

PRELIMINARY

UNEDITED

TRANSCRIPT

HOUSE OF ASSEMBLY

FOR THE PERIOD

3:00 p.m. - 6:00 p.m.

THURSDAY, NOVEMBER 17, 1983

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Russell):

Order, please!

I would like to welcome to the gallery today thirty-three students in Grades X and XII from the Swift Current High School in the district of Bellevue with their teachers, Mr. George Eddy and Mr. Sydney Giles.

SOME HON. MEMBERS:

Hear, hear!

STATEMENTS BY MINISTERS:

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, I do not know whether I should make this as a matter of a statement or probably more appropriately it should be brought out as a matter of privilege of the House, but I will make it as a matter of a Ministerial Statement.

Yesterday, the hon. the Leader of the Opposition (Mr. Neary) asked a question of me with respect to rope that allegedly had entwined in the propeller of a supply vessel and he made the enquiry as well as innuendoes and allegations about lack of safety and lack of safety precautions.

Now at that time I said that we were not responding to these matters, and we will not be responding to them unless they are matters of substance because we think that is absolutely essential for integrity and confidence in offshore operations, but I want to show by this statement that I am about to make, Mr. Speaker, if members of the House would pay attention to know just how utterly irresponsible such statements are.

On investigation yesterday

MR. MARSHALL: it was found that Petro-Canada had been conducting exercises to determine how long it would take to attach a winch to a helicopter in order to pick up an individual if a man had been in the sea. And for the purpose of this simulation they had assumed that a man had been washed overboard; and secondly, Mr. Speaker, they had assumed that a rope had been entwined in a propeller so that the boat could not get to that person. And for the purpose of this simulation, Mr. Speaker, they then went and had the propeller fitted with the winch and got out there to test - in other words, it was a safety precaution.

So that, Mr. Speaker, was what the hon. Leader of the Opposition (Mr. Neary) brought before this House as being a certain stated fact. Now it is a well-known fact, Mr. Speaker, that a member of this House gets up and repeats something, he or she takes the responsibility for the truth of what he says. It also points out the total irresponsibility of statements like this and why they so much affect the confidence and integrity of offshore operations.

Now the hon. gentleman did this; he got on the air and started making

MR. MARSHALL:

allegations with respect to the Ocean Ranger and what have you. So this shows, as I say, utter and complete irresponsibility. There was no boat, and there was no rope. The only rope that was there is what the hon. member dangled out and I hope that hangs him today. There was no propeller, Mr. Speaker, It was an imaginary situation, the whole thing was imaginary and that is the type of irresponsibility that we are greeted with. Now, I say, Mr. Speaker, that the hon. gentleman who is responsible for the statements he makes in this House has a duty to apologize to the House for giving them misleading information, to apologize to the members of the press, who reported it themselves widely, and I hope they will also report just as widely, and I hope in screaming headlines, the misleading information that was given here and the effect it has on the offshore. And once and for all, Mr. Speaker, it will give the reason why myself and other members of government will not be responding to statements of this nature until they have been thoroughly investigated and until we know what the situation is.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Russell):

the Opposition.

The hon. Leader of

MR. NEARY:

sure if it was a point of privilege or a -

Mr. Speaker, I am not

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. NEARY:

rules apply to that side of the House that apply to this side. Mr. Speaker, yesterday I put some questions to the hon. gentleman. There were no charges, no allegations,

MR. NEARY: no accusations, Mr. Speaker. The fact of the matter is-

MR. TOBIN: Try to worm your way out of that one.

MR. WARREN: Oh, shut up!

MR. SPEAKER (Russell): Order, please!

MR. NEARY: The fact of the matter is, and this message should go out of this House loud and clear, the minister did not know yesterday what had taken place. He did not know, Mr. Speaker. Now, Mr. Speaker, that is frightening. That is very frightening when you look at a minister who is responsible -

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Mr. Speaker, could I have silence, please?

MR. SPEAKER: Order, please!

MR. NEARY: They are not in a beer tavern, Mr. Speaker. Mr. Speaker, the hon. gentleman did not know, he could not give the House the facts -

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

MR. SPEAKER: Order, please!

MR. NEARY: No, we are on a point of privilege, Mr. Speaker.

MR. MARSHALL: On a point of privilege, Mr. Speaker? No, we are on Statements by Ministers.

MR. SPEAKER: Order, please!

We are not on a point of order or a point of privilege. The hon. President of the Council rose on a Ministerial Statement.

MR. NEARY: I beg to differ with Your Honour. Hansard will show that the minister said, 'I am not sure if it was a point of privilege or a Ministerial

MR. NEARY: Statement, Your Honour.
Now which is it? Is it a point of privilege or is it
a Ministerial Statement?

MR. SPEAKER (Russell): Order, please!
The Chair understood the
Hon. President of the Council to rise on a Ministerial
Statement.

MR. MARSHALL: I now rise on a
point of privilege, Mr. Speaker.

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

MR. MARSHALL: My point of privilege
is that it is bad enough trying to keep track of the
hon. gentleman let alone trying to know what goes on within
his own wild imaginations. I should not want to get into
those hallucinations of having to determine what the hon.
gentleman is thinking from time to time. The fact of
the matter is he is irresponsible and he ought to apologize
to this House, the press and the general public, whom he
misled.

MR. NEARY: Mr. Speaker, to that point of privilege.

MR. SPEAKER (Russell): To that point of privilege, the hon. the Leader of the Opposition.

MR. NEARY: Mr. Speaker, if there is anybody irresponsible and negligent in his responsibility it is the hon. gentleman. He pooh-poohed the questions that we have been asking in the last couple of weeks the same as he pooh-poohed the letters that we wrote him about the conditions on the Ocean Ranger before that disaster occurred.

Mr. Speaker, the hon. gentleman is attributing motives and Your Honour knows that that is against the rules of this House. I ask Your Honour to direct the minister to withdraw his insinuations and his accusations. You cannot attribute motives, Mr. Speaker, to what hon. members say and do in this House.

MR. SPEAKER: Order, please!

To the point of privilege raised by the hon. the President of the Council (Mr. Marshall), he did not establish a prima facie case and there is really no point of privilege. The Chair does not interpret what the hon. the President of the Council said to be attributing motives to the hon. the Leader of the Opposition.

MR. NEARY: Mr. Speaker, the fact of the matter is that safety offshore is uppermost in the minds of people on this side of the House. Now, Mr. Speaker, the reason we ask these questions and the reason we think we should get answers - and the hon. gentleman obviously is going to stonewall and refuse to give the people's House the information - is the fact that we want to test the administration to see if safety procedures offshore, Mr. Speaker -

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Could I have silence, Sir?

MR. SPEAKER (Russell): Order, please!

MR. NEARY: - if safety regulations offshore have improved since the Ocean Ranger disaster. And the hon. gentleman can twist and turn and squirm all he wants but we are going to keep asking these questions. My advice to the hon. gentleman is to keep himself informed so that he can give factual information to the House, because yesterday, Mr. Speaker, he did indeed confirm there was an incident -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: - there was an incident with a rig offshore.

MR. WARREN: He did it on TV.

SOME HON. MEMBERS: Oh, oh!

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

MR. NEARY: He confirmed on television that there was an incident.

MR. SPEAKER: Order, please!

It is the custom, I think, of the hon. House that when the Speaker stands, the hon. member speaking takes his seat.

I have to inform the hon. the Leader of the Opposition (Mr. Neary) that his time has expired.

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

MR. SPEAKER: On a point of order, the hon. the Leader of the Opposition.

MR. NEARY: Mr. Speaker, my point of order is this, that the hon. gentleman misled the House today. I am still not sure whether it was a point of privilege or a Ministerial Statement and when Your Honour gets Hansard

MR. NEARY: he will find out that I am correct. The hon. gentleman misled the House and misled the people of this Province when he confirmed to the media that there was an incident offshore. Now, Mr. Speaker, that is very frightening when you look at a Minister of Energy who could not answer a few simple questions, who did not have the information, did not know what happened, went outside the House and confirmed for the people of this Province that there was some kind of an incident involving a service vessel. That, Mr. Speaker, is frightening.

MR. MARSHALL: Mr. Speaker, to that point of order.

MR. SPEAKER (Russell): The hon. the President of the Council, to that point of order.

MR. MARSHALL: Mr. Speaker, I confirm no such thing. I said in the House yesterday, and I will say it again and again, that I am not responding to questions of that nature, that we look into incidents; whatever incidents occur that we are aware of those incidents and we will look into them. Now, my purpose in rising today is to show the utter irresponsibility of the hon. member and point out the fact that the hon. member owes a retraction to this House and an apology to the people of this Province for spreading misleading information.

MR. SPEAKER: Order, please!

To that point of order, it is not really a valid point of order, it is a difference of opinion between two hon. members.

ORAL QUESTIONS

MR. NEARY: Mr. Speaker.

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

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MR. NEARY:

Mr. Speaker, in the absence
of the hon. the Premier, who gave us a

MR. NEARY:

lecture there a few months ago about our duties, about the responsibility of attending to the duties of the House - the Premier told us that the House when it is opened comes before everything else in the Province - therefore, Mr. Speaker, I am forced to put my questions to the Government House Leader (Mr. Marshall), who has refused to answer questions in this House.

I want to ask the hon.

gentleman in the absence of the Premier -

MR. TOBIN: Are you sure your party wants you to go to Terra Nova district?

MR. SPEAKER (Russell): Order, please!

MR. NEARY: Mr. Speaker, I insist that Your Honour enforce the rules of this House. Your Honour is jumping on this side every opportunity and we would submit -

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Yes, that is true. And, Mr. Speaker, we want equal treatment. That is all we are asking for, equal treatment.

MR. SPEAKER: Order, please! Order, please!
The Chair certainly cannot sit here and have the hon. the Leader of the Opposition (Mr. Neary) cast aspersions on the impartiality of the Chair. I ask him to withdraw those comments.

MR. NEARY: I withdraw the comments, Mr. Speaker. But we will be appealing in the future, we will be appealing every opportunity we can, I can guarantee you of that.

