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TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
3:00 - 6:00 P.M.
23 February, 1984

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Russell): Order, please!

SERGEANT-AT-ARMS: Mr. Speaker, His Honour the Lieutenant-Governor has arrived.

MR. SPEAKER: Admit His Honour the Lieutenant-Governor.

LIEUTENANT-GOVERNOR (Hon. W. Anthony Paddon):

MR. SPEAKER AND MEMBERS OF THE
HONOURABLE HOUSE OF ASSEMBLY:

The Second Session of the 39th General Assembly of this Honourable House of Assembly is about to be prorogued. Before releasing you from your duties I wish to convey to you appreciation for the careful and sympathetic attention given to the important matters brought before you by my Ministers.

This Session was one of the most prolific in the annals of this historic Assembly. Eighty-five pieces of legislation were enacted. Major legislative initiatives were taken in many public areas, including the administration of justice, fisheries, pensions, labour and manpower and mines and energy.

In the area of the administration of justice, five new major legislative measures were enacted. An Act to revise and consolidate the common law relating to libel and slander was enacted and came into force as The Defamation Act on January 1, 1984. This Act, with some modifications, has been enacted by most of the Provinces of Canada and includes the defence of "fair comment" to newspapers and publishers in respect of the publication of letters to the editor.

In an effort to improve the efficiency in the Courts, The Judgment Interest Act was passed.

LIEUTENANT-GOVERNOR: Upon the proclamation of this Act, the Courts will be empowered to alter the common law in the awarding of pre-judgment and post-judgment interest in actions for damages for tort or breaches of contract.

As an indication of my Government's desire to encourage increased commercial and industrial activity in this Province, a new revised Limited Partnership Act was passed during this Session.

Being ever mindful of the complications and hardships that the law can sometimes play on legal disputes within the family and the difficulty of enforcing orders of our Courts in other jurisdictions, my Government introduced an Act that gives effect in this Province to the Convention on the Civil Aspects of International Child Abduction and introduced a revised Act respecting Reciprocal Enforcement of Custody and Access Orders.

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In order that our citizens may enjoy fuller protection of their civil liberties, The Newfoundland Human Rights Code was amended to prohibit harassment of persons because of race, religion, religious creed, sex, marital status, physical disability, political opinion, colour or ethnic, national or social origin. Also, amendments to the Act provide that affirmative action programs will not be in contravention of the Act.

The Fire Prevention Act was amended to remove the Fire Commissioner's authority to hold enquiries into the cause, origin, extent and circumstances of any fire;

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these enquiries are more properly conducted by a judge of the Provincial Court. The Act was also amended to provide that the Fire Commissioner may require the plans and specifications for the construction, alteration or repair of a structure to have adequate fire detection and safety equipment.

During this Session, certain actions by absentee holders of expired ground leases came to the attention of my Government. Specifically, my Government became aware of attempts to evict homeowners from their homes by reason of the expiration of ground leases. This Assembly moved quickly through an amendment to The Leaseholds in St. John's Act to prevent such unconscionable actions by extending the terms of such leases thereby giving the owners of the dwellings the right to acquire full interest in their land for the fair and reasonable price prescribed by the Act. By this expeditious action, this Honourable House of Assembly demonstrated its effectiveness as the guardian of the rights of citizens unfairly threatened by dominant interests.

The Law Society Act, 1977 was amended to provide that one-third of the net revenues of the Law Foundation of Newfoundland be paid directly to the Newfoundland Legal Aid Commission.

MR. SPEAKER AND MEMBERS OF THE HONOURABLE HOUSE OF ASSEMBLY: To provide my Government with an independent and responsible view of the major economic and social issues with which this Province is confronted and to advise my Government of the policies and strategies with which these economic and social issues may be met, this Honourable House established by law the

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Economic Council of Newfoundland and Labrador. It is my Government's hope that the Economic Council will encourage informed public appreciation and debate of the economic and social issues.

Among the more progressive amendments to the Co-operative Societies Act was one that permits co-operative credit societies to grant, with the approval of the Stabilization Fund Board, lines of credit and other types of overdraft protection to members.

During this Session, my Government was again able to increase the pensions of former public servants in recognition of the needs of many of those persons whose main source of income is their pension. Also, my Government sponsored the passage of the Portability of Pensions Act which provides for the portability of pensions by employees of the various pension plans guaranteed by the Province. My Government was most pleased that this Honourable House enacted The Pension Benefits Act. This Act will provide for the regulation of pension funds in the private sector to improve their financial integrity and portability.

MR. SPEAKER AND MEMBERS OF THE HONOURABLE HOUSE OF ASSEMBLY: During the past five years my Government has tried to insure that the resources of this Province will be used to the benefit of all our people. To this end, among the amendments to the Mineral Act, 1976 passed during this Session was one to clarify the law so that where rights to minerals and the surface rights to land appertaining to those minerals revert to the Crown in right of the Province, the owners are not entitled to receive any compensation as a result.

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The Petroleum and Natural Gas

Act was amended to provide a means whereby Government, industry and individuals may receive compensation for petroleum related damage to property and natural resources and for economic losses associated with such damage. The scheme will also provide for the payment of the costs of clean-up, containment and the disposal of any petroleum related damage.

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This Honourable House also ratified, confirmed and adopted an Agreement entered into between the Government of this Province and the Government of Canada respecting the restructuring of the Newfoundland fishery. This most significant measure provides the means to strengthen the base of this vital industry and provides a mechanism whereby the Province can attain a necessary and meaningful say in fish management such as not enjoyed since Confederation.

