed by my Deputy Minister, a very short letter, which

MR. HICKEY: made reference to that original letter to Mr. Ryan and, of course, if that letter is read in isolation from the first one it makes all the difference in the world. I will be glad to table all the correspondence pertaining to the issue, Mr. Speaker.

MR. ROBERTS: Mr. Speaker.

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

MR. ROBERTS: Fine, Mr. Speaker, because I think it is important that the House have all the information. The minister is quite right, the 3rd February letter signed by his Deputy Minister refers to the 6th December letter and whatever is in the 6th December letter may well impinge upon the 3rd February letter. The 3rd February letter is quite categorical, it speaks with particular reference only to Lakeside Homes in Gander and was written in response to a request made by the administrator of the home, Mr. Whately. Now, the minister has told us that the priority list, so called, in the August 1982 announcement was by years. That is how I understand his answer, again if I am wrong I am sure he will set me straight, could he explain to us why the first year there were four listed, and I accept what he says about our having slipped a year behind, that is not the minister's fault, I am

MR. ROBERTS: the minister's fault, I am sure he is as anxious as everybody in the Province to avoid that kind of situation, but could he explain why that of the four one was not proceeded with at all and another was proceeded with in a totally different way? Because, of course, the home at Springdale, which was scheduled to get a ten bed expansion, had, I believe, a thirty-one bed expansion, a significant change, so much so of course as to alter the whole scope of the project, from a ten bed expansion to a thirty-one bed expansion. Could the minister explain that to us, please?

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

MR. HICKEY: Mr. Speaker, I think we should just clearly for record purposes repeat what transpired in the first year: St. Patrick's Mercy Home proceeded or was given the green light to proceed and is now under construction; a six room house in Grand Bank was proceeded with. That was not an expansion per se, but it took up six units through Canada Mortgage; Then there was Harbour Lodge requiring thirty-five; Valley Vista had an expansion of ten initially, but because through innovative means and because of prospects of good prices the board at Valley Vista, in Springdale, were able to produce twice the beds for just a modest sum, I believe \$40,000 or \$50,000, somewhere in that order, double the beds, in other words go from ten to twenty, and it ended up to be thirty-one. I do not have the figures, but from memory there is not a substantial increase, not a great amount of money and the number of rooms and beds that would flow from that construction was certainly very much worthwhile. When Valley Vista was authorized to proceed, there was no knowledge

MR. HICKEY:

and no indication from Canada Mortgage that there would not be funds made available to allow Harbour Lodge to expand. In fact, there has been a statement to the opposite, to say that Harbour Lodge could expand. So there is no changing of priority there.

MR. ROBERTS:

That is the old hotel, is it?

The Halfway House?

MR. HICKEY:

Yes.

Mr. Speaker, it was after the fact that we were told there was a shortage of funding and that Harbour Lodge could not proceed, and a shortage of units by Canada Mortgage. Finally, Mr. Speaker, I might say that the critical agency here, or the critical organization to know the order in which expansion was to take place was Canada Mortgage, not necessarily the Home or the Board of Directors. Because, really, the Board of Directors could not initiate very much unless Canada Mortgage took the first initiative to make the interest subsidy programme reducing prime rate interest down to 2 per cent—unless that initiative was taken, that is the key point in all of this, when that is done it facilitates the Province then in co-operation with the Board of Directors to proceed. But the key point I make is that Canada Mortgage are the key people to know and understand what the order of expansion is and what the priority list is. And it is through that agency that all of those things happen and those initiatives are taken to commence any expansion, or indeed a new home, and Canada Mortgage clearly understood it from day one. And the reason we are a bit behind now is because they ran out of money and had no money up until last month, when somebody found fifty units.

MR. SPEAKER (Russell):
Strait of Belle Isle.

The hon. member for the

MR. ROBERTS:

Mr. Speaker, I do not think it matters, unless Your Honour wishes to make a ruling, whether it is a supplementary or we are on another question, I can play it whatever way Your Honour wishes. Let me ask another question or two of the minister, because we may be getting close to the heart of this matter. What I understood him to say is that until the capital funding is approved by CMHC these programmes cannot go ahead. He indicated that that was

MR. ROBERTS:

the controlling factor, if I understand him correctly; and I am trying to understand him and not to misrepresent the position which he is giving the House.

What I want to know is when the people in Gander, the committee, the board of governors of the home, were told of the fact that CMHC were the crucial factor? When were they told that, please?

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

MR. HICKEY: Mr. Speaker, I do not know when they were told by any of my staff. I suspect they did not need to be told very much about this because they have been in the business for quite a number of years and I am sure I would not want to reflect in any way on any person connected with the board, much less any board member, to indicate that they are not aware of how CMHC functions in relation to expanding their home. They have been talking and planning and hoping for an expansion to that home for a number of years. And I think it would be indeed most unusual for me to assume or to think for a moment that the board of directors at the home in Gander were not aware at any given time during the last number of years that Canada Mortgage was the kingpin, so to speak, that Canada Mortgage was the one to take the first initiative, to make the interest subsidy available, to supply start-up funds which would enable them to do preliminary design and final design and enable them to get into position so as to go to tender. That is exactly what has happened in Gander, that those funds were made available, that the board was encouraged - it is not for me to say by whom, but they were. And that is why I have stated publicly repeatedly, I place no fault,

MR. HICKEY: no blame, none whatsoever on the board of directors in Gander. It is a very unfortunate situation. The fact of the matter is they were encouraged. They were not necessarily given start-up funds by us because we do not provide that, they were by Canada Mortgage when other homes of a higher priority were not.

MR. ROBERTS: Mr. Speaker.

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

MR. ROBERTS: Mr. Speaker, what I read into the minister's answer is that the board, to his knowledge, were never told, he just assumes they know. Would the minister agree that the letter which he wrote to them on the 28th day of September, 1982, if I could interpret the Greek hieroglyphics which represent dates in this new system correctly, as corrected by the letter which he wrote and signed - whether he wrote or not, he signed, it is his letter - on 14 October 1982, would he agree that those two letters tell the board they may go ahead without any reference at all in either letter to CMHC?

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

MR. HICKEY: Mr. Speaker, as I said earlier, a board cannot proceed without CMHC, it is understood. Although CMHC is maybe not mentioned in that letter per se, what I was informing the Gander home of at that time, the Board of Directors was in fact that in the four year plan their institution had been approved for expansion. And what I was also telling them, if my memory serves me correctly- I take it that that letter is to Mr. Sheppard who was then Chairman of the Board.

MR. ROBERTS: Yes. And the other one was to Mrs. Brown.

MR. HICKEY: And what I was saying to the board at that time was outlining philosophical issues with regard to development of chronic care services along regional lines and regionalizing the whole thing and meeting with my staff and a whole range of things. That letter was a very broad kind of letter. It was not necessarily specifically dealing with just the expansion per se, but it was a policy statement as well that I was discussing with the Chairman of the Board and inviting him and his board to sit down with my staff and to approach their expansion based on a regionalized approach which my department have adopted.

MR. ROBERTS: Supplementary, Mr. Speaker.

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

MR. ROBERTS: Mr. Speaker, thank you. Obviously I am not permitted to debate the minister at this stage so I shall not. I will say that the letter in its second sentence says in full: "Extension to your home may commence any time after March 31, 1984", which, I suggest, is not a philosophic statement.

MR. HICKEY: 1983.

MR. ROBERTS: It said 1984, it was subsequently corrected in the second letter to 1983. And that is not a

MR. ROBERTS: philosophic statement. Let me ask the minister - I guess we have one question and one answer left.

AN HON. MEMBER: By leave.

MR. ROBERTS: Well, there will be tomorrow and tomorrow and tomorrow. If the money is not accepted - now the minister has told us, Mr. Speaker, that he does not know whether the board was ever told they needed CMHC, he assumes they knew, and he has confirmed that

MR. ROBERTS: the letters he wrote them which say specifically when they may start do not say this is conditional upon CMHC. He has told us both these things this afternoon.

Assuming that the silly little argument, which is what it is, between the minister and Ottawa does not get resolved, can the minister tell us what happens to that \$1 million that CMHC have, I gather, undertaken to provide to the board of the home at Gander to enable them to build the fifty bed expansion? Is it lost to the Province or what? What happens to it?

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

MR. HICKEY: Mr. Speaker, the hon. gentleman may consider it a silly little argument that I am having with Ottawa, and he can afford that luxury because he sits in the Opposition. If he were the minister responsible for the delivery and the development of chronic care services in the Province, and if he was Minister of Social Services, which he was for a while -

MR. ROBERTS: In fact I set up the programme.

MR. HICKEY: - then he would not indeed take that position at all. He would decry anybody saying it was a silly little argument, he would find it a blatant intrusion into a provincial area of jurisdiction where priorities and a four year plan had been carefully devised and the federal government were coming into the Province scrapping it all, and Mr. Baker was coming into the Province having found fifty units all of a sudden, pulled out of a hat like a magician, a Mr. Baker who has now gone underground, we cannot seem to find him, who has remained silent since the announcement, having pulled his little bag of tricks out in Gander with Mr. LeBlanc, informed sources tell Mr. LeBlanc, indeed, is not

MR. HICKEY: too pleased with Mr. Baker, he having created such an embarrassment for him. The hon. gentleman oversimplifies the issue. What is at stake here is not whether or not this government supports Gander's expansion, we do, absolutely. We also support the expansion in three other geographic areas of the Province where the need is much, much greater, notwithstanding how the Gander people feel. And I have the greatest respect for the feelings of the people of Gander. It is only obvious, it is only natural for the people of Gander to look out for Gander and feel that their town and the facility in their town is top, most important. Who could fault that? I do not. I clearly understand them. All I say, they too have the luxury of the responsibility of looking after and providing services, and do a good job of it, in a particular geographic location of this Province, namely a town. As minister and as a member of this government, I happen to be answerable and accountable and responsible for the development and the delivery of chronic care services to the whole Province, that is the difference.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Russell):

Order, please!

has expired.

Time for the Question Period

MR. ROBERTS:

question 'Tom'.

You never did answer the

PRESENTING PETITIONS

MR. SPEAKER:

Municipal Affairs.

The hon. Minister of

MRS. NEWHOOK:

Mr. Speaker, I am pleased to present to this hon. House a petition in support of the extension to Lakeside Senior Citizen's Home, delivered to me this morning by the Gander Action Committee. It is strongly supported by the residents of Gander, bearing the signatures of 3,250 people. And when one considers that the voting population of Gander is approximately 7,000, it is evident that the request contained in the petition is favoured by nearly 50 per cent of the town. And I would say, Mr. Speaker, that possibly it was favoured by more people than this because a petition, of course, is not always available to all people.

Mr. Speaker, the prayer of the petition reads "WHEREAS there is a need for a major extension to Lakeside Senior Citizen's Home; and
WHEREAS this project has been approved in writing by the Minister of Social Services to proceed any time after March 31, 1983; and
WHEREAS the federal government through Canada Mortgage and Housing Corporation has made construction funds available for a commitment before December 31, 1983; and
WHEREAS the initial preparatory work on the project has been completed;
THEREFORE BE IT RESOLVED that the people of Gander and area petition the Government of Newfoundland and Labrador to withdraw

MRS. NEWHOOK:
extension to proceed."

its objection and permit the

Now, Mr. Speaker, while I have some difficulty with the reference to the approval given by the hon. Minister of Social Services (Mr. Hickey), I do understand the intent of the petition, and I do sympathize with its intent. I commend the dedication and the diligent efforts of the Board of Lakeside Senior Citizens' Home in planning and in being ready with its chronic care extension. I agree that it is an extension that is badly needed, and I know that the government agrees as well. It is a motherhood issue, and I am not surprised that the Gander Action Committee, comprised of some of the leaders of the town, Mr. Speaker, have garnered such a positive reaction to the plea of this petition.

While I understand the position of government, Mr. Speaker, which is that Lakeside Home expansion cannot go ahead, or it should not go ahead rather, ahead of the others prioritized in the four year plan, I do hope and I do pray that because of the present circumstances, which are unprecedented I believe, that this matter may be resolved by both levels of government to their satisfaction, and also to the satisfaction of the people of Gander and to the Board of Lakeside Homes.

Now, Mr. Speaker, I wish to reiterate that this is indeed a very important issue to the people of Gander district. And I submit this petition, Mr. Speaker -

MR. WARREN:

All your support?

MR. PATTERSON: Shut up, boy, and let the woman speak. Shut your yap, over there.

MR. SPEAKER (Russell):

Order, please!

MRS. NEWHOOK:

- to this hon. House to be directed to the attention of government.

MR. SPEAKER:

The hon. member for the Strait of Belle Isle.

MR. ROBERTS:

Mr. Speaker, the hon. lady finds herself in an extremely difficult position, and since it is not one of her own causing, although I may say she knows what to do about it, and in my view should do it, but I have no quarrel with her because it is not one of her own causing, she has been had by her colleagues in the Cabinet and it is up to her entirely whether she puts up with it or whether she does what I would call the manly thing, and I say that in the broad use of the term. There is something she should do and she knows full well what it is. And if she has the courage,

MR. ROBERTS:

which I believe she has, and the belief which I believe she has, and if she has the dedication which I believe she has to her constituents, she will do what is proper.

Mr. Speaker, we support the petition and we support it for the following reasons: The Department of Social Services was fully aware of the situation in Gander. The minister in Question Period today revealed under questions which I asked him, and he was forthcoming, to give him credit, that there is nothing in his press announcement of August '82 which indicated anything about priorities other than annual groupings. And he also indicated that even that has not been followed in that the one in Springdale increased by three times, the one in Carbonear, the Harbour Lodge, did not go ahead at all, and of the four which he announced in year one of the programme only two were done as he announced them. That is point one.

Point two, the Minister of Social Services (Mr. Hickey) revealed that the board of the home were never told in any of the written communications that it was contingent upon CMHC's approval.