SOME HON. MEMBERS: Oh, oh!

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

MR. NEARY: Mr. Speaker, we will get this matter straightened out in due course.

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Russell): Order, please!

MR. NEARY: Mr. Speaker, there they are breaking the rules again.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

It appears that everybody on both sides of the House are talking at once, I again tell all hon. members that when a member is speaking he is to be heard in silence.

MR. NEARY: Thank you, Mr. Speaker.

So I have to direct my question to the Government House Leader (Mr. Marshall). I would like to ask him for an update on the future of Bowater in Corner Brook. Specifically, has the administration heard anything from Bowater on how talks are going regarding the sale of the Bowater operation?

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

MR. MARSHALL: Mr. Speaker, I think the Premier has already made the position of the government well known with respect to this. I mean, the government is in contact with all matters affecting the welfare of the people of this Province and that particular procedure continues. I have no intention, at this particular time it is not propitious, to make any further statement other than what the Premier said in his very full and complete statement when he visited Corner Brook and they had a press conference with respect to it.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Mr. Speaker, a supplementary.

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

MR. NEARY: Would the hon. gentleman inform the House if the Premier or the administration have been able to persuade Bowater to at least inform them, in private if that is the way to do it, the identity of the companies with whom they are talking?

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

MR. MARSHALL: Mr. Speaker, I thought I had answered that question for the hon. gentleman a moment ago. The answer is exactly the same as the answer to my previous question.

MR. NEARY: A supplementary, Mr. Speaker.

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

MR. NEARY: Well, the hon. gentleman is going to stonewall on this too. We get no information on this either, Mr. Speaker. That is the democracy that the hon. gentleman's party was preaching about in the last couple of elections.

Now, would the hon. gentleman tell the House when the administration will unveil contingency plans in the event, and

MR. NEARY: we hope that this will not happen, Mr. Speaker, in the event that these talks fail?

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

MR. MARSHALL: I have nothing further to add to what I have already said. The government are dealing with this very serious situation in the way that is in the best interest of the people of this Province. It will continue to do so, and that dictates that I am not going to respond to the hypothetical type of questions that the hon. gentleman is asking.

SOME HON. MEMBERS: Hear, hear!

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

MR. NEARY: Mr. Speaker, how irresponsible can you get! The fact of the matter is that they have no plans.

Mr. Speaker, a supplementary.

SOME HON. MEMBERS: Oh, oh!

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

MR. NEARY: Mr. Speaker, could I have order please? They are not having a beer bash over there, it is not a beer tavern they are in.

Mr. Speaker, would the hon.

gentleman -

MR. YOUNG: (Inaudible) party for you.

MR. NEARY: Mr. Speaker, I would ask Your Honour to enforce the rules, please. The hon. gentleman is not over his vacation yet. Mr. Speaker, would the hon. gentleman tell the House if there are ongoing talks with the federal government on the possibility of both levels of government getting together to work out some mechanism whereby they could save that mill in the event that these talks fail?

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

MR. MARSHALL: Mr. Speaker, I have nothing further to add to the answer that I gave to the hon. gentleman in the first instance. He is not going to entrap me into making statements with respect to the federal government or with respect to the provincial government as to their relationship in this particular matter. The hon. gentleman has such a pipeline, I would suggest, to Ottawa anyway that he can get the answer if he wishes to if they wish to give it to him.

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

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

MR. NEARY: Mr. Speaker, the hon. gentleman just squirted his usual poison, which is untrue and incorrect and attributing motives to the question that I asked. Mr. Speaker, let me say for the benefit of members of this House that we have no pipeline into Ottawa, we are not privy to any information that Ottawa may have on this particular matter, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: We do not have any information. We have not volunteered our opinion and we have not asked for any information from Ottawa. I ask Your Honour to direct the hon. gentleman to withdraw these remarks.

MR. MARSHALL: Mr. Speaker, to that point of order.

MR. SPEAKER: The hon. President of the Council, to that point of order.

MR. MARSHALL:

I mean, you know, that is not a point of order. If the hon. gentleman feels insulted because I insinuate that the hon. gentleman speaks to the government in Ottawa and the Liberal Party in Ottawa, if he really feels sore put because I am actually insinuating that he is great friends of the Liberal Party and the government in Ottawa, certainly I withdraw it. And I say that if he considers it a shame and a blight on his political and personal character I certainly do not wish to cast aspersions to that end.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Russell):

Order, please!

The point of order raised by the hon. Leader of the Opposition (Mr. Neary) was, again, a difference of opinion between two hon. members and the hon. President of the Council (Mr. Marshall) appears to have withdrawn his comments.

The hon. Leader of the Opposition.

MR. NEARY:

Mr. Speaker, I do not consider it a shame but I do not like untrue, incorrect statements being made by the hon. gentleman. He attributes motives to everything we do in this House and it is time we put a stop to that, Mr. Speaker. I ask Your Honour to pay very strict attention to the sleazy way -

SOME HON. MEMBERS:

Oh, oh.

MR. SPEAKER:

Order, please!

MR. NEARY:

- the hon. gentleman tries to get around things.

SOME HON. MEMBERS:

Oh, oh.

MR. SPEAKER:

Order, please!

The Chair just made a ruling on a point of order. Assuming we are continuing with the Question Period, I would ask the hon. Leader of the Opposition if he would be kind enough to direct a question.

The hon. Leader of the Opposition.

MR. NEARY:

Mr. Speaker, let me see if I can get an answer to this question. Could the hon. gentleman tell the House, because the city council in Corner Brook seems to be terribly upset with the administration, especially the Minister responsible for Development (Mr. Windsor), that there has been no reply to a letter from the city council who are interested in seeking a \$1.5 million federal grant over a five year programme under the LEAP programme, that

MR. NEARY: great federal Liberal programme called LEAP. Mr. Speaker, the city council have held meetings with Ottawa and the project is listed high on their priorities. Why has not the minister replied to a letter that was written a month ago from the city council, and then two weeks ago a second letter written, and then a discussion at a cocktail party in Corner Brook recently with the minister about the same matter? Mr. Speaker, why has there not been prompt action taken on this matter by the administration who are pretending that they are so concerned about the economic problems in Corner Brook?

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

MR. WINDSOR: Mr. Speaker, the hon. Leader of the Opposition (Mr. Neary) continues to make statements in this House that are not based upon fact. The fact of the matter is there was a letter indeed written by the City of Corner Brook but it was not addressed to me, it was addressed to my colleague, the Minister of Municipal Affairs (Mrs. Newhook). I was advised of the situation this morning where the Mayor of Corner Brook apparently has forgotten who he had written to as well. He seemed upset with me this morning because I had not replied to a letter that he never sent to me. Nevertheless, having heard of that, I took it upon myself to obtain a copy of the letter and I indeed have it here in front of me, a copy of the letter to my colleague. It is an interesting

MR. WINDSOR: letter, and it asks certain questions of government, but forgets to tell us exactly what they are proposing to do. So when we receive more information from the mayor then certainly no doubt we will respond. I am sure my colleague, who is not here today, will respond.

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

MR. NEARY: Mr. Speaker, what a slur against the Mayor of Corner Brook, what a slur on the part of the hon. gentleman. Mr. Speaker, the fact of the matter is that the right hand over there does not know what the left hand is doing.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

MR. NEARY: . So let me ask this question again; Why was the letter written a month ago not answered? Why did they have to go public before they finally got the administration and the minister to move on this matter?

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

MR. MARSHALL: Mr. Speaker, I should not really respond. I mean, the hon. Leader of the Opposition (Mr. Neary) is smarting from the first twenty minutes of the sitting of the House. The hon. the Minister of Development (Mr. Windsor), all members of this government reply to their correspondence. They are not like the complaint that the hon. gentleman's colleague had to levy against the member for Grand Falls-White Bay-Labrador (Mr. Rompkey) in the debate yesterday, the federal member.

The hon. gentleman has responded. There is nobody in the government who responds more effectively and more quickly than the Minister of Development

MR. MARSHALL: (Mr. Windsor) and I am quite sure that he has complete and absolute control of this and is responding in the proper manner.

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

MR. MARSHALL: I am glad to see the hon. gentleman is taking a rest.

SOME HON. MEMBERS: Hear, hear!

MR. WARREN: I also ask for silence, Mr. Speaker. My question is to the Minister of Rural, Agricultural and Northern Development. Would the minister inform the House why the increase in the price of pork recommended by the Hog Marketing Board was approved and later rescinded?

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

MR. GOUDIE: Mr. Speaker, I am not quite sure I understood that question, but I believe it relates to a matter dealt with by the Hog Marketing Board in which the Hog Marketing Board set a minimum price -

SOME HON. MEMBERS: Hear, hear!

MR. GOUDIE: I do not think I will repeat that, Mr. Speaker - a price which Newfoundland Farm Products was unable to pay and the matter is being dealt with at this point in time.

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

MR. WARREN: Mr. Speaker, it may sound funny but it is not funny at all, Mr. Speaker. Was the recommendation of the Hog Marketing Board approved by Newfoundland Farm Products Corporation? Was that approved by the Newfoundland Farm Products Corporation?

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

MR. GOUDIE: Mr. Speaker, the price
set by the Hog Marketing Board does not have to be approved
by the Newfoundland Farm Products Corporation.

MR. GOUIDE: Indeed, the Hog Marketing Board is responsible for the marketing of hogs in the Province and controlling that aspect of the agricultural industry. Farm Products is the purchaser, processor and wholesaler. So in terms of price setting there is no relationship, one to the other, except one sets the price and the other one pays.

MR. WARREN: Supplementary, Mr. Speaker.

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

MR. WARREN: Mr. Speaker, another question to the minister. Was the increase that was suggested by the Hog Marketing Board approved by the Agricultural Products Marketing Board?

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

MR. GOUDIE: No, Mr. Speaker. Maybe what I should do is explain how the pricing is put in place in relation to hogs, the sale of hog animals and hog products in this Province.