The Fishing Ships (Bounties) Act was amended to provide that the Minister of Fisheries may pay more than one tonnage bounty in a five year period to a fisherman or a group of fishermen whose ship has been lost or damaged to such an extent it can no longer be used in the fishery.

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In the area of education, The Degree Granting Act was passed by this House. The purpose of that Act is to regulate the granting of degrees by educational institutions in the Province. The Department of Education Act was amended to provide for the appointment of a new Senior Advisory Committee and to make the necessary consequential changes to the existing law. The new Senior Advisory Committee will make recommendations on existing educational policy relating to advanced and continuing education in the Province and to recommend to the Lieutenant-Governor in Council the initiation of any new policy.

LIEUTENANT-GOVERNOR (Hon. W. Anthony Paddon): As a result of the recommendations made by a Committee that was struck by the Workers' Compensation Board to study The Workers' Compensation Act, my Government introduced an Act to consolidate the law relating to compensation to workers for injuries suffered in the course of their employment. This new Act revises and changes the law of workers' compensation in the Province.

As a further indication of my Government's commitment to the workers of this Province, my Government introduced amendments to The Regulation of Mines Act and to The Occupational Health and Safety Act that gave effect to recommendations of the McCarthy Royal Commission Report. The Report recommended that both these Acts be amended to prevent a worker's salary from being interrupted while a stop-work-order was in force. The Occupational Health and Safety Act was also amended to provide that a worker who alleged discrimination could seek a resolution of the issue by either applying to the Labour Relations Board or using the procedure established under a collective agreement. My Government has felt over the years that it was necessary to initiate amendments to The Labour Relations Act, 1977 and The Public Service (Collective Bargaining) Act, 1973. During this Session those Acts were amended to clarify the law and to provide protection for the people of this Province during strikes in the public service.

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In the area of the environment, this Honourable House passed an Act to revise the law respecting the sale and use of pesticides in the Province. The Environmental Assessment Act was amended to enable the Lieutenant-Governor in Council to make regulations respecting

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As part of my Government's continuing effort to improve the health care system in this Province, a new Dental Act was passed during this Session. As well, The Nursing Assistants Act was enacted to establish the Council for Nursing Assistants and to establish standards for the training and registration of nursing assistants. The Hospitals Act, 1971 was amended to increase the limitation period in which actions for negligence may be brought against hospitals and officers, servants or employees of hospitals from one year to two years. This amendment makes the limitation period in The Hospitals Act, 1971 consistent with the two year limitation period as set forth in The Medical Act, 1974. To increase the benefits of medical care insurance in this Province, The Newfoundland Medical Care Insurance Act was amended to include in the Act recognition of the Newfoundland Association of Optometrists.

MR. SPEAKER AND MEMBERS OF THE HONOURABLE HOUSE OF ASSEMBLY: A new Archives Act was passed to revise the law respecting the provincial archives and to provide for the establishment of a branch of the archives to be responsible for the management of public records.

As part of my Government's continuing policy of modernizing the granting of Crown lands in this Province, The Crown Lands Act was amended to provide that an application for a grant or lease of Crown land is deemed to be cancelled where title documents and any applicable fees are not returned by the applicant within ninety days from the date on which the applicant received the documents. The amendments also provide that the Minister may grant an extension of the time limits where he considers it appropriate. Among other revisions to The Crown Lands

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Act, lands reverting or transferred to or otherwise acquired by the Crown may be deemed to be Crown lands for the purposes of the Act. The amendments also eliminate the difficulty presently being experienced by the Crown in an action for illegal occupation of Crown lands.

Among the other significant legislative measures enacted during this Session were An Act To Amend The Pharmaceutical Association Act, An Act To Amend The Attachment of Wages Act, An Act To Amend The Liquor Corporation Act, 1973, An Act To Amend The Public Service (Pensions) Act, An Act To Amend The Criminal Injuries Compensation Act, An Act To Amend The Education (Teacher Training) Act, The Queen's College Conferring of Degrees Act, 1983, An Act To Amend The Memorial University Act, An Act To Amend The Liquor Control Act, 1973, An Act To Amend The Solemnization of Marriage Act, 1974, An Act To Amend The Newfoundland and Labrador Housing Corporation Act, An Act To Amend The Natural Products Marketing Act, 1973, An Act To Amend The Status of Women Advisory Council Act, An Act To Amend The Municipal Grants Act and An Act To Amend The Wilderness and Ecological Reserves Act.

MR. SPEAKER AND MEMBERS OF THE HONOURABLE HOUSE OF ASSEMBLY: During this Session, a Resolution respecting the allocation of the northern cod stocks was unanimously adopted by this Honourable House. Also, a Resolution to authorize the issuing of a Proclamation to amend the Constitution Act, 1982 respecting aboriginal rights was unanimously adopted.

The Select Committee of this Honourable House that was struck during the last Session to examine Elections, Controverted Elections and Election Financing presented its Report.

LIEUTENANT-GOVERNOR: As well, the Select Committee to examine draft legislation relating to corporation law and the incorporation of the Certified General Accountants was re-established during this Session.

MR. SPEAKER AND MEMBERS OF THE HONOURABLE HOUSE OF ASSEMBLY:

I thank you for the large measure of supply you have granted. I assure you that the appropriations that you have granted will be expended by my Ministers with care and efficiency.

It is my pleasure that the Second Session of this 39th General Assembly now be prorogued and it is prorogued accordingly.