

VOL. 2

NO. 72

PRELIMINARY
UNEDITED
TRANSCRIPT

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

SOME HON.MEMBERS: Hear, hear!

MR.WARREN: My question is to the
Minister of Social Services (Mr.Hickey). I do not
know if the minister saw Here and Now last night when
they showed a film of a family of four in Hawkes
Bay living under extreme conditions. I am just
wondering if the minister has taken any action in
removing the family from the house they are presently
living in?

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

MR.HICKEY:
Mr. Speaker, first of all I can say, yes, I have
taken some action. I have asked for a complete report
dating back to however long the case has been ongoing.

I have asked my staff to provide me with information
as to when my department became involved by way of
responding to the needs of that family. I did not get
all of the programme, but I got the part wherein there
was an indication from the lady that Newfoundland and
Labrador Housing expects to have a house for them by
January. My interpretation of what the lady said was
that she had to have one now for Christmas, or whatever

MR. HICKEY: the case may be. The only thing I can add to what I have said is that we are in great difficulty in providing housing for needy families in various parts of the Province, and that community, I suspect, is no different. If Newfoundland and Labrador Housing says the quickest they can produce a house for occupancy would be January, there is not very much that we could do except to provide alternate accommodations. And I am sure that the full weight of my department is at the disposal of the family if in fact they are interested in that and if conditions are such, which they appear to be, that would warrant that kind of action.

MR. HICKEY:

However, I just might add one other thing, Mr. Speaker. We have to bear in mind that when one is wrestling with that kind of problem the families are not always as co-operative or as easy to deal with as it might appear on the surface or as one might perceive them to be. The family, for example, may not want to move out of there until they move into a house - we run into that every now and then - because they suspect that if they move into something else other than what they are looking for or are satisfied with that they will not get what they are ultimately aiming for. So I say to my hon. friend that I am sure there are two sides to that story. But, certainly, the picture told me a whole lot and I am looking into it and doing whatever I can.

MR. WARREN:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for Torngat Mountains.

MR. WARREN:

Mr. Speaker, the minister said he was asking his staff to follow up on a report for him. I am surprised that the minister would say that, knowing that my former colleague, the member for St. Barbe and the present member for St. Barbe (Mr. Osmond) for the past three and one-half years have been working through his officials trying to get alternate accommodations for this particular family.

I would like to ask the minister why it has taken his department three and one-half years, and CBC T.V. bringing it out to the public, before he is going to make a move?

MR. SPEAKER:

The hon. the Minister of Social Services.

MR. HICKEY:

Mr. Speaker, I was trying my darndest to be nice to people and I especially try very hard to be nice to my hon. friend, but he persists in digging holes for himself, so I cannot help it if he ends up covered.

Now, Mr. Speaker, I did not give all the detail that I could have because I would be accused then of making too long an answer. I thought it would suffice to tell the hon. gentleman that I am looking into it, I have asked for a report and I will give it my most personal and urgent attention. I thought that would have sufficed. But if the hon. gentleman wants to get into the case in a little more detail, let me tell him that the family were offered accommodations outside the community, because there were none in the community, and they refused. This is what prompted me to say that families are not very easy to deal with sometimes even though their circumstances are abysmal and are very, very bad. Sometimes people who are in very bad circumstances will not even take three-quarters the way up the ladder where they might want to get. This is one such case. The family

MR. HICKEY:

could have moved- they do not need to be in those horrible circumstances they are in, based on what I saw, and based on what some of my staff tell me- but they persist. If we were use the iron arm of the law, which we have authority to do, go in and move the children out, charge the lady with neglect, the hon. gentleman would be one of the first, and I suspect I would be inclined to support him, in getting up in the House and saying that were being too rigid and insensitive and inhumane and all the rest.

Let me say to the hon. gentleman that I have some 20,000 families on social assistance in the Province, I do not profess to know everything that goes on with all of them, but I can tell the hon. gentleman that I know a fair bit about what goes on in the field and the kind of work that my staff do, and I have no indication, not a sign, Mr. Speaker, to indicate that my staff have been anything less than competent, humane and very compassionate in their efforts to bring about a resolution to this question.

SOME HON. MEMBERS: Hear, hear!

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

MR. WARREN: Mr. Speaker, a final supplementary to the minister.

I believe it was said last night on the news that Newfoundland and Labrador Housing have offered them accommodations, and the lady did make the comment that she wished to move in before Christmas, Now if conditions are as bad as they appeared to be on TV last night, would the minister undertake, if they have to wait until January of February for Newfoundland and Labrador Housing, to make sure that this family is in some suitable accommodations until Newfoundland and Labrador Housing have

MR. WARREN: suitable accommodations available?

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

MR. HICKEY: Mr. Speaker, the hon. gentleman obviously did not get what I said. I said that there are two ways to apply the law, one is rigidly and without compassion and without feeling and without sensitivity, and the other way is to do it humanely, compassionately, and having regard for what is in the best interest of both the children and the mother. The last thing in the world that we do is seize children from a parent. We cannot go physically and take this family, this lady and her children out of that home, hog-tie them and take them and carry them somewhere. We can use all of our persuasive

MR. HICKEY:

powers, which my staff have done already to no avail. If she persists in living in those conditions, as long as we know that the children are not in danger of dying from cold, of suffering some ill-effects from cold or exposure, there is precious little we can do other than to decry the whole situation and urgently push and persuade the lady to move. If she does not do that, she has the right under the law to remain in her surroundings, however humble they may be and however desperate they may be - the best my staff can do is to monitor and supervise the situation until such time as she moves or conditions worsen to the extent where the general well-being of the children is in jeopardy or in danger, then under the law we will move in and seize the children. But until that situation develops there is nothing that we can do.

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

MR. WARREN: Mr. Speaker,
I guess you can call it a new question, but it is a fellow up on the question to the Minister of Social Services (Mr. Hickey), in the absence of the Minister of Health (Mr. House), I would like to ask the House Leader (Mr. Marshall) would the House Leader undertake to have the Department of Health to do an inspection on this particular House to see if it is fit for human habitation?

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

MR. MARSHALL: Mr. Speaker, I think the hon. Minister of Social Services has fully and sufficiently answered the situation. The hon. gentleman has indicated that this has already been done and it has been done under the aegis of the Department of Social Services.

MR. HICKEY: Mr. Speaker.

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

MR. HICKEY: Mr. Speaker, let me give the hon. gentleman one more bit of information. There is nothing magic about a health inspection which condemns a house. If every family in this Province living in houses which do not meet the standards as prescribed and laid down by the Department of Health were to move out tomorrow, we would have one heck of a situation in finding accommodations. The fact of the matter is the Department of Health would say to that lady, and one would have to do precious little more than to look at that picture last night, and we ourselves, knowing the health regulations, would be in a position to say that the Department of Health would condemn it. But then again so have the Department of Health condemned many homes in St. John's in which people are still living, and in many other parts of the Province. So really that is not the answer. The answer is to find alternative accommodations which are acceptable to the family and to monitor the situation, through my staff, which we are doing. As far as I am concerned, based on that, Mr. Speaker, we are doing everything that is humanly possible to protect that family, to protect the children and to do what is in the best interest of the family concerned.

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

MR. ROBERTS: Mr. Speaker, a question for the Finance Minister (Dr. Collins) of which I gave him notice yesterday. Has he received the Report of the Auditor General for the year ending 31 March 1983?

MR. SPEAKER: The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, the Auditor General makes his report available to government and it is my responsibility under the Financial Administration Act to then table it in this House within a specified period of time or before a specified date. Mr. Speaker, the act does not say that when government receives the report it must be tabled forthwith. And I am not certain why the Financial Administration Act was worded the way it was, but I imagine that the reason why the provisions were put in that way in the Financial Administration Act was to allow government to make suitable arrangements to allow it to be presented in the House and to the public in the best possible way. In other words, when we table it in the House it is a form that is suitable for immediate circulation to the public.

Now to answer the hon. member's question, I have received full details from the Auditor General but not in the usual form, the traditional form, certainly not the form that I have received it in in each year that I have been in this portfolio. I have not received it in a form which would permit me to table them in the usual way and make them available to the public in the usual way.

MR. ROBERTS: Supplementary, Mr. Speaker.

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

MR. ROBERTS: Mr. Speaker, a very curious answer.

DR. COLLINS: Well, it is the truth.

MR. ROBERTS: Well, no, Mr. Speaker, it is not the truth, the whole truth and nothing but the truth. Let

MR. ROBERTS:

me try again, Mr. Speaker.

The minister, I take it, has told the House, and I hope he will correct me if I am wrong, that he has received the Report of the Auditor General upon the Public Accounts in respect of the year ending 31 March 1983 and that he has received as well the Public Accounts. Can he tell us, then,

MR. ROBERTS:

whether he is prepared to table that within the time specified in the legislation? It is irrelevant for this purpose why the legislation says what it does, Will he undertake to table it within that time and, if the House adjourns before that time, will he undertake to present it to the members of the House even though the House at the day he chooses to present it may not formally be in session?

MR. SPEAKER (Russell):

The hon. the Minister of Finance.

DR. COLLINS:

Well obviously, Mr. Speaker, I will not fail to table it within the terms of the legislation. Obviously, I will table it within the terms of the legislation.

MR. SPEAKER:

The hon. the member for the Strait of Belle Isle.

MR. ROBERTS:

Mr. Speaker, the hon. gentleman still has not answered the question, and I am not allowed to debate it so I shall not. Let me say once again, in the way of a question, will he tell us whether he has received the Report of the Auditor General? The legislation says nothing about the form in which it is to be tabled. It can be tabled in a typewritten form. And I say to the minister that if he has it in a typewritten form and does not make it public, then we, and the House, and the people of Newfoundland and Labrador will draw the obvious conclusions. Let me ask him again, for the third time - and even the precedent of St. Peter was you only deny something three times - will he confirm or deny that he has received the report submitted by the Auditor General in respect of the Public Accounts for the year ending 31 March 1983?

MR. SPEAKER (Russell):

Finance.

The hon. the Minister of

DR. COLLINS:

Mr. Speaker, the hon. member opposite must imagine he is in a courtroom or whatever, 'will he deny', 'do you', all this sort of rubbish. I have said that I have received full information from the Auditor General, and I am going to table that as soon as the ordinary arrangements that have been traditional ever since I have any knowledge of how these things are handled, when those arrangements are in place I will table it with dispatch. It is pointless for me, shall we say - the hon. member suggests that if I have it in a typewritten form - it would be pointless for me to table say a whole bunch of sheets filled with numbers and things. I will table it in a form which is understandable to the members of this House, understandable to the public, and that form is the form that has been traditional for the tabling of the Auditor General's Report.

MR. ROBERTS:

cover-up.

In other words it is a

DR. COLLINS: If the hon. member has difficulty in understanding what I am saying I will get him a copy of Hansard. I said that I will table it as the Auditor General's Report has always been tabled in this House, in no dissimilar way, exactly as it has been tabled in this House. In other words, it is laid on the table and, at the same time it is laid on the Table there are copies of what is laid on the table made available to the members of this House and to the press. When I have those arrangements in place, this is when it will be tabled. Secondly, the act very specifically states that the Auditor General's Report must be tabled within a period of time if the House is sitting—or at a certain date, I should say, when the House is sitting, and if the House is not sitting at that date it shall be tabled within a period of time after the House sits. And this is the way it has always been done and which I will faithfully follow this time round.

MR. WARREN: Mr. Speaker.

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

MR. WARREN: Mr. Speaker, my question is to the Minister of Rural, Agricultural and Northern Development (Mr. Goudie). On November 14th, Mr. Speaker, I asked the minister if his department had any intention of disposing or getting rid of the bulk oil storage tanks in coastal Labrador. At that time the minister said, and I quote from Hansard, Tape No. 2979, that 'there are no particular plans.' Could the minister advise if since then any plans have been put in place to dispose of the bulk storage tanks in coastal Labrador?

MR.SPEAKER (Russell): The hon. Minister of
Rural, Agricultural and Northern Development.

MR.GOUDIE: Mr. Speaker, there are no
plans to get rid of, but since that time arrangements
have been made with Labrador Offshore Services to lease
facilities at Makkovik, Postville and Davis Inlet, I
believe . The lease agreements were signed by me
last week and that is where it stands right now. When
the gentleman directed the question last week, I
perhaps misunderstood him and thought that he might
be referring to all facilities along the coast being
sold on contract or something like that.

MR. GOUDIE: That was not the intent,
but lease arrangements have been made, yes.

MR. WARREN: Mr. Speaker, a supplementary.

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

MR. WARREN: Mr. Speaker, my supplementary
to the minister: Would the minister advise how many proposals
his department received when, I think it was last February,
he called for proposals?

MR. SPEAKER: The hon. the Minister of Rural,
Agricultural and Northern Development.

MR. GOUDIE: Mr. Speaker, when proposal calls
were put forth last year publicly, we received two, one from
Labrador Offshore Services, that I just referred to, the other
from the Woodward Group of Companies headquartered at
Goose Bay.

MR. ROBERTS: Mel Woodward?

MR. GOUDIE: Yes.

MR. WARREN: Mr. Speaker.

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

MR. WARREN: Mr. Speaker, a supplementary
to the minister. Would the minister lay upon the table of
the House each proposal that he received from these two
companies?

MR. SPEAKER: The hon. the Minister of Rural,
Agricultural and Northern Development.

MR. GOUDIE: Yes, Mr. Speaker, of course.

MR. WARREN: A supplementary, Mr. Speaker.

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

MR. WARREN: Has the unsuccessful company
been notified that they were not successful in their proposal?

MR. SPEAKER (Russell): The hon. the Minister of Rural, Agricultural and Northern Development.

MR. GOUDIE: Yes, Mr. Speaker, they most certainly were notified several months ago that they were the unsuccessful bidders. And it was explained to them at that particular time that one of the reasons that they were unsuccessful, one of the arguments we put forth when they argued the case that 'This is unfair, it should not be allowed to happen,' etc., is that several years ago, the Woodward Group of Companies had already been given similar concessions in the community of Nain.

MR. WARREN: Mr. Speaker.

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

MR. WARREN: Mr. Speaker, the minister said that the unsuccessful company was notified several months ago. Could the minister advise when the successful company was notified?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Rural, Agricultural and Northern Development.

MR. GOUDIE: At the same time, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. WARREN: Mr. Speaker.

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

MR. WARREN: Another supplementary to the minister. Could the minister lay on the table of this hon. House the notification that he sent to the unsuccessful company that they were not successful?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER(Russell): The hon. the Minister of Rural, Agricultural and Northern Development.

MR. GOUDIE: Yes, Mr. Speaker, if that information is available in my file, of course I will lay it on the table of the House.

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

MR. CALLAN: Mr. Speaker, I have a question for the hon. the Minister of Finance, who is rather testy today, I would like to ask the minister does he have an update on developments and what is happening at the Come By Chance oil refinery?