The index price used for the purchase of hogs by Newfoundland Farm Products is the Toronto based price which I believe this week is fifty-eight cents per pound. To cover the cost of transportation of feed grains, etc., to this Province, producers in this Province add on an extra two cents, so it is sixty cents a pound. The price set by the Hog Marketing Board a couple of weeks ago was eighty cents per pound - a twenty cent difference between the index price and the price that they wanted - and Newfoundland Farm Products was not in a position to pay that kind of price for the product. So at this point in time the Hog Marketing Board, Newfoundland Farm Products, the Agricultural Products Marketing Board and my department are all discussing the matter. Government will be addressing itself to the matter within the next few days hopefully, and we think the matter can be resolved,

MR. GOUDIE: especially if we address ourselves to the concept and hopefully the installation of a stabilization programme.

MR. WARREN: Supplementary, Mr. Speaker.

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

MR. WARREN: Mr. Speaker, can the minister advise if he did approve the increase as recommended by the Hog Marketing Board? Did he agree with the increase?

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

MR. GOUDIE: Mr. Speaker, no, I did not approve that particular price. I do not have the authority to approve or disapprove the price. The legislation governing the Hog Marketing Board allows them to set a minimum price for hogs and the hog industry and it is not incumbent on me or upon government to either approve or disapprove.

MR. GOUDIE: We as a government operate a Crown corporation, known as Newfoundland Farm Products Corporation, which purchases the animals, slaughters them, processes them and wholesales them. Newfoundland Farm Products has a mandate to operate a business and they were unable to pay the eighty cents per pound set by the Hog Marketing Board a couple of weeks ago, so the two groups sat down and negotiated an interim arrangement until government collectively addresses itself to the matter of whether or not it will further subsidize the hog industry in this Province, whether or not a stabilization programme will be implemented in this Province tied into a national scheme or not tied into a national scheme. That is where the matter sits right now.

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

MR. WARREN: Mr. Speaker, another question to the minister. If the minister did not approve of the increase, could the minister advise if the Hog Marketing Board acted on their own to have it gazetted? It was gazetted.

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

MR. GOUDIE: Yes, Mr. Speaker, they did. As I have said, there is legislation governing the Hog Marketing Board. They have powers of authority to do a number of things, one of which is to set minimum prices, and they handle that whole process.

MR. SPEAKER: The hon. member for Bellevue.

MR. CALLAN: Mr. Speaker, I have a question or two for the Minister of Justice (Mr. Ottenheimer) pertaining to the Lottery Licencing Board. Today we have tabled in the House the report of the Newfoundland Liquor Licencing Board, and perhaps they are both tied in. Mr. Speaker, I want to ask the minister has he or his department received many complaints across

MR. CALLAN: the Province from groups, organizations, or whatever who were not able or were not permitted to obtain the proper licence from the Lottery Licencing Board? Has he received many complaints? And what kind of complaints? What was the nature of their complaints, if he has any?

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

MR. OTTENHEIMER: Mr. Speaker, no certainly we have not received many complaints. We have received some around six or seven, five or six somewhere in that area. There is of course an appeal procedure.

MR. NEARY: I sent two myself.

MR. OTTENHEIMER: Yes, that clears two of the six.

DR. COLLINS: One-third.

MR. OTTENHEIMER: There is an appeal procedure, an Appeal Board, and so far we have it is either one or two, I am not sure which, requests for an appeal. So there is an Appeal Board. I think there were a lot of enquiries, obviously, it being the first time that there has been a Lottery Licencing Board, there were a lot of enquiries, there were some things which were misunderstood, and many of those matters have been clarified now. And, of course, those organizations which

MR. OTTENHEIMER:

can receive lottery licenses, licenses for holding lotteries, are religious or charitable organizations.

Organizations which are not religious or charitable cannot, of course, receive them. But, in general, no, about six I would say, and it is either one or two instances where it appears there will be an appeal. Obviously in a matter like this it is quite appropriate to have an appeal. In those matters, if they wish to pursue it, obviously it will be heard through the appeal process.

MR. CALLAN:

Mr. Speaker.

MR. SPEAKER (Russell):

Bellevue.

The hon. member for

MR. CALLAN:

Mr. Speaker, the minister admits that there have been some complaints and that there is an appeal process. Obviously, though, judging from the complaints, now the minister said six but there are many others and I am sure that the minister has heard about them even though he probably has not got them in written form or whatever - let me ask the minister then, as a result of these complaints and even though there is an appeal board, is it the intention of the minister or his department to make any changes in the regulations pertaining to lottery licencing in this Province.

MR. SPEAKER:

Justice.

The hon. Minister of

MR. OTTENHEIMER:

Mr. Speaker, of course, when it became effective, as hon. members are aware, it was the first time in the Province that we had a Lottery Licensing Board. I should mention as well that, apart from the five or six complaints I have had, I have had many, many, more compliments on the programme because, as hon. members will recall when you go back about -

MR. NEARY: Could the hon. gentleman table them?

MR. OTTENHEIMER: Oh, Mr. Speaker, it would take up too much space. If I were to table all the compliments, if the government were to table all the compliments it gets on its various programmes, they would not fit in the House. I think that would be a dangerous precedent, it might even be combustible, and the fire marshal might interfere. But as hon. members will recall, a year ago, indeed less than a year ago, practically every corner store was selling instant win tickets, and there were many, many, instances where school kids were spending lunch money on them. There was no supervision, no control whatsoever. Obviously we are going to review it, it is a new programme. Essentially what we did was make a study of the programme of lottery licensing in the different provinces of Canada. There is lottery licensing in every province of Canada except Prince Edward Island,

We based it on their experience because it was obviously new to this Province. We have told all of the licensees that, number one, we solicit and look for any comments or advice or suggestions they have. There has been a great deal of dialogue between the Lottery Licensing Board and the various charitable and religious organizations and certainly it is a matter which is under continuing review. And if there are any ways that it can be improved or streamlined, certainly we work closely with the licensees and welcome suggestions that they might have.

MR. CALLAN: Mr. Speaker.

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

MR. CALLAN:

A final supplementary,

I think, Mr. Speaker. One group complaining in particular is the Lounge Association. As I have said, there are many, many lounges around the Province as we see noted there in

MR. CALLAN: the report of the Newfoundland Liquor Licencing Board. The minister says that licences area available to charitable and religious organizations. It is a fact of life that lounges are not set up as charities. However, it is also a fact of life that lounges and lounge owners and operators, and the Lounge Association, across the Province have over the years done many, many charitable deeds. They are now forbidden to carry out these any longer. So I want to ask the minister does he not agree that the Lounge Association is probably one case in point where an exception should be made? Under special circumstances, does the minister not agree that the Lounge Associations and the individual lounges should be permitted to carry on some sort of a lottery when it is recognized, of course, and spelled out that it will be for a charitable purpose?

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

MR. OTTENHEIMER: Mr. Speaker, first of all, of course, the stipulation that lottery licences may only be awarded to charitable and religious organizations is a stipulation over which this Province has no control. That is a stipulation in the Criminal Code. Essentially what the Criminal Code provides is this: All lotteries are illegal. Then it goes on to say, 'However, a province may establish a Lottery Licencing Board, and, if a province so does, it may licence charitable or religious organizations.' And then the Criminal Code and cases heard under it have defined what charitable and religious organizations are. So that is the general framework under which it operates. Now one can say - just to put in an overall perspective - before we had the Lottery Licencing Board what was the situation? In theory every kind of lottery activity before

MR. OTTENHEIMER: there was a Lottery Licencing Board - in theory - was illegal. However, there developed a policy of tolerance because for a long period the only people operating these were in fact religious and charitable organizations. But then a period came when others, groups which were not religious and charitable, were doing it for their own profit, and obviously you could not continue that policy of tolerance any longer because that only made sense when the only ones doing it were religious or charitable organizations. Therefore we had to, according to the provision of the Criminal Code, establish the Lottery Licencing Board and it is the Criminal Code which stipulates that only charitable or religious organizations may be granted such licences.

MR. CALLAN: The Lounge Association.

MR. OTTENHEIMER: Now a lounge in itself is not in my opinion a charitable organization. Presumably they have a license but it is a license to sell liquor. It is not in itself a charitable organization. Now whether a particular association is or is not, obviously one

MR. OTTENHEIMER:

would have to, and the lottery licencing agency would have to look into it, but really, applications are made to the Lottery Licencing Board, they regard the Criminal Code and the regulations under which they work, and then they make a decision. If a person is not satisfied with the decision, then they make an appeal. But I do not grant licences across the floor of the House of Assembly.

MR. CALLAN:

No.

MR. OTTENHEIMER:

This is not the place to apply and I personally do not give them. So I would suggest that if there is an association and they have applied and have not received a license and they are dissatisfied, then obviously there is an appeal procedure.

What has happened in a number of instances is there have been applications and people have been written back and told: 'As you have applied for it, or what you have specifically asked for, we cannot grant a licence for', but they are advised, if it is possible, to bring themselves within the ambit of the law and frequently people then have made a different kind of application which can be approved. But obviously the question of whether an organization has to be charitable or religious, I mean, there is nothing we can do about that, that is determined in the Criminal Code, and I think it is a very valid determination. Because if you are not going to have that, you might as well grant it to everybody and it becomes a matter of free enterprise. But the matter of public policy is that lotteries may only be licenced for genuine charitable and religious organizations. The vast majority, I think, of the people agree with that policy.

SOME HON. MEMBERS:

Hear, hear!

MR. CALLAN:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for Bellevue.

MR. CALLAN:

Mr. Speaker, let me ask the minister perhaps a different sort of question. A couple of days ago we had a financial statement of the Province, and the highest tax people in all of Canada are in this Province. I know, as President of the Norman's Cove Lions Club, where we do have a lottery licence and so on, it will cost us \$600; we will be sending to the provincial government an extra \$600 or more this year as part of our lottery licencing system. Let me ask the minister, Will the government be making any money on the lottery licencing scheme or, as the minister has said in the past, is there just being enough money taken in to pay the staff who are administering the actual licencing? Will the government make money on it?

MR. OTTENHEIMER:

A very good question, Mr. Speaker.