Point three we did not get into because time ran out, but I can say it anyway; the board was sent a copy of a letter that had gone to the CMHC saying, "You may go ahead at any time after March 31, 1983", and that is the one that is subject to the December 6 letter which, of course, we have not seen so we do not know what is in that. But the board were told that, and the board had not seen the 6 December letter either.

MR. ROBERTS: Point four, there had been constant meetings between the minister and his officials on one hand, the members of the board and the various committees involved on the other, they were fully aware.

Point five, there is absolutely nothing in the policy statements made by the minister which supports what he is now trying to claim as his priority list, that is just a blatant misrepresentation of what he said originally, a complete change, an attempt to try to justify it.

MR. HICKEY: Do you want to call me a liar?

MR. ROBERTS: I am not calling the hon. gentleman a liar. He may have changed his mind.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. ROBERTS: He may have changed his mind.

MR. SPEAKER: Order, please!

MR. ROBERTS: Mr. Speaker, what I am saying is that what the minister said in the August '82 statement, which he confirmed here today, is at complete variance with what he subsequently claimed. He either changed his mind or he misrepresented. He can take his pick. I do not pretend to know what is in his mind. I only know what he says.

And finally, Mr. Speaker, the real point we are missing in all of this is the need for these beds. Your Honour there are, I am told, twenty patients now in the James Peyton Memorial Hospital in Gander and eight in one of the satellite hospitals, I believe it is Brookfield,

MR. ROBERTS: it may be Fogo, who are chronic care patients. They need continuous nursing care of the type to be provided by these fifty beds. They cannot get it anywhere else. They are now using acute care beds which are costing us in this Province about \$200 to \$300 a day. And at \$200 a day that is \$75,000 a year. And these beds in the chronic care homes in Gander or elsewhere are budgeted at \$2,000 a month, \$24,000 a year, a third of the cost. So we have twenty-eight beds being taken up by men and women who need care, they cannot get it other than in a hospital or in an expansion such as this, and because this money is not going to be accepted, then these people are not going to get it and the result is not only are they getting care in an institution where they could get the same care in another institution, freeing up the beds, but it is costing us in the Province \$50,000 extra per person per year, multiply that by twenty-eight, you have got \$1,400,000. That is the kind of waste we are seeing.

And, Mr. Speaker, finally, because my time is about up, let me say that the entire matter is a silly little game between Mr. Baker on one side and the Minister of Social Services (Mr. Hickey) on the other. It is a silly little game, they are both trying to play stubborn little king of the castle games. Mr. Speaker, what is important is the federal government are prepared to offer \$1 million for a project which had been approved by the government, the minister himself had written and said, "Please go ahead," and now they are not prepared to accept it. It is no more a blatant intrusion into provincial affairs that it is for the Province to accept money from any other source from Ottawa, roads or what have you. It is a silly little game and I simply say in behalf of the petitioners, would the minister please put that aside? Let him fight his quarrels with George Baker.

MR. ROBERTS: elsewhere, let him go ahead and approve that, it is in their programme, let him approve it and go ahead and provide those beds and also free up those acute care beds in the Peyton Hospital, because those we need too, Sir.

Thank you.

SOME HON. MEMBERS:

Hear, hear!

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

MR. HICKEY: Mr. Speaker, of course, it does not come as any great surprise that the member for the Strait of Belle Isle (Mr. Roberts) would like me to set everything aside and talk to Mr. Baker outside of the issue and let us capitulate when Mr. Baker parachutes into Gander for a few hours and makes his announcements through a minister, obviously, who can be led or who can be manipulated as Mr. Baker manipulated him and who is now embarrassed and who is now ready to trade Mr. Baker to God knows where because of the embarrassing situation he has created for him. Is the member for the Straits saying to the people of Placentia, 'You wait for another couple of years,' because Mr. Baker pulled this great boner in Gander? Is that what he is saying? Is he saying to Carbonear, where there are no more beds for the adult mentally retarded in the Province when their parents die, having cared for them for thirty-five and forty years, 'You wait too, and you live in squalor'? because there are no beds, because Gander must proceed, because Mr. Baker has pulled a great trick on the Province.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. HICKEY: Finally, Mr. Speaker, is he saying to the people of Bay St. George, where there is but one institution serving all of the West Coast, West of Corner Brook, to Port aux Basques, down the Coast to Ramea and Burgeo, 'You wait too, for another two years and please let Gander go ahead,' because Mr. Baker pulled his tricks out of the hat? Is this what he is saying? And he talks about playing politics, Mr. Speaker?

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. HICKEY:

What is more blatant partisan politics than that?

Mr. Speaker, let it be clear for record purposes, this minister supports absolutely the expansion of Lakeside Home, and I am not backtracking from any press statement made by me, issued by me in August of 1982. One cannot say everything at a news conference. I outlined a four year plan, issued a list which was public knowledge listing the order of expansion and/or new construction and, Mr. Speaker, we have not changed that to any degree and we cannot change it, because to do so, Mr. Speaker, would be most irresponsible. If we are to listen to or take a leaf out of the book of the member for the Strait of Belle Isle (Mr. Roberts) we will plan our budgeting and make our fiscal arrangements now at the whim of George Baker, and next month after we approve Gander, Mr. LeBlanc will go into Bonavista with Mr. Rooney and he will announce a 36-bed expansion for Bonavista, two years ahead. Well, I wonder would the Gander people support us if the shoe had been on the other foot and Mr. Rooney had pulled what Mr. Baker pulled and had gone to Bonavista, and this minister, on behalf of my colleagues, had approved that kind of tactic? The Gander people would be up in arms and I say, rightly so. But now, the gentleman from the Straits says to me, 'Oh, have your little fuss with Mr. Baker to the side.' No, Mr. Speaker. I say to my friends in Gander as I have said to every single group I have met with including the board, join me in pressuring Mr. LeBlanc and Mr. Baker if he is such a miracle worker, to produce 160 additional units to the 50 that they announced in Gander, and Gander will proceed right now.

SOME HON. MEMBERS:

Hear, hear!

MR. HICKEY:

That is all we have to do, is find the money tree to produce another 160 units.

And Gander, Mr. Speaker, can still be the first, because Gander is ready to go.

Mr. Speaker, let me conclude by saying it is most ironic that Gander is ready to proceed while Bay St. George is not, while Placentia was discouraged from proceeding any further. But we on this side know, I know and my colleagues know - I have informed them - and the people of Gander know, Mr. Baker started his little conspiracy, his little political conspiracy, back in August when he asked my deputy minister, "If I can free up some money to expand the home in Gander in the Fall, will you move Gander from fourth position up to number one?' And now we have seen the results of that effort.

MR. HICKEY: Mr. Speaker, I support the expansion, notwithstanding anything that happens Gander will expand that home will expand in due course and I trust and hope it is very quickly. I have sent two telexes to Mr. LeBlanc, one requesting the funds, and two requesting a meeting face to face anywhere, either St. John's, Ottawa or Timbuktu. I can do no more than that, Mr. Speaker, That is all I can do.

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: Mr. Speaker.

MR. SPEAKER (Russell): The hon. member for Mount Scio.

MR. BARRY: I understand under the rules there is only one member from each side permitted to speak on a petition but by leave of the House I was requested by the representatives from Gander to consider their petition. I have obtained a copy and I have listened to the minister, I have listened to the questions, I was not able to follow, because we do not have all the correspondence before us, the interpretations of various letters that have gone on, but it seems to me that the Minister of Municipal Affairs (Mrs Newhook) finds herself able to present the petition.

MR. SPEAKER: Order, please!

Before the hon. member continues I assume he is asking permission, because it would have to be by unanimous consent of the House, to speak to the petition, so I will have to put the question.

Does the hon. member have leave to speak to this petition? Is it agreed?

SOME HON. MEMBERS: By leave. Agreed.

MR. SPEAKER (Russell): Agreed.

MR. BARRY: Mr. Speaker, I find myself able to, as the Minister of Municipal Affairs has presented the petition, to support this petition. I have looked over it and the thing I am concerned about in this situation, Mr. Speaker, is that we have the possibility of losing badly needed funds for the Province. And I believe if there is any way that we can see the expenditure of dollars this year in this Province, at a time when the rate of unemployment that we have, that we should go out of our way, even if it means that we make our point with the federal government but that we say, regardless of that, in light of the terrible economic conditions we have in our Province if the federal government is going to play their small petty games then we will be prepared, in order to take advantage of these funds, to forego our objection. But, Mr. Speaker, in saying that I have to say I support fully what the Minister of Social Services (Mr. Hickey) has said. This is a shameful approach by federal representatives. Rather than co-operating with the provincial government in seeing that we get the maximum expenditures in the Province, rather than co-operating with the provincial government to see that we get the priorities of this Province met in the degree of urgency that we have in various parts of the Province, we have political games being played. And the same thing is going on here as was pointed out - I do not know if all members saw it, but there were certain answers given in the House of Parliament a few days ago with respect to where federal funds were being spent and you had

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MR. BARRY: the statistics provided by
the federal government itself. I do not remember them
exactly right now but you had situations, for example,
where you have a riding represented by a Progressive
Conservative MP that would have, we will say, a 20
per cent

MR. BARRY:

level of unemployment and a riding represented by a Liberal MP with a 10 per cent rate of unemployment, and instead of these LIP grants and NIP grants and these other short-term programmes to alleviate unemployment, instead of them going two to one Conservative riding or Liberal riding we had the very opposite, we had it shown statistically that money was being spent on the basis of pure partisan politics. Now, that is what is happening in this case. And I do not think that anybody in this Province should forget that. And I only say, Mr. Speaker, that if there is any possible way that we can make that message and that we can also see these funds spent, I think that we should bend over backwards to see that it is done particularly where, if I understand the minister, other homes are not ready to proceed. And this is one that is ready to go.

MR. CALLAN: There are only a few months in the difference.

MR. BARRY: Maybe, I do not know if the minister has gone back to his officials and said, 'To what extent are our priorities going to be disrupted if we do proceed where there is an extension ready to go now?' But I am really bothered, Mr. Speaker, that we in this terrible period in our Province, where we have the unemployment rate reaching unbelievable heights, that we are going to see several millions of dollars not spent when they could be spent and could go toward alleviating the unemployment in our province.

Those are the two points that I wanted to make, that if there is any way that the minister can without disrupting his priority list and without rolling over and just saying to the federal government, you know, do what you want in the future in terms of ignoring provincial priorities, because that is what they have done in this case,

MR. BARRY: then I think we should make every effort to see that these funds are spent.

Thank you.

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

MR. CALLAN: Thank you, Mr. Speaker.

Mr. Speaker, I have a petition to present today. Since the Minister of Transportation (Mr. Dawe) is not in his place I contemplated waiting until he gets back, perhaps tomorrow. Of course, the other obvious reason why I had second thoughts about presenting this petition today is it obviously will get lost in the kerfuffle over the petition that was presented earlier by the member for Gander (Mrs. Newhook).

Mr. Speaker, the petition that I have to present has 742 signatures. And the prayer of the petition, Mr. Speaker, reads as follows: We, the undersigned, humbly petition Her Majesty's Government of Newfoundland and Labrador to allocate funds to continue', and I underline the word 'continue', Mr. Speaker, 'the paving of Highway Number 204 commonly known as the Southwest Arm Road.' That, of course, Mr. Speaker, is in the district of Bellevue. It runs down through Hodges Cove, Little Heart's Ease and seven or eight towns and villages along Highway 204. The prayer says, 'The unpaved section of this road, twenty-two kilometers', which, Mr. Speaker, is about thirteen miles, thirteen of twenty-one, some of it has been done, about seven actually has been done, 'the unpaved section of this road, twenty-two kilometers, serves seven communities, is used by six school buses to transport over 300 students, and the road is the only outlet for a successful fishing operation.' In 1983, Mr. Speaker, alone there was approximately \$4 million worth of fish shipped over this road. 'We ask that this government live up to a commitment made in 1980.' This government made a commitment, Mr. Speaker, in 1980 to complete the paving of Highway 204 section by section and in successive years.

MR. CALLAN: That is the prayer of the petition. As I said, government made an earlier commitment and we just heard in reference to that other petition concerning the senior citizen's home in Gander, Mr. Speaker, we heard about the politics that are being played. Mr. Speaker, we do not have to look to Ottawa, or George Baker or anybody else to see politics being played, we see it right here as it pertains to this particular stretch of highway. Mr. Speaker, we also heard in reference to the other petition about the loss of money from Ottawa. Mr. Speaker, if this government instead of bluffing and electioneering and playing politics with the people of this Province, if this government had signed an offshore agreement with Ottawa years ago, then today we would have had lots of money to pave not only this road but others.

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

MR. SPEAKER (Russell): Order, please! Order, please!
The hon. the President of the Council on a point of order.

MR. MARSHALL: The hon. gentleman is getting into the realm of debate. My understanding is he has got a petition from 740-odd people -

MR. CALLAN: Seven hundred forty two. It is not odd, it is even.

MR. MARSHALL: - with respect to the pavement of a road and he is now getting into the realm of general debate.

MR. HISCOCK: To that point of order, Mr. Speaker.

MR. SPEAKER: The hon. the member for Eagle River to that point of order.

MR. HISCOCK: I presented a petition on Friday in this House asking for power for Norman Bay. The President of the Council (Mr. Marshall) got up and said they would have it if it weren't for all the money that had been spent

MR. HISCOCK: as a result of the Upper Churchill. The member for Bellevue (Mr. Callan) is pointing out the same thing, that if an agreement had been signed on the offshore we would have money enough to carry out the programmes that are needed in this Province. So what is sauce for the goose is sauce for the gander.

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

To that point of order, it is correct that when an hon. member is presenting a petition he should not enter into the realm of debate and should speak only to the prayer of that particular petition. The hon. the member for Bellevue seems to have gotten carried away a little bit, into realm of debate. It may be academic now because his time has expired.