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

DR. COLLINS: Mr. Speaker, I am never testy with the member opposite because he always asks very sensible questions and he always asks them in a polite, courteous manner, and he is really seeking information. So I will just have to say the hon. member brought up the question of Come By Chance some little while ago, I made arrangements for the usual mechanism we have for getting information from Petro-Canada, which is through our co-ordinating committee which has been in place ever since we had Petro-Canada become associated with Come By Chance. I have asked the Chairman of the co-ordinating committee to get in touch with Petro-Canada; he has informed me that he has done so and that in the near future an update should be forthcoming.

The update will either be in the form of some written communication, or, and we would prefer this, it will be in the form of a visitation to the Province by some of the top officials in Petro-Canada.

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

MR. CALLAN: I thank the minister, Mr. Speaker. I have another question for the Minister of Finance, Mr. Speaker, but perhaps I should ask it of the Minister of

MR. CALLAN: Education. It concerns the proposed School for the Deaf, and as a preamble, Mr. Speaker, I refer first of all to two letters I have from constituents: One of the letters I have is from the parents of two deaf children, and the other is from the parents of one deaf child, and in these letters they are showing despair over the fact that in the budget of 1982/83 \$600,000 was allocated for the new School for the Deaf - that is what was budgeted - and, of course, no money was spent, nil, not one copper was spent in 1982/83.

In the 1983/84 budget, Mr. Speaker, we saw no mention of any amount of money for the School for the Deaf.

MR. CALLAN: Let me ask the Minister of Finance (Dr. Collins) , as I refer to his statement of two weeks ago, his mini-financial statement, where he referred to the fact he had told ministers of various departments that there will be no new programmes next year, will the minister confirm or deny that this will mean that there will be no future funding in next year's Budget for the School for the Deaf?

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

DR. COLLINS: Mr. Speaker, I would like to refer that question to my colleague, the hon. Minister of Education (Ms. Verge).

MR. SPEAKER: The hon. Minister of Education.

MS. VERGE: Mr. Speaker, I am glad to have the opportunity to confirm for all hon. members, as I have done for advocates for the hearing impaired in this Province, that a replacement facility for the Newfoundland School for the Deaf, both an instructional building and a residence, are now a top priority, the top priority, in fact, for major capital funding in education. In government's five year plan, which was published about three years ago now, we listed three important major educational capital requirements which were, in order, a new campus, major facilities for the College of Fisheries, a new resource centre for the visually impaired in Halifax, which is a facility shared by the Maritime Provinces as well as Newfoundland and Labrador, and, third, new facilities for the Newfoundland School for the Deaf.

Now, Mr. Speaker, as I assume all hon. members are aware, the first two projects listed in the five year plan are now well underway. In the case of the School for the Blind in Halifax, it is completed. We are now concentrating our thoughts and our efforts in planning on the replacement facilities for the School for the Deaf. The

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MS. VERGE: reason that there was no
provision made in the Budget for the current fiscal year
for the School for the Deaf is that

MS. VERGE:

at that point the planning had yielded a cost estimate which was considerably higher than the original estimate. The latest cost estimate was something like \$12 million compared with an earlier projection of only about \$4 million. And at that point, when we were feeling the crunch of the deterioration of the economy with the recession having set in, we deferred proceeding with that project pending a closer examination to see if we could not scale down the project and to reduce the price tag. And, Mr. Speaker, that review has been completed by officials of the departments of Education and Public Works. The latest information and cost estimates will be considered in the budgetary process. Mr. Speaker, I want to assure everyone present here, as well as people elsewhere in the Province, that this government is very cognizant of the urgency of proceeding with the construction of new facilities for the School for the Deaf. We realize that the existing buildings are totally unsuitable for the purpose.

MR. WARREN:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. member

for Torngat Mountains.

MR. WARREN:

Mr. Speaker, a question to the Minister of Education (Ms. Verge). Last week when we were questioning the minister on student aid loans, I think at the time the minister said she would try to find out how many students have had their cases go to the appeal board. The minister did not come back with any answer. I am just wondering now, she had about a week and a half to think about it, how many students in this year's enrollment in various universities and trade schools have had to appeal their student aid loans?

MR. SPEAKER:

The hon. Minister of Education.

MS. VERGE:

Mr. Speaker, in fact I have spent a considerable amount of time on student aid issues over

MS. VERGE: the last week or so. Mr. Speaker, I am informed by the Supervisor of Student Aid that about 20 per cent of applications from post-secondary education students for student aid are appealed to appeals officers who are members of the staff of the student aid office. By 'appeal' I mean complaints indicating dissatisfaction with the initial award of assistance. Mr. Speaker, the appeals officers are also required to review applications which are incomplete, particularly to look at the information on students' own earnings, for example, from Summer employment. Mr. Speaker, we now have two student aid appeals officers on staff and we are in the process of recruiting, hiring and putting in place a third appeals officer which should improve the efficiency with which these type of appeals are handled.

Mr. Speaker,

MS VERGE: there is a further recourse available to students beyond the appeals officer stage, namely an Appeals Board, and I am informed that no student has gone all the way to the Appeals Board this Fall nor did any student go to that court of last resort last year.

MR. WARREN: Mr. Speaker.

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

MR. WARREN: Mr. Speaker, at least one thing that the Opposition has done in the past two weeks is force the minister to have more on staff to answer the appeals for the students. That is one thing we made the minister do, Mr. Speaker. Now the last question to the minister, has the minister been advised by the university and the various schools throughout the town if any students had to leave the schools and go back home because they could not get the money through the loan board?

MR. SPEAKER: The hon. Minister of Education.

MS VERGE: Mr. Speaker, no, I have not been informed by any higher education institution, not Memorial University, not the College of Fisheries, not the College of Trades and Technology, not the Bay St. George Community College, nor by any vocational school that any student had to drop out because of difficulties with student aid. Mr. Speaker, I did have a phone call the other day from a graduate education student, who left a message at my office with no phone number and then did an interview on the radio complaining that he had

MS VERGE: tried to get me, could not, and was having some problems. I had his case investigated and I tried to get back to him but could not reach him, so I really do not know if that was one such case although the fact of the matter is that that individual is still at university.

MR.SPEAKER (Russell): The time for the Question Period has expired. Before we proceed, I would like to welcome to the galleries a delegation from the Springdale town council with councillors William Huxter and Reg Normore, and the town manager, Mr. Alvin Taylor.

SOME HON.MEMBERS: Hear, hear!

MR.SPEAKER: The Hon.Minister of Social Services.

MR. HICKEY: Mr. Speaker, before you call Orders of the Day, would I be permitted to table a letter that the member for the Strait of Belle Isle (Mr.Roberts) asked for yesterday?

MR.SPEAKER: Does the hon.minister have leave to table that document?

SOME HON.MEMBERS: By leave.

MR.SPEAKER: Agreed.

MR.HICKEY: It is a copy of a letter, Mr. Speaker, to Mr. Joe Ryan, Canada Mortgage, outlining for you a planned list of priorities, and also the criteria by which those expansions were arrived at.

MR.ROBERTS: I gather the minister is only tabling one copy of each. Could you ask the table officers to make at least two or three copies for those of us on this side? Quickly if we could, please.

MR.HISCOCK: Mr. Speaker.

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

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MR. HISCOCK: Mr. Speaker, before we get into Orders of the Day, we, being a marine Province and all too aware of the tragedy that happened with the Ocean Ranger and various other marine disasters in our past, the Blue Wave and the Blue Mist, now have had a successful rescue carried out by the HMCS Iroquois in the past couple of days.

MR. SPEAKER (Russell):

Order, please!

I would just like to find out from the hon. member if he is rising on a point of order or a point of privilege?

MR. HISCOCK:

I am just asking if the House here would send to the crew and the captain our congratulations on the successful evacuation . Because I think all too often things like this go past and we do not give recognition to people endangering their lives in order to save other people. So I was wondering if we can pass congratulations on to the captain and the crew.

MR. SPEAKER:

The hon. President of the Council.

MR. MARSHALL:

We certainly associate ourselves with that proposal by the hon. member. It is a very fitting motion to make and such an occurrence constantly brings to mind the dangers that are present in the North Atlantic, particularly at this time of year, and the necessity of there being an effective presence here in this Province to protect people from dangers of the sea. It so happened that HMCS Iroquois was in port at the particular time,

MR. ROBERTS:

It was on patrol at the time.

MR. MARSHALL:

It was on patrol and it was very handy at the time. So that just goes to demonstrate the necessity of having facilities and equipment available in the Province at this point in time. So certainly to the captain and the crew of the Iroquois, we would certainly join with the hon. member and all members of the House in extending our appreciation and congratulations for their efforts..

SOME HON. MEMBERS:

Hear, hear!

ORDERS OF THE DAY

On motion, second reading
of a bill, "An Act To Revise The Law Respecting Limited
Partnerships". (Bill No. 69).

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

MR. OTTENHEIMER: Thank you, Mr. Speaker.

Hon. members will recall
this is an "Act To Revise The Law Respecting Limited Partnerships,"
Bill No. 69. Hon. members will recall or are probably aware
that the white paper on company law had provisions with respect
to revision of the law on limited partnerships. That white
paper was made available to a
Select Committee of the House which was asked to consider it
and hear representations from interested parties and to report
back to the House. It will be recalled that the work of that Select
Committee was interrupted by the election of 1982. It therefore
has to -

AN HON. MEMBER: That was not all that was
interrupted.

MR. OTTENHEIMER: No, as the hon. gentleman says
that was not all that was interrupted, and I think some of
the members who served on that Committee are no longer grace
this Chamber today.

MR. ROBERTS: All were re-elected.

MR. OTTENHEIMER: All re-elected?

MR. ROBERTS: Yes.

MR. OTTENHEIMER: What is necessary now, of course,
in order to bring that whole matter to fruition, is the
reappointment of the Select Committee so that it can conclude
its deliberations and make known its recommendations to the
House before the government finalizes its views with respect to

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MR. OTTENHEIMER: the revision of company law
and, of course, before legislation is introduced for the
consideration of the House. It is my understanding that it
is the

MR. OTTENHEIMER: intention of my hon. colleague to announce the composition of that Select Committee as soon as he has received the nominee from hon. gentlemen opposite. So that is just to put in context the limited partnership.

MR. MARSHALL: Just as a point of clarification -

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

MR. MARSHALL: - I asked the member for Port au Port (Mr. Hodder) about it immediately before he went off on other matters about a couple of weeks ago, so what we want are the names of the two Opposition members and we will constitute the committee.

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

MR. ROBERTS: Mr. Speaker, somewhat informally, but we all seem to be in good form today, we may get something done, as the hon. gentleman from St. John's East (Mr. Marshall) points out, the member for Port au Port is about a greater cause than the Limited Partnership Act. I understood we had passed in the names but if not I shall undertake - well, my friend from Port au Port will be back in the House triumphant on Thursday and he will give you the names. I understand I am to be nominated but I am not sure which of my colleagues has to share the role with me.

MR. MARSHALL: Perhaps when the hon. member for Port au Port, if the hon. members of the Opposition could bear in mind if he is not too depressed on Thursday, could give me the names and we will constitute the committee.

MR. ROBERTS: Well, it is sad about poor Greening, but we will get over that blow.

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

MR. OTTENHEIMER: Mr. Speaker, I am sure in whatever mood the hon. gentleman for Port au Port (Mr. Hodder) comes back in, whether it is one of jubilation or one of great depression, certainly his colleagues will be able to encourage him at least enough to inform the House Leader of the nominees. Although it is not unlikely that the hon. gentleman may come in in a very depressed and dejected manner, I am sure he will rise to the occasion and provide the names. However, all of that was by way of relating this bill with respect to limited partnership to its overall genesis.

MR. WARREN: How would this bill affect lawyers? Would it have any effect on the company?

MR. OTTENHEIMER: No, it has no effect on me. I am certainly not introducing this bill for my own private benefit. It has absolutely no effect on me at all. I am not a -

DR. COLLINS: He is not a man who is limited by any fashion or form.

MR. OTTENHEIMER: It has no personal affect on me. But the point I was endeavouring to make is that in the White Paper the question of partnerships, including limited partnerships, is addressed and that Select Committee will be reconstituted presumably in the very near future and will conclude its deliberations and make known its recommendations and, of course, all of that is necessary before legislation can be introduced.

The government decided, however, that in the area of limited partnerships there were reasons of public policy for introducing a new bill at this particular time instead of waiting for the Select Committee to submit its report.

MR. OTTENHEIMER: First of all, I should point out that the law with respect to limited partnerships as it exists now in the Province, because there is a law relating to limited partnerships which dates back to 1986, so obviously quite a period of time and quite a bit of commercial experience has flowed under the bridge since that period of time and this bill will repeal the old statute rather than making numerous amendments, and will bring in an entirely new act.

It is perhaps worthwhile pointing out as well that it is my understanding that during the past few years on very few occasions has the Unlimited Partnership Act been used.

MR. ROBERTS: Unlimited or limited?

MR. OTTENHEIMER: Unlimited. It is my understanding it has been used on very few occasions. Actually I had a briefing note which said during the past several years it had not been used on one occasion. But rather than saying it had not been used at all, I thought it safer to say on very few occasions because I could not personally verify that it had never been used at all. But it may very well be that it has not been used at all during the last several years, but if there is an instance, certainly it has been used very rarely.

There are two major differences between the new bill, and I think they are the essential differences between the new bill and the old one which was enacted in 1886.

MR. ROBERTS: '76.

MR. OTTENHEIMER: '86.

MR. ROBERTS: You said '76.

MR. OTTENHEIMER: No, it is '86.

MR. ROBERTS: You said '76.

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MR. OTTENHEIMER:

I am quite sure I said '86 but if I said '76 I should have said '86.

DR. COLLINS:

That was the hon. member's birth year, was it not?

MR. ROBERTS:

The Minister of Finance (Dr. Collins) cannot get his figures straight either, that is the trouble.

DR. COLLINS:

The old act is deemed to be restrictive and the new act does not have those restrictions. The old act would permit the formation of a limited

MR. OTTENHEIMER:

partnership to carry on any mercantile, mechanical or manufacturing business. Obviously these things can be given broad interpretation, but that is what is referred to, mercantile, mechanical or manufacturing, whereas the new act, as will be seen 'would allow limited partnership to be established with respect to any occupation, trade or profession'. So obviously there is a quite significant difference there.

The other major difference is that under the old act a change of partners would result in a dissolution of the partnership, whereas under the new act the change of partners does not result in a dissolution of the partnership.

DR. COLLINS: A radical change.

MR. OTTENHEIMER: Yes. This is consistent with recently enacted limited partnerships.

MR. ROBERTS: Only a general partnership is dissolved by the death of a partner.

MR. OTTENHEIMER: Well, the general partnerships, yes. But this legislation only deals with limited partnerships and does not affect anything else but limited partnerships.