I welcome that question. The philosophy of the government is that lottery licencing should not be a source of revenue to the government, nor should the government have to

MR. OTTENHEIMER: subsidize lottery licencing.
In other words, the fees charged should cover the operation of the Lottery Licencing Board. The government does not regard it as a source of revenue, we do not think that would be appropriate, nor do we feel that the government should subsidize the lottery licencing programme out of public revenue. In other words, it should break even.

Now when we started off, obviously it was impossible to know exactly what amount would be necessary. What we did was model the procedure in Newfoundland very close to the one in Alberta. After having examined all the provinces, it appeared that the Alberta one was the smoothest running, the least bureaucratic, the most flexible, if you wish, and worked well. Alberta charged 2 per cent. We said, fine, if we are following that programme we will have to charge 2 per cent because we have no way of knowing; it could be a bit more it could be a bit less. I am not sure if it has already been gazetted or if it will soon be gazetted that we are now in a position to be able to reduce that by 25 per cent. In other words, people will be paying one-quarter less. So if the annual assessment for a certain area is \$600, then it will be 25 per cent less. It will be \$450, that is what it will be. In other words, we will be reducing from 2 per cent to 1.5 per cent which is really one-quarter less.

MR. NEARY: When will this happen?

MR. OTTENHEIMER: This will become effective the January 1.

MR. WARREN: How many on staff?

MR. OTTENHEIMER: Three, to the best of my knowledge. The overall Director was there before. He is the Director not only of lottery licencing but of a

MR. OTTENHEIMER: number of other activities as well. So there are three.

MR. WARREN: Two and a half, sort of.

MR. OTTENHEIMER: No, three plus the person who was already there, so it would be like probably three and a half. Obviously when the Appeal Board sets there are certain fees there, and there are certain fees apart from salary, obviously. There is a certain amount of printing, there is a fair bit of travel, because these people have been out to Western Newfoundland and Central Newfoundland and various places -

MR. WINDSOR: And Labrador.

MR. OTTENHEIMER: - and Labrador to meet with the different groups. But we are able to reduce that amount whereby the licensees will be paying one-quarter less than what was originally contemplated they would have to pay.

MR. SPEAKER (Russell): Order, please!

Time for Question Period has expired.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The hon. Minister of Health.

MR. HOUSE: Mr. Speaker, I would like to table the Annual Report of the Newfoundland Medical Care Commission for the year ended March 31, 1982.

NOTICES OF MOTION

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

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

MR. DINN: Consolidate The Law relating To Compensation To Workers For Injuries Suffered In The Course Of Their Employment."

MR. OTTENHEIMER: Mr. Speaker.

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

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

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

MR. SPEAKER: Order, please!

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

MR. NEARY: Mr. Speaker, there are seventy or eighty or ninety written questions on the Order Paper that the Opposition went through tremendous trouble to prepare, intelligent common-sense questions that require answers, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: These questions have been on the Order Paper since early this year, March, April and May of this year, and, Mr. Speaker, we have not seen any answers so far, since the House reconvened. I believe somewhere in the rules, Mr. Speaker, there must be a provision to force the administration -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: - to answer questions and give information to the taxpayers and the people of this Province.

DR. COLLINS: To that point of order, Mr. Speaker.

MR. SPEAKER (Russell): Order, please!

The hon. the Minister of Finance to that point of order.

DR. COLLINS: Mr. Speaker, I think we can foretell how Your Honour is going to rule because he has ruled on this before. And for the hon. the Leader of the Opposition (Mr. Neary) to say, 'there must be something in the rules,' he is supposed to know if there is something in the rules before he raises a point of order.

Mr. Speaker, I would like to bring up one other point though. In regard to these questions that are put forward, I know I have experienced this and I think other ministers have experienced this, where the Opposition is asking questions of ministers which are not in their areas of responsibility. And if they are going to put these questions on the Order Paper and wish to get answers, they really should, and according to the rules they are required to, my understanding is, they should ask them of the ministers who are responsible for those areas and then the answers will be forthcoming. There is no point in asking me a question about Rural Development, shall we say, that is not my area of responsibility, and some of the delays have been the result of faults in the questions by the Opposition in that regard.

MR. NEARY: Just a brief comment to that point of order, Mr. Speaker.

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

MR. NEARY: Mr. Speaker, it is a very simple matter, just to answer the hon. gentleman, it is a very simple matter for a minister to stand in his or her place in this House and say, 'Well, I am sorry but this matter does not come under my jurisdiction, it comes under the jurisdiction of the Minister of Finance.' But, Mr. Speaker, they have

MR. NEARY: mute, we have not heard a sound. That is a matter of simple courtesy to the members of the House and to the Opposition. And why will the ministers not do that?

DR. COLLINS: You should know whom you are asking questions of.

MR. NEARY: No, Mr. Speaker, because they have restructured so often that they have restructured themselves out of business. It is like a jungle over there, half the time you do not know who to ask questions of.

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

 It is obviously very proper and correct for the members of the Opposition to ask oral questions or present written questions, however, I do not think there is anywhere that I am aware of where it says that ministers either answering orally or in writing are required to do that.

PRESENTING PETITIONS

MR. MATTHEWS: Mr. Speaker.

MR. SPEAKER: The hon. the member for Grand Bank.

MR. MATTHEWS: Mr. Speaker, I am privileged to rise in this hon. House today to present a petition on behalf of the parishioners of St. Thomas Aquinas Parish of St. Lawrence. 733 residents have signed this petition to protest against the possible

MR. MATTHEWS: establishment of a Morgantaler Abortion Clinic within the Province. I fully realize, Mr. Speaker, that my colleague, the hon. Minister of Health (Mr. House), has addressed and assessed this issue previously and that officials of his department are monitoring this situation on a daily basis.

Mr. Speaker, I would like today to go on record as supporting the 733 residents of that great historic fishing district of Grand Bank who reside within the Town of St. Lawrence, and I hereby call upon members of this hon. House to consider supporting the prayer of this petition.

SOME HON. MEMBERS: Hear, hear!

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

MR. NEARY: Mr. Speaker, we support the prayer of the petition and might suggest to the hon. gentleman that he talk to his colleague, the Minister of Justice (Mr. Ottenheimer), about the slaughterhouse over at the Health Sciences Complex in the process, because that is where all of the abortions are taking place, at the Health Sciences Complex, aided and abetted by an administration that the hon. gentleman supports, Mr. Speaker. So let us not be hypocritical about it. Because, Mr. Speaker, I happen to have strong views on this particular matter and that is why I rise to support the prayer of the petition.

MR. MATTHEWS: You are sure you are supporting it?

MR. NEARY: I beg your pardon?

MR. MATTHEWS: You are sure you are supporting it?

MR. NEARY: Yes, Mr. Speaker, I am supporting it and the hon. gentleman has no right to question

MR. NEARY:

my right to do that,

Mr. Speaker.

MR. WARREN:

You are doing better than

he did.

MR. NEARY:

Yes, he took about thirty seconds

to make his point.

MR. SPEAKER (Russell):

Order, please!

MR. CALLAN:

He did not take five minutes,

did he?

MR. NEARY:

Mr. Speaker, I think that we

should maintain a continuous vigil in this Province against the likes of Morgantaler and the first time he pokes his nose inside the Province I think he should be clobbered. We tolerated the likes of Brian Davies and that crowd coming in here for years and look at the damage that they did. We should not let Morgantaler get a foothold in this Province. He managed to get a foothold in Western Canada and now the matter is before the Supreme Court, Mr. Speaker. So I think the Minister of Justice (Mr. Ottenheimer) should use every instrument, every law that he has at his disposal, every tool he has at his disposal to stop this gentleman who is getting national television coverage from one end of this Country, to stop this gentleman establishing a clinic here in this Province. But I would also, Mr. Speaker, suggest to the gentleman who presented the petition that he should speak quietly, if he does not want to do it publicly in the House, to his colleague, the Minister of Justice, to stop the abortions that are going on over at the Health Sciences Complex and in other institutions in this Province.

MR. WARREN:

He had the opportunity to

speak for five minutes and he only spoke for one minute.

MR. NEARY:

Mr. Speaker, the hon. gentleman

could have taken three or four minutes to talk about this subject.

MR. MATTHEWS:
minute than you can say in ten.

I can say more in one

MR. NEARY:

Is that so?

Mr. Speaker, it must be a source of embarrassment to hon. gentlemen there opposite to have to sit there and watch these things going on and the law not being enforced.

MR. WARREN:

That is right. That is right.

MR. NEARY:

Because there are committees in these hospitals, Mr. Speaker, they are there but they are silent, they do not function.

MR. NEARY:

How can I describe

them? - they are dummies. They do not enforce the regulations, they do not enforce the law of the land, Mr. Speaker. They turn a blind eye to what is going on, especially in the Health Sciences Complex. Why should they be allowed to get away with it, Mr. Speaker? Why? We have one or two medical men in this Province who are worse than Morgantaler, who are notorious for abortions. They go over once or twice a week to the Health Sciences Complex -

MR. CALLAN:

A rose by any other name -

MR. NEARY:

That is right, a rose by any

other name is the same thing. They go over to the Health Sciences Complex once or twice a week and I do not know but that they collect from Medicare for it. The committees are not working, Mr. Speaker, and it is time that something was done about it. If we are going to stop Morgantaler from opening a clinic here in Newfoundland or in Labrador, then we should be prepared to enforce the laws of this land and not turn a blind eye to what is happening at the Health Sciences Complex. Is it any wonder that they call it the slaughterhouse with the number of abortions that are going on over there week in and week out, month in and month out, Mr. Speaker? And the committees turn a blind eye to it. The Minister of Justice (Mr. Ottenheimer) should react and respond to this petition and the remarks that I have made in supporting the prayer of that petition, Mr. Speaker. The people in St. Lawrence have made a very valid point and I believe - I do not think they are the first, I believe this is the second petition that we have had in this House in connection with Morgantaler and establishing -

AN HON. MEMBER:

Both are from Burin.