MR. HISCOCK: Mr. Speaker.

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

MR. HISCOCK: Mr. Speaker, I support the petition. I am not surprised that there is nobody on the government side supporting it, because if they supported it this Highway 204 would have been paved long ago.

With regard to this road, Mr. Speaker, when there was a by-election in 1980 the Premier went down - and this was the by-election with the famous letter, vote for a change or vote for nothing - and promised that if they elected a government member they would get the road paved. The end result was that they stood by their principles of Liberalism. Now there are seven miles done and another twenty-two kilometers left to do. The people of Southwest Arm Road to have it done section by section and this government and the Premier - and the Premier always claims

MR. HISCOCK: that he is a man of his word - gave the people of that area a commitment that they would do it section by section. Four million dollars worth of fish is shipped over that road and we hear time and time again about the idea of quality control.

What it comes down to, Mr. Speaker, is whether you can believe what the Premier says. The Premier went down in a general election in St. Mary's - The Capes and said, 'Elect a Conservative member here and we will look after your roads.' He is now out in Terra Nova saying the same thing as was said in Bellevue.

MR. SPEAKER (Russell): Order, please! Order, please!
The member for Eagle River (Mr. Hiscock) in speaking to this petition is certainly not being relevant to the prayer of that specific petition. I would ask him to do that.

MR. HISCOCK: With regard to the prayer of the petition they are asking the Government of Newfoundland and thereby the Premier that when he makes a promise and when he makes a

MR. HISCOCK: commitment that his word be his bond, that it is not made just to win an election and when the seat is filled, on the government side, then forget about it.

So, Mr. Speaker, the Opposition here supports it and we only regret that we are not in government to be able to do something about it. The prayer of the petition, as far as I am concerned, Mr. Speaker, speaks for itself. Over 300 students have to be bused over that twenty-two kilometers of road, and over 4 million pounds of fish are trucked over it. But the basic thing the commitment by the Premier, that it would be done section by section. If his word had been lived up to, it would have been done now. He is out now in Terra Nova campaigning, giving his word, and if the people of Terra Nova go the way he wants them to, he will be saying the same thing to the people of St. Mary's-The Capes or some other place. So, Mr. Speaker, we have found out that this government plays politics with its people and its word means nothing. Thank you, Mr. Speaker.

ORDERS OF THE DAY

Motion, second reading of 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).

MR. SPEAKER (Russell): The hon. Leader of the Opposition adjourned the debate. He is not present at this time so I will recognize another hon. member, otherwise, if the hon. minister speaks now he closes the debate.

SOME HON. MEMBERS: Hear, hear!

MR. DINN: Mr. Speaker, first of all let me say that I thank the hon. Leader of the Opposition (Mr. Neary) for his comments on the piece of legislation and I would like to cover some of the brief comments that he did make. Hon. members will note that I went through just about all the changes that were in the new Consolidated Workers' Compensation Bill. I would now like to comment on some of the remarks made by the Leader of the Opposition when he was here on Friday.

First of all, I believe the Leader of the Opposition covered four basic points: One was that in this piece of legislation there is nothing new; number two the financial status of the Board; number three, the management of the Board; and number four, my interference with the Board. Mr. Speaker, I would like to cover those basic comments because, obviously, the Leader of the Opposition on Friday did not hear my introductory remarks.

With respect to new items in the legislation: The legislation has been changed over the past couple of years and we decided because of the complexities in the act that it needed to be consolidated. One of the things that will be changed when this bill becomes law is the method of calculating the benefits for recipients of workers' compensation, and that is from 75 per cent of gross -

MR. CALLAN: A quorum call, Mr. Speaker.

MR. SPEAKER (Aylward): Order, please!

A quorum call.

Please call in the members.

QUORUM CALL

MR. AYLWARD: Order! There is a quorum present.
The hon. Minister of Labour
and Manpower.

SOME HON. MEMBERS:

Hear, hear!

MR. DINN:

Mr. Speaker, I thank hon.

members for their attentiveness. As I say, I would just like to cover some of the points covered by the Leader of the Opposition, or neglected by the Leader of the Opposition on Friday. He covered four basic points. I was into the first one which was that there is nothing new in this legislation.

Well, the method of calculating benefits is a change and we are now calculating the benefits to recipients of workers' compensation from the 75 per cent of gross formula that was in use to the 90 per cent of net which everybody agrees - the Review Committee when they did the report, the employers groups in the Province having reviewed the Review Committee report agreed that the 90 per-cent-of-net method of calculating benefits is much more equitable. Plus the fact that in 1982 the government saw fit to increase the amount of compensable earnings level to \$45,500, which went up from the industrial composite index which was used previous to that, which was \$21,000, and a recipient at that point in time could receive up to about \$15,500. So that has gone up to \$45,000 and that is the highest, as I said on Friday, that is the highest compensable ceiling level of any province in Canada.

MR. DINN: The other thing that we see changed in this piece of legislation is the disability benefits. The permanent partial disability benefits system which now exists will be replaced by two distinct types and those are, one, that there will be compensation for the degree of earning capacity impairment; and, two, compensation for loss of body function which will go up to the maximum compensable ceiling level.

Also in this piece of legislation there will be a right of appeal. Now, there was a sort of appeal system in place, it operated more or less on an ad hoc basis, right now written into the legislation we will find that an employer or a worker, if he feels that he had not gotten his rights by the people in the Workers' Compensation Board, can appeal and be guaranteed a hearing before the board.

Mr. Speaker, rehabilitation, where we will be expanding the rehabilitation effort of the Workers' Compensation Board and we will be spending a lot more time with respect to getting people back into the work force. We will be introducing with this piece of legislation a merit/demerit system, Mr. Speaker, so that employers who have a good accident experience, or lower rates, will have a lower rate of assessments. Of course, if accident costs are higher the rates will be higher. And that can be done within groups, for example, in the mining industry. If one company operates fairly well and has a lower accident cost ratio their costs can go down, if another company in the same industry has a high accident cost ratio, their assessment can be up. So these things, I believe, are fairly important. Although the bill talks about universal coverage the coverage will not be totally universal, but it will be just about totally universal. Those people who will not be covered under the worker's compensation system will be listed and, of

MR. DINN: course, anyone who wants to, even if they are listed, anyone who wants to take part in or be part of the workers' compensation system simply would have to apply to the board.

Also we have removed discrimination with respect to men and women. A man will get the benefits, for example, if the earning capacity of his wife decreases. So, Mr. Speaker, there are a lot of changes. I covered all of the changes Friday. I thought it was important enough, as a matter of fact, to make very specific notes so that all the changes in the new piece of legislation were covered. I mentioned these because the Leader of the Opposition (Mr. Neary) talked on Friday about the fact that there were no changes in this piece of legislation.

The other thing that I would like to address, and it has been talked about and it has been written about over the past month or so, is with respect to the financial status of the board. Mr. Speaker, I would like to, having gone through part of this piece of information here, I will read some of it and I will table for the information of hon. members the fact that in, I believe December of 1982, the end of 1982, we had an actuarial study done at the Workers' Compensation Board and the actuarial study, of course, proves beyond any shadow of a doubt that everything at the Workers' Compensation Board is in order. For me to read the actuarial report which this is the result of, I mean, this is what hon. members would probably like to go through -

MR. ROBERTS: Is that the full study?

MR. DINN: Well, this is all the information that I have right now. I think this is the report as a result of the actuarial study. It was done by William Mercer Limited of Montreal.

MR. ROBERTS: But is that a report to the minister?

MR. DINN: This is a report to me from the board, as a matter of fact, that is the study, that is the report of the study. Obviously there is a lot more information involved when you do an actuarial and the detail of it is not there, but that is basically -

MR. ROBERTS: I do not want the back-up papers or anything, just the report.

MR. DINN: This is the report. Part 1 - and I will table it for all hon. members - is a review of experience and capitalization tables; Part 2 is the data used; Part 3 pension reserve fund; Part 4 is the evaluation itself, and Part 5 deals with the St. Lawrence miners disaster fund. And according to the report, I do not want to go through the complete report for hon. members because of time constraints,

MR. DINN:

but the report is fairly clear and it will prove beyond any shadow of a doubt that, of course, the Workers' Compensation Board and the fund is actuarially sound.

Now, Mr. Speaker, with respect to the management of the board. There was a lot of to-do here Friday afternoon by the Leader of the Opposition (Mr. Neary) when he talked about the management of the board and, as a matter of fact, the Leader of the Opposition, on October 25th, with his great concern about the board, wrote a letter to the Auditor General and it got fairly wide coverage in the media throughout the Province. So on November 10th I investigated the letter. I obviously knew because all the information is available to hon. members. Most of the information contained in the letter the Leader of the Opposition had is in the Workers' Compensation Board annual report. But he talked in there about many things, amongst which was the fact that the increase in administrative costs was \$700,000 in 1982, the \$10 million Excess Expenditures, Costs over Revenues. So I would like to answer that letter here now because even though I sent a letter and I copied all the media in the Province, it got very little coverage in comparison to the coverage given the Leader of the Opposition. So I want to go through this and I will table it for hon. members' information because some hon. members in the House may not know, may feel, as some people in the general public may feel, that because in the letter the Leader of the Opposition used there was some information in there that was good, the rest of it was basically half-truth and some of it had no validity at all.

So this is the letter to the Leader of the Opposition. I would like to read it into

MR. DINN: the public record of the House because I do not want anything hung over the Workers' Compensation Board as a result of what I consider to be many irresponsible statements in the letter that the Leader of the Opposition (Mr. Neary) -

MR. SIMMS: Did you read 'Steve's' letter first?

MR. DINN: No, I did not, but my letter basically covers what his claims were.

This is to Mr. Stephen A. Neary, MHA, LaPoile, Leader of the Opposition, Confederation Building: "Dear Mr. Neary: Thank you for the copy of your letter to the Auditor General dated 25 October 1983, in which you express some concern about the Workers' Compensation Board. Some of the information contained in your letter was gleaned from the Board's annual report, while much of the remainder should be put into the category of half-truth, which can be dangerous if left unanswered. The following is therefore a response by order of appearance in your letter. The increase in administrative costs of \$700,000 - "

MR. ROBERTS: This is the letter which the minister wrote to -

MR. DINN: To the Leader of the Opposition.

MR. ROBERTS: You sent me a copy, I guess.

MR. DINN: I sent most people a copy but the Leader of the Opposition's letter to me got quite wide coverage in -

MR. ROBERTS: You can carry on. I have a phone call or two to make.

MR. DINN: Right.

"The increase in administrative costs of \$700,000 in 1982 over 1981: You remember, of course,

MR. DINN: there was a strike at the Board in 1981 for approximately four months, during which time 70 per cent of the staff received no salary. As a result of the eventual signing of the new collective agreement, there was a 12 per cent increase in 1982, along with some reclassifications and minor staff changes. That takes into account just about all of the \$700,000. You state administrative costs were 14 per cent of expenditure. Normal practice is to compare costs to revenue. A comparison of other boards in Canada using this procedure ranges from a low of 9 per cent to a high of 14 per cent. Several provinces that I did the investigation on were unavailable. Based on this criteria, our Board's administrative costs were 11 per cent lower than most. Excess expenditures over revenue of \$10 million include \$2.5 million for the Ocean Ranger, \$1 million for the dust study in Western Labrador, much of which has been recovered, and \$5.7 million was increased claims relating to previous years accidents. This is a phenomenon, I found out, which prevailed in most other boards across Canada for the same period and, of course, is of concern to government. You state that your office was informed that the Board's auditors, Doane, Raymond, have expressed in reports concern over management at the Board. This, in my opinion, is totally irresponsible, since no such reports exist, to my knowledge, and I have checked everywhere in the files and I have contacted as many people as I could and, of course, there are no reports available. And these kinds of things are the kinds of things that put a shadow or a cloud over the capable management that is at the Workers' Compensation Board.

MR. DINN: Normally when somebody writes a letter back answering charges like this one would expect a public apology and I state in my letter, you know, 'people in positions of responsibility would normally'- a requirement that a public apology be there. 'But I do not, however, expect a miracle and would hope that people involved would treat the information in relation to its source.'

'The Workers' Compensation Board has no investment in the fishing industry.' The next thing that the Leader of the Opposition (Mr. Neary) talked about was all the investment that government had in the fishing industry and all the money it was losing. 'You should be aware that all investments of the board have to be approved by the Minister of Finance (Dr. Collins) and must come within the parameters of the Trustees Act of Newfoundland.' So that is another totally irresponsible statement in a letter that was published widely in the Province.

'With regard to data processing, you seem to imply that if the board had its work done by Newfoundland and Labrador Computer Services it would be free. You have to know that this would not be the case. The board, along with Doane, Raymond, completed an analysis of the data processing requirements and determined that there would be a saving of \$70,000 per year. There would also be greater flexibility and efficiency if data processing were done in-house. The decision then to have data processing done in-house appears to be a very wise decision indeed.

'You expressed concern regarding the number of trips taken abroad by board members.' Mr. Speaker, these trips were in relation to attendance to

MR. DINN: International Association of Workers' Compensation Boards, Canadian Associations of Workers' Compensation Boards. In 1982 there were three trips to the United States of America in relation to Ocean Ranger hearings in Boston.

Now, Mr. Speaker, when this was being discussed in the House at approximately that time the Leader of the Opposition was saying how he was down in the United States and nobody was down from the Government of the Province, or nobody was down representing the government, or there was nobody down there and complained that he was the only one down there. Well, I would like to inform the hon. the Leader of the Opposition (Mr. Neary) that we did have representatives down to all of these hearings representing the Workers' Compensation Board.

MR. SIMMS: Hypocritical. Hypocritical.

MR. DINN: And the Chairman travelled to Switzerland twice to attend the International Labour Organization conferences. All justifiable one would think. As a matter of fact, he is on a committee -

MR. CALLAN: Is that a political appointment?