I suppose the overall distinction between the two kinds of partnership, and I repeat that this deals only with limited partnerships, is that in a general partnership each partner has the right to share in the management, and each has unlimited personal liability for debts owed by the partnership, both joint and several. In other words, each of the partners together are liable and each of the partners individually could be liable for the debts. However, with respect to limited partnership, and I repeat that it is only limited partnerships which are affected by this legislation, there are two classes of

MR. OTTENHEIMER: partners, general and limited. There must be at least one general partner who has unlimited liability and there may be any number of limited partners and the limited partners' liability for debt is limited to the amount of their investment. That is the general distinction. There are also certain other restrictions in that the name of the partnership must, of course, be a name of a general partner, that a limited partner may not have his name in the official title of the business, and that the limited partner, although he may give advice and ask for information, and obviously make suggestions, cannot take actual part in the management of the partnership.

What it does, of course, by making available this different kind of partner, this limited partner, it obviously will, and hopefully, encourage and make possible the participation of a number of medium or small investors in enterprises. And certainly the intention is that this will help to encourage medium investors and small investors in taking advantage of investment opportunities within the Province.

It is my understanding that during the past number of years

MR. OTTENHEIMER: in Alberta, with hydrocarbon related activity and service industries and other kinds of commercial activities that the use of the unlimited partnership has grown quite considerably.

MR. ROBERTS: No, no, limited partnerships.

MR. OTTENHEIMER: That is what I mean, I am sorry, the use of limited partnership.

MR. ROBERTS: An unlimited partnership is what you do not want.

MR. OTTENHEIMER: Yes, well, that is the regular partnership with general partners.

MR. ROBERTS: That is one like Marshall, Ottenheimer and Greene is.

MR. OTTENHEIMER: Yes. But what we are dealing with here is exclusively the limited partnership, one of the great benefits being that it will allow any number or a considerable number of people to participate, to invest, to have their liability limited to the amount of their investments. It is my understanding, as well, that it has certain tax advantages, legitimate tax advantages, and, of course, there is nothing wrong with that. I believe that the essential tax advantage is that for income tax purposes the partner is in a position of the owner of property and, of course, there is also the protection with limited liability. So there is a legitimate tax advantage and presumably that is what tax advantages are devised for, to encourage legitimate investments. So that must obviously be one of the reasons.

So, Mr. Speaker, in summary I think that this legislation will meet with the general approval of hon. members. It is the belief and

MR. OTTENHEIMER:

hope of the government that with this new Limited Partnership Act there will be encouragement for small investors and for medium investors to take part as limited partners and that this will encourage more Newfoundlanders to invest in our own resource based industries, spin offs which come from resource based industries or, indeed, commercial activity in general. And by making it possible, number one, for a limited partnership to cover not only manufacturing, mercantile and mechanical activities but any occupation, profession or trade, to broaden the scope; and also by providing that a change of partners does not lead to dissolution of the partnership will, number one, broaden the scope of limited partnerships, and number two, avoid or make possible the entry of new partners and, if they wish, the backing out of other partners without having the dissolution of that partnership.

So that is essentially what the bill is about. As I say, it replaces one enacted in 1886 and is necessary to bring in now because it will be certainly sometime, I hope not too long a period of time, but sometime before an entire new company law will be brought in as a result of recommendations from the reconstituted Select Committee and it is thought that by bringing this into effect now opportunities for investment in the Province will be identified, there will be more encouragement for medium and small investors to participate and they can participate in a way that their liability is limited to the amount of their investment.

MR. OTTENHEIMER: That essentially is what the bill will provide, Mr. Speaker.

MR. ROBERTS: Mr. Speaker.

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

MR. ROBERTS: Mr. Speaker, I must confess that at the outset when we caucused on this - and we have been up most of the night tangling with the Limited Partnership Act, it raises some grave questions of principle going to the very heart of the democratic process, raises issues of motherhood, the family home, sanctity of church and state, the inclusions of the rights and freedoms described in the Charter of Rights and Freedoms. When we first began to tangle with this we were open-minded, but I want to say very candidly that the minister's eloquence and his succinct and clear-cut explanation, and particularly his firm waffling on the date when the original Limited Partnership Act came into play, these taken together, Sir, have convinced us and we shall support the legislation wholeheartedly.

Now, Mr. Speaker, the author of this legislation - I am not saying the draftsman, I do not know who the draftsman or people may be who worked on this bill before us, but the author, of course, is my friend, the learned and hon. member from Mount Scio district (Mr. Barry). No charge for the commercial, I say to my friend! He and I practice in a partnership of another nature, although I rather like this limited partnership thought if it means I do not have to be responsible for his debts and he might not have to be responsible for mine. That might be a very agreeable way to proceed.

But the hon. gentleman from Mount Scio, learned as he is, I believe can claim paternity

MR. ROBERTS: in respect of this legislation. He may very well want to speak on it and, if so, I have no doubt the House will hear him with interest and with eager and keen anticipation.

For my part, let me say there is very little, if anything, in this bill that excites any comment. The minister has said that his understanding is the Limited Partnership Act which has been on the books either since 1876 or 1886, and I confess I do not know which, and I confess further it does not matter a whit to me when it went on the books, but the Limited Partnership Act, as we now have it, which is chapter 209 of the Revised Statutes of 1970, has been used only on, if I may be forgiven, very limited occasions. In fact, my understanding is it has only been used once. I believe the Lundrigan group of companies came together with some Norwegian interests, possibly the Gillingham Corporation who own large parts of the Island of Hawaii - not the town of Hawaii or the state of Hawaii, but own large parts of the Island of Hawaii, a very big and powerful company and a very big and reputable Norwegian company, and the Lundrigans, of course, who are big and reputable, came together and formed with them a limited partnership. There were notices in the newspapers which we all no doubt read with great care.

So I do not think that the commercial life of the Province will get a great boost, Mr. Speaker, from this legislation. Its features are as the minister has outlined them and I do not need to comment upon them, except to say that the death of a limited partner not dissolving the partnership is not unique, I am told; I am told it appears in the modern limited partnership legislation as we see it across the country. But it is

MR. ROBERTS: noteworthy because what we now have with this new bill is a curious hybrid between the two forms of corporate organization, or commercial organization, I should say, which we have known in this Province, on one hand, the sole proprietorship/general partnerships which, of course, are unincorporated and have personal liability and on the other hand, the incorporated body, whether it be under the Canada Business Corporations Act or under our own Companies Act which confers limited liability. The limited partnership is a means of enabling a businessman, or a businesswoman, for that matter, to get a form of limitation in respect of his or her liability without going through incorporation. The minister, I suggest, has put his finger on the real reason why that is so, and that is the tax advantages which under the Income Tax Act of Canada can flow from it.

Now, Mr. Speaker, I am not sure how important that is here. I am not saying it is unimportant, I am just saying I am not saying how important it is. The reason why it worked in Alberta is that in Alberta during the boom two or three years ago, what was happening was entrepreneurs were putting together drilling groups in respect of individual wells and there would be a general partner and then there would be a number of limited partnership units. And these were registered with the Alberta Securities Commission. They were sold in accordance with the law; in fact, I know several Newfoundlanders who, at the very least, looked at these and, in some cases, did in fact buy them. In fact, if I am not mistaken, some of the Dome money in the Arctic was put into place under the Alberta Limited Partnership Act, and it worked. But there, Mr. Speaker, it worked because the cost of the individual wells was relatively small and

MR. ROBERTS: the prospect of return was relatively large. And there are two reasons why an investor goes into these. They are not unlike the MERBS or the film investments, which unfortunately, did not work out - unfortunately, at least, for those who invested in them, in that you put your money in and you get some immediate tax relief and that is an advantage, you defer your taxes and shelter some income because, as the minister pointed out, you can bring the capital cost allowances which accrue in respect of the real property and the personal property, for that matter, owned by the partnership, into an individual's income and write off other income against that. But the real kicker in these, of course, is the hope of striking oil or striking gas. They were used, I think the minister probably should be aware, more often in the case of gas wells than in the case of oil wells. The hot play in Alberta the last few years has been in respect of natural gas, not the kind of gas of which the minister is sometimes guilty here in the House.

In any event, all that having been said, Mr. Speaker, the bill is of little consequence to any of the problems facing the Province. It provides for another form of commercial entrepreneurship in this Province. There is nothing wrong with that except it does not do anything to get anything going. The Registry of Limited Partnerships which this bill sets up will probably be a very sparse registry. It will be interesting to see whether people operating as partnerships do in fact take advantage of it, whether, for example, law firms, which are probably the most outstanding - commendable perhaps but certainly outstanding examples of partnerships in the Province. Whether these law firms will take advantage

MR. ROBERTS: of that, that may or may not involve certain questions which the benchers of the Law Society would want to have a look at too. The thought of limiting liability is an interesting one in respect of the way in which the practice of law is carried on in this Province at this time.

In any event, be that as it may, time will tell. The bill itself, Mr. Speaker, does not take us very far forward, it does not take us back. It is the sort of legislation which I suppose we have to deal with, Mr. Speaker - we have to deal with it if the government bring it in - but it is unfortunate that this kind of legislation are the stars in the government's legislative programme. We are told that this session came together to deal with urgent legislation. If this be urgent legislation, Mr. Speaker, I am very glad we do not have to deal with the non-urgent legislation because I cannot think of anything that is less urgent than the bill before us now, a bill, "An Act To Revise The Law Respecting Limited Partnerships."

I may say to the minister in closing, Mr. Speaker, he might want to have a word with the draftsman. If memory serves me correctly, there is another Limited Partnership Act in this Province that was enacted subsequent to the 1970 legislation and was subject to proclamation and has never been proclaimed. Now, I am speaking from memory, it may be the 1970 act was subject to proclamation and has not been proclaimed. As I recall it, there was a second one subsequent to 1970 which has not been proclaimed. He may want to repeal that because, obviously, that act will never be proclaimed in the face of this one.

MR. CARTER: You are clogging up Hansard.

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MR. ROBERTS:

Mr. Speaker, the hon. gentleman is the product of clogging up but not of Hansard, the product of clogging up another part of the elementary tract.

MR. ROBERTS: Mr. Speaker, let me come back to make the point with the minister, if I can have his attention for a moment. Mr. Speaker, there is little point in saying anything to the minister if he is going to be so rude as not to listen.

MR. OTTENHEIMER: I am listening.

MR. ROBERTS: Well, the hon. gentleman, if he is listening, is doing a disservice to the gentleman who is standing over by him. I wonder if I might simply make my point and then the minister may consult with whomever he wishes, obviously. I am all for the minister consulting and taking advice wherever he can.

Mr. Speaker, the point is there is, as I recall it, this unrepealed statute. The minister may wish to address that. If, in fact, there is not an unrepealed statute well and good. If there is, let us clean it up or else we are going to have the star item in next year's legislative programme, a bill, An Act To Repeal The Limited Partnership Act, 1972, or whatever it is.

Now, Mr. Speaker, with those succinct, trenchant and altogether coherent comments, unlike those made by so many gentlemen opposite, Mr. Speaker, I for my part am prepared to throw caution to the winds and vote in support of this bill.

SOME HON. MEMBERS: Hear, hear!

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

MR. ROBERTS: I am not leaving just because you are speaking 'Leo'.

MR. BARRY: I will not hold the minister up very long. Mr. Speaker, I just want to make a couple of points here. First of all, I mentioned this to the minister yesterday, and I am not sure that any problems will result, but

MR. BARRY: I do know that at least one group within the city are using a limited partnership in what they call a MERB, which is a device used to gain certain tax advantages. Under the approval of the tax department you can write off certain taxes by investing in these arrangements called MERBs and you get, in some cases, 100 per cent tax write-off for what you put in and you have an investment. The idea of the exercise, of course, is to encourage businessmen to put dollars into various types of developments within the country.

Now my concern is that we have this legislation going through - what is it? - less than a month before the cutoff of the MERB period, which is December 31. And I do not know whether there has been sufficient publicity given to the fact that there is this bill before the House that will result in changes to The Limited Partnership Act. What I want to suggest, Mr. Speaker, it will probably be well towards the end of this week anyhow before Royal Assent is given, but the bill will come into effect once - it is not subject to proclamation - it will come in automatically once Royal Assent is given. But while I would urge the media, there does not seem to be too many in the House, but there may be a few of them within the confines above, Mr. Speaker, I would urge any of the media who are listening to give some publicity to the fact that this legislation is proceeding through the House so that in the event this may put somebody's plans into disarray, plans for a MERB which they may be in the process of trying to put in place before the year end, that these people might have the opportunity of contacting the Justice Minister (Mr. Ottenheimer) if there is a problem created for them, and it may be that the House could make it subject to proclamation, albeit only a proclamation which could still take place before December 31.

MR. BARRY:

So what I am saying is that I am concerned that the amendment, or bringing in the new act without a sufficient amount of publicity that this is coming could lead to certain business arrangements which are being put in place being thwarted. And I am not as concerned about the fact that you have a few business people who may lose tax deductions as I am that there may be business opportunities lost in the Province which could see the loss of employment and the loss of general contribution to the economy of the Province.

MR. BARRY: So again on that point I would ask the media to try and note that so that people will become aware that over the next couple of days this legislation will be going through and if they have any concerns about it they should get their concerns into the Justice Minister (Mr. Ottenheimer) within those couple of days.

The other point I would like to make, the member opposite referred to the Limited Partnership Act having been utilized only once. I do not know if that is correct, if it was only once, but I was familiar with that one time it was used, and it was the time when the Lundrigan's solicitor requested confirmation from the Energy Department at the time, from the Petroleum Directorate, that the approach they were taking would mean that the limited partnership that was created would obtain the benefit of local preference regulations under the Petroleum Natural Gas Regulations. We were happy to confirm that that particular arrangement would see the limited partnership that would result being entitled to local preference regulations. So there may be advantages in the future for this new act, this up to date, modernized act, even though the old act may not have been used as much as it might have been in other provinces. And there also seems to be some advantages to a limited partnership, as I have said, being utilized in these MERB arrangements.

And finally, Mr. Speaker, I would just like to urge the Minister of Justice - I was happy to hear that he was suggesting that the Committee of the House be re-appointed to finish consideration of this New Companies Act which I had the honour of doing some work on in 1978. At that time, I pointed out in the report that the experience in other provinces had been that provincial incorporations were lost to the new modernized Federal Business Incorporations Act - what do they call it? -

MR. BARRY: - The Canada Business Incorporations Act. And this, I would say, has, over the last four or five years, cost this Province a fair number of incorporations. In other words, people within this Province who might want to incorporate say to themselves, 'Well, let us do it under a more modern act than the act that we have now in Newfoundland', and they do it under the federal act. And this, of course, means that there are fees lost through our Registry of Companies to government, this means that there are revenues lost to the Province which could help meet some of the expenditures that the Province dearly needs revenue to cover. And I believe that we should get a new corporations act in place as quickly as possible, and it is not just pride of ownership that leads me to say that, I do believe that if we checked the figures we would probably find that there has been an increasing number of federal incorporations out of this Province over the last few years with the resulting lost to incorporations under the Newfoundland Companies Act. So I urge that this be taken into consideration. I know there are fees that are obtainable under the registration of foreign companies, but the conclusions we came to a few years ago was that overall fees would be lost if incorporations took place under the federal act and were lost as a result to the Newfoundland Act.