MR. NEARY:

- and both from the Burin

Peninsula. Mr. Speaker, that augers very well for the people

MR. NEARY: on the Burin Peninsula who are watching what is going on. And, Mr. Speaker, they may be the ones to take the lead in this great fight against this unscrupulous character coming into this Province or going into any other province and setting up abortion clinics.

But I believe the Minister of Justice (Mr. Ottenheimer) should, Mr. Speaker, get involved in this petition and tell us whether or not he is going to enforce the laws. And the Minister of Health (Mr. House) knows what is going on. We have medical men in this Province who are becoming millionaires off MCP, doing abortions a couple of times a week at the Health Sciences Complex.

MR. SPEAKER (Russell): Order, please!

The time for the hon. the Leader of the Opposition has expired.

MR. HOUSE: Mr. Speaker.

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

MR. HOUSE: Mr. Speaker, I want to respond to and support the petition presented by my colleague from the district of Grand Bank and, of course, possibly make some comments with regard to what has been said by the Leader of the Opposition with regard to what is happening at the Health Sciences Complex. Let me say, Mr. Speaker, that the Therapeutic Abortion Committee system is working and working well and there is very much control over what is happening in this Province.

I just want to outline for

MR. HOUSE: the hon. House the Province's stand on this particular issue. On this issue this petition is stating that they are protesting any advent of a Morgantaler Clinic in the Province, it does not mention the others that are here now by statute.

In the Province we are going by the Canadian Criminal Code where abortions are permitted in accredited hospitals. Of course, all board operated hospitals are accredited, and, of course, the process is to go through a Therapeutic Abortion Committee, and that committee is comprised of various types of doctors, and these are the people who discuss the client with the person's doctor. Of course the Minister of Health, on behalf of government, may allow a Therapeutic Abortion Committee in a non-accredited institution, and that is what has happened in Quebec. They have deemed the Morgantaler Clinic to be accredited and, of course, that is why he is able to operate there.

What has happened in this Province; yes, we have had advances or letters, requests from Morgantaler, I have, requesting that he be able to set up here, and other officials in government have had the same thing, and our answer to him has been, and continues to be, that we will not permit him to set up here and that we are going exactly by the tenets of the Criminal Code in the accredited hospitals with Therapeutic Abortion Committees, and we are not changing it.

Furthermore, we have stated that if he does attempt to circumvent the system every attempt will be made to prevent him from doing it.

So I certainly support the petition so ably presented here.

SOME HON. MEMBERS:

Hear, hear!

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MR. HISCOCK:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. member for Eagle River. I am sorry, is that a petition?

MR. HISCOCK:

No, it is not a petition, it is a point of order.

MR. SPEAKER:

A point of order.

MR. HISCOCK:

I could say a point of privilege but I do not think it would be covered under that.

Mr. Speaker, your office last week asked the Leader of the Opposition (Mr. Neary) whether I would like the desks changed because of one being vacant between the member for Fogo (Mr. Tulk) and myself, the member for Terra Nova's. The end result was that it was changed and the desk that I was sitting in at the end was removed. Not only was that desk removed but all the petitions, all the various annual reports underneath my desk and various other correspondence that has taken place with ministers in the past two or three months have been removed with the desk. I do not know if the Minister of Justice (Mr. Ottenheimer) necessarily thinks it is funny, but a lot of work has been put into that for the past two or three months.

MR. HISCOCK:

The seating plan clearly shows where each member of the House of Assembly sits. Only two things remain: One was a book with my name on it, which they would have known when they removed it, and the Orders of the Day. I have asked your office to check, they have not found it and I would ask your office to check again. I would also ask the ministers. I will be writing them personally again asking that any correspondence that has come to my office in the past couple of months concerning problems in my district come back. Because some of those replies have been very important to communities and individuals in my district. From what I can gather, it has probably been thrown into the garbage and, as I said, a lot of work has been put into this and it still may not be too late to find it. I did not want to bring it up in the House but I do want to let it be known publicly that one will have to do a lot of searching to find the letters.

I will have to go back to some of these communities and ask for petitions to be recirculated. I think, Mr. Speaker, it is gross incompetence on somebody's part. Thank you.

MR. YOUNG: Mr. Speaker, to that point of order.

MR. SPEAKER (Russell): The hon. the Minister of Public Works and Services, to that point of order.

MR. YOUNG: Mr. Speaker, I assume the staff of my department moved the desk. Did he check with the department? I am sure they did not throw it away and destroy it. The desk that the hon. member was using is probably still out around now. It probably will be on this side after the 7th of December but I cannot help that. But I am sure that we will find his correspondence.

MR. HISCOCK:

Mr. Speaker.

MR. SPEAKER (Russell):

Eagle River.

The hon. the member for

MR. HISCOCK:

I do not care, necessarily, where the desk is. The Speaker's Office has been trying to get it and as yet they have not. If the minister can use his influence in finding it, I will take off my hat to the minister. Thank you.

MR. SPEAKER:

Order, please!

I am not exactly sure it is a valid point of order, but certainly, my office is aware of it and we are trying to find out exactly what happened to the documents belonging to the hon. member.

ORDERS OF THE DAY

MR. OTTENHEIMER:

Order 35.

MR. SPEAKER:

Order 35, Bill No. 88.

I think the hon. the Minister of Finance (Dr. Collins) adjourned the debate last day.

SOME HON. MEMBERS:

Hear, hear!

DR. COLLINS:

I thank my colleagues for that overwhelming applause, Mr. Speaker, as I rose to my feet. I think the Opposition probably joined in.

Mr. Speaker, we are debating the fisheries restructuring bill. The actual

DR. COLLINS:

title is: "An Act To Ratify, Confirm And Adopt An Agreement Entered Into Between The Government Of The Province And The Government Of Canada Respecting The Restructuring Of The Newfoundland Fishery".

Now, Mr. Speaker, this bill, I am sure all hon. members know, has given rise to a rather odd situation in this House. And the odd situation is that here is the provincial government bringing in a bill which will ratify an agreement with the federal government. And, of course, this is on a matter of vital concern to our people and this is why the provincial government has brought in such a bill. Now the Opposition, on the other hand, have been placed in a very odd situation. They have been placed in the situation of trying to somehow or other say this is a bad thing without actually saying it. They are in great difficulty in saying much on this bill

because we now want ratification of an agreement with the federal government. One example of the difficulty they are in was a member opposite - I believe it may have been the Leader of the Opposition (Mr. Neary) - made a comment in his remarks somewhat along the lines that in regard to turning this large company which will come out of the restructuring, or parts of the company back to the private sector, he raised a difficulty there, asking, 'Does this mean that only the good parts will go back and the unprofitable parts will stay with government?' So he is questioning, you know, should we turn this company back to the private sector. And then he went on though to say, 'Does this mean that the government is only going to be responsible for the fishery when it is unprofitable; therefore when it is profitable it is going to turn it back to the private sector? implying that it should not be turned back. So on the one hand he is saying

DR. COLLINS: that it should be turned back and on the other hand he is saying that it should not be turned back. So this is the sort of dilemma they are placed in because they have, of course, always stated that this government cannot reach agreements with the federal government. These accusations have been made many, many times over and what do we see? We see that this bill, if it does anything, it puts the lie to those accusations. It shows that once and for all there is absolutely no substance to the arguments put forward time and time again by the Opposition in regard to agreements that can be struck between the provincial and the federal governments.

The validity of the case is that we do enter into agreements. We enter into agreements when they

DR. COLLINS:

should be entered into. We do not enter into agreements when they should not be entered into. In other words, our approach with regard to agreements with the federal government is a very rational approach. We do what is thoughtful and meaningful to do, but we will not be panicked into doing things, just for the sake of an agreement, when they should not be done.

Now, Mr. Speaker, that is the case we are faced with here. We have absolutely no hesitation in entering into this agreement. We welcome the opportunity of entering into the agreement even though the Opposition are really put in a very, very awkward position by having to in some way support it but at the same time saying there is something bad, some sort of second agenda about it or whatever. They are placed in a very awkward situation. They cannot come up with anything that they can put their finger on that says that it is a detrimental thing to do, but nevertheless they have to hint at it in some way without coming out with specifics. But we have no hesitation in agreeing to the approach that has been negotiated with the federal government over this matter. Now, Mr. Speaker, like all rational moves, though, there are pros and cons - we have to admit that - and anything that is worth doing means that there are some things for and some things against. And there were some things for this agreement with the federal government and there were some things that had to be considered that might be regarded as being a bit negative about it. Now I do not really have to go into any great detail about the pros, about the good things in regard to this agreement. The essence of that was laid out in a document that was circulated

DR. COLLINS: in this House which showed what this agreement finally brought to this Province, what advantages, what powers, what extra powers it gave this Province as we entered into this agreement. I will just say that it is a vast improvement on the move that Mr. De Bane, the federal minister, wished to make, I believe it was last July, when he came here, made a unilateral announcement about what the federal government was going to do in regard to restructuring the fishery, and laid it out as, 'Here it is. It is finalized. I am not going to have any negotiations or communications with the provincial government over this, This is the way it is going to be.' And, of course, we took grave objection to that on two counts; one, it was an intrusion into an area of responsibility that the provincial government quite rightly claims is ours but, in

DR. COLLINS:

addition to that, the type of arrangement he was going to set up was not a very good one. And this agreement we are asked to ratify now is a vast, vast improvement on the arrangement he wanted to set up.

SOME HON. MEMBERS:

Hear, hear!

DR. COLLINS:

The question over the

plants, the chance that certain plants which were slated for closing, they were now, under this new agreement, to be given a chance to prove themselves. They are going to be given a period of time, they are going to be given certain resources and then they are going to prove whether they are viable or not. If they are not viable, well, then some alternative means will have to be put in place of the employment that is presently there, but at least they are going to be given a chance.

Under Mr. De Bane's scheme, when he brought it in on July 1, there was going to be no such guarantee of a trial to see if they were viable, it was going to be left totally up to the management of the new company, and there is every indication that that management would out-of-hand reject their continuation.