MR. DINN: The hon. member for Bellevue (Mr. Callan) might want to know that the Chairman of our Workers' Compensation Board is on an international committee and as a result of being on that committee had to go back the second time.

MR. SIMMS: That is more than the member for Bellevue.

MR. DINN: The bottom line, Mr. Speaker, is that the board is by no means close to bankruptcy, the cash flow position is very, very, very healthy. And in conclusion I said in the letter to the Leader of the Opposition (Mr. Neary), "I thank you for your concern, however, it may not be inappropriate to suggest you check your sources.

MR. DINN: "Members of the House of Assembly have a grave responsibility to ensure that we are accountable for what we say and do and should not abuse the power that people have entrusted to us."

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

MR. DINN: So, Mr. Speaker, that is the second point the Leader of the Opposition (Mr. Neary) made on Friday. There are only two others and I will be very brief. As a matter of fact, there is only one other I believe, and that is interference with the board. The Leader of the Opposition said, "I have letters here in my file that indicate the minister is interfering with the operation of the Workers' Compensation Board and sending letters - "

MR. WARREN: True. True.

MR. DINN: Well, Mr. Speaker, I went through all of the files, all of the letters that I have written back and forth to different departments and Workers' Compensation Board regarding different things and I came up with one letter, one little letter. A constituent of mine, whom I have known for years, found out that there was the possibility of a job at the Workers' Compensation Board.

MR. DINN: had been working with a firm in town -

MR. WARREN: Who is he?

MR. DINN: I am not going to get into the name of the gentleman, that is what the Leader of the Opposition (Mr. Neary) does all the time, he drags out and trots across the floor of this House names of people in private life who cannot defend themselves, trots them out across the floor as if there was something going on, or something sneaky happening.

MR. SIMMS: You made representation on behalf of a constituent.

MR. DINN: On behalf of a constituent. First of all, I called the Chairman of the board one day and said, 'Look, I do not know what the story is here but I have been informed that there is a possibility you might have a position available down there and I understand the gentleman has been in talking to you about the job. He asked me to make representation on his behalf and so I am going to send you a little note.'

MR. WALSH: : That is why the Opposition is so small, they do not look after their constituents.

MR. DINN: Now, did I send a little note and say, you must hire this fellow because he is a friend and constituent of mine?

MR. SIMMS: : That is interference, interference.

MR. DINN: Did I do that? No. I said, 'As a result of the conversation we had on the phone I would like for you to have a look at this chap and see if he meets your qualifications, and I would be very happy if you would consider him.'

MR. SIMMS: Quite reasonable and rational.

MR. DINN: I have written letters to my colleague here, the Minister of Culture, Recreation and Youth (Mr. Simms) -

MR. SIMMS: Right.

MR. DINN: - to the Minister of Municipal Affairs (Mrs Newhook).

MR. WARREN: Did he get the job?

MR. DINN: As a matter of fact he did.

SOME HON. MEMBERS: Hear, hear!

MR. DINN: As a matter of fact, that is one job in four and a half years that I am proud to say was successful, there was that much success with the Workers' Compensation Board. I do not know but he had the job before I wrote my little letter, but that was one success that I can relate to this hon. House as the member for the district of Pleasantville, that I got a job for a constituent.

MR. SIMMS: Tell us about your majority in Pleasantville last time.

MR. DINN: So, Mr. Speaker, that covers all the points brought up by the Leader of the Opposition (Mr. Neary). I realize that I have taken up some time of the House on really what were menial points. The fact that, we will have when this bill is passed one of the best Workers' Compensation system of anywhere in Canada, and Canada has the best system in the world, that is number one, and this bill will bring many of these points about. Number two, the charges made by the Leader of the Opposition (Mr. Neary) are totally, erroneous and false and, number three, it is probably the happiest day of my life, because it has taken about four years from the time that I got in Labour and Manpower to, number one, put Mr. May in place to do a review and then to set up a committee, in 1981, so that that review could be carried out throughout the

MR. DINN: Province and throughout the Workers' Compensation systems across Canada, for that review committee to be discussed and approved, and in most cases mostly all the recommendations were approved by government and, Mr. Speaker, then to get the legislative draftsmen, the draft people at the Workers' Compensation Board and Justice - and I thank all those people who were involved, Mr. Speaker - to bring this bill to the point where it is today. And I hope all hon. members vote in favour of it, because I think it is a great step forward and a great reform for the Province of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. DINN: With that I move second reading.

On motion, a bill, "An Act To Consolidate The Law Relating To Compensation To Workers For Injuries Suffered In The Course Of Their Employment," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 80)

Motion, second reading of a bill, "An Act To Amend The Leaseholds In St. John's Act," (Bill No. 11).

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

AN HON. MEMBER: We are against it.

MR. MARSHALL: Mr. Speaker, anything that is for the good of the people the hon. gentleman will be against. Now this is, I think, Mr. Speaker, a very interesting bill. It is and it will be an opportunity to protect residents of homes from losing them in the city of St. John's by what would seem

MR. MARSHALL:

to be a most unconscionable exercise of their rights and at the same time it will facilitate the purchase of freeholds in the Province of Newfoundland, particularly in St. John's. Now actually it only applies to St. John's.

MR. HISCOCK: The absentee landlords.

MR. MARSHALL: Yes, this is the absentee landlord.

Perhaps I should give a little bit of explanation with respect to it. Many of the properties in the area South of Empire Avenue, and East of Cashin Avenue, and East of Leslie Street have their homes built on land which is leasehold; it is not freehold land that is owned outright forever and a day but it is leasehold. This came about, Mr. Speaker, some hundred years ago, and even before that -

AN HON. MEMBER: You are sure.

MR. CALLAN: Well, I guess so.

MR. MARSHALL: Now, Mr. Speaker, I desire to introduce this bill and, you know, I do not mind banter back and forth, but I do not like idiotic banter like is coming from the likes of the hon. gentlemen. So, I would ask, Mr. Speaker, to have the right to be able to speak.

MR. SPEAKER (Aylward): Order, please!

MR. MARSHALL: If the hon. gentlemen want to ask me a question I will respond to it, but this is a serious matter and I am not going to respond to their inanities.

MR. SPEAKER: Order, please!

The hon. the President of the Council.

MR. MARSHALL: Mr. Speaker, approximately over 100 years ago a lot of the land in this area which had been owned by people who are now absentee landlords was leased

MR. MARSHALL: to people for the purpose of building a home on it. At the time they exacted what they deemed to be a fair rental for the vacant land, and at the same time provided in the lease that the tenants of the land would build a house on it. So they retained the ownership of the land which they rented and the people to whom they leased it constructed homes and residences on the lands, in which they lived. Over the years the homes were built and rebuilt and renovated and they are today occupied by the heirs of the original lessees and by the purchasers from the original tenants. In 1923, Mr. Speaker, by way of history, an act was brought into this Legislature giving the right of people with expiring land leases to purchase the freehold at a rate equal to the fair market value as if it were vacant land. So, in other words, if anyone wished to purchase the freehold of their property, in other words, purchase their land which had been leased to them, they would have to pay the fair market value of same. In 1977 the matter had to be addressed again because there were numbers of these leases that were expiring, and the government considered it at the time, then a bill was brought forth because it was felt that we could not support the fiction that the owners of the homes had to buy their land at the fair market value, as if the land was vacant. Because you see, Mr. Speaker, in fact the land was not vacant, in fact the land was occupied and homes had been built on it and good value had been paid for the homes and a lot of money had been put into them. We could not pretend the houses were not there. Furthermore, Mr. Speaker, the value of the land had at the time, although this was a minor point, but it had escalated way beyond what the value was dreamed to be when these leases were entered into in 1877 and 1880. So, consequently, a bill was brought into this House, which is

MR. MARSHALL: the main bill that this bill now amends, providing that the home owners could purchase their land outright at a figure equal to forty times the annual ground rent. This was deemed to be a fair recompense for these landlords, most of which by the way, pretty well all of them, are no longer resident in the Province, most of them are third, fourth and fifth generations from the original lessors and they are scattered to the four corners of the world. This bill which we have

MR. MARSHALL:

before us now - now that is the history of the situation, the granting of the leases of the land, the addressing of the matter by the government of the day in 1923, the further addressing of it in 1977, and today we have to address the situation again.

Now, as the bill is provided there it has provisions to make the acquisition of these freeholds easier for people. Now, I will get to that in a moment. But I should also point out to the House that since this bill has been printed and introduced in the House we have become aware of some very grave and serious injustices which require further amendments to the bill, not appearing in print but I shall describe it to the House in second reading, because it is our intention to lead in amendments to the bill to cure these injustices.

Now, I might say from the point of view of location as well, that I did not add, most of these homes lie in the districts of St. John's South, represented by the Minister of Finance (Dr. Collins); the hon. Deputy Speaker representing St. John's Centre (Dr. McNicholas); and myself; and I believe the member for St. John's West (Mr. Barrett) has a number of them as well.

The first thing that the bill does, Mr. Speaker, in what is typed and put before the House is, it provides really for the type of proof that is necessary in order to show that the lessor is no longer in the Province and has not appointed an attorney. In that case the Registrar of the Supreme Court may sign in the place and stead of that person receiving the forty times the annual ground rent and holding it in trust for whoever can rightfully claim it.

MR. MARSHALL: This bill also provides for cases which have also resulted where the lessors actually reside in the Province but refuse to convey, refuse to sign the conveyance for forty times the annual ground rent. Here again this amendment to the bill provides that the registrar of the court may do so upon complying with certain procedures.

MR. WARREN: What homes are you talking about?

MR. MARSHALL: Oh, there are a lot of homes. There are a lot of them really in this particular area, Gower Street, Bond Street, Leslie Street, Casey Street, and many other streets I could name.

Now, a new problem has arisen, Mr. Speaker, and a very serious one has been drawn to our attention since the bill was entered into and government intends to lead amendments to it in Committee to deal with it. And this is the case of the expired lease and actions having been taken for possession, to disposses the people who are living in the homes. Now I can quote two specific examples. Of course I will not use names because I do not want to embarrass the people concerned, but I do wish to put it directly before this House as to the problem.

One is the case of a lady who is a widow, who purchased a property in this section. I will not name the street, but one of the streets in this area. She and her late husband purchased the property many years ago and they have resided there since. The land had been leased for a term of eighty years and the lease expired in 1973. The ground rent was paid up to 1979 so the agents for the lessors, even though the lease was expired, had accepted the rental up to 1979. The lady's husband has passed

MR. MARSHALL: away, she is an invalid, she suffered a stroke some years ago, and she is up in years at the present time. Now, Mr. Speaker, what has happened here is because the lease has expired the agents for the lessors are now claiming her house, are threatening to take an action to dispossess her of the house claiming that they own it; because the lease is expired they own the land and whatever is on the land belongs to them. Now, that is the position being taken by the present representatives of the lessors against the owner of the premises.

I might say that the present lessors represent the fourth generation of the original lessor, the great, great grandnephew and nieces I think they are; they do not live here, one lives on the West Coast of the nation, in BC, and the other lives in one of the states. There are other instances where people live in New Zealand, they are all over the place, everywhere.

Another case, Mr. Speaker, again involves another lease which expired in 1973, and again these people had requested from the agents for the ground

MR. MARSHALL: lessors some time ago that they be given the freehold and the request was ignored. Subsequently, in recent time, there has been an actual action taken in court to have them dispossessed of their premises, let the building go with the land, and have them ejected from the premises.

Now, Mr. Speaker, I suggest to you that that is , as I say, a very serious situation which no government can allow to come into effect and be carried out. So we will be leading into the Committee of this House an amendment which in effect will extend all these leases for a period of three years, until the end of December, 1987, in which period of time the present owners will continue to have exactly the same right as they had before, that is to purchase the freehold at an amount equal to forty times the annual ground rent.

This right to purchase the freehold, you see, applies only where there is residential use, and that is forty times the annual ground rent. If it is for commercial use they have to pay the fair market value. But if it is residential use, there is a legitimate distinction, and in that case it is forty times the annual ground rent.

MR. NEARY: How much would that be?

MR. MARSHALL: Well it varies. Sometimes the rents are, say, \$25, so they pay \$1,000, and the feeling is the landlords are well recompensed for that because, if they take \$1,000 and invest it at 10 per cent, that is \$100 a year, where for the last hundred years all they have been getting is \$25, less the amount that is being deducted for municipal taxes. So we think it is a fair compensation. We have checked it before the bill was put in and asked various people, including one very elderly practicing solicitor who is now really not practicing who had a lot of

MR. MARSHALL: experience with these ground rents, and he felt that forty times the annual ground rent was a fair recompense and it certainly is because, as I say, invested the money can yield four times the amount that they are now getting.

So, Mr. Speaker, we are also going to put in an amendment here as well to clarify the situation that residential occupancy will be deemed to be residential occupancy even though the owner of a home now may have rented it. Once it has been used for residential occupancy, the whole criterion has to be residential occupancy.

MR. ROBERTS: Would that apply if he lived in it (inadible) or, as I understand now, commercial landlords?

MR. MARSHALL: Yes, it is going to extend to commercial landlords provided the use of the property is for residential purposes.

MR. ROBERTS: So if a guy owns a building that has three apartments in it and they are all residential, if I own the leasehold interest I can get freehold for forty times the ground rent?

MR. MARSHALL: Yes.
You see, there are certain people who have owned their homes and they are renting them so it is very difficult to distinguish between one and the other.

MR. ROBERTS: That is the problem. There are a lot of people who own them as an investment, too.

MR. MARSHALL: We realize that, but we feel that it is a fair recompense. You know, if it is residential in character, that it is going to be forty times the annual ground rent. When this original bill was brought in there were people who raised

MR. MARSHALL: this buiness of the right of the person to own property and complained that this was a compulsory expropriation of their land.

MR. ROBERTS: The legislation can do that anyway.