Thank you, Mr. Speaker.

MR. OTTENHEIMER:

Mr. Speaker.

MR. SPEAKER (Aylward):

If the hon. minister speaks now

he will close the debate.

The hon. Minister of Justice.

MR. OTTENHEIMER:

Thank you, Mr. Speaker. and very briefly thanks to the hon. member for the Strait of Belle Isle (Mr. Roberts) and the hon. member for Mount Scio (Mr. Barry) for their comments. I would point out with respect to the

MR. OTTENHEIMER: observations of the hon. member for the Strait of Belle Isle (Mr. Roberts) that, of course, as he is aware, the Limited Partnership Act is repealed by this new act. He also referred to legislation enacted a few years ago which was not proclaimed and, of course, as is obvious, not being proclaimed it is not operative. I do not think we would specifically repeal that now because it is not operative in any case, and with the enactment of a new companies law in general there will be a number of statutes repealed and that would appear to be the appropriate time to do it. I hope, as well, that now, with the reconstruction of a Select Committee, that it will be possible in the quite near future to bring in the New Companies Act to be operative in the Province.

With respect to the point made by the hon. member for Mount Scio (Mr. Barry) regarding the possibility - probably more possibility than probability, whichever - of any existing arrangements being prejudicially affected from an income tax point of view by this new legislation,

MR. OTTENHEIMER: to the best of my knowledge, and we have looked into this, to the best of my knowledge there is no existing partnership which will be or need be prejudicially affected from an income tax point of view. Section 34 does make specific reference to existing partnerships, Section 34 of the bill, and it says in its main paragraph, ' A limited partnership formed before the commencement of this Act may become a limited partnership under this Act by complying with Section 4,' etc., etc. So the conditions are there. so it is my firm opinion, and obviously I do not claim to be infallible, and nobody can foresee all possible configurations of circumstances, but certainly it is my opinion, and the best advice I have received is that no existing arrangement need be prejudicially affected from an income tax point of view. If any hon. member or others are aware that that is not the case, then obviously it is a matter that we would wish to be aware of. But to the best of my knowledge there is no existing limited partnership which would be prejudicially affected from an income tax point of view, because Section 34 of the Act is specifically designed for existing limited partnerships and points out how they may transfer into the new form of limited partnerships. So, Mr. Speaker, I move second reading.

On motion, a bill, "An Act To Revise The Law Respecting Limited Partnerships," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 69)

Motion, second reading
of a bill, "An Act To Amend The Election Act (No.2),"
(Bill No. 71)

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

MR.OTTENHEIMER: Mr. Speaker, this is a
very straightforward and simple piece of legislation.
It has nothing to do with the report of the Select
Committee on Elections which was just received by the
House a few days ago and which hopefully in the new
session legislation will be introduced thereof. What
this will do is avoid an unnecessary expenditure, that
is what it comes to. Now, the last voter's list was
completed or it became official April 1, 1979. The
present Election Act says that there must be a new
voter's list done up after a period of five years, that
would be April 1, 1984. It would be patently absurd
to have a new voter's list done up now when there is
a new major election act to be introduced which may
well have provisions with respect to voter's lists.
Well, obviously, it will because with any form of
redistribution the districts are different so the
voter's lists if they were to be made up now and made
up after the new election act, what was made up in
the interim would be of no validy any longer, so the
composition and the contents of the voter's lists
would be changed with any kind of redistribution of
boundaries, whatever districts were affected by
redistribution, and it is conceivable that the format
might be changed as well. Because in the urban districts
there was a change some years ago. It was not made for
rural, but in the urban districts now when you take a
certain street it is all

MR.OTTENHEIMER: done alphabetically whereas before, the urban districts, when you took a certain street it went numerically, you know, 1, 1A, 2 such a street, 3 such a street, etc., So both with respect to the form and certainly with respect to the content what this would do would be to override the obligation to do a new voter's list as of April 1, 1984, and would extend the life of the presently existing one until December 31, 1985. Obviously it would be the government's intention, when a new election act is brought in and approved by the House, to have the necessary voter's lists done, but it would certainly be a waste of money to do it now.

If a new election act is passed next March or April, or whenever they would no longer be relevant because a number of the districts, at least, are going to be changed in one way or another. So what it really does is it makes unnecessary that expenditure which obviously would really be useless. But there is a statutory requirement now and unless it is repealed then it is the Chief Electoral Officer's statutory requirement to do it.

MR.HISCOCK:

Mr. Speaker.

MR.SPEAKER (Aylward):

The hon.member for

Eagle River.

MR. HISCOCK: Mr. Speaker, we on this side concur with this piece of legislation. As the minister said, why go through the unnecessary expense of compiling a new electoral voters' list when we have a piece of legislation that will be brought in next Spring concerning the new Elections Expenses Act? I may say I was a member of the committee, just for two meetings, but in this new Election Expenses Act it makes provision, if it is adopted by this House, to have a continual updating and, of course, with modern technology, the word processors, this is not impossible but it is highly probable and will not be as great an expense in the future.

So in speaking for this side of the House, Mr. Speaker, we concur with this bill, and, as has been said, we do not have to go through the expense of having another voters' list taken now just because our present five year legislation says it must be done every five years.

On motion, a bill, "An Act To Amend The Election Act (No. 2)", (Bill No. 71), read a second time, ordered referred to a Committee of the Whole House on tommorrow.

Motion, second reading of a bill, "An Act Respecting The Registration Of Nursing Assistants." (Bill No. 75)

MR. SPEAKER (Aylward):
the Council.

The hon. the President of

MR. MARSHALL: Mr. Speaker, on behalf of the Minister of Health (Mr. House) I bring this bill before the House. This is a bill with respect to the registration of nursing assistants.

To date nursing assistants

MR. MARSHALL: have not been regulated by statute, Mr. Speaker. They are almost exclusively employed by hospitals and nursing homes, and they number between 1,800 and 2,000 in the Province. They are actually the second largest health occupational group.

Presently their education programmes and standards of practice are governed by an advisory council to the Minister of Health, but there are no legal mechanisms to enforce standards and hence the need for this act. And the same type of act, I might say, is in vogue in other provinces as well.

What it does it first of all sets up in legislative form an advisory council. It gives the advisory council certain powers to set educational standards, to evaluate educational programmes, to set qualifications for registration, to arrange examinations for new applicants, to hear complaints in disciplinary matters, to monitor manpower needs, and to do generally everything that one would expect from a professional and semi-professional organization.

I might state, Mr. Speaker, as well, as is usual in legislation of this nature, there is what is commonly known in the parlance as a grandfather clause, where all nursing assistants who have completed approved programmes, and those who, by virtue of a

MR. MARSHALL:

combination of experience and training, are functioning and performing the duties of nursing assistants will be allowed to, obviously, continue in their present occupations and will get certification necessary under the act. What this act does is really set up a mechanism whereby certain standards will be set which will have to be complied with and followed by any person coming into the occupation or profession.

There are also provisions in the bill that hon. gentlemen will see setting forth disciplinary measures that may be taken by the Council. This is obviously very necessary and gives sanction really to the bill. It contains a type of disciplinary powers that are similar to those found in regulating other organizations of this type. I should also point out, Mr. Speaker, and make it quite clear that this does not apply to nursing care provided by a member of a family to a patient, because obviously it should not pertain to that. It will not apply either to a person employed primarily in domestic capacity who does not claim to be or accept employment as a registered nursing assistant. Neither will it apply to a person enrolled in a school or course of training for the purpose of becoming a registered nurse or a registered nursing assistant, or neither will it apply, of course, to a registered nurse, they have their own organization and their own standards which apply to them.

So it is generally, Mr. Speaker, a positive act, one that is necessary, perhaps one that is overdue. There are, as I say, between 1,800 and 2,000 people who are involved in rendering service as nursing assistants and what this does really is set up a procedure whereby they can be regulated in the same way as other professional and quasi-professional associations can be. So, you know, that is generally the purpose of the

MR. MARSHALL: act and the principle of the act, Mr. Speaker, and I think I have explained it. If there are any questions that hon. members may wish to raise I would be happy to respond to them on closing.

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

MR. WARREN: Mr. Speaker, in rising to support this act, I believe the minister was a little naive by saying that perhaps it is overdue. Why would he not come out and confess that it is overdue? He had the opportunity for the last ten, eleven, twelve years to bring such an act into this House, but he failed to do so until today. So it is not 'perhaps' overdue, Mr. Speaker, it is long overdue. Because the nursing assistants in this Province are taking a back seat to the nurses and to the doctors, and, Mr. Speaker, they are doing as much work in the hospitals; they may not be doing the medical part of it, but without the nursing assistants in the hospitals throughout this Province, then I would think, Mr. Speaker, that the doctors and registered nurses would have a very, very difficult time.

I believe it is high time that this government came on record as giving the nursing assistants the recognition that they justly deserve, and that they should have received many, many years ago.

Mr. Speaker, it is not very often that this government comes in with such a positive bill that people on this side unanimously support it. This bill does get our full support. And I am sure that once the 1,800 or 2,000 nursing assistants throughout the Province realize there is a clause in the government act protecting them, they will be quite happy. However, Mr. Speaker, let us hope that this committee that they have set up

MR. WARREN: to look into the disputes will not work as such a committee is working today as it pertains to the nurses. It was only a few days ago on CBC evening news we heard the commentary of X number of nurses. In fact, it is at the point now where some of the nurses have taken it into their own hands to put black marks against other nurses because they decided to run for President or for some other position in the Nurses' Union. Let us hope that this bill will cover that kind of action. Let us hope that the nursing assistants will not be caught in such a bind because in the act passed in this Legislature, which was supposed to protect the nurses under their union, there is a clause that gives the President of the Union almost complete autonomy over the entire union in deciding who should run and who should not run for election in that union.

MR. DINN: No, that is bit right. That is the nurses' constitution itself.

MR. WARREN: Well, it is unfortunate that this could happen. Let us hope that it will not happen here. Let us hope that if there is any way possible, we can save this embarrassment to any nursing assistants who are going to continue in the profession in this Province.

There are several clauses, Mr. Speaker, in this bill on which in Committee we will be asking questions of the minister or the Minister of Health (Mr. House) as we go through. Otherwise, speaking as one individual on the Opposition side,

I am in complete agreement with the bill. We hope that this bill will raise the morale of the nursing assistants who have to take a back seat to nurses in this Province. With that, Mr. Speaker, I support the bill.

MR. HISCOCK: Mr. Speaker.

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

MR. HISCOCK: Mr. Speaker, I just want to comment briefly on the bill and reiterate what my colleague said that it is long overdue, and also point out that when we are regulating another semi-professional group in our Province, it will be done with the utmost care so we do not find ourselves putting a semi-professional body in a bind.

As the minister said in conclusion, there are 1,820 people involved in this. It is a group of people who are extremely important in the health care system in our Province and who do not get as much credit as they deserve. They are the people who do most of the harder work, the mundane, day-to-day work on behalf of the nurses and the doctors and who, in many cases, have a lot more contact with the patients. But on going through the salary scale, one finds these people are underpaid.

We are now regulating a semi-professional group yet at the same time, in the midst of hard economic times and with budget restraints, Western Memorial Hospital on the West Coast had to terminate its Nurses' Aid programme. And now, people from Southern Labrador, the Northern Peninsula, the West Coast and the Southwest Coast who wish to join such a programme must come in to St. John's.

MR. BAIRD: It was over-supply in this case.

So over-supply is one case but I am sure the member for Humber West (Mr. Baird) would agree that even though there is over-supply in one part of the Province, we do have an under-supply in other areas. And when we bring in the regulations - I can think back to a time when, in my own district of Eagle River, I was

MR. HISCOCK: asked by two young students to write letters on their behalf with a view to their getting into Western Memorial Hospital for training and, being a former teacher, I looked at their academic records and was not particularly pleased with them, but I felt I had to do my duty as a member for that area. So I wrote the letter and explained that their marks were

MR. HISCOCK: not that high, but they should be given a chance. I was very pleased to find out that they were at the top of their class when they graduated. The fact that we are going to be regulating them, Mr. Speaker, will not mean that the medical students who get straight A's will be the best doctors or the best nurses or the best members of any professional group. Sometimes we need to have some flexibility in our society to make it a little bit more humane. People who find themselves in high school without any extra curricular activities by way of gymnasiums, by way of science equipment, by way of libraries find themselves rather bored and not do too well in school, but you will find when they want to go out to pursue a career they are willing to put all their energy into it. But as we regulate more of society such as the semi-professional groups, this is going to happen less and less because we look at the academic requirements more so than we look at the personality and the determination of the person.

So it is a housekeeping bill, it is one that is long overdue. But as I also said, I am sure that the nursing assistants themselves are not so much concerned with being regulated into a group, a body as they are concerned about their working conditions, about their job security, about their increases, whether it is going to be 2 or 3 per cent. So, Mr. Speaker, in closing my part on the bill the bill is important, it is long overdue and it is giving recognition finally to a group who have committed and devoted their lives to the service of other people. Some of them for various reasons do not want to go into the medical profession, some of them do not want to go into the nursing profession, but that does not mean that they are not committed.

MR. HISCOCK:

But I think that it is pleasing, I am sure, to these groups to be regulated into a semi-professional society and to be able to have the perks and the necessary legislation to protect them.

Thank you, Mr. Speaker.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER (Aylward):

If the hon. President of the Council (Mr. Marshall) now speaks he will close the debate.

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, just a few quick words in closing the debate with respect to the observations made by both hon. gentlemen, that this bill was long overdue. You know I have to point out what I said in introducing the bill, that the Nursing Assistants Association has always been recognized by this government. As a matter of fact, this particular organization existed previously on a voluntary basis, or on a non-statutory basis, on the basis through the Advisory Council to the minister which was established. And what we are now doing here is giving it statutory sanction and statutory authority to make rules and regulations with respect to it. The hon. gentlemen can say it is long overdue but, I mean, the fact of the matter is that this is a good piece of legislation. I would point out once again about most of the pieces of legislation that go through this House, and we have heard it through this session, there has been a tendency from time to time, be it this act or as we saw yesterday with the Leasehold In St. John's Act or whatever it is, for the Opposition to try to spoof it as being unimportant, having nothing to do with the economy, etc., etc. But I would just point out that this is a very important piece of legislation to the organization concerned, as

MR. MARSHALL: all of these measures are very important to certain segments of our society.

The only other thing mentioned about the internal dispute with the Nurses' Association has nothing to do with this bill. The dispute has nothing to do, I would point out, with legislation which exists with respect to nurses in the Province. It is totally and absolutely, at the present stage anyway, an internal matter and it relates to matters with respect to the Constitution itself for that particular union and not with respect to legislation.

So with those two comments, Mr. Speaker, I think I have answered or made any comment that was necessary on the observations made by the hon. gentlemen and I move the bill for second reading.

On motion, a bill, "An Act Respecting The Registration Of Nursing Assistants", (Bill No. 75), read a second time, ordered referred to a Committee of the Whole House on tomorrow.