The other thing that this agreement has got in place is a study of the total fishery resource which is going to be available to the Newfoundland fishing company, this large company, but also other fishing companies in Newfoundland. There is a guarantee that this study will be put in place and that the provincial government will have a considerable input into that study. That was not there when Mr. De Bane made his unilateral announcement.

Another very important thing in this agreement is that the arrangements, in terms of marketing

DR. COLLINS: in particular but other things also, that the super company was set up for its own use will now be made available to the smaller independent fishing companies in this Province. In other words, the smaller companies are not being forgotten, the inshore fishery type of company in this Province will not be forgotten. They will, as they wish, they are not forced to, but as they wish they can take advantage of certain agencies or arms or mechanisms that this super company, so-called, is going to set up. That was not in Mr. De Bane's unilateral announcement, and that is a great improvement.

Then, of course, the other thing is that we have been guaranteed considerable authority in regard to this new company. We are given the means whereby the provincial government, and through the provincial government the people of this Province, can have a large say in the deep-sea fishery, not only on shore, which has always been in our area of jurisdiction, but also a large say in what is going to happen offshore, from which we have been excluded, very unwisely excluded I might add, but nevertheless from which we have been excluded ever since we have been a Province of Canada. That has been written into this agreement and, of course, there was no mention of such a mechanism when Mr. De Bane made his announcement.

So there is no doubt about it, there are lots of pros for this. Now just let us look at the cons, though, because, as I say, in making a rational decision on this thing the provincial government looked at both sides and said, 'Is this a good way to go? Or is it a bad way to go?' So we looked at the cons too. And there were possible negatives, there were certain cons to the thing. For instance, the nature of the fishery itself; I have just mentioned one, that we had no

DR. COLLINS: control whatever over
the harvesting sector of our fishery. We have not had any
control -

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

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

MR. CALLAN: Mr. Speaker, there are not enough people in the House. I can understand why though because the Minister of Finance (Dr. Collins) -

MR. TOBIN: We have a quorum.

MR. CALLAN: Do we have a quorum?

MR. TOBIN: Yes, we have a quorum.

MR. SPEAKER: Call in the members.

QUORUM CALL

MR. SPEAKER: Order, please!
There is a quorum present.
The hon. the Minister of Finance.

DR. COLLINS: Thank you, Mr. Speaker.
Mr. Speaker, as I was saying, we had to look at the other side of the coin, too. One of the things we looked was the fact that there have been difficulties in the fishery for a very long period of time and those difficulties stem in no small measure from the fact that the federal government have total jurisdiction of the resource offshore and the provincial government had jurisdiction onshore, so this is fragmentation of the fishery. Therefore we had to say to ourselves, 'If we set up this large company, is that going to persist?' Because, if so, there would be a measure of destruction built into the new company if what we had known from our experience was not a good arrangement was now, shall we say, institutionalized in the super company. So that was one of things that we had to look at, a possible con there.

DR. COLLINS: Another thing, we had to look at the federal record in regard to the fishery. Here we were going to become intimately involved with the federal government in the fishery in a very large way, and we had to say, 'Now what has been the federal record in regard to the fishery?' And historically we had to say to ourselves, 'It has been pretty, pretty poor.' Because the federal government, as I mentioned, had control of the resource right from the time of Confederation, and we know what happened to the resource under their control-in the 1960s it almost disappeared. They could have stopped the overfishing the excessive taking of the resource, by foreign ships in particular, in the late 1950s and 1960s, and they did nothing about it. Their record was extremely poor.

Another area where the federal government, strictly speaking, has a great deal of responsibility is in marketing the products

DR. COLLINS: put out by Canadian industries, and their record in terms of the fishery was very, very poor there. An example of that is the Canadian Saltfish Corporation, They have total jurisdiction to market salt fish and I do not think anyone will say that they have been very aggressive marketers. Now they have not got any competition so in a way, you know, it is not very difficult to pin much blame on them in that regard because you cannot compare them to anything. But if you just look at how well and how widely salt fish markets have been developed, you would have to say that they have done a very, very, meagre job. So again we had to say, 'Are we going to tie ourselves up in an arrangement with the federal government where their record in marketing was very poor?' and of course marketing is going to be at the basis of the future survival of the Newfoundland fishery. If we do not have the marketing, it does not matter how much resource you have, it does not matter how many trawlers you have, it does not matter how good your plants are and so on and so forth, It does not matter how many people you have employed in the fishery, if you cannot market your product, if you cannot competitively market your product you are down the tube. It caused us concern that the federal record in this regard was a pretty poor one.

Similarly, Mr. Speaker, the quota system that the federal government has had in place over the years it has been almost little short of a disaster, especially in the Gulf of St. Lawrence area. The quota system, If one thing did harm to our deep-sea fishery, it was the way the quota system was set up in the

DR. COLLINS:

Gulf of St. Lawrence, and that was totally within the ambit of the control of the federal government. So these were things we had to look at in coming to a decision, whether we should join with the federal government in the super company.

Mr. Speaker, having gone through that exercise, though, we have decided, as I say, to enter into this agreement and the agreement is a compromise. We did not get everything we wanted. I do not suppose one can expect to get everything one wants. Now if you only go into agreements where you must be totally satisfied with your position, I suggest to you you will not enter into many agreements. So there is no doubt about it, we did not get everything we want. We wish we had more. We wish we had stronger control of this company. We wish that there was a commitment that there would be much more of a direction of the underutilized resource into Newfoundland plants as opposed to going into other areas, and so on and so forth. So there are areas that we had to compromise on. But nevertheless we have got, for the first time, we have got some say and I think it is quite a strong say, we have got for the first time some say in the management of the resource. We have an opening made available to us so that

DR. COLLINS:

we can get in there and make sure that our provincial concerns and our fishing industry concerns are heard and heard well, whereas many times in the past we were a voice crying in the wilderness. That means that we will have a measure of local control and that has been a cardinal point in the fishing policy of this government, that you cannot control the fishery from afar off. Certain things can be done from afar off but you cannot have total control of the fishery to an operation whose headquarters is 1,500 miles away and has many more concerns on its mind, and so on and so forth, than the local Newfoundland fishery. A large measure of that control has to be sited in this Province, that has always been a cardinal point of our fishing policy, and we have always stated that, if you ignore a good measure of local control, you are not going to have a successful fishery and, of course, history has shown that. History has pointed that out quite clearly. We are going to now have an opportunity of exercising local control in a very important part of the fishery, not the total fishery - the deep-sea fishery is an important part but not the total fishery - but for the first time we are going to have the opportunity of exercising an appreciable amount of local control.

Mr. Speaker, the other thing that this agreement really is is an exercise in trust. We having, as I said, gone through the exercise of saying that now there are certain points about getting in bed, as the expression is, with the feds over the fishery makes us nervous, having made that decision we did it on the basis of trust. We are expecting that the federal government will take different attitudes than they have taken in the past and we are taking them at their word,

DR. COLLINS: Now, Mr. Speaker, there is one difference I would like to point out here from something that happened in the past. It was stated by a member of the Opposition during this debate that this government has given away the fishery. I think that was harking back in some way to the comments that we have often made that at the time the Terms of Union were signed our fishery was given away by the people who signed the Terms of Union. And now they are say, 'You are just as bad as we are. You are the kettle calling the pot black. You are now giving away the fishery by allowing the federal government to have some measure of say of the onshore fishery'. Now I think there is one important point to bear in mind there. When the resource was given away at Confederation, it was given away and the giving away was entrenched in the Constitution of this country. It was almost impossible to get back. With very great effort, we have been trying to make that effort, it can be brought back, but it is incredibly difficult to do so and, of course, we have not succeeded in however many years we have been in Confederation. The difference is that we have

DR. COLLINS:

now entered into an agreement with the federal government and if we have given anything away, it is not entrenched in anything, it is an agreement, and that agreement can be torn up, and we will tear it up, if the federal government do not respond as we think they have said they will on the basis of trust, on the basis of this compromise we have reached and on the basis that we are both together going to strive for the first time to turn the fishery into a success. If we find that the federal government is not living up to its undertakings, we can, in this House and with no effort whatever, or very little effort, tear up this bill. And I say to the people of this Province that we will not hesitate to do that if the agreement does not transpire, if it is not implemented in the way it is understood by both parties at this time that it should be implemented. And that is a very great difference in what we have done in terms of the fishery and what the people did when the Terms of Union were signed. Because when the fishery was given away then, it was given away just about forever.

Now, another point, Mr. Speaker, that I think it is well to bear in mind when we think about this agreement is that we are creating a new fishery here. I might just recall to hon. members' attention that the Premier and myself had a trip a little while ago in which we visited Norway and Iceland and we had discussions with the fishing industry in those two countries, and one point that came out very clearly -

MR. OTTENHEIMER: I was in Burin last night,

DR. COLLINS: The hon. the Minister of Justice (Mr. Ottenheimer) was not with us, but I am sure it would have been very clear if he had been with us. The hon. the Minister of Justice has also been speaking

DR. COLLINS: of the fishing industry.
He visited the fishing industry in Burin, a very great part of our Province. But what I am trying to say at the moment is that we had discussions with fisheries in our competitor countries, in Norway and in Iceland, and one thing that came through very clearly there, they are now extremely concerned that we will finally get our act together in terms of the fishery and we will swamp them, we will take their markets away from them. They for years have been able to make inroads in the very large North American market, which is our natural market, despite the fact that we are here with a large resource. And they could do that because we were so fragmented, we were so disorganized, we just did not have our act together. But now they say that for the first time, "

DR. COLLINS:

the Canadian East coast fisheries look as though it might be put on a rational, productive basis and they are literally shaking in their shoes over there.

MR. MARSHALL:

Hear, hear!

DR. COLLINS:

Now, we do not wish them any harm and as a matter of fact we made the point to them that we feel that the market is large enough for everyone. It has to be developed but nevertheless the market is large enough for everyone and we can co-operate as fish producing countries and probably mutually beneficial to one another. So I think we reassured their fears to some extent. But the point I am just trying to make is that these highly sophisticated fishing companies have always seen the potential for the Canadian fishery on the East coast of Canada. It has never been realized, it has never been put into the shape it should have been put in and now, through this agreement that we are asked to ratify today, they themselves can see that it now might, for the very first time, be made into an extremely viable, highly competitive fishing industry. So it is a new industry.