MR. MARSHALL: Yes, the legislation can do that. But we feel that this is a fair provision because I think it has to be considered that the original landlord created the situation. What the original person did when he leased the land, he leased it for the purpose of constructing a building on it. And even though, I suppose, technically in law the building goes with the land, so he still owns the land technically in law, I think that really is a recognition of a fiction. I mean, you cannot deny the fact that the house has been there, the house has been there in some cases for a hundred years, in some cases it has been built and rebuilt over a period of time, so it was the landlord who originally set up this particular situation where he created another interest in that land other than his own interest.

MR. MARSHALL:

We also figure, as I say, that they are more than adequately recompensed. We are talking about payment to third and fourth generations, although that is not necessarily a factor because that is an incident of property law or any law, the right of ownership, but the fact of the matter is many of these people, as I say, are scattered to the four winds and as a matter of fact some of the ground rents are so small that they are not interested in signing any papers at all with respect to it. And that is why we have to set up the Registrar of the Supreme Court to act in order to be able to ensure them good title.

Some may argue,

'Well, why did you not leave it as it was where it is a fair market value as if it were vacant land?' That is going to still pertain to commercial premises, but with respect to residential we feel that it is very, very unrealistic. I mean, you just cannot pretend that the house does not exist when in actual fact the house exists on the property. And it is not a fair means of determination of the amount that should be paid in order to gain the freehold, particularly when you consider the escalating values, particularly when you consider situations that have arisen, as has arisen in the specific cases I have referred to and drawn to the attention of the House, in which case the widow in this home, you know, has been asked to purchase back for the second time her house and her land. I mean, it would be the most unconscionable exercise. Legitimate right, certainly it may be a legitimate right, but it is an instance where the law is wrong and it results in a rank injustice, and the law should be changed and the appropriate place to change it is this Legislature, and we are now doing it.

I have already covered the point as well in answer to the complaint that was made by some people

MR. MARSHALL: acting for landlords, but the fact of the matter is that for the people living in such circumstances the greatest investment in this land is surely in the homes, homes that have been rebuilt and renovated over a period of time. There has been a tremendous amount of money spent by the people who are residing there. I do not think any government or any legislature with any social conscience could fail to recognize the legitimacy of this measure and the protection of the rights it affords to people who should be protected. Where there is an instance where the application of the law is so unjust that it causes an injustice in itself, it obviously must be changed, and in my opinion this is an instance where this Legislature is really the final court to resolve such matters.

Before recommending passage of this bill, though, I cannot help but note what may happen in the future. If property rights are included in the Charter of Rights, then we will get a situation where the determination of the justice or correctness of what have you of a measure such as this will not lie within the lands of the legislature, but will lie in the hands of the court, and I just wonder and muse as to whether this is correct. We hear a great deal about the Charter of Rights and what it has done, that it has transferred a lot of jurisdiction to the courts. I particularly noticed the other morning on CBC, on that five minute editorial that comes on at about ten to nine in the morning where normally they enlist the aid very often of university professors and what have you, this university professor eulogizing the Charter of Rights and bemoaning the fact that Alberta has talked about opting out of it. And to hear him talk you would swear that no rights existed before the Charter of Rights was implemented by the

MR. MARSHALL: federal and the provincial governments. The rights, of course, did exist and it is a very moot point as to whether a single judge should be the absolute determinant of these rights or whether it should be the legislature. Certainly with respect

MR. MARSHALL: to some rights they should be. Obviously, the right to life and the right to freedom of association are rights that nobody would debate their application and they should be applied out of hand. But when you come to extend it, I think you have a case where you are, instead of the elected people responding to concerns, as we have right here, of citizens, what you are going to do is leave it to one single judge and, Mr. Speaker, I would any day rather - even with what I say about the hon. gentleman there opposite - I would any day rather have this type of determination made by people who are duly elected rather than one single person who is appointed, and very often is out of the mainstream of association with people to the degree that the elected representatives are.

But that is just an aside.

I apologize to the House for not having the full bill before them. I give notice that there will be amendments. The reason why the amendments were not in the bill as originally drafted was that the injustice that has been presented to us only occurred and was drawn to our attention within the past week or ten days where we have indications that actual writs have been issued in the Supreme Court of Newfoundland to -

MR. ROBERTS: Who raised the issue, solicitors or individuals?

MR. MARSHALL: Solicitors on behalf of their clients. But, you know, it is, I think, a patent injustice and that is the reason why we are bringing it in. Now, in capsule form, leases will be extended to, I believe, December 31, 1987. Those people will be entitled to purchase at forty times the annual ground rent the same as if the lease was in existence. The landlords will be forced to

MR. MARSHALL: sign. If they do not sign, the Registrar of the Supreme Court can sign for them. And after that period of time, after we have had an opportunity to consider it more fully, perhaps what we may consider doing by the time December 31, 1987 comes along, instead of allowing landlords - I do not think we will ever allow landlords just to take over somebody's house - instead of extending it with notice of what we are doing now, and hopefully most people will act on it, but realizing that some people may not be aware of the law or in a position immediately to take advantage of it, then instead of extending it - although we may extend it - we may bring in a provision permitting the landlords to give, say, six months notice of their intention to cancel the lease, within which time the tenant can purchase at forty times the annual ground rent. But that is not what we are bringing in now. What we are doing now is an extension to 1987.

So, Mr. Speaker, with those words, I will listen to any comments that members may wish to make with respect to it and I will endeavour to answer any questions that they may have.

MR. ROBERTS:

Mr. Speaker.

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

MR. ROBERTS: Mr. Speaker, we are launching into a very wide subject indeed if we launch into the question of whether in our society, in Newfoundland or in Canada, the rights which are ours are to be vested in the courts for their final determination and enforcement or whether they are vested into the legislature. I listened to what the hon. and learned gentleman from St. John's East (Mr. Marshall) had to say and I can see some merit - I am talking now about the property amendment that is being spoken of for the Constitution, an addition, I understand, to the Charter of Rights to say that we hold property next to life itself. There is a wording around, in fact, the Government of Canada, I believe at one stage said they would be prepared to go along with if a sufficient number of provinces indicate that they want to. We are going into a very wide field, and I listened to what the hon. gentleman had to say and I am not sure I agree with him, there is some merit in what it says, I am not sure that it is terribly close to the subject matter of this debate, it certainly raises some very large philosophical issues. I am surprised that the hon. gentleman, holding as he does political views which can only be classed as reactionary, who makes - the name of a reactionary Tory? Let us take Enoch Powell, generally regarded as being well on the right of the Tory party in the UK, who I believe lost his seat in the North of Ireland in the last election - who makes Enoch Powell look like a flaming, flat out radical, an apostle of progress compared to the hon. and learned gentleman from St. John's East, and here he is going against a doctrine, which I am told the rock-ribbed Conservatives hold as a tenet of life itself, and I find that passing strange. But, then again, any Cabinet that can contain

MR. ROBERTS: the gentleman from Waterford - Kenmount (Mr. Ottenheimer) and the gentleman from St. John's East (Mr. Marshall) shows me that politics does indeed make strange bedfellows, strange seat mates, and I suppose that in that kind of world I should not be too surprised if the hon. and learned gentleman from St. John's East has now renounced one of the very prime tenets in the current Conservative creed. And, of course, the Conservative creed changes. If you were to read the speeches, Your Honour, of Gladstone, take his Snowdonia speech, in 1891 as I recall it, or take his Newcastle programme, and you would be surprised, Mr. Speaker, because what the hon. gentleman said then, which was the essence of Liberalism in England in the 1890s, the essence of the radical reform viewpoint, would today be considered pretty mild potatoes when evinced by the likes, say, of Barry Goldwater, currently the junior Senator from Arizona in the United States Senate -

DR. COLLINS: We are not an English party.

MR. ROBERTS: No, the hon. the gentleman from St. John's South (Dr. Collins) is quite correct, they are not an English party. In fact, they are not a party at all. They are an homage to one man, that is all that hon. gentlemen opposite are, a paean of praise, an homage to one man; and that one man is not the hon. gentleman from St. John's, South, nor is it the hon. the gentleman from Waterford - Kenmount nor is it the hon. the gentleman from St. John's East. But they are not a party opposite, they are a pilgrimage, a pilgrimage of praise following blindly wherever the Premier doth lead them. But the point I would make is just the one which the gentleman from St. John's South is attempting to make, and that is that my friend from St. John's East is not being consistent in any philosophical or ideological sense. Now that does

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MR. ROBERTS: not bother me, but the hon.
gentlemen opposite, who like to believe they are pure, that
not only are they pure, which

MR. ROBERTS:

I accept, of course - they tell us they are pure, we believe they are pure - but that their purity is unalloyed and unshared.

MR. CARTER:

This is very boring.

MR. ROBERTS:

Yes, Mr. Speaker, it certainly is boring and that brings me, of course, to the -

MR. SIMMS:

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

MR. ROBERTS:

No, I do not want to go as low as the member for St. John's North (Mr. Carter). But let me say that this is most uncontroversial legislation. It has some value for the people involved. There are a number of people who live in St. John's, most of them, I would think, living below LeMarchant Road in the older part of the city, who live on land which in many cases is still only leasehold land and the freehold interests, the reversionary interest to this land is in many cases owned by absentee landlords, in some cases owned by landlords who live here in St. John's, and in each case, whether the landlord lives here in St. John's or elsewhere, these are lands which were leased some considerable time ago and I have no problem at all in supporting legislation which simply carried a little further a principle which was first enshrined in legislation adopted in the City of St. John's Act back in 1923, as the hon. and learned gentleman from St. John's East (Mr. Marshall) told us. And then in 1977 we got the Leasehold in St. John's Act, which took it a little further, and now we are having an act which really does nothing more than attempt to chink up some of the cracks which have been discovered. And I think the minister will agree that is a fair summation, that all this does is chink up some of the cracks that have emerged in

MR. ROBERTS: the last six or seven years as solicitors downtown, the conveyancing solicitors, a group within whose ranks I cannot number myself, I fear, but the conveyancing solicitors downtown have discovered that the Leasehold of St. John's Act does have some holes in it, some loopholes, and so here we are, we are trying to plug them. Well, that is fine. I have no quarrel with that, that is the proper business of this House. I have no quarrel with the further fact that we are, if you wish, ending the landlord's rights in return for an agreed upon sum, an agreed upon sum which we are agreed upon, not the landlord. We are simply telling any residential landlord, and 'residential' now has an extended meaning, which I welcome, although, I say to the minister, that he will have to be careful with his definition because there is a very great problem area as he may or may not be aware. I believe in his forays back and forth from the bar he is a conveyancing solicitor, he has been known to engage in that type of purient interest, get his kicks from mortgages and the like as well as his fees, but I would say to him that there is a potential problem there which we who try to be litigating lawyers, barristers, may have to pick apart: in court one of these days- that

in respect of these old leases we are going to arbitrarily value your interest in the land at being forty times the ground rent which you have chosen to accept, and we are going to require you furthermore to sell your freehold interest to the leasee in return for that forty times the ground rent. I have no problem at all with that. It is not a new idea, it is one that

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MR. ROBERTS: has been law in this Province,
in St. John's - it only affects St. John's. I do not
think there is a lease outside St. John's

MR. ROBERTS:

that was affected and, in fact, the legislation was in the City of St. John's Act originally and then came the Leasehold In St. John's Act back in 1977.

Mr. Speaker, that raises, however, a couple of other concerns which I think perhaps should be brought before the House. If we are going to have to debate this legislation, let us debate it. The minister has said he will bring in some amendments so we will have to deal with those when we see them.

The bill itself is reasonably straightforward. It is a lawyers' paradise. It is the sort of thing that only lawyers are going to become concerned with and the average person will not be concerned with unless he or she finds himself/herself in the position of owning one of these older houses. And most of them are older; in fact most of them were built since the fire. I have heard of some leases going back to 1865. In fact, the house in which I grew up on Duckworth Street in St. John's was built on a leasehold piece of land and the head lease went back to 1865, and I do not think there can be very many leases in St. John's any older than that. Most of these leases, Mr. Speaker, were given after the fire. You see them, 1892, 1896, 1899, 1902, that kind of time, for ninety-nine years, and the ninety-nine years in many cases is now coming close to running out. So the need is there. The need is there as well for this provision that a lease is, arbitrarily and by virtue of statute, extended for three years. I would go further and simply say that the leasehold interest is simply extinguished. I would not require any act at all on the part of the property owner, the lessee, I would simply say that he or she or both, as the case may be, are liable for the payment of forty times the ground rent, and I would

MR. ROBERTS: let the landlord come and collect it whenever he wanted to. I think that would be a far simpler approach, simply to end all of these ancient leasehold interests which really represent a system of land tenure, Mr. Speaker, that we in this Province have never considered as being an acceptable one. It was an old English system imported into this Province, it may or may not have been suitable a century ago, I do not know, but it is not suitable today.

And while we are on it, I wonder if I could ask the minister whether he is going to make this apply to the St. John's Housing Corporation? Because, as he knows, in the case of the St. John's Housing Corporation, almost all of their land - the St. John's Housing Corporation has now been amalgamated, as I understand it, by legislation into the NLHC - almost all of their land is leasehold land on extremely long-term leases, 999 years, and in many senses, that is treated as freehold. But it is not freehold, there is still a leasehold interest.

MR. CARTER: It is the same thing.

MR. ROBERTS: My friend from St. John's North thinks it is the same thing. He is entitled to think that. The fact that it is not the same thing, of course, tells us more about him than it does about the lease itself.

The St. John's Housing Corporation have a practice, which I believe they followed since they first conveyed land back in 1944 and 1945, of demesning land on long-term leases. And I speak not of their commercial leases, that is another story altogether, but I speak of their residential leases.