Motion, second reading of a bill, "An Act To Amend The Law Society Act, 1977", (Bill No. 34).

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

MR. OTTENHEIMER: Mr. Speaker, members will probably recall that in either 1980 or 1981 the government proclaimed a section in the Law Society Act. In other words, it made it operative. It had been enacted but was not proclaimed, was not operative. And that the proclamation brought into existence what is called the Law Foundation. In other words, the Law Foundation has therefore existed since that period of

MR. OTTENHEIMER:

time.

Now, the Law Foundation is appointed by the Law Society and its purpose, it is governed by statute, is to administer for certain purposes monies accruing from trust accounts of law firms, of lawyers. Previous to this, of course, there were always trust accounts but no interest was paid. It was a bonanza for the banks. With the proclamation of the act, then, of course, negotiations were undertaken and interest is now paid on these trust accounts. And the statute stipulates that the money accruing from the interest on the trust accounts has to be used for specific purposes by the Law Foundation. They are in general purposes of legal education and legal services, and probably I should give hon. members an example of the ways in which some of the money has been spent so far. I should point out, as well, that all of the other provinces do have law foundations and it is a way of putting to good use money which accrues from trust accounts which, of course, lawyers cannot use for their own benefit, or any other benefit, and cannot tamper with. But before the Foundation there was no interest, there was no income deriving from it and now there is. And the statute permits, very similar to other statutes in other provinces, that the Law Foundation may use these for purposes of legal education, professional advancement, continuing education, provision of professional services, etc. And in some of the ways that it has been used it might be interesting to indicate the amounts which have been collected by the Law Foundation since it started.

In 1981 they received \$246,000; in 1982 the figure increased quite dramatically, I think because interest rates, of course, were up then, \$344,000; and for the six months of 1983 the revenue has been \$94,000. So presumably the total of '83 will be roughly double \$94,000.

MR. OTTENHEIMER:

So since 1981, since the proclamation of that section of the Law Society Act which brought into existence the law Foundation, some considerable amount of money which otherwise would not have accrued to anybody, because no interest would have been paid -

MR. ROBERTS:

It was supposed to go the banks.

MR. OTTENHEIMER:

Exactly. The banks did not pay interest so they had the use of it for nothing. So certainly that was worthwhile and I was just mentioning the amounts of money which has come in since: In 1981 the Foundation received \$246,000; in '82, probably largely because interest rates were up then, \$344,000; and for the first six months of this year, '83, because they go by calendar years now, not like our fiscal years, the revenue

MR. OTTENHEIMER: has been \$94,000.
So presumably for all of 1983 it will be roughly double that.

MR. ROBERTS: I think the property
transactions went down too.

MR. OTTENHEIMER: Yes. So the types of
ways in which the monies can be used, of course, is
determined by the statute, by the relevant section of
the Law Society Act, and they are in general purposes
of legal education and of legal study and things of
that nature, and I give some examples of some of
the grants that have been made during the past few
years; The Canadian Bar Review received a grant of
\$2000 from them - of course they do this on their own
initiative. They are governed by the statute but they
do not consult with the Department of Justice and by
that I do not mean to suggest that we do not work
closely, we do. We meet once a year, the Deputy Minister and
I, ever since the inception of the Law Foundation, have
met with the Law Foundation once a year, and that does
not mean we could not meet more often if there were
any need to, and we have established a good relationship.

MR. ROBERTS: Could you name who is
on it now?)

MR. OTTENHEIMER: Yes. But
the Law Foundation is, the Chairman Senator Derek Lewis,
the Vice-Chairman is John O'Neil, Q.C. and the other
members, Mr. Frank O'Dea, Q.C. as secretary, Mrs Mary
Noonan is a member, Mr. Norman Whelan is a member and
Mr. Fred Woolridge is a member.

MR. ROBERTS: Is he?

MR. OTTENHEIMER: Yes.

MR. ROBERTS: Douglas Black is secretary.

MR. OTTENHEIMER: No, that is the Law Reform Commission, I believe, of which he is secretary, yes. On this one, Mr. Frank O'Dea QC is secretary. So, I think, it is a very good foundation. We have met with them once a year since their inception and some of the contributions or the uses they have made of the monies accruing have been, for example, a grant to the Canadian Bar Review of \$2000. I am very pleased to say that they have participated - and these are things we discuss at our yearly meetings or indeed whenever we meet. The Law Foundation is participating with the Law Reform Commission and have contributed the amount of \$28,500, or are contributing it over a period of time, for the Newfoundland Law Reform Commission to make a review and recommendations with respect to limitation periods and to try to bring some, I suppose, uniformity and to relook at that whole area of the limitation periods for various kinds of actions. So they are co-operating with the Newfoundland Law Reform Commission in that and are cost sharing the services of a legal research officer. Indeed I am very pleased that we have had a very good level of co-operation with the Law Foundation. They have also made a grant to the Continuing Legal Education Society, which would be a branch or a creation of the Law Society, of \$12,000; to the Bar Admission Course of \$12,000; to the Provincial Advisory Council on the Status of Women a grant of \$5,000 for the publication of a booklet on Family Law which, I imagine, hon. members would have all received a few months ago.

MR. ROBERTS:

A good book, I might say.

MR. OTTENHEIMER: Yes, quite a good book, very well done. I am pleased to see that the Law Foundation takes a quite broad view of its interests and that, I think, is to be commended. To the Essay Competition of the Law Society they have made a grant of \$2,500, and have made a grant to the Canadian Law Information Council of \$5,000 and there are a few other ones.

MR. ROBERTS: Would the minister permit a question?

MR. OTTENHEIMER: Yes.

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

MR. ROBERTS: I raise this while he is on the money thing. Has the Law Foundation spent in each year all of the quite substantial revenues which have accrued to it or does it, in fact, hold large unexpended balances? I do not know the answer although I would say that the minister's list of donations does not come up to anything like the amount they got in. If they are holding balances, how much and more to the point, does the minister have any idea, and I do not intend that in any sarcastic sense, but can the minister tell us what they intend to do with it? Because for my part I can conceive of no valid reason, Mr. Speaker, why the Foundation should hold any substantial sums of money to its credit at all. It is really a funding mechanism as opposed to a holding operation.

MR. SPEAKER: The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, I certainly agree with the hon. gentleman there. I know their first, and I think 1981 was their first year of operation, in 1981 and 1982 they did have balances, fairly significant

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MR. OTTENHEIMER:

ones.

MR. ROBERTS:

\$300,000 is a lot of money.

MR. OTTENHEIMER:

Yes. Now, perhaps understandable because they were quite new at it, there were not probably a great number of requests coming in and obviously, I guess, it took them a year

MR. OTTENHEIMER:

or so to be able to gauge what their income would average out, or what it would most likely be. I suppose largely, also, because it was something new, people who could legitimately request assistance perhaps did not do so because they were not aware of it. Their biggest single contribution that I am aware of was a grant of \$50,000 for the establishment of the West Coast Library and that was done jointly with the Department of Justice and the Law Society.

MR. ROBERTS: Are we going to move the library by the way, while we are at it?

MR. OTTENHEIMER: From the present Courthouse? That may well happen eventually, although no final decision has been made on it.

MR. ROBERTS: You might make that quite clear, because the trade downtown will skin the minister.

MR. OTTENHEIMER: No, no final decision -

MR. ROBERTS: The rumour is around, you know.

MR. OTTENHEIMER: No final decision has been made on it, but obviously it is a matter which will have to be looked at in terms of the need for additional court space in the courthouse itself.

But a general answer to the hon. gentleman's question. Yes, certainly the first two years of operation there had been quite considerable balances. I have not checked with them in respect to the present year's operation, but I am quite sure that there would be, although that big contribution of \$50,000 obviously was quite considerable.

MR. ROBERTS: It would not cover the interest they earned, really.

MR. OTTENHEIMER: Now, what this legislation will affect will be that one-third of the income of the Law Foundation will be dedicated to the Legal Aid Commission and,

MR. OTTENHEIMER: of course, I should point out that in many of the other provinces Law Foundations do have an amount dedicated to legal aid and that varies from 33 per cent up to 50 per cent up to 75 per cent. Indeed, in one province 75 per cent of the interest which accrues is dedicated to legal aid.

Now, arguments could be put forward that we should have put a higher per cent than 33, but personally I think that 33 per cent is quite adequate, because one does want to leave a certain room for initiative and imagination and innovation and with this kind of a fund, although obviously the general purposes are determined by the statute, there is room for an imaginative and an innovative approach.

MR. ROBERTS: Not innovative, innovative.

MR. OTTENHEIMER: Either.

MR. ROBERTS: No, no, it is not either, either.

MR. OTTENHEIMER: The hon. gentleman and I

have not only political differences but certain linguistic differences as well.

MR. ROBERTS: We speak a different language.

MR. OTTENHEIMER: But that is all -

MR. ROBERTS: What was that pronunciation again?

MR. OTTENHEIMER: Linguistic.

MR. ROBERTS: Innovative?

MR. OTTENHEIMER: Innovative.

MR. ROBERTS: There is no such word.

MR. OTTENHEIMER: Innovative, the hon. gentleman prefers to call it.

MR. ROBERTS: Innovative, yes. The minister has the emphasis on the wrong syllable.

MR. OTTEHNEIMER:

Be that as it may, we have discussed the matter with them of the one-third dedication, and certainly there is general agreement. Obviously the Law Foundation was fully aware that this is the practice in other provinces, that indeed in most provinces the amount - or the percentage the amount is a different matter, varying from province to province, the percentage was a higher percentage, but I do believe it is preferable to leave a certain amount there so that it can be used for things like law reform, for things like the grants to the Status of Women and those kinds of matters

So the effect of this will be that, and it will be in effect in the present calendar year - and, of course, they have had balances, have not expended everything - that one-third of the monies accruing to the Law Foundation will be dedicated to legal aid. I do not

MR. OTTENHEIMER: think there is a great deal more than that I can say except that certainly it has proven to be very valuable to have that part of the Law Society Act proclaimed to bring the Law Foundation into existence. Because that means that a total of roughly \$800,000 which would have just been absorbed by the banks has now become available for certain worthwhile causes within the general area of legal education. Of course, there not being a law school in this Province, as there is in many, one obvious possible recipient is not in existence but the effect of this will be that one-third of the monies accruing to them in each calendar year will be dedicated to legal aid, and that meets with their general approval. Not that, obviously, that was necessary, but we work with them co-operatively and we consult back and forth and we have had, as I pointed out, a number of joint efforts such as the Law Reform Commission and some other matters. So the effect of this legislation will be, as of this year, 1983, one-third, and in ensuing years one-third of the monies accruing to the Law Foundation will be dedicated to legal aid.

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

MR. ROBERTS: Well, Mr. Speaker, let me begin at the beginning and note that this is another of the legislative grabbers, the reasons why we are now in the fifth week of this special Fall legislative session, and a grabber it is. It is a matter of grave importance to the public weal of this Province. But having said that, and said it because I believe it -

MR. WALSH: (Inaudible).

MR. ROBERTS: The gentleman from Menihek (Mr. Walsh) is erupting. Does the gentleman from Menihek wish to say something?

MR. WALSH: No, no.

MR. ROBERTS: All right. If he could carry on his conversations -

MR. WALSH: I apologize.

MR. ROBERTS: There is no need to apologize. The hon. gentleman from Menihek (Mr. Walsh) cannot help what he is any more than I cannot help what I am. But I would say that if he wishes to carry on a conversation with his political friend, the gentleman from Placentia district (Mr. Patterson), would they kindly either do it more quietly or outside the confines of the Chambers.

MR. PATTERSON: Do not be nasty, you are usually nice.

MR. ROBERTS: Mr. Speaker, if the hon. gentleman thinks that is nasty it is only because he has been too long a P.C. and he does not know what nastiness is. Now, Mr. Speaker, we can play this one of two ways. The hon. gentleman from Placentia (Mr. Patterson) and I could engage in a duel of wits. The only problem is he comes half armed to that battle. Or I can be allowed to make my few humble remarks with respect to this bill in which case we can go on with the work of the House. I have, subject to the rules of relevancy, an hour. And if the hon. gentleman wishes to play games, or if his silly little friend from St. John's North (Mr. Carter) wishes to come back in and play his silly little games, then we can do that. It is all the same to me, Mr. Speaker.

MR. PATTERSON: Tell us about the oil refinery Joey built.

MR. ROBERTS: Yes, I will say about the oil refinery that Joey built, the one in Holyrood that closed under the P.C. government.

MR. SPEAKER (AYLWARD): Order, please!

MR. ROBERTS: Speaking of amending the Law Society Act, there ought to be a law to say that the present government, Mr. Speaker, cannot close down that which is open. They have not opened anything. What about the oil refinery in Come By Chance that the Premier was going to open within ninety days of taking office? Now, the gentleman from Placentia (Mr. Patterson) can put that in his pipe and smoke it. How does he square that

MR. ROBERTS: with what passes for his conscience? How does he square that? The Premier said, 'Within ninety days Come By Chance will be open'. Well, the ninety days have come and the ninety days have gone and ninety more have come and ninety more have gone. The hon. gentleman for Placentia (Mr. Patterson) likes to talk - maybe he would like to tell us about all the things that the administration of which he is such a proud adornment supports.

MR. CARTER: Tell us about John Shaheen?

MR. ROBERTS: John Shaheen? Let me also tell the hon. member about Chiang Kai-shek.

MR. SPEAKER (Aylward): Order, please!

I will remind all hon. members that the hon. member has the right to be heard in silence. And I will remind the hon. member for the Strait of Belle isle (Mr. Roberts) that we are discussing Bill No. 34, "An Act To Amend The Law Society Act".

MR. ROBERTS: I want to thank Your Honour for that and again, as so often in the past, I implore, I plead with the Chair to protect me against the incessant harassment to which I am being subjected by hon. gentlemen opposite. Even the normally somnolent gentleman from Menihek (Mr. Walsh) was forced into this by the outbursts, the unprovoked and unmerited outbursts of the gentleman from Placentia.

MR. WARREN: The next thing you will hear from the gentleman for Bonavista North (Mr. Cross).

MR. ROBERTS: Yes. My friend from Torngat Mountains (Mr. Warren) says we will even hear from the gentleman for Bonavista North. That, sir, will be a red letter day. I say to my friend from Torngat Mountains that that is not fair, the gentleman from Bonavista North is rumoured to be on the verge of making his maiden speech in this House. We will hear from him.

MR. ROBERTS: Now, Mr. Speaker, let me come back to the bill, because Your Honour quite properly points out that this is a bill, "An Act To Amend The Law Society Act".