Now, Mr. Speaker, I would just like to make a few more points before taking my seat. I think there has been some misconceptions about what has gone on in the last numbers of months. For instance, I think there has been some thought that the Kirby fishery report, the task force report, and the restructuring are one in the same thing. Now, that is not so really. The Kirby task force brought in a report which we substantially agreed with. We had very, very little difficulty agreeing with most of the recommendations that came in. However, the Kirby group was also asked to bring in a second thing. It

DR. COLLINS: was not a report, it was a second thing. They brought in a restructuring scheme which we very severely disagreed with because it included none of these points that I mentioned earlier on about our having some ability to have some control offshore, the protection of the plants, resource development and so on and so forth, none of that was in the Kirby restructuring plan and that, I think, has been a little bit of a misconception. Now at this point in time it probably does not matter too much but I do not think the Kirby task force report, which we support, should be confused with the Kirby task force restructuring plan, which we did not support, which we resisted, and which we changed when we brought into place this agreement.

Another area I think of misconception was the arguments that were made by some people that you either had to have a totally business type of fishery that was only concerned with the bottom line dollar, only concerned with profits and nothing should stand in the way of profits, be they the human resources or whatever - that was one side of the coin. The other side of the coin was that, no, the fishery is a totally social mechanism, it is only there for employment and nothing else, it does not matter if it makes a profit or not. Now if it is thought that this government took either side in that argument, that is a misconception. We never did think that the

DR. COLLINS:

fishery was totally dollars, it is too important to, too many communities in this Province. The resource, by its very nature, is not something anybody owns, the resource is owned in common, Any man owns a fish that is swimming in the sea, unlike, you know, you do not own a turnip growing in a field, that is somebody's property. A fish swimming in the sea is not anybody's property, it is everyone's property.

MR. CALLAN:

Oil swimming in the sea is the same thing.

DR. COLLINS:

Oil swimming in the sea is of no use to anyone, because oil in the sea only messes up the sea.

The fact that the resource is a common property, and the fact that it is so important in so many communities, means that there had to be something other than just the strict dollar in mind when one talks about the fishery. On the other hand, it was clearly nonsensical to have a fishery that was financially non-viable, and this government never did subscribe to the fishery being totally a social mechanism. There had to be a blending of the two and this is what this agreement does also. It does not ignore the human element but it also puts in place a mechanism which will mean that the fishery will go on for many, many years in a viable fashion.

Mr. Speaker, there is one other, I think, misconception that has been put abroad, and I think it has been put abroad mainly by people who really do not know too much about the fishery, mainly those on the Mainland, and that is that the problem in the Newfoundland fishery was the unwise development of excess capacity. I remind you that is a total misconception. It has been stated in many articles, it has been stated in speeches, there have been a finger of blame pointed at the Newfoundland people and at the Newfoundland Government and at the Newfoundland industry and so on, that the Newfoundland

DR. COLLINS: fishery created too much excess capacity and if they had not done that they would not be in the trouble they are in, and so on and so forth.

Now in my view, and the Premier has brought this point out many, many times, and I am just emphasizing the point that he has made many times, it is not that the capacity is excessive, but that the resource available to the plants is too little. And it is not that the resource is not there, but the resource has not been organized in the right way to be put into the plants. The excess capacity was a red herring. There is no excess capacity in this Province in terms of the fishery, there is just not enough resource being arranged to go into the plants that are there.

MR. YOUNG: Right on! Right on!

DR. COLLINS: So I would just like to make that point.

Mr. Speaker, with those remarks I very whole-heartedly support this bill. I am sure that there is a new vista opening for the Newfoundland fishery at the time that is brought fully into force, if it is brought into force and if it is implemented in the way it should be, and we as a government are going to make sure that parties to this agreement do live up to their obligations.

SOME HON. MEMBERS: Hear, hear!

On motion, a bill, "An Act To Ratify, Confirm And Adopt An Agreement Entered Into Between The Government Of The Province And The Government Of Canada Respecting The Restructuring Of The Newfoundland Fishery," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 88).

MR. MARSHALL: Order 40, Bill No. 63.

Motion, second reading of a bill, "An Act To Give Effect To The Convention On The Civil Aspects Of International Child Abduction". (Bill No. 63).

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

MR. OTTENHEIMER: Thank you, Mr. Speaker.

In 1980 an international convention, called The Convention On The Civil Aspects Of International Child Abduction, was signed by Canada and a number of other countries. Within Canada, in order for the provisions of this international agreement to become effective, the particular province must adhere to it. In other words, by Canada signing the treaty it does not become automatically operative in the provinces because in areas of provincial jurisdiction that jurisdiction cannot be infringed upon by the federal government signing an international agreement, and that is evident. So what this bill does will be to incorporate in statute the provisions of the international convention. A number of provinces have already done so and I would assume that provinces which have not will in the near future.

So the intent of the act is to enable Newfoundland to adopt that international convention which is a reciprocal agreement under which governments co-operate in returning abducted children to their homes. In other words, a child abducted from Newfoundland elsewhere or a child abducted elsewhere to Newfoundland. The object is to establish an administrative

MR. OTTENHEIMER: and legal framework for securing the return of the abducted child and to ensure that the best interests of the child are protected. Obviously, previous to the enactment of this legislation there would have been a procedure but a long and complicated one through the criminal law, whereas the enactment of this legislation will provide a solution outside of the criminal law which will be much faster, much less costly and much more effective.

In each province which signs it, and each country, somebody is designated as the central authority under the act, in other words, responsible for ensuring that its provisions are adhered to and in Newfoundland and, I would think in most other areas, that is a person whose office is that of the Ministry of Justice. Under the convention the Province will be responsible for the administrative and judicial costs associated with locating and returning abducted children. Additionally, the

MR. OTTENHEIMER: province will be responsible for legal council and other ancillary matters. It might well be asked if there are many instances of this and although there are many instances in the world, in Newfoundland there would not be a great number but, I understand, that within the past, let us say five years, there have been about three that we are aware of. There may well be ones that we are not aware of. Now, sections four and five of the Act indicate that a Newfoundland court may assume jurisdiction over a child who was the subject of a custody action in another province, in cases where the child is habitually resident in Newfoundland or the child is physically present in Newfoundland and there is evidence to show that the child's best interests are best maintained by a continued residence here. The Act requires Newfoundland courts to recognize custody and access orders made by courts outside of the Province. I am not sure that there is really a great deal more to be said about it. Essentially what it does, therefore, it means that Newfoundland along with other provinces and other countries -

AN HON. MEMBER: All the provinces?

MR. OTTENHEIMER: I am not sure that all provinces have yet. Some provinces have and I am pretty sure if there are some that have not they will. It means that Newfoundland will be among those provinces and among those countries which agree among themselves that in cases of international child abduction, a child being taken from one country to another, that there is an easy remedy, without recourse to the criminal law, for the return of that child to its rightful place

MR. OTTENHEIMER: of residence. If a Newfoundland child, for example, was, let us say, abducted to another country and that country were a signatory, if we were a signatory and that country were a signatory, then without having to go through a long and complicated criminal process the child could be returned here. And the same, of course, would happen if a child from elsewhere were abducted here, then we would be responsible for returning that child to its original place of residence. As I say, it is not a matter where I would imagine that there are going to be very many instances but, as I say, within the past five years, to the best of my knowledge, there have been three and certainly it is the kind of a matter, I would think, where not the number of incidents is the important thing, the important thing is to provide that protection, if and when there is an instance of such child abduction.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Now, Mr. Speaker, we are going to support the bill. I do not know if there is very much more I can add to what the hon. gentleman has already stated in introducing the bill. We would like to know how many provinces of Canada have similar legislation, and would appreciate it if the minister could tell us what legislation we patterned ours after in Canada, what province? Mr. Speaker, no doubt we have had an opportunity, the legislative draftsmen have had an opportunity to draw on the experience and the resources of the provinces that have similar legislation, and perhaps the minister could tell us if this bill is made up of a collection of provisions from various pieces of legislation.

MR. NEARY: or is it patterned after one particular province. Mr. Speaker, perhaps the hon. gentleman could tell us - we hear so much about international kidnapping and the like of children, snatching children, private investigators hired to travel around the world to take a child away from its mother or its father because custody was granted by the court to either one or the other and the other one resented it - have we had any examples of this sort of thing in Newfoundland? Have there been any dramatic child abduction operations in this Province, Mr. Speaker, that the hon. gentleman is aware of? There must have been some reason for bringing in this particular piece of legislation.

I know, Mr. Speaker, when I was Minister of Social Services one of the things that I was proud of - if I never did anything else in my life I did two things, one was that I did away with the demeaning voucher, the welfare voucher in this Province. And I was the one, my department, when I was the head of it, was the one that introduced the cheque system, paying welfare recipients, people on social services, social service recipients by cash. That was one of the greatest reforms in Newfoundland since Confederation, Mr. Speaker, one of the greatest reforms since Confederation. And the hon. gentleman can slur his eyes all he wants. Mr. Speaker, the way he just looked at me, no wonder that overpass is in the wrong place; the Gambo overpass is up in Glovertown, Mr. Speaker. And he can look at me under his eyelids all he like.

Mr. Speaker, if the media wanted something to investigate, if CBC instead of being partisan the way they are and calling up their producers and saying, 'Somebody has egg all over their face' before they even do an interview, and

MR. NEARY: then have the face to come and ask you for an interview, instead of that they should go and investigate the overpass down in Glovertown that should have been put in Gambo.

MR. MARSHALL: He is hurting today.

MR. NEARY: No, I am not hurting today, Sir, I am just getting so browned off with that crowd; their partisan reporting of this House, Mr. Speaker, is something else. And do you know what they do, Mr. Speaker? Well, thank God we have got a new President of the CRTC. We will just see what he says about this sort of thing.

MR. DAWE: Where did this silly story about the overpass come from?