So I wonder whether the

MR. ROBERTS:

minister could indicate whether any consideration has been given to ending those anomalies and giving the people who 'own' those houses - and I use the word 'own' in quotes but I think I use it in the same sense as does my friend from St. John's East (Mr. Marshall) - giving them at least the freehold interest, the reversionary interest, the total interest in that land? Now I know that 999 years is a long time coming, and even my friend from St. John's North (Mr. Carter) may not be around that long. His memory may be here but he will not be in all likelihood. I think that is a safe prediction. In fact, he may not be here in another year or two. And I speak of his political fate and nothing else.

MR. WALSH:

He is too young to

die.

MR. ROBERTS:

Mr. Speaker, I did not

suggest the hon. gentleman would die. My friend from Menihek (Mr. Walsh) seems to have that urge. I would suggest my hon. friend from St. John's North, if he dies at all it would only be politically. And, of course, he died politically six or seven years ago when Mr. Frank Moores slung him out of the Cabinet without so much as by your leave. Just gave him the old heave-ho.

MR. BAIRD:

What has this got to

do with the bill?

MR. ROBERTS:

Mr. Speaker, we are

talking about ancient leases and ancient structures. And now the gentleman from Humber West (Mr. Baird) appears, speaking of ancient. There is a category of lease called rack rent and the hon. gentleman, it looks like he is a rack rent. The hon. gentleman from Humber West -

AN HON. MEMBER:

unique.

The hon. gentleman is

MR. ROBERTS:

He is what?

AN HON. MEMBER:

He is unique.

MR. ROBERTS:

The hon. gentleman from Humber West (Mr. Baird) feels he is unique? I agree he is unique. He may even be a eunuch. I have no knowledge of that either, and if he wants to assure me he is I will gladly take his word for it, if he wants to assure me he is not, I could not care less one way or the other. Politically he is a eunuch, politically he has been defenestrated, and he can look that up if he wants to. It is d-e-f-e-n-e-s-t-r-a-t-e-d. He has been politically defenestrated.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (RUSSELL):

Order, please!

There are two things

perhaps I should say; number one, that when an hon. member is speaking he does have the right to be heard in silence. And I fear that the hon. member for the Strait of Belle Isle is wandering somewhat from the principle of this bill.

MR. ROBERTS:

I thank you, Your Honour, for drawing me back to the straight and narrow. It is these vicious, unprovoked, unceasing, harrassing attacks launched at me from hon. gentlemen opposite. We will now have the gentleman from Grand Falls (Mr. Simms) coming in -

MR. SIMMS:

Never.

MR. ROBERTS:

Never? Well, I agree, he will never get in. But, you know, I implore the protection of the Chair, Mr. Speaker. As I said, these unceasing, violent, unprovoked, vile, low, scabrous attacks by those who have been defenestrated -

MR. SIMMS:

(Inaudible).

MR. ROBERTS: See, there he goes again, Mr. Speaker. I implore the protection of the Chair. I implore the protection of the Chair. In the ancient tradition going back to Simon de Montfort, we will name all the Speakers, Your Honour, who sat in this House. We are here until six o'clock and if the government intends to debate this kind of legislation we are going to debate, Sir. That is our job. And if we are here until Easter debating this legislation, we feel it our duty, Sir, to debate, including such things as the beautiful one, "An Act To Repeal Certain Obsolete And Spent Statutes". That is one of the things we are going to have to tangle with in this House. Those are the problems of Newfoundland, Sir, we are addressing them here in these debates. And hon. gentleman opposite, these violent, unceasing, incessant, insensate, demented attacks by those opposite who have been defenestrated. The hon. gentleman for Humber West (Mr. Baird) has been defenestrated. He has been defenestrated, Mr. Speaker. Mr. Speaker, I implore Your Honour's protection.

MR. BAIRD: What a waste of time, Mr. Speaker.

MR. SPEAKER (MR. RUSSELL): Order, please! Order, please!
I shall repeat that when an hon. member is speaking he does have the right to be heard in silence. If the hon. member would be a little more precise to the principle of this bill maybe we will be out by Christmas.

MR. ROBERTS: I do not know what Your Honour has got against Christmas that you want to turn this hon. crowd loose on the Province before Christmas, Sir. We are doing a service to the Province to keep hon. gentlemen here in the House. If they went

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MR. ROBERTS:
harm they could do.

outside, imagine the

Now, Mr. Speaker,
let me come back to where I was before those senseless
attacks, those incessant attacks, were launched at me,

MR. ROBERTS: the diatribes to which I am subjected because I simply stand here and try to make a few perceptive comments on this immense pice of reform legislation. I will tell you, Mr. Speaker, Gladstone's speech at Snowdonia meant nothing to this, Lloyd George's people's budget had nothing on this legislation.

MR. SIMMS: Lloyd George knew my father.

MR. ROBERTS: The hon. gentleman may have known Lloyd George, he may have known Lloyd George's father, in the words of the ancient song, 'Lloyd George knew my father/Father new Lloyd George.' For all I know the gentleman from Grand Falls (Mr. Simms) may sing that, he may even believe that. But I will tell you as a reform, Mr. Speaker, as a breakthrough into the future, as a parable of progress, as an eruption of concern, "An Act To Amend The Leaseholds In St. John's Act", Sir, ranks up there with the Beverage Report, with the Education Act of 1944, with the White Paper in 1945. This, Mr. Speaker, is true reform legislation. It is something, Sir! Down in my constituency they will be dancing in the street tonight, unpaved as they may be. Mr. Speaker, I venture to predict that down on Allen Square and Dicks Square and Cabot Street and Bully Street and Jobs Street, all of which, Sir, are covered by this bill, there will be meetings, there will be rejoicing in the streets, there will be candlelight vigils to mark this. Mr. Speaker, the St. John's Housing Corporation, as I was saying before the diatribes took me off - and I am grateful to Your Honour for helping to keep me on the straight path, but it is terribly difficult, Your Honour, when I am provoked, although I am a patient and understanding man within my very great limitations, and I do my humble best to be patient and understanding. But, Mr. Speaker, the incessant attacks would try the patience of Job, and I am Job's grandson, not Job - but these incessant attacks by hon. gentlemen opposite

MR. ROBERTS: who have nothing to contribute to the debate, nothing at all. They probably have not even read a bill, "An Act To Amend The Leaseholds In St. John's Act", and none of them, Sir, with the exception of my friend from St. John's East (Mr. Marshall), could tell us why we should substitute the word 'incapacity' for 'incompacity'. And I will tell you, Mr. Speaker, they do not realize it was a spelling error in the original statute and they were up at night, Sir, there has been a Cabinet Committee at work at this, they had to get a dictionary out and they still could not spell it; they had to turn to my friend from Humber West (Mr. Baird) who can spell, Sir, cat (k-a-t-e) and now we are being asked as part of this bill, Mr. Speaker, to strike out the word 'incompacity' and to substitute the word 'incapacity' and that is a great reform, Mr. Speaker, that is a great step forward. I will tell you now the 19.07 per cent of our people who are unemployed, this will give them job search, searching our statutes for the spelling mistakes, this will give them, Mr. Speaker, this will give them great, great hope for the future. This will solve the problems of Gander district and that silly little fight that is going on; this will solve the dilemma of the offshore. Why, Mr. Speaker, we are not stopping at that, no, nothing is too much for this government in the interest of the people; nothing will stop them, so they are going to repeal Subsection 2 of Section 10 of the Leaseholds In St. John's Act. Now there, Mr. Speaker, that is something that will go down in history. Let it be recorded, Mr. Speaker, that we, in this House, have not shirked from doing our duty, have not shirked from repealing Subsection 2 of Section 10 of the Leaseholds In St. John's Act, 1977. And we are not stopping there, Mr. Speaker, we are not stopping there, Sir, No, Sir, we are going to add a Subsection 3 of Section 16. We are going to add some words to it. We are going to add,

MR. ROBERTS: immediately after the words under this Section, the words and figures ' or Subsection 1 of Section 12'. Let it never be said that the Peckford administration did not care for the people of Newfoundland and Labrador. Let it never be said, Mr. Speaker, that they were afraid to come before this House with a meaningful legislative programme one that goes right to the heart of the problems of Bowater, yes, that will help to keep the mill going adding the word 'or Subsection 1 of Section 12, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Russell) Order, please!

MR. ROBERTS: That is exactly, Mr. Speaker, that is exactly how we are going to get our roads paved. And that is exactly, Sir, how we are going to solve the problems of the resource-short plants and the fisheries,

MR. ROBERTS: by adding the words 'or subsection 1 of section 12 to subsection 3 of section 16 of The Leaseholds In St. John's Act.

Mr. Speaker, the bill itself insofar as it goes and whatever it achieves, the bill itself is utterly inconsequential except for the 100 or 200 or 300 or 400 people who are affected by it, to them it has some importance. And, Mr. Speaker, there is nothing wrong with this Legislature using its powers to deal with matters that affect one Newfoundlander. But, Mr. Speaker, if we are going to get into the inequities of the land title system in this Province why are we singling out only this? Why are we not doing something about the Registry of Deeds which, because of the incredible system that this government will not change - The Registrar has no authority to change it, only the Legislature can change it, only the government can change it - because of the archaic, ancient, antique-dated, inefficient system that we have down in the Registry of Deeds, every single Newfoundlander who buys or sells or mortgages a home is made to pay a tax to the government well beyond anything that is needed? We have a registry system in this Province that was copied from the English system of a century and a half ago.

I do not know if Your Honour has been in the home-buying business during one of Your Honour's absences as a member -

MR. SIMMS: He is a bachelor.

MR. ROBERTS: I say to my hon. friend for Grand Falls (Mr. Simms), even a bachelor may have a home, I do not know whether the Speaker, I have no knowledge at all whether the Speaker is a bachelor or a benedict, I have no knowledge at all whether he owns a

MR. ROBERTS: home or does not own a home, but I am sure that most Newfoundlanders have been in the position sooner or later of having to get involved in the conveyancing business and they then end up paying not only a tax to the government, Mr. Speaker, but end up paying lawyers far more than need be paid.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: I agree completely. I think if the hon. gentlemen opposite wish to bring about some meaningful reform that may help some people in this Province, and they want to do that by attacking the conveyancing system, I would give them my full support. The conveyancing fees of this Province are three or four or five times what they need to be.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: And the reason they are there, although they are coming down because of competition.

MR. CARTER: Would you help us ferret it out all of them?

MR. ROBERTS: Yes, Mr. Speaker, I would not only help the hon. gentleman ferret out, I would even lay it out so even he could understand it and that is better than ferreting.

MR. CARTER: Rowe called you Ferret, Clyde Ferret.

MR. ROBERTS: The hon. gentleman want his copy of the book autographed? I realize he could not understand it because it had some words of two syllables in it, but I would still be happy to autograph it for him. But, Mr. Speaker, the conveyancing system in this Province today, because we insist on using the Registry as it exists is hopelessly inefficient, hopelessly antique-dated and sooner or later -

MR. SIMMS: Are the lawyers' fees standard?

MR. ROBERTS: Lawyers' fees, I say to my friend for Grand Falls (Mr. Simms), while I do not do this kind of law, I know a little bit about it -

MR. SIMMS: You do not?

MR. ROBERTS: No, I do not do conveyancing law at all.

MR. CARTER: What kind of law do you do?

MR. ROBERTS: What kind of law do I do? Good law. The hon. gentleman for St. John's North (Mr. Carter) would not know about that.

I say to my friend for Grand Falls that there is a so-called recommended scale, which no longer has the force of the law, fortunately, and you can now compete, you can shop around, and I think conveyancing fees are well below the so-called established scale, but they are still way too high. They are much too high. In fact, if we really wanted to adopt a very simple system, which would not cost us any money and it would come in over a period of years, we could wipe out the need for lawyers -

MR. CARTER: Starting with you?

MR. ROBERTS: - we could wipe out the need for lawyers in dealing with land conveyancing, with the possible exception of a situation where a lending institution required a solicitor's certificate in connection with a mortgage. They might say we want good title and any individual might be well advised to have a lawyer he can go back against if the title turns out to be bad. But the Leaseholds In St. John's Act, Mr. Speaker, only really deals with not just a corner of the Province, it deals with the area of St. John's

MR. ROBERTS: below LeMarchant Road, by and large, what we used to call the Higher Levels here in the city. There may be some houses to the North of the Higher Levels that were caught, I think Suvla, Beaumont, Hamel, Kitchener, those streets up in Little Bonavista -

MR. BAIRD: Rabbit Town.

MR. ROBERTS: Yes, Rabbit Town, or Little Bonavista, either name a pride, some of those may be leasehold, Mr. Speaker, but I think most of them were freehold.

MR. BARRETT: All part of the historic district of St. John's West.

MR. ROBERTS: Well, I thank my friend from St. John's West (Mr. Barrett), it is part of that historic district, just as he is a historic object in the district of St. John's West.

But, Mr. Speaker, the fact is that we have this very inefficient, costly system and it can be ended very quickly, it can be ended very simply, it can be ended very easily by the government. And instead all we are doing is dealing with one small area and I think that is wrong. It is right to deal with the area of the Leasehold of St. John's Act, but it is not enough. We can help every person in Newfoundland to save some money. The only people who may be hurt are a few lawyers and that does not particularly bother me, even though I am a lawyer; I suspect the lawyers will find something else to do.

You know, the Workers' Compensation Act we talked of earlier ended a system where a

MR. ROBERTS: lot of lawyers used to make a lot of money. But the lawyers, I have faith that they will find some other way to do it. They may be able, for example, to bring an act under the mental incompetency legislation in respect of my friend from St. John's North (Mr. Carter), that would keep a number of lawyers busy for some considerable time. And it would be of considerable benefit to the public to determine that issue judicially whether or not there is a degree of incapacity there.

MR. CARTER: The member's time is up.

MR. ROBERTS: Mr. Speaker, the registry system in this Province is wrong. What we should do, Mr. Speaker, is to say that any conveyancing transaction, including the ones dealt with by this act, the title will be searched by the Registry of Deeds, by officials employed by the Registrar. The Registrar will then issue a certificate and that will be the certificate of title, the evidence of title, and then, Mr. Speaker, once that is done there will be no need for a solicitor to go in and do as is now, at least in theory done, to look through all the deeds.