Mr. Speaker, to begin at the beginning the minister, I think, is on strong ground when he points out two things, that number one, the House made the right move to take the interest which is earned by the monies held in trust accounts by lawyers and to provide that that money goes to the benefit of the public in the form of the Law Foundation which is constituted under the terms of the Law Society Act. That was a wise move. The only people who benefitted from the old situation were the banks or whoever was holding the trust funds - lawyers were not allowed to take the benefit of the monies earned by their trust funds. As I understand it, a lawyer who did so could have been disciplined and conceivably even disbarred, but in any event, they were not entitled to take the money; the client never got the benefit of the money, of course, and so it went only to the benefit of the bank or whoever or whatever was holding the trust funds as trustee. And I think, as well, the minister is on strong ground when he says that since the Law Foundation apparently is unable usefully to spend the amounts which accrue to them each year, several hundred thousand dollars in some years, at least \$200,000 on an average it would appear, given the practice and experience the last three or four years, I think that since the Law Foundation cannot spend that it would appear the money should go to another legitimate public purpose and it ought to be one connected with the law and Legal Aid is fine, particularly given that under the minister's direction and despite his no doubt strong advocacy in Cabinet the Legal Aid programme is underfunded. It is seriously under funded. The minister, I know, struggles with this, but his colleague, the Minister of Finance (Dr. Collins), is just adamant and the Legal Aid programme in this Province

MR. ROBERTS:

is seriously underfunded.

In fact, it got to the point this year, as I understand it, where the duty counsel who had hitherto been provided are now no longer available. So this does not mean that people do without legal advice, what it means is that the courts are clogged up a little bit more because somebody who is brought up on a serious criminal charge and needs legal advice has to be remanded over until he can get legal advice instead of having the benefit of a duty counsel there in the court. So, Mr. Speaker, when all is said and done the ministry are doing something that is wise in the circumstances. What I would ask of the Minister though again, and I see him pacing up and down outside the Chamber so I know he is hearing what I say - apparently he is feeding one of his habits. The man, it would appear, is an insatiable cigaretteophile; his cigarette ophilia afflicts him again, it is insatiable. The craving drives him into the arms of tobacco, not the arms of Morpheus, Sir, but the arms of tobacco time and time again

DR. COLLINS:

I will check on it.

MR. ROBERTS: The Minister of Finance (Dr. Collins) is going to check on it. I think the Minister of Finance would be the very first to say -

MR. DOYLE: He wants to check on the estimated revenue from the cigarettes.

MR. ROBERTS: I am sorry?

MR. DOYLE: He wants to check on the estimates.

MR. ROBERTS: Well, my friend, the gentleman from Harbour Main - Bell Island district points out the revenue situation. I see the Liquor Board chairman has now confirmed what I said in the House a couple of weeks ago -

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: - that because of this government's policy in so overtaxing liquor they have even succeeded in doing what nobody had ever succeeded in doing in 150 years in Newfoundland, and that is driving down liquor consumption.

MR. BAIRD: The Liberals drove the people to drink and we are stopping them.

MR. ROBERTS: Mr. Speaker, the Tories drive them to drink and now they cannot even afford to drink.

MR. CARTER: Tell us about the liquor stores.

MR. ROBERTS: 'Tell us about the liquor stores'.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Russell): Order, please!

MR. ROBERTS: Let me ask the hon. gentleman from Mount Scio (Mr. Barry) why he was thrown out of the Cabinet? Now, that, Mr. Speaker, is something which is relevant to the Law Society Act.

MR. BARRY: The member for St. John's North.

MR. ROBERTS: St. John's North (Mr. Carter),

I am sorry.

MR. CARTER:

I did not like it.

MR. ROBERTS:

The hon. gentleman did not like it. Mr. Speaker, they still have the fingermarks down in Education on the desk he occupied. The nail marks are there on the desk. His fingernails are embedded, causing considerable difficulty to the present Minister of Education (Ms Verge). She finds it hard to get to her desk because she has to stumble over the furrows left in the floor by the gentleman from St. John's North (Mr. Carter) as he was dragged out, dragged out and flung out.

MR. TOBIN:

Be nice now!

MR. ROBERTS:

I am being nice. I am telling the truth.

Now, Mr. Speaker, let me come

back -

MR. TOBIN:

Do not forget you were Minister of Health.

MR. ROBERTS:

Yes, I was Minister of Health and I stayed there until the Cabinet resigned, and I resigned. In fact, I did not resign, the Cabinet resigned with the Premier and the hon. gentleman, if ever he rises to the eminence of the Cabinet, the gentleman from Burin - Placentia West (Mr. Tobin), as I hope he will, he is certainly a devil of a lot better than many who are in there now, I will say, if there were any justice in the world, he ought to be at least the Minister of Finance because I believe he can add and subtract and that is a considerable improvement, a considerable step forward. But I will say to him, if ever he rises to the eminence of being commissioned by the Lieutenant-Governor on behalf of Her Majesty the Queen to be a minister, he will discover that when the Premier resigns the administration resigns with him, unlike the gentleman from St. John's North, who

MR. ROBERTS: discovered that when the Premier requests a resignation that too resigns the minister, as it did. Now, Mr. Speaker, let me come back to the Law Society Act.

MR. CARTER: What are you talking about?

MR. ROBERTS: This is not a bill, an act to deal with childish behaviour so the gentleman from St. John's North (Mr. Carter) has no interest in it.

Let me come back to the Law Society Act. I asked the minister if he would be kind enough to tell the House what the foundation intends to do with the revenues it is holding. I would estimate, based on the information which the minister has given us, and that information consisted of a list of the revenues which the Foundation had received on one hand and on the other hand a list of a number and possibly of all of the grants which they made, on the basis of that the Foundation is probably holding balances of several hundred thousand dollars to its credit. And, Mr. Speaker, I do not begrudge them a penny of it. Estimable men and women making up that commission, proud ornaments of the Bar, but I think we in the House have a right to know what is going to happen to the money, and also why they are holding on to it. The minister, as I took him, agreed with my suggestion that the Foundation really need not hold on to any money unless they have some plan for it. What do they intend to do with it? It is too much money to simply have them sitting on, the needs are too great. He mentioned the Law Library in Western Newfoundland, a considerable step forward, Sir, but I think the minister or anybody practicing at the bar in this Province would realize that the resources available in legal materials - law reports, statutes, periodicals, learned treatises of one sort or another, that those reports and those

MR. ROBERTS: materials are still very, very insufficient, and outside St. John's you only have the Law Library at Corner Brook which, while it is an improvement, is still a long way from where it ought to be, and then you have nothing else except such books as an individual practitioner may have put together or such books as one of the judges may have. Some of the judges have quite a considerable library but others do not. And the judges will be the first to tell you there are very inadequate libraries available to them and the law is one of these functions, Mr. Speaker, one of these occupations that can only be discharged adequately when you have access to proper materials. Here in St. John's we are a little better off, the Justice Department has an adequate library compared to most. The University have quite good holdings in a lot of fields. The Law Society itself, the library in the Court House is good in a day-to-day journeyman sense only, it is not a place where any research could be done, the holdings are not there and even if the holdings were there the space available is just inadequate for the numbers of lawyers trying to make use of it and the problem of materials disappearing

MR. ROBERTS:

becoming really, really insurmountable. They are going to have to close that library and police it in a way they have never had to do in the 140 years before. So, if the foundation have money which they are holding - and I have no doubt it is earning interest - but if they have money which they are holding and they do not have any real use for it, may I suggest to the minister that perhaps it could be invested in two things: Number one, in expanding the legal research materials available throughout the Province; and, number two - and this is the method by which everybody in the Province, judges and lawyers alike, can have access to it - the various computer services. The Justice Department, I think, has - is it Quick Law? - I am not sure, it has one of the services available to it. There are two or three others. They are an application of the new technology that has shown itself, I think, to be very worthwhile. Anybody who uses these services realizes how good they are and how valuable they are and how they contribute. It might well be the foundation could provide terminals in a number of places in the Province. There are now lawyers practicing at Marystown, Labrador West, Stephenville, Corner Brook, Grand Falls, Clarenville and here in St. John's, as well as two or three places around Conception Bay, Harbour Grace and Bay Roberts, I believe. I think that probably covers the centers where lawyers have set up practices. It would not be a very difficult job to provide terminals in all these places and then make a charge to the user which would help to defray the cost. So those are two ways in which the foundation could use money.

Another way in which it could use it, I think, is perhaps making additional grants to the

MR. ROBERTS: Law Reform Commission. We have a Law Reform Commission here but I gather it is just about hamstrung by money. I do not even know, perhaps the minister could tell me, is the Commission yet in a position where they are going to hire somebody? They were advertising for a full-time person. They may have hired somebody. But if so, I do not think there has been an announcement. Perhaps the minister can tell us about that.

Mr. Speaker, you know, with those few brief, succinct, trenchant and altogether helpful comments, as opposed to the gentleman from St. John's North (Mr. Carter) who is neither trenchant nor concise nor helpful, I would say that we would be more than happy to support the bill.

One final question, however, to the minister, if I might: Section (2) of the bill, Mr. Speaker, makes the act retroactive to 1 January 1983, which is fair enough. Will it then apply to the monies which the foundation earned in 1981 and 1982 which the foundation was presumably holding to its credit? Is the legal aid group going to get one-third of all that was being held as of 1 January 1983 or is it simply to get one-third of that which accrued, that which came in since 1 January 1983. I would assume the latter. And that may well be the way the act works in the future because Section (1), Sub-section (2) says that 'The board shall transfer one-third of the net revenues received in each calendar year directly.' But does the effect of the retroactivity deal with what they were holding before? I do not think it does. But I do want to ask if the minister would confirm that because I assume that he would agree that it should not be made retroactive in the

MR. ROBERTS: sense of dealing with monies
which they had before.

Mr. Speaker, subject to that,
I would commend the minister for this great legal reform.
It is worthy of ranking with Lord Campbell's act or any
of the great legal reforms in history, and his name, Sir,
will go down in respect to the bill, "An Act To Amend
The Law Society Act, 1977". Thank you.

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

MR. OTTENHEIMER: Mr. Speaker, to answer the hon. gentleman's last question first: It is not the intention that the bill be retroactive and that one-third of the monies which would have accrued in '81 and '82 would be dedicated. Indeed one-third probably is not there anyway, obviously. First there was some general discussion at a meeting with the Law Foundation, and then about a year ago they were informed of government's intention, as of the calendar year 1983, to require the one-third dedication. So certainly it would not be retroactive, number one, they would not have known; number two, they may well not have that amount. So it is from '83 forward.

With respect to the balances, actually next week the deputy minister and I are due to meet with the Law Foundation. Obviously we would get that information any time we wished it, but we have done it on an annual basis. But if the hon. gentleman is agreeable, certainly in committee I can check on that to see what amount is not expended.

It would certainly be my overall impression that in the present year, after this becomes operative, there will not be a balance of any significance. Obviously, until the end of December nobody knows for sure what their amount will be but if one doubles - and that is, I suppose, a rough way of doing it - the amount collected during the first six months of '83, then that is \$188,000. Now knowing that this legislation is coming into effect they have no doubt reserved roughly one-third, which is around \$62,000, a grant of \$50,000

MR. OTTENHEIMER: would have been made this year. With respect to the Law Reform Commission, yes, a person has been hired, and this was done in co-operation with the Law Foundation, which has agreed to cost share the salary of a legal research officer for the Law Reform Commission, working in the area of a review of limitation periods and we hope to get recommendations in that respect within the next few months.

MR. ROBERTS: Who is the individual?

MR. OTTENHEIMER: I do not know the name of the person offhand.

MR. ROBERTS: Would you let us know in Committee?

MR. OTTENHEIMER: Yes, certainly. There were public advertisements and the person is now at work.

MR. ROBERTS: No. No. I have no qualms about that.

MR. OTTENHEIMER: No, I realize that, but I will certainly find out the name of the person who has been hired.

MR. ROBERTS: There was a lot of work done on limitations. They are an absolute nightmare. Has the minister seen the report the Law Reform Commission had commissioned?

MR. OTTENHEIMER: It has come across my desk. I have not studied every item in it.

MR. ROBERTS: I know about it from another method.

MR. OTTENHEIMER: And the Law Foundation has dedicated an amount of \$28,500 as a contribution to the Law Reform Commission for work in this area. Some of that may spin over into the next calendar year because they work by calendar years rather than fiscal years. But in general what I am saying is that bearing in mind that doubling the amount brought in in the first six months would be roughly \$188,000, and no doubt they will have

MR. OTTENHEIMER: set aside, knowing that one-third was going to be required and that is around \$62,000, and then the \$50,000 which they made available for the law library in Corner Brook, and whatever portion of the \$28,500 is due in this calendar year, plus some of their other grants, I would think that there would be very little balance. But certainly I will find out what the anticipated balance is, and also of previous years, and what plans there are to put it to some beneficial use.

To the best of my knowledge that answers the questions asked by the hon. gentleman and I am pleased to move second reading.

MR. ROBERTS:

Well said. Well said.

On motion, a bill, "An Act To Amend The Law Society Act, 1977", read a second time, ordered referred to a Committee of the Whole House presently by leave (Bill No. 34).

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

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

MR. MARSHALL: Mr. Speaker, on behalf of the Minister of Health (Mr. House) I have pleasure in introducing this bill to amend the Hospitals Act. What it does is merely extend the limitation period for taking actions against hospitals for negligence from one year to two years. Under the present bill, medical practitioners are liable for their negligence for a two year period, and there is sort of an anomaly, if I can get my tongue around that, which exists in that in the present law with respect to hospitals there is a limitation period of one year. We feel this should be extended to two years to make it consistent. In certain cases that arise now where there is a cause of action for negligence against a doctor arising out of treatment within a hospital, the limitation period with respect to the hospital expires one year before that with respect to a doctor, and we think that they should be consistent.

As a matter of fact, all of the limitation periods that are set down by statute need to be reviewed. It is my understanding they are in the process now of being reviewed by the Law Reform Commission and in due course I know there will be amendments in other areas, but

MR. MARSHALL: this is one that should be made now and that is the purpose of the act, and I recommend second reading.

MR. ROBERTS: Mr. Speaker.

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

MR. ROBERTS: Mr. Speaker, we shall gladly support this for two or three quite disparate reasons but each of them valid. In the first place, I agree with the minister's comments about the need to make uniform limitation period provisions. The present limitation situation - I think he was out of the House when his soulmate and seatmate, the Minister of Justice (Mr. Ottenheimer) and I were discussing this a few minutes ago in a debate on another bill - but the present limitation provision situation is an absolute nightmare. I have some knowledge, which I have gained in a private capacity, I hasten to say, of the report done by the Law Reform Commission because my wife was commissioned by them to do it. She made it a point to go through all of the statutes and the regulations. It is amazing how many limitation periods are contained in regulations and I would venture to say there is not a member of the Bar in this Province today who is aware of some of them. They have just been there lurking for many years ready to ambush an unsuspecting aggrieved person who brings an action only to run into the bar which a limitation period provide. I am not sure, Your Honour, if all of us in the House know what limitation periods are. What they are is quite simple and it is this: The law provides that a person may in certain circumstances sue for damages in tort, and they inevitably grow out of tort actions with the exception of the limitation of realty and the limitation of personal actions acts, but they limit one's right to bring an action whether it

MR. ROBERTS: is in tort or in contract, depending upon the circumstances to which they apply and, Mr. Speaker, the limitation provision constitutes an absolute bar. Take, for example, motor vehicles, where it is two years in the case of a motor vehicle accident not involving death and if Your Honour is injured tonight in an automobile accident and chooses to let the matter go for two years and a month, or retains a solicitor who does not issue a writ within the two year period, then your right, Your Honour, to bring an action is barred for ever and a day and is gone, and so they are very important. _

MR. ROBERTS:

They are in a complete nightmare in this Province because they have grown up like Topsy. The Hospitals Act, as the minister tells us, has a one year limitation period. It should be made uniform. In fact, my own feeling is two years. Perhaps we ought to bring in a bit of legislation in this Province, a generic bit of legislation, called the limitations act - we have two now - to deal with the tort actions and say that no matter what any other statute says it is two years to bring an action, two years from the date when the cause of action arose or when it was first discovered. Because you have to provide for that kind of situation as in fact this bill does. So, Mr. Speaker, that is something that the minister might wish to ask the Law Reform Commission to look at as well, whether we ought to have generic legislation and not simply try to amend.

There must be 300 separate limitation periods contained in the law of this Province today. Most of at the Bar would be lucky if we could name ten, but there must be between 200 and 300 separate limitation periods, some as short as a week. There are cases where if a citizen wants to bring an action he or she must launch that action in the sense of swearing out a writ within a week. There are all sorts of traps for the unwary and all sorts of injustices that can and I suspect are being perpetrated from time to time. That is one reason we support it.

The second, of course, is the obvious one, that the Hospitals Act was sponsored by a progressive, farseeing Minister of Health. It was a major piece of legislation that replaced - there had never

MR. ROBERTS: been a Hospitals Act - that replaced much of what had gone before in a variety of acts, updated it and made it uniform, provided a mechanism whereby all of the hospitals in this Province could carry on their activities within a stated and specific legal framework. I venture to say, with all modesty, that the piece of legislation has worked superbly well. There have been no major amendments to it in its ten or twelve years. There have been major developments in hospitals, but the framework it put into place, which included the regional hospital concept and regionalization, regional boards, has served us well. So, for those two reasons, Sir, we shall gladly support the bill.

On motion, second reading of a bill, "An Act To Amend The Hospitals Act, 1971", read a second time, ordered referred to a Committee of the Whole House, presently by leave. (Bill No. 76)

COMMITTEE OF THE WHOLE ON SAID BILLS:

MR. CHAIRMAN (McNicholas): Order, please!

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

On motion, clause (1) and clause (2) carried.

MR. ROBERTS: Mr. Chairman, I want that noted on division.

If, Your Honour, is looking dubious, I will tell you it is proper to note that.

MR. MARSHALL: We agree with it being objected to, but is it proper?

MR. ROBERTS: We do not care whether you agree or not, with respect.

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

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

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

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

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

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

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

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

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

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

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

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

MR. CHAIRMAN (MCNICHOLAS): Shall Clause (1) carry?

December 6, 1983

Tape No. 3742

IB-2

MR. MARSHALL: Mr. Chairman, Bill 11, Clause
(1), I have to move an amendment to clause (1) that does
not appear in the text of the bill and it is to give effect

MR. MARSHALL:

to the two items that I mentioned yesterday when introducing this matter and it had full debate for second reading. What it does is provide that the use of a building - and I refer hon. members to (e), sub-paragraph (3)-where the only addition to the definition section is that commercial use means a use in connection with a trade business but it did not include, use for one's own residence. It did not include the use of a building by council of the city as residential premises, and this is what has been added, the use of a building that is leased to a tenant as a residential premises so as to constitute a relationship of landlord and tenant as set out in the Landlord and Tenants Residential Tenancies Act.

Then the bill is further amended by adding immediately after clause (1) the following: That the said act is amended by adding the following: And the words are - and I move them, they are before -

MR. ROBERTS: You cannot move an amendment to your own bill.

MR. MARSHALL: No, I know. I will just explain that the Minister of Justice (Mr. Ottenheimer) has kindly consented to move it. But that is under section (4), I think. Clause (1) of the bill is further amended by amending section (4) in the following manner, (4) (1): The person in occupancy or possession of land other than for commercial use on June 1, 1977 whose ancient or modern lease with respect to that land expired prior to or after that date and who continues to occupy or possess the land other than for commercial use on the date of coming into force of this section or the assigns of that person is deemed to have had the lease

MR. MARSHALL: extended until December 31, 1987.
Upon payment of any arrears or rent that person or assigns of that person may exercise the rights granted under this act. And sub-section (2) says, 'This section applies notwithstanding that an action has been commenced in a court of law and not finally decided prior to the commencement and coming into force of this section.'

Now, the reason for this amendment is it extends it to the cases that I mentioned yesterday of people whose land leases had expired, and in one case, certainly in one case and maybe in others, there are actions by absentee landlords before the courts of this Province today to dispossess them, in effect, from the house or else to require them to have to pay the purchase price over again.

I think I explained these fully, Mr. Chairman. The amendments are before the House, so I move the amendments as set forth in this paper writing that I have now explained and has been put before the Opposition.

MR. ROBERTS: You cannot move your own amendment.

MR. MARSHALL: No, I am sorry. The Minister of Justice (Mr. Ottenheimer) is doing it for me.

MR. OTTENHEIMER: Perhaps I will move the amendment so eloquently explained by my hon. colleague.

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

MR. ROBERTS: Now that we have told them on the other side how to move amendments to bills, of course we will go along with it. The minister told us in the second reading debate what these amendments were all about and we certainly have no problem accepting them. I do want simply to note, and all I can do is note because I have not

MR. ROBERTS: put a lot of time on it, I confess, but I have not been able to find words that will guard against the situation which in my view can arise under what will be the new 11 (1) (e) (3), which is that a landlord with a number of holdings can get the freeholds with respect to each of those holdings for forty times the ground rent. I do not know if the minister is shaking his head but I think the wording of the new 11 (1) (e) (3) is such that it would cover the case of an individual who, say, owns fifty houses downtown and has them each leased in a relationship which is a tenant-landlord relationship in the meaning of the landlord and tenant legislation, and that that owner, the landlord, can then go on and get the freeholds for forty times the annual ground rent. I find that a little morally reprehensible. I have no problem at all in the case of a homeowner in our extinguishing the freehold interest in return for the payment of forty times the annual ground rent, I think that is fair enough. I am not so sure whether I would extend that to a situation where somebody has brought the property for a commercial purpose, and I think that is probably the dividing line.

This aged

widow of whom we were told so eloquently so many times, it is one thing to protect her, I am all for that but it is another thing to protect some landlord, corporate or individual, who may own ten or twenty or thirty of these houses and rents them out. Up until now he, the commercial landlord, has been in a

MR. ROBERTS: position where he has had to go in, and he can get the freehold but he has had to pay as if it were vacant land. In other words, pay the commercial going rate.

At any rate, Mr. Chairman, I have not put my mind to try and devise other words. I think it is unfortunate that possibility is there because I have no doubt it will be used. In fact, I have heard of several situations downtown in St. John's where this does exist and the effect of this clause will be to confer a boon upon these people. They are not slum landlords. One of the hon. gentlemen opposite made that observation yesterday, that they were slum landlords. They are not. These are not slums. We are talking now of homes in which people live but we are talking of homes in which people live on a rental basis within the Landlord, Tenant Act as opposed to the leasehold basis at which the act is directed.

It is unfortunate the danger is there and I can only say to the minister that if he of the same mind as I am I would ask that the bill stand over for a day or so in Committee - we are not going to be through today or tomorrow - and ask the draftsmen to have a look at that. There may be a way around it. If, on the other hand, the minister is not of the same mind as I am then fine, let us let it go through.

MR. CHAIRMAN (AYLWARD): The hon. the President of the Council.

MR. MARSHALL: Mr. Chairman, this is the area where you have a thin dividing line as to whether or not it is residential use or whether it is for a commercial use. From the landlord who is renting the

MR. MARSHALL: building, I suppose, you would certainly say it was for a commercial business use. But when the actual unit is being used for residential purposes it is a residential use. So, as I say, you get a thin dividing line.

I can appreciate what the hon. gentleman said and we have addressed this particular situation. But the fact of the matter is there are not as many proportionately of these houses around that are owned by landlords. We feel that there is adequate compensation -

MR. ROBERTS: Do we know how many there are?

MR. MARSHALL: It would be very difficult to get a figure. I think you would have to go through tax rolls of the city council.

MR. ROBERTS: The council tax records.

MR. MARSHALL: Yes, the city council tax records would give it to you. But the fact of the matter is based on the situation that these houses transfer from time to time from one point of view for landlord owned, that is the houses themselves apart from the land, to residential owned and it is pretty hard to differentiate between them. Secondly, the other thing that we have addressed on this is the fact that we feel with respect to the absentee landlords or the ground landlords that adequate compensation for this is available, payable in any event at forty times the annual ground rent. Most important, we think that it will redound anyway for the benefit of downtown St. John's and the resident tenants who are there because this procedure that is here and the ability to buy will tend to improve the housing stock in the downtown area. One of the biggest problems that the

MR. MARSHALL:

residents in the area, residents in my district and the member for St. John's Center (Dr. McNicholas) particularly, have had is in making improvements that they would desire to make to their homes from time to time arises from the very fact that these leases are there and they are unable to be purchased at a reasonable rate.

So what our hope is -

some people may say it is a vain hope - that even with respect to rented premises once they are occupied by residents that the ultimate benefit, or some of it anyway, will be passed on to the residents in the form of improvements to the houses themselves. So, for this reason we have addressed it, and I should not want it to stand over because that is really the intent for those circumstances. But obviously, as I say when I say this, in coming to decisions of this nature it is a matter of balancing out interests which we have done in this particular case. I would move the amendment.

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

MR. ROBERTS: Mr. Chairman, I am not going to make any great to-do about it. I hear what the minister says and I accept what he says. I do want to say though, and simply to place on the record and place before the House, that if a person were to try to assemble land downtown, valid and legitimate land assembly for a commercial purpose - and this is going on now, I have nothing against it. In fact, it may well be the highest and best economic use of much of this land. That is a problem that we have got to address at some point in this Province, whether we are going to allow downtown St. John's to become simply a daytime oasis and a nighttime desert.

MR. ROBERTS: That is really one, I guess, the council of the city should address, not we here. But if one were to want to assemble land down here this bill, this change, is a great boon for any land assembly project. If I were a speculator, Mr. Chairman, and coming into this town today, I could buy up these leaseholds, and today, before this bill becomes law, I have to pay for the freehold, the commercial rate. When this bill becomes law I will get it for forty times the ground rent. And the differences are significant,

MR. ROBERTS: because the commercial rate for a block of land downtown might be five, ten, fifteen, twenty times as much as forty times the ground rent figure.

Now, it may be said, why should the absentee landlord get the benefit of it? and I think that is a valid point. Why should somebody who has done nothing more than be born in a family, one of whose ancestors had the wit somehow to acquire the freehold interests of a piece of land in St. John's, why should that person get the benefit of it? And I agree completely. What I would do instead is allow the leasehold person to get the benefit of it. I am quite candid in saying to the minister that I am not sure how the words should be drawn but I think he can see what I am getting at, that this provision in this bill, unwittingly, I do not think the ministry intended it, I think it is just a side effect, it is a question of trying to do some good and achieving some good but at the same time unwittingly and perhaps unavoidably causing some harm as well. But this bill will be a boon, a considerable boon for any commercial land speculator in downtown St. John's in that it removes a barrier which is there now. Perhaps what we might say, if we do not want to let the absentee landlord have the value and we do not want to give it to the leaseholder, or cannot figure a way to let the lessee take the value of it, let us then provide that it goes into the public chest or, for that matter, goes to the Red Cross or the crippled children, I do not care where. What I am saying is, by simply saying the absentee landlord should not get it, let us not at the same time confer a boon, a benefit, upon a commercial speculator. We are not here to serve commercial speculators. We are here to serve, what we believe to be, are the best interests

MR. ROBERTS: of the Province. Let us not, in trying to achieve those interests, unwittingly confer a boon.

But I think the minister will take my point, that the ending, the residential/commercial definition in respect of homes which has hitherto made these speculators pay this rate, that that, as laudable as it may be, achieves something that is not laudable, and that is why I have raised the point. Now, I am not going to carry on a long debate. The minister, I gather, is going to say a few words. That is fine, I will hear what he has to say, and depending on what he says may or may not speak again. I have a right to respond again, we are in Committee. But I do not intend to carry on a long debate over it. I will just say it is unfortunate that this good could possibly bring this harm.

MR. CHAIRMAN (AYLWARD): The hon. President of the Council.

MR. MARSHALL: The member brings up a valid observation and I want to address it, because I would not want the Committee to think that we have not addressed this in all of its aspects. I will just concentrate on his point with respect that this is going to be a boon for people in land assemblies. I do not believe, you know, that that is strictly correct. At the present time there is nobody who has bought up the land on the basis of being able to get a bargain, if bargain is the word, to be able to acquire the freehold for land assembly purposes. Because before it was certainly debatable as to whether it could be for forty times the annual ground rent or for the fair market value.

MR. MARSHALL: So, suppose somebody does now what the hon. gentleman postulates. What really is going to happen then is the benefit of any profit is going to be passed to the homeowner, because, you see, there are two interests in the property that the person assembling land would have to acquire. Number one, he would have to acquire the freehold and, number two, he would have to acquire the leasehold interests from the present owner. Now, certainly any leasehold owner who is properly advised will be the one to whom any profits will accumulate, because of the fact that they know themselves that they are the ones who can buy out before they sell to any land assemblymen or any speculator of the freehold, and in fact will do

MR. MARSHALL: and in fact will sell on the basis of being freehold land. So consequently the net result of this will be that because of the protection given in this particular act to the residential landowner, that, in effect, the profit will accrue to the lessee, the homeowner as opposed to the landowner. That is our opinion. That is why we propose the amendment.

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

MR. ROBERTS: Mr. Chairman, I appreciate what the hon. gentleman said but I would point out to him that whether or not the benefit accrues to the lease holder, the lessee, or to the holder of the reversionary interest will depend, as he himself said, upon whether the lessee is properly advised. If the lessee is properly advised then he or she would be advised to exercise the right conferred upon him which exists today. We do not need to change the act to give a person who owns a leasehold interest the right to buy in the freehold interest for forty times the ground rent. What this does is apply that right to a situation - and the minister I know will agree with this - where a person or a corporation, it matters not, owns and rents property. And the leasehold interest in that is not the ancient or elderly gentleman or widow as the case may be living in a home. The owner of the leasehold interest in that case is the corporation, the land developer and he is the one gets the benefit of it, the benefit of the right to buy for forty times the ground rent whereas today he cannot get it because he is commercial. The widow, of whom so much has been said, this lady living here in St. John's whose name fortunately has not been made public but whose affairs have been so much brought before the House, she can buy it today through one or two loopholes which the other sections of this act

MR. ROBERTS: are designed to close. What this section does is allow a commercial developer, who has bought in the leasehold interests as part of the land assembly programme, and needs the freehold interests - because, of course, he cannot put together his project without the freehold interest, he cannot get the kind of financing he needs and all that without it - it will enable the developer to buy in the freehold interests on each of those properties for forty times the annual ground rent, which, in most cases, is well under \$1,000. The annual ground rents for these properties run to, you know, twenty, thirty or forty dollars. You know, I have seen several in the last little while where the payment that comes to the reversionary owner is \$800 or \$900. But it will allow a commercial developer to take advantage of that. And, in fact, the actual value of that land is not \$800 or \$900. We are

MR. ROBERTS: deeming it to be that in the case of a homeowner, And, no question, no quarrel, I supported the legislation back in 1973 and if I had been here in 1923 I would have supported it because that is when the concept was first put into law in this Province. I have no doubt that was a Liberal Administration, too, back then in Squire's first administration before he put the hum on the Humber, the hum whose disappearance the Tories are apparently going to preside over.