I do not know if Your Honour has ever been down in the Registry. The Registry is nothing more or less, Mr. Speaker, than great numbers of bound volumes. There must be 2,000 or 3,000 by now and when anybody executes a deed and it comes in to be registered a photocopy of it is simply placed in the book. And that is what it is; it is room lined with shelves on which are these great huge leather bound volumes which contain nothing except copies of every bit of paper registered down there.

MR. ROBERTS: And, Mr. Speaker, the lawyers then come in and they allegedly search the title - sometimes they do and sometimes they do not; they give a certificate in any event upon which they can be sued and often are; they make mistakes like anybody else - but it is the people buying and selling property or mortgaging it to raise a bit of a loan, they are the people, Mr. Speaker, who pay the cost and we could end all that by having the Registrar doing the searching and a very minimal fee, fifty bucks to cover the cost of the searching ending the lawyers fees just about entirely or reducing them to a minimum.

MR. BAIRD: Why do you not do it?

MR. ROBERTS: Yes, I say to my friend from Humber West (Mr. Baird), that he and I are of one mind on that.

MR. BAIRD: Cheek to cheek.

MR. ROBERTS: Cheek to cheek, soul to soul, etc., etc., and when he finds out what defenestrated means we may even be there too. But having been defenestrated as he has been on occasion he, Mr. Speaker, I know, would be the first to say that he would not want me to say anything more about him here in this situation.

MR. SIMMS: That is unparliamentary 'Ray'.

MR. ROBERTS: I am sorry?

MR. SIMMS: I was just talking to 'Ray'.

MR. ROBERTS: Oh, that is okay. That is the blind leading the blind in that case.

DR. COLLINS: An Act Respecting Defamation.

MR. ROBERTS: Yes, I will have some suggestions when we come to defamation, we will see whether the government are prepared really to make a radical and a worthwhile change. My guess is that they will not, but we are not going to get there. I have - what? - an hour to speak as the member replying to a government order? Why, I have not begun yet.

MR. ROBERTS:

I have only talked about two or three of the clauses and there are six in this bill. The reforms, the endless reforms that are coming in, I mean, they are just bowling us over over here. For example, Your Honour, I want you to sleep on this when you go home to Kilbride tonight; they will be out in the streets, Your Honour, welcoming you home, they will be carrying you on their shoulders, because the government, of which Your Honour is such a proud adornment - not in the Chair, of course, in the Chair, Your Honour is scrupulously neutral. But introducing the following words into our law: "Where an attorney is appointed under this section after the coming into force of this sub-section, the appointment shall within thirty days after it is made, be registered in the Registry of Deeds" - now, not five, not ten, not fifteen, not twenty, not twenty-five, but thirty days, Mr. Speaker. And really, if we want to strike another blow for freedom we could make it forty-five days or sixty days. Mr. Speaker, the Registry system should be changed. It is going to collapse of its own volition before much longer. To take just the proportions, it took 100 years to get the first fifty books, and then it took fifty years to get the next 100 books and then it took twenty years to get the third 100 books and then it took ten years to get the fourth 100 books and it has taken about five years to get the fifth 100 books, and we are shortly at the point where the entire system will collapse of its own volition, it is just not physically possible to work it. We ought to have a land title system, not a Torans system, not something which would require the whole Province to be surveyed - although the surveyors might like that, Your Honour. When Your Honour returns to surveying, whenever that day may come,

MR. ROBERTS: he may think we should survey the whole Province on a Torans or some other system. But I think that that perhaps would be too ambitious and we should simply have a land title system. And if this government wants to bring in a reform that would benefit a great number of people they would, in addition to bringing in this reform, which benefits only one or two or three or four or five hundred people, however many, each of them in his own right deserving of benefit, we will pass this bill, but then we can bring in one which extends a long way, a very long way beyond that and which would benefit thousands and thousands and thousands of Newfoundlanders. And that would be a reform.

MR. CARTER: If it is so good, why is it the first time you have mentioned it?

MR. ROBERTS: The hon. gentleman asks why is it the first time I have mentioned it. Mr. Speaker, it may be the first time he has heard it, but if he were awake and compos mentis as opposed to his normal state, he would realize I have said this in the House on many occasions, just as on many occasions in the House I advocated a system which he voted against - I will find under resolutions he voted against - saying that a) there should be limits on expenditures in elections and b) the state should fund them. The hon. gentleman now, like Saul going up to Damascus, has seen the blinding light. The blinding light, of course, for him shines from the Premier, because the hon. gentleman from St. John's North is part of the party of pilgrimage following the Premier where'er the Premier's whim chooses to take us. But, you know, the hon. gentleman would find I have spoken on this land title system time and time again.

MR. ROBERTS: It is something we should do. We should have done it thirty, forty or fifty years ago. We should have done it twenty years ago, ten years ago, five years ago but we did not. We should do it tomorrow.

DR. COLLINS: Would you permit a simple question here?

MR. ROBERTS: By all means.

DR. COLLINS: You have mentioned you have a big concern about the definition of what is residential land, etc.

MR. ROBERTS: Yes, I say to my friend from St. John's South (Dr. Collins) that, while I welcome the intimation from his colleague that we are going to extend the definition of residential to include a situation where a person who owns a home but does not live in it may still exercise the right which we now confer only upon a person who owns the home and who lives in it, even though the present situation includes the case where you are living in one of more than one apartment in a home. I have no problem with that, but it does raise a neat definition problem which the minister, the President of the Council (Mr. Marshall) and I were discussing back and forth across the House, Mr. Speaker. And that is the case where a person has brought a number of these houses as a commercial investment -

MR. CARTER: Slum landlords.

MR. ROBERTS: Well, some of them may be slum landlords. Although, I would say to my friend from St. John's North (Mr. Carter) he is doing many people a great disservice if he calls these houses slums. They are not slums. These homes are fine homes and in most cases it is the same thing as his home, I venture to say, or mine, it represents most of what these people have put

MR. ROBERTS:

together in this world.

That is what a home is for most people, it is a very big proportion of one's net worth, and it is what people have worked for all their lives. But these are not slums and these people are not slum landlords. But there are cases, I say to the Minister of Finance (Dr. Collins), where a person has a number of the leasehold interests. I have no quarrel, but I would simply say that unless one is careful with the definition that may take it a step further. Because I gather from the

MR. ROBERTS:

President of the Council (Mr. Marshall), Mr. Speaker, that we are still proposing to draw a distinction between a homeowner, if I may use that term, on one hand and on the other hand a commercial operator. It now seems that we are coming to the point where unless the building is used for commercial purposes, whatever they may be, then the homeowner is entitled, or the owner of the leasehold is considered a resident within this extended meaning. Of course, that leads us again to the further complication where you have a situation where a building may be of mixed use. It may be a shop on the ground floor, a groc and con, you know, a small shop, and there may be one or more residential units in it. That, I suspect, would also apply to a number of cases.

Now, I do not raise these in any critical sense or from any desire to object. If I had my druthers, I think, on this one we would simply, as I suggested - the minister may not have been in his seat - we would simply declare that all leasehold interests in these defined leases, the ancient leases, are extinguished, that the freehold interest has merged into the leasehold interest, that the lessee owns the property and the freehold owner, the reversionary owner, is entitled to compensation, and I would leave it to him or her or it, as the case may be, to come forward and get the compensation. You know, I think we could go that far, because this is a system that came into effect a century past, Mr. Speaker. It may or may not have been equitable, I do not know. I do not know enough about the history or the law or why it came into being. It is the old English system essentially imported into Newfoundland, and it only applies in St. John's.

MR. ROBERTS: But I would have no problem, you know, with going a lot further than this bill goes and it does not cause me any hangup. I agree with the President of the Council (Mr. Marshall) that where somebody has agreed to lease property for eight or ten or fifty dollars a year, forty times that is a fair return. I think in any commercial property, for that matter, if you are paying a rent of \$10,000 a year, \$400,000 is probably a pretty good guess as to what the property is worth in absolute as opposed to a return on investment suggestion.

Mr. Speaker, the other point I would make, can the minister indicate to use whether there is any thought being given to another problem in land tenure in this Province, not so applicable here in St. John's - as the minister will acknowledge there is a great deal more to Newfoundland than the City of St. John's - and that is the case which crops up time and time again - I could tell him of several in my own constituency that I know about as the member - where titles are, 'confused' is putting it mildly. What happens, Your Honour, is this: Somebody owns a piece of land, and fifty years ago, 100 years ago, particularly in the outports, Mr. Speaker, there was little formal documentation over a block of land. In fact twenty, thirty years ago you simply went up and there was a consensus in the community, 'Oh, yes, Mr. Jones or Mr. Smith or Mr. Whoever owns that land' and then often that man would divide it amongst his children and you would get houses being built. That goes through community after community and you get a cluster of homes all belonging to one family. I know

MR. ROBERTS: that is true in Southern Labrador. I do not know but Northern Labrador has a different land tenure situation at all from this. But it is true in community after community in rural Newfoundland.

MR. GOUDIE: The Moravian Mission.

MR. ROBERTS: Well, the Moravian Mission, my friend from Naskaupi is correct. In fact those are probably the oldest grants in the Province. There is one in Hopedale, one in Nain, and maybe two or three others of huge tracts of land, maybe 100,000 acres, directly granted by George III, by the Crown, to the Moravians. And they are, I suspect, the oldest existing land titles in this Province.

But Southern Labrador is really much like the Island in most ways. My friend from Eagle River (Mr. Hiscock) may not agree with that, but the land ownership pattern is the same. Bonavista North, Trepassey, St. Mary's-The Capes, all of the rural areas - the town of Grand Falls, the town of Corner Brook, the town of Gander, you may get into fairly modern techniques of mortgaging and conveyancing - but in the outports you sort of owned your bit of land. Everybody knew you owned it and then when your children grew up, if they wanted to live in the community, you gave them a block of land. And often titles were never conveyed formally in any sense. Often people died without wills leaving estates unadministered, or died intestate and there was still no estate administered. This goes on for two or three generations. Then what happens is people move away and there is case after case in Newfoundland where people living throughout Canada and throughout the United States of America have interests in land here in St. John's, or moreso throughout the

MR. ROBERTS:

Island, and I do not mean absentee landlords, I mean people whose parents owned a block of land and gave it to a son but did not bother registering it and did not bother doing a formal conveyance. Then along comes the modern world, the 1980's - the government are perhaps the chief perpetrators of this. The Newfoundland and Labrador Housing Corporation are unreasonable, in my opinion. They are making a bonanza for lawyers. You want to talk about lawyers fees, it would be interesting to see how much NLHC pays out in titles. I know my friend from Eagle River (Mr. Hiscock) has raised it in connection with the RAPP programme down in Southern Labrador and I have run into it. If it is not NLHC it is the bank or CMHC asking for a paper title. And, Your Honour, in a professional capacity when you are not in the Chair, not acting as a member, may run into it too. It is very difficult often to track these down. The quieting of titles legislation will not help because there are interests and you have to find these people, and you find often that they have died and left heirs all over the United States of America.

So what I am wondering is whether we cannot find a system that would address this, that would provide as does this bill, a fair and equitable means of resolving it. We also run into it with vacant land around the Province, land that has no resident owner. But one of the few benefits of the municipal taxation system is that is being caught up because the land comes back into the public domain when taxes are not paid.

DR. COLLINS:

There is a problem on Bell Island with that too.

MR. ROBERTS: It could well be. I have not heard of it on Bell Island, but the Minister of Finance (Dr. Collins) obviously has and I accept that. It is a problem all through rural Newfoundland, where there are titles, there are valid titles, there is a freehold out there but it may be divided among ten or fifteen or twenty or thirty or fifty people, and it is just about impossible to track it down, far more expense than any possible gain would be. Yet you get a bank or the NLHC or somebody saying, 'Look, we cannot give you the mortgage because you have not got good title'. I suppose I have run into it most traumatically in the case of two or three people in my district who are going to get or are trying to get assistance from the Newfoundland and Labrador Housing Corporation to build a home. NLHC lends them the money and social services subsidizes it, but that is the way they get their home. It is then passed to a lawyer who quite properly says, 'I cannot certify title'. And the result has been in a number of cases these people do not get homes. The lawyer gets the fee, which he has earned according to the rules, but the people do not get their homes because there is no title that can be certified. There is a cloud upon the title that cannot be removed.

The legislation in effect in this Province is deficient, it does not give us a way to do it. I think, Mr. Speaker, that when we come to talk of reform of land tenure that is certainly something we should address too. So, Mr. Speaker, I end these few brief remarks about this important bill.

I do not know, other members may well wish to speak and

I think we should be prepared to carry on for four or five days on this bill. We have more important

MR. ROBERTS: legislation to come.
We have limited partnerships next. That is one that again addresses the economic issues in the Province. But my friend from Mount Scio (Mr. Barry) may wish to say a word on the leasehold interests bill. I would say any hon. gentleman who wants to should feel free. For my part, I have made my few brief remarks. They may seem to be a little long to Your Honour but that is because I was provoked. I only had two or three notes written down, Your Honour, and if hon. gentlemen opposite had been able to contain their exuberance, or to bottle up their bile as the case may be, I would have gotten through this much more quickly. But I want to thank Your Honour for your rapt attention. I do appreciate it. I know Your Honour has literally drunk in every word I have said. Your Honour will go home tonight and no doubt repeat to the children over the supper table and so you should in my view, Your Honour. But the bill itself is of value insofar as it goes, it is just it does not go very far. We have got a number of other problems in land tenure in this Province which should be addressed. I hope the government will address them. Thank you very much, Sir.

MR. SPEAKER (AYLWARD): The hon. the member for St. John's Center.

DR. MCNICHOLAS: Mr. Speaker, I am very pleased to support this bill. I would also like to thank the President of the Council (Mr. Marshall) for introducing the bill at this stage. I realize there are many bills to be dealt with before we finish for Christmas. I did speak last week on this. I mentioned that I had been approached by some people in St. John's Center who were directly concerned. Despite what the

December 5, 1983

Tape No. 3701

IB-4

DR. MCNICHOLAS: hon. member for the
Strait of Belle Isle (Mr. Roberts) said, I found
the President of the Council (Mr. Marshall) very
compassionate and very concerned. He said that he

DR. MCNICHOLAS: would find a way of introducing the bill. He mentioned in his speech about a widow and that was one of the people who I had in mind and he also had representations on that himself at that time. This is a woman who lives in St. John's Center and is ill, and I understand that she has a writ, or whatever you get from the courts to get out of her house. Her husband paid rent on that house, ground rent, for twenty years. The house, it is her only possession and the landlord just wants to throw her out on her ear at any time. He is not interested in getting the arrears of the ground rent. I understand that quite a number of these landlords make no demands, or some of them anyway. This particular landlord makes no demands.

There is one other case that I am aware of on the same street. This person has a house and he is in arrears and the same landlord wants to take possession of this particular house. I do not know if all hon. members know that the landlords do not build the houses. These have been built by the people who are occupying them now or they bought their houses. Up until now if their lease was up, if they did not avail of the legislation that is there, that they could buy it for forty times the ground rent, they can be just kicked out on their ear, as I said earlier. I think that may be legally right but it is morally wrong and cannot be justified by any civilized community.

I am very pleased indeed to be able to support this. I am quite sure that this will be supported by every member in this hon. House. You know, sometimes, Mr. Speaker, I think the real residents of St. John's, the people who live in downtown

DR. MCNICHOLAS: St. John's, Central St. John's, St. John's South, West and East, the old core of St. John's, I think they very often get the short end of the stick. I know two or three weeks ago I was at -

DR. COLLINS: Except in representation.

DR. MCNICHOLAS: That is right. They have very good representation. But they still get the short end of the stick. I know a few weeks ago I was at a meeting with the Mayor and city councillors and I got a big list subsequently of streets that need doing. I am very glad to see the Minister of Municipal Affairs (Mrs. Newhook) here at the moment, because I mentioned this in the House last year, we pay out from this Legislature, we pay money to the city council. But to my mind they have been negligent and they have been negligent for the last twenty years or more in a lot of the streets in the downtown section of St. John's. I am not going to give you, Mr. Speaker, a list of them, but there is Barter's Hill, Carter's Hill, Flower Hill, Livingstone Street, Young Street - I could go on and name every street in my district in the older section. And I am sure other hon. members also, who represent the older sections of St. John's could do the same. I would ask the Minister of Municipal Affairs when

DR. MCNICHOLAS: she is doling out money to the city council at the end of this year that she will earmark some of this money for these particular streets that nothing has been done on for the last twenty years.

Mr. Speaker, it gives me great satisfaction to support this bill. It is a bill that is badly needed. It is one that is needed to rectify an injustice.

SOME HON. MEMBERS: Hear, hear!

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

MR. OTTENHEIMER: Thank you, Mr. Speaker. The legislation which the House is debating today could benefit -- and nobody has an exact count of the number of people, but I would think a minimum being 1,000 and a maximum being 2,000 -- between 1,000 and 2,000 families. Of course that is families. The actual number of people -- one thinks of around three or four people in a family -- could be anywhere from 4,000 to 7,000 or 8,000, but between 1,000 and 2,000 families. Now it is obviously true, as the member for the Strait of Belle Isle (Mr. Roberts) pointed out, that this will not solve the offshore problem. It will not help restructure the fishery. It will not revitalize the forest industry. We realize that. These are important, extremely important and imperative areas for the provincial economy. But I would suggest it is not every day that this Legislature has an opportunity to protect between 1,000 and 2,000 people from unscrupulous people and from unconscionable transactions. That is in a very real sense one of the privileges and powers that we have as members of this

MR. OTTENHEIMER: Legislature, that we can take action which will be of direct and immediate benefit to between 1,000 and 2,000 families of Newfoundlanders. They are all in St. John's, yes. They are all in St. John's because this land system only developed in St. John's, but that does not make it St. John's legislation. It is legislation for Newfoundlanders. Whether they are in St. John's or in Corner Brook or in Labrador, wherever, they are all equally Newfoundlanders. They are all equally a responsibility with respect to this House, not only members from those constituencies because, well, obviously, every member has a particular responsibility to the constituency he represents, I think it is fair to say as well collectively we all have a responsibility to the Province, and, in a very real sense, when the members of this Legislature can benefit between 1,000 and 2,000 families in the Province. Granted they are all in St. John's, but not through any choice of the government that we only want to do something to benefit St. John's, but because this land system only developed in St. John's. But when we can do it then it is something very worthwhile. As I say, it is not that frequently that this Legislature by an appropriate and correct use of its authority can put a stop to unscrupulous actions and unconscionable actions in the way that will be done by the enactment of this legislation.

That is all I wanted to say on it, on it. The fact that this bill will not have an effect on the offshore or will not have an effect in fishery restructuring or will not have an effect on mineral exploration, of course it does not, but there was no intention of it so doing. It does not proport to so do. But I do not think we should allow

MR. OTTENHEIMER: those self-evident facts to minimize the importance of the legislation or to minimize the important function that we fulfill as members of this Legislature by taking specific action to benefit between 1,000 and 2,000 families, between 4,000 and 7,000 or 8,000 people, as we will be doing here. It is not every day that members of the Legislature have the opportunity of doing that. Certainly I support

MR. OTTENHEIMER: it but I point this out because I think it is something that all members should realize, no matter what part of the Province they are from. The emphasis is that we are helping between 4,000 and 7,000 or 8,000 of our fellow citizens, not what part of the Province they live in.

SOME HON. MEMBERS: Hear, hear!

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

MR. WARREN: Yes, Mr. Speaker. I will be very brief, especially in response to the Minister of Justice's (Mr. Ottenheimer) comments that this only applies to St. John's. I agree with him there. However, I would suggest to the government that they should look outside of St. John's at the same time. I am just thinking about the leasehold of the Moravian Church in Labrador. It was only just last year that an individual applied for a piece of land to build a home on in Makkovik and he was given the answer by the Moravian Church, 'No, you are from outside of Labrador. You cannot get any permission to build a house here'. So, I am just wondering, although this only applies to St. John's, since the Moravian Church has taken over a large portion of land in Coastal Labrador, and, in fact, the councils themselves have no power at all to issue building permits to the individual families, I would suggest you should look at other landhold leases within the Province that do affect individuals.

The minister spoke about some 7,000 people here in St. John's. The Moravian Church is affecting some 3,000 people in my district also with the same thing.

MR. OTTENHEIMER: Do you know if that is leasehold or freehold?

MR. WARREN: I do not know for sure which it is. But I know one thing for sure, the people cannot construct any homes and the councils are useless because the Moravian Church holds so much power and holds such a big portion of land in the area that is is just impossible to be corrected.

So I would suggest to this government, if we are going to bring in some changes in our regulations as it pertains to leasehold here in St. John's, or freehold, whatever the case may be, surely goodness we should look at other parts of the Province where people are affected in the same manner.

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

MR. MARSHALL: Mr. Speaker, I want to just say a few words in closing the debate. First of all I want to say how disappointed I was to hear the way in which the member for the Strait of Belle Isle (Mr. Roberts) dealt with this particular legislation in a very cavalier, off-the-cuff, manner. Once again, it seems to me, the only penchant of the Opposition is to criticize. Every piece of legislation that comes here before this House, they get up and say, 'What has this got to do with the state of the economy?'. The hon. member for the Strait of Belle Isle particularly was doing this in a very sarcastic way, that what has this got to do with the problems of Newfoundland, and how is this going to effect - well, Mr. Speaker, it has a lot of effect on that widow who is down in a house presently on - I will not name the street. She is not in my district, she is in the district of the hon. member for St. John's Center (Dr. McNicholas). She is a widow. She is up in years.

MR. MARSHALL: She and her husband had lived in this house all of their lifetime. At the present time she is being threatened with eviction from her house by the representatives of the ground landlord who gave the lease some eighty years, almost 100 years, between eighty and 100 years ago, and she is being threatened by the great grandnephew and the great grandniece of the original lessor with eviction from her premises. Now, if the hon. member for the Strait of Belle Isle (Mr. Roberts) does not think that is important and does not think that that solves any problems, well, the hon. gentleman has the problem. I find it most regrettable that he took the tact that he did with respect to it.

It also, Mr. Speaker, is going to have a great effect as well on another individual downtown, again in the district of the hon. member for St. John's Center (Dr. McNicholas), who at present is subject to an action before the courts of this Province by the same group of people with dispossession from the house that they have lived in for a number of years on the basis of a lease that was entered into ninety years ago. Also, the whole legislation, Mr. Speaker, has a great effect really on some 1,000 to 2,000 families in St. John's who are now able to purchase their freehold titles to their land and thereby be able to get the wherewithal by way of mortgages to do improvements to their homes and repairs which they could not get before.

Oh, no, Mr. Speaker, it does not wrestle with the problems of Newfoundland! That is, Mr. Speaker, if hon. gentlemen feel that people in St. John's do not belong to Newfoundland as they continue

MR. MARSHALL:

to show from time to time.

As the Minister of Justice (Mr. Ottenheimer) has indicated, very few times do we in this Legislature get the chance to protect citizens from unscrupulous and unconscionable actions. This is one time where we have done it, Mr. Speaker, and I take a great deal of

MR. MARSHALL: pride in the fact that this government has responded and responded very quickly to the imperatives under which these people have been put.

The hon. gentleman talks about, in his off-the-cuff manner, you know, this was the essence of conservativeism and, you know, he would not expect somebody who he bills as an arch-conservative to have brought in legislation of this manner. Mr. Speaker, this is legislation which protects the prior property rights of the landowners in the city of St. John's. It is not to protect the aristocracy, the people who were here about 100 years or 150 years ago and all they did was bleed this Province, as other people from West of this Province are doing now, but they bled this Province for all it was worth. They got grants to lands from the Crown, but they did not see the light of day of the Narrows, half of them did not even come in through the Narrows: What they did was they leased it out through agents here. This is redressing a wrong that had occurred some 100 or 150 years ago. It reverses colonialism, Mr. Speaker. It is a great conservative principle. It is not a colonial principle.

Now, Mr. Speaker, he said -

AN HON. MEMBER:

Great stuff.

MR. MARSHALL:

Yes, great stuff, he says, and some value for the people concerned. I remind the hon. gentleman, who is out of the Chamber, it is great value for that widow who is down in her home and is shivering under the imperative of a threat being put on her by the representative of a ground landlord, the representatives, the heirs of a ground landlord, an absentee landlord, to dispossess her from the house.

MR. ROBERTS: I could not agree more.

MR. MARSHALL: Well, he could not agree more. The hon. gentleman did not seem to agree, he seemed to want to minimize the action when he got up.

The hon. gentleman said what he would do, he would have extinguished all of the leaseholds. But there has to be and there is a divergence between commercial use and residential use. Therefore it is necessary to set it up in this way, to have the people come before the appropriate authority that has been set up in the bill and to show that that person is occupying it for residential use. Then that person gets the right to buy it at forty times the annual ground rent. If it is for commercial use they do not. And that is the reason why you cannot have a blanket extinguishment of rights, and there are probably other reasons as well.

He mentions the St. John's Housing Corporation. It is in a different status altogether. The leasehold interests of the St. John's Housing Corporation pertaining to land are for 999 years requiring a ground rent of one dollar a year if demanded. There are no imperatives with respect to that. Nobody has been threatened with eviction. It is a different type of system altogether. Perhaps we should get around to doing that, I know it has been talked about, but it would not be done within the framework of this particular bill. This particular bill relates to absentee landlords. Other statements were made by the hon. gentleman with respect to the establishment of the registry system. I will not deal with that. The Minister of Justice (Mr. Ottenheimer) can deal with that in due course if he chooses to do. But all of these things come down to the provision of money. And we obviously realize the present registry

MR. MARSHALL: system has, certainly, its defects and there have to be changes made. But it all comes down again to money.

The hon. member for Torngat Mountains (Mr. Warren) made an observation when he got up to speak. Once again, after hearing the eloquent short words of the Minister of Justice (Mr. Ottenheimer), when the Minister of Justice indicated that very rarely do we get the opportunity to reverse a wrong of this particular nature, which we are doing, and the importance of it and that it was for all Newfoundlanders and not just for people in St. John's, the people of St. John's were Newfoundlanders, rather disappointingly the hon.

MR. MARSHALL: gentleman gets up and he waves exactly the same flag again. He gets up and he talks about the situation with the Moravians. Here again it is entirely different altogether. The Moravian Mission had freehold grants and they have freehold grants of land and have not given them out in leases of this nature. This is the only place in the province where leases of this nature have been given, and this is the only place in the Province where action had to be taken with respect to this.

So, Mr. Speaker, I have no hesitation in moving second reading, and at the same time give assurances to the people concerned, who will now not be dispossessed of their homes, and also to tell the people in the areas affected that they can now purchase their residential property safely for forty times the annual ground rent and get on with the improvements in their homes, as some of them desire to do, but have been prohibited from doing because mortgage companies and lending institutions would not lend them the money seeing that the term of their lease would expire in a very short period of time.

So, Mr. Speaker, contrary to what has been said by the Opposition, this is a very progressive step forward. It is a good piece of legislation. It rights a wrong and I am very proud to move it for second reading.

SOME HON. MEMBERS: Hear, hear!

On motion, a bill, "An Act To Amend The Leaseholds In St. John's Act", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 11)

December 5, 1983

Tape No. 3706

IB-2

MR. MARSHALL:

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

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