 But, Mr. Chairman, the point is there, that this amendment does not -

SOME HON. MEMBERS: Oh, oh!

MR. ROBERTS: There is a sort of a conversation here, Mr. Chairman. The Labrador caucus is caucusing. Now, I know there is a rose between two thorns over there and the gleam from the head of my colleague from Torngat Mountains (Mr. Warren) is blinding me. I wonder if perhaps he and the minister, whatever devilment they are up to, if it could be done either quietly - my problem, I say to my friend and colleague, and to my friend, the gentleman from Naskaupi (Mr. Goudie) is that my hearing is at least normal.

MR. BAIRD: Just your hearing. That is all.

MR. ROBERTS: Yes, my understanding pales beyond that of the gentleman from Humber West (Mr. Baird).

 But, Mr. Chairman, let me come back because it is a serious point and it is not one that perhaps has too wide application, but I would say to the minister that his explanation, as I think he will agree upon pondering, does not meet the point which I was raising. All this section does is confer upon a person who owns a home and rents it out, in other words a commercial transaction, now that may be a man who inherited the old

MR. ROBERTS: family home and instead of living downtown choose to live in Churchill Park or in Virginia Park or in Sesame Park or what have you, but he is carrying it on and renting it. In which case I agree he should have the right to buy it in. And my friend from St. John's East (Mr. Marshall) and I are of one mind on this, as unlikely as that may seem to anybody in the House, in that he should have the right. In fact, I can tell my hon. friend that the house in which I grew up in on Duckworth Street was built on leasehold land. A couple of years ago we wanted to buy in the freehold preparatory towards selling it - it had remained in my family since my father built a home on it back in 1940. His home was destroyed by fire and he and mother built there - and it cost us \$10,000. That was the price that the person living in Victoria, who had never, to my knowledge, ever been in Newfoundland, it cost us \$10,000 to buy in the freehold because, when we looked at it, we came to the conclusion on legal advice that it was of commercial use. We were not living in it. It was owned by a company which happens to be owned, declared, of course, by my brothers and myself and was being rented in a landlord, tenant situation. In fact, a number of law firms have had offices there over the years, and the upstairs part, living over the shop as it were, has been rented to people. A lady lived there for many years in fact.

But that is one situation.

I mean we paid \$10,000 for the freehold interest, Mr. Chairman. The ground rent was twenty-five dollars a year, as I recall it, so we would have paid \$1,000. So that gives you an idea. And we are talking about some

MR. ROBERTS: . . . of the more valuable land in St. John's. This is land, generally speaking, south of the higher levels. And there are land assembly projects going on up there, and more power to them. I am not involved in any of them in any way. But that is a valid commercial enterprise. But we are giving these land developers - and there is nothing sinister about it, I am not suggesting that hon. gentlemen opposite have set down a plot to try to confer benefits upon these people, I am not suggesting that at all. I am just simply saying that the effect of this section will be to create a great boon for these people. And I again ask the minister - we are going to be here all week unless the government

MR. ROBERTS: knuckles under. We are going to be here all week - why not let it stand for a day or so and at least address this issue? I mean we make laws in this House, Mr. Chairman, almost without thinking. The draftsman thinks. The ministers who commission the bills may or may not think about them, I wonder sometimes whether they do. The minister in this case has thought about this. Well, this is very much a pet project with him and a worthy project. But, you know, they slip through Committee. We make laws. People are bound by them, people live by them, people have to govern their affairs by them. And I will say to the minister, and I think he has to agree with me, that his argument in response to my earlier point does not address the point.

MR. CHAIRMAN (AYLWARD): The hon. the President of the Council.

MR. MARSHALL: Mr. Speaker, we are not hesitant, because I think we have shown this, you know, we are not hesitant from time to time to say that we will let a matter stand over if we think that it is necessary for it to stand over. I do not disagree with some of the things the hon. gentleman is saying, but I do not agree on the applicability of them to the extent that he pictures them. We have given this a great deal of thought before bringing it in because this has been one of the problems that has occurred in the implementation of the act as it was passed in 1977. We feel that the landlord who owns the house, and the hypothetical instance that the hon. gentleman gave, his family had lived there for a long period of time and wants to live somewhere else, that they should have the benefit of the act, he and I agree on that. So it becomes much more difficult then to put down a dividing

MR. MARSHALL: line between the two.

It is my opinion and it is the government's opinion that the instances that the hon. gentleman refers to would not arise with the frequency which he thinks they would. There are a certain number of homes that are owned obviously by landlords who are renting the homes, in other words, the ground lessees happen to be landlords of the houses. It is our opinion that these people are not - because in order to have a land assembly you have got to buy a bunch of houses around you. I mean, most of these houses reside on land, some of it twenty, twenty-five feet wide. So you would have to buy quite an appreciable amount. I can appreciate what the hon. gentleman has said. You know, we have addressed what the hon. gentleman has said. But I can tell him we have addressed this matter and we are fully satisfied that this is the right and just procedure to be followed, that the provision in sub-paragraph (3) should go in as is there and that it will in fact not lead to the enrichment of land assemblymen for construction purposes or speculation purposes. But really what it will do is that this bill in essence and this provision itself will redound immeasurably for the benefit of residential tenancy in the older parts of the city of St. John's.

Any person who has to assemble property will have to deal with the people who own the property. As of this date they will have to deal with the people who own the property. And the leasehold owners in the city of St. John's today who occupy for residential purposes should know and should be fully aware that for all intents and purposes their property that they held before which was leasehold is now in effect freehold subject to their paying an amount of forty times

MR. MARSHALL: the annual ground rent.

If any person comes in to purchase property for assembly and that they will sell what they own, and what they own is they have this right in effect to the freehold subject to this charge for the leasehold, and they in effect will get the profits from it

MR. MARSHALL:

and they are the ones I think that are justly due it. We have addressed the situation and that is why, Mr. Speaker, I would like to pursue the amendment now. We just joined issue on the matter.

MR. ROBERTS: Well, that is true. I am not going to go over the ground again.

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

MR. ROBERTS: The hon. gentleman has done the Committee the courtesy of explaining the thinking and it is obvious the ministry have addressed this and it is equally obvious that the matter is closed.

I wonder if I could ask the minister this. If it should turn out - and I confess two things to him; number one, that I have no ready words to meet what he and I both agreed is a possible problem, and I say it might be difficult to find these words, it could be a very neat point of drafting and as able as our draftsmen are, or draftladies as the case may be, it is a neat piece of drafting, I confess that candidly, and equally candidly I confess that this may never turn out to be a problem. I have raised something which legally could happen, it may or may not ever happen in fact. I think the minister and I agree that legally what I have said could happen - would he undertake, Mr. Chairman, to assure the House that if it should turn out that the act is being used for the purpose which I have spoken of, or I would say perverted to purpose of which I have spoken, that

he and the ministry will bring in remedial legislation? Let that at least stand on the records of the Committee. That seems to be a reasonable assurance to ask if it ever

MR. ROBERTS: comes about, let us do it,
and in fact let us do it retroactively.

This is a public record now, it is a court of
record to use that term, let us tell any commercial
speculator who thinks he can use this to that end that the
House will take appropriate action when it is discovered.

MR. MARSHALL: Mr. Chairman.

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

MR. MARSHALL: Certainly, that pertains to any
piece of legislation that we pass in this House and certainly
our main concern is with the residential owners and residential
property in downtown St. John's. That is what this bill
is aimed at and if it is shown that it is not working
properly and that there are people who are taking
advantage of this that were not intended, we will amend it
accordingly. I just want to say, and I do not want to
project it longer, that I do anticipate, having said that,
that there will be certain people who will make this
contention. I know when this bill was -

MR. ROBERTS: They have the document.

MR. MARSHALL: Yes, they have the document.

I know when this bill was brought in in 1977 I was inundated
with telephone calls and -

MR. ROBERTS: You do not pay any heed
to that.

MR. MARSHALL: No, I do not pay any attention
but it is somewhat amusing from the quarters from which some
of these complaints came. They all had their own vested interests to protect.

MR. ROBERTS: Pillars of respectability, were
they not?

MR. MARSHALL: Yes, their own vested interests
and all the rest of it.

MR. MARSHALL:

Now they have the right to protect their own vested interests, but you would be surprised at the great indignation and the criticism that was heaped and how this would not work, etc. etc., and how it was compulsory expropriation and what have you. But you usually found that this was seeded in people who were either absentee landlords or, God help us, agents for absentee landlords. So, certainly the Committee has this assurance on this piece of legislation as well as any of them.

MR. CHAIRMAN (Aylward):

The hon. the member for the Strait of Belle Isle.

MR. ROBERTS:

Mr. Chairman, let me thank the minister and let me second him.

I have been amazed at the numbers of people who have, over the last four or five years, made it a point to say to

MR. ROBERTS:

me, knowing that I am a member of the House and knowing that I moil and toil at the bar when I am not in here moiling and toiling, that, you know, they consider this legislation confiscation. I think that is just an ultimate absurdity. I would go further, it is a little beyond the bill, but if we really wanted to do something radical we could bring in a bill embodying this principle: There is around St. John's land which is unimproved and which in due course will be "developed" and will escalate astronomically in value, not because of any improvements put upon it by the "developers" but because the city is expanding and there are more people and there are more schools and there are more roads. In other words, what I am saying is we, society, are making that land valuable. I brought a piece of land at Hogan's Pond on which my home is built for \$3,000. I brought it in 1968. It is a matter of record. Go look it up. My guess is today that land is worth between \$25,000 and \$50,000, just the land. I have done little to it, a little landscaping perhaps, that kind of work, but I have done nothing to bring about that escalation in value. What has happened is the number of homes in the city -

DR. COLLINS: To some extent that depends on your neighbours.

MR. ROBERTS: Well, yes, it depends on my neighbors and it may be that I increased the value of their land or decreased the value, I say to the Minister of Finance (Dr. Collins). I do not know.

But the point is a perfectly serious one and one which ought really to be given some consideration, not in this context but overall. These "developers" do not do anything at all to increase the

MR. ROBERTS: value of land but they cream off what society has done. And we might look in this Province at putting on a very great tax on it. I will tell you why, Your Honour, and Your Honour's district may or may not be subject to it, but I actually live in Mount Scio district but the other side of the road is, of course, Conception Bay South. I drive down through St. Thomas from time to time and St. Phillips and we are perpetrating there a society and economic tragedy. It is going to cost us millions of dollars - and 'us' in this House, the people the taxpayers - to service, the "developments" that are going up. If I may, Your Honour - it is a little out of order and if you rule me out of order then I cannot argue. It is five to six and we are not going to do anything else today, and we have agreed to give up Private Member's Day tomorrow subject to hon. gentlemen opposite concurring - but let me make the point that these "developments" are going up. All it is is some guy who gets five or ten acres of land and decides to bulldoze a road in and build thirty or forty or fifty houses, whatever he can jam into it, and we get councils that are so desperate for a bit of revenue that they approve this development, no regard for planning principles, and we have these little subdivisions dotted all over - some of them are up on hills; you would need to be a mountain goat to get up there - and they are not serviced; and in due course, Your Honour, you and I and the minister and everybody else are going to have to pony up the tax revenues to do it. To me it is a great, great social crime that is being perpetrated. I know the planning authorities are disturbed. I hope the Minister of Municipal Affairs (Mrs. Newhook) - there is

MR. ROBERTS: a yelling from outside the House. Apparently the gentleman from Windsor-Buchans (Mr. McLennon) has taken ill. Not the gentleman from Windsor-Buchans, I am sorry. I have confused him with his red-bearded colleague from Grand Bank (Mr. Matthews). It shows what impact each of them has made in the House.

Mr. Chairman, though let me say the Minister of Municipal Affairs (Mrs. Newhook) might be well advised to address this situation. I notice the Minister of Labour (Mr. Dinn) nodding, I think in agreement with me. The problem is very real and we, the people, are going to end up spending millions and millions and millions of dollars to undo that. But in any event, I stood up to say I agree with the minister. That is such a noteworthy event that it ought to be recorded in the annals of Hansard.

On motion, clause (1) as amended carried.

On motion, clause (1.1) as inserted carried.

On motion, clause (2) and clause (3) carried.

On motion, clause (4) as amended carried.

On motion, clause (5) and clause (6) carried.

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

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

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

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

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

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

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

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

MR. ROBERTS:
for a couple of minutes.

We had better stop the clock

MR. SPEAKER:
clock?

Is it agreed to stop the

SOME HON. MEMBERS:

Agreed.

MR. SPEAKER:

Agreed.

MR. SPEAKER:

The hon. member for Kilbride.

MR. AYLWARD: Mr. Speaker, the Committee of the Whole has considered the matters to it referred and has directed me to report that it has passed Bills (6), (42), (85), (68), (86), (5), (34), (71) and (69) without amendment, and Bill No. 11 with amendments and ask leave to sit again.

On motion report received and adopted. Bills (6), (42), (85), (68), (86), (5), (34), (71) and (69) ordered read a third time on tomorrow.

On motion, amendments read a first and second time. Bill No. 11 ordered read a third time on tomorrow.

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

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

MR. ROBERTS: Mr. Speaker, on the adjournment motion, I realize the minister

may not have had a chance to consult with the member involved, but can the minister indicate whether we will be doing Private Member's business tomorrow or legislation?

MR. MARSHALL: I have not had an opportunity because the member for St. John's West (Mr. Barrett) has gone, but I am sure we can say tomorrow we will do government business.

MR. ROBERTS: Are we then to understand we will be carrying on with the legislation, the same important, gripping, grabbing bills as today?

MR. MARSHALL: Yes, I can give the hon. gentleman the latest rundown.

MR. ROBERTS: Aye. We are breathless here with anticipating.

MR. MARSHALL: The first one is defamation.

MR. ROBERTS: That is one in which we all have an interest.

MR. MARSHALL: The human rights code.

MR. ROBERTS: That applies to the gentleman from St. John's North (Mr. Carter).

MR. MARSHALL: Newfoundland medical care, the Liquor Control Act, award of interest on judgements, status of women and then, you know, the rest of the Order Paper. I will give you more of a list tomorrow. That

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Tape No. 3752

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MR. MARSHALL:

is enough for today.

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