MR. NEARY: It is not a silly story, Mr. Speaker. The hon. gentleman just distracted me from a message that I was trying to get through about partisan reporting. Not all the CBC reporters, by the way. I could name the ones. I could name one in particular who -

MR. STAGG: Name him.

MR. NEARY: Yes, I could but I will not, Mr. Speaker - who is partisan when it comes to reporting this House, has his mind made up. Even before he interviews you, he has his slurs all ready, Mr. Speaker. No wonder the President of the Council (Mr. Marshall) and the Premier (Mr. Peckford) and the Minister of Fisheries (Mr. Morgan) have had to get up

MR. NEARY: and let go their broad sides at the CBC once in a while. No wonder they have had to do it. We have had to do it. They have had to do it, Mr. Speaker.

MR. TOBIN: Yesterday you were complaining in the Daily News about local radio stations.

MR. NEARY: About what?

MR. TOBIN: Radio stations.

MR. NEARY: I certainly was not, Mr. Speaker, and I do not agree with that letter, by the way. I do not agree with it. But I certainly do not agree with partisan reporting of this House either.

MR. TOBIN: There is no partisan reporting going on about my district, I can tell you that.

MR. NEARY: Mr. Speaker, there is something to go out. Let that reporter report what I am saying now about partisan reporting on his part. Let him feed that out to the people of the Province. The trouble is that they only hear what they want to hear. They should listen more, Mr. Speaker.

MR. WARREN: The overpass is something else.

MR. NEARY: The overpass is something. Maybe they should take him out of the parliamentary gallery and send him down to take a look at the overpass in Glovertown that should have been in Gambo. And if you look at it, if you drive into it you can see that it is suited for Gambo, not for Glovertown.

Mr. Speaker, it would be the Newfie joke of the century if the truth about that was told, it would be the Newfie joke of the century.

MR. TOBIN: What has this got to do with the bill?

MR. NEARY: But anyway getting back - I got a little bit sidetracked there. The hon. Minister of Transportation (Mr. Dawe), Mr. Speaker, has a tendency, I do not know if it is the way he looks at me or what it is, but anyway he throws me right off. I apologize to the Chair for being led up a country lane, Mr. Speaker, but I started to tell the House that there were two things that I was proud of, one was that I did away with that voucher and I paid people on social assistance by cheque, by cash. One of the greatest reforms in Newfoundland's history.

MR. WARREN: One of the best Social Services Ministers we have ever had.

MR. NEARY: And the second thing I did that the hon. gentleman will remember; when I became minister of that department they were stockpiling children, in case the hon. gentleman is not aware of it. There were over 600 children available for adoption in that department when I became minister, and when I left it was down below 100. The hon. gentleman should be aware of that. The great crusade of adoption that I sponsored, Adoption Sunday, the hon. gentleman should remember that. Now there is a demand for children. They have to line up. There were over 600 available for adoption when I became minister of that department. I could not believe it. They were in foster homes everywhere. They were hidden away. The department was afraid to bring the children out in the light of day. And I had a big Christmas party down at Exon House before we opened it,

MR. NEARY: sponsored by the Jaycees, by the way, it did not cost a cent. I was the one that organized it and with the co-operation of -

MR. TOBIN: Then you were a Jaycee.

MR. NEARY: No, I was not a Jaycee. I found a sponsor and it happened to be the Jaycees.

And we brought the children in so that people could see them and that was the beginning. I launched that great children's crusade of adoption in this Province.

MR. SIMMS: Tell us about everything else you did.

MR. NEARY: No, But these are two things I am proud of. There are a lot of other things that I did that I am proud of.

But, Mr. Speaker, during that time, when we had the children's crusade of adoption underway, the United States Airforce had a big military operation, had a big base in Goose Bay. And I have to take my hat off to the Americans. We may not agree with their invasion of Grenada, although I heard the President when the invasion first took place, he said Grenada and then later on during his speech, somebody must have sent him a little note - he changed it to 'Grenada'. Mr. Speaker, the members of the American Armed Forces were very heavy on adopting Newfoundland children. And we also entered into an agreement with two organizations in the United States, the Sister Eugenia Foundation, I believe it was, in New Jersey - I do not know if the hon. gentlemen ever heard that name.

AN HON. MEMBER: No.

MR. NEARY: Sister Eugenia Foundation was a foundation that was run by the nuns, they did the investigations into the home when an application came from

MR. NEARY: the United States for an adoption. So between the Americans down in Goose Bay - and we also entered into another agreement, because I went down and I took my Director of Child Welfare, Mr. Vincent, I believe it was, to New York.

MR. HICKEY: He is retired now.

MR. NEARY: Is he retired? I did not know that. He was a good man.

We went to New York and we entered into an agreement with another agency in New York to place children in the State of New York, because they have state laws down there and even though we had this agency in New Jersey, they could not place children in New York State. And between these two agencies and the American personnel in Goose Bay, Mr. Speaker, I would say that we literally placed - I would have to say hundreds - more than a hundred, it is in the hundreds, of children into good homes. We found good families and good homes for those children. And, as the hon. gentleman is probably aware,

MR. NEARY: gentleman is probably aware, by the time I came into the department a lot of these children were five and six and seven years of age and some of them were invalids. Some of them were crippled. They were born that way, Mr. Speaker, and they were hard-to-place children. But these American families took them. And sometimes we had enquiries from families in the United States and they would specify that they wanted a handicapped child - millionaires, Mr. Speaker. You know, somebody attending the university should do a paper on that adoption programme and how we loosened up the regulations, the bureaucracy in the department, so that applications could be processed.

MR. TOBIN: Why was there such a backlog?

MR. NEARY: Why? Because there was no attempt made to find homes for these children. A lot of people did not know they were there. And I have a feeling that probably - well, it was lack of imagination and lack of initiative, I would say, mainly. But then again, the bureaucracy was getting bigger. It was creating jobs, people going around visiting foster homes looking after these children, the 'Peter principle' probably. But anyway, Mr. Speaker, be that as it may, the fact of the matter is that many of these children - and I would love to be able to follow it up - found beautiful homes, magnificent homes in the United States. And, you know, as the hon. gentleman is aware, one member of the family had to come to Newfoundland to get the child or come from Goose Bay. If they were from the United States they had to come to Newfoundland, the wife or the husband. But then for the final adoption papers, both had to come, to go to the court to get the final adoption papers. And, Mr. Speaker, I have to report to this

MR. NEARY: House that many of the families who came, -- not all of them, but many of them who came asked to see the minister, and they brought me pictures of their homes and they brought me all kinds of information about their family background, about their business and so forth. And, Mr. Speaker, I would have to say that when I used to hear these stories - now, maybe it was not one hundred per cent worked out -

MR. TOBIN: That was part of the application, in any event.

MR. NEARY: Part of the application, the investigation. But, Mr. Speaker, it used to send little -

MR. STAGG: Goose bumps.

MR. NEARY: - yes, goose bumps. I used to get goose bumps, little thrills up and down my spine when I would talk to these people

MR. NEARY: and just visualize, Mr. Speaker, the kind of homes that they had.

MR. TOBIN: Did you ever hear from any of them since then?

MR. NEARY: No. But wherever I go in Newfoundland, if I am walking through a shopping center or if I am - and I have met people from outside the Province who adopted some of our children, who remember the adoption programme. But in Newfoundland I would say fifteen or twenty times a year somebody will walk up to me and say, 'I adopted a child' or 'I adopted two children' as a result of the programme. And, Mr. Speaker, my answer is always this, that anybody who adopted a child will never have bad luck. And I do not believe my hon. friend could point to one case, Legitimate, honest-to-goodness, common-sense adoptions, I do not believe any family that ever adopted a child ever had bad luck in their lives.

Anyway, Mr. Speaker,

a lot of these children -

MR. TOBIN: As a matter of fact, as I remember, most of the people who adopted children came back for vacations and so on.

MR. NEARY: Well, I am glad to hear that. I am glad to hear it, because in that kind of a programme you never know how it is going to work out in the end. You never know. But, Mr. Speaker, I am glad to hear that, because that was one of the things that I did in that department that I was proud of. These children found magnificent homes in the United States. In the United States, mind you.

I would certainly like to see a follow-up done to see how successful it was. At the time, by the way, Mr. Speaker, we had to be so careful, extra careful, because, as my hon. friend knows, there was a black market going on in the United

MR. NEARY: States at the time for babies. We had to be so careful. We checked out these agencies through the Minister of External Affairs' department. They will never know what a close check we put on them.

MR. TOBIN: Have we much information on them?

MR. NEARY: Pardon?

MR. TOBIN: Have we much information?

MR. NEARY: Well, I did not take the information from the department. There is probably a lot of it still down there. But there is a story there to be told, as the hon. gentleman knows. What an essay or a thesis for some university student to undertake, to write this story, Mr. Speaker, of that children's crusade of adoption and Adoption Sunday. The churches in the Province co-operated. They preached a sermon on one Sunday in December. All the churches throughout Newfoundland and Labrador preached a sermon on adoption. What co-operation, Mr. Speaker! The first time in the history of the Province, I suppose, that we ever had such wonderful co-operation from the churches. The posters were put in the back of the churches and in the public buildings all over the Province. And I remember the first picture that we took was a picture of a little girl by the name of Tina. I believe she was two or three years of age and we had her on this poster, and on the poster 'Is there room in your heart?'

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

MR. SPEAKER (AYLWARD): A point of order, the hon. the member for Stephenville.

MR. STAGG: I would like to bring to the hon. member's attention that this bill

MR. STAGG: under discussion
concerns abduction, not adoption. The hon. member,
I know he is getting older and his eyesight may be
failing somewhat, but it does deal with abduction not
adoption. I just thought that should be brought to the
hon. member's attention.

MR. CARTER: A good point! A good point!

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

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

MR. NEARY: Mr. Speaker, I did not think that the hon. gentleman was so narrow-minded and so small. I know he is pretty small in his thinking and pretty narrow-minded, but this bill, Mr. Speaker, can give rise to a very broad debate, as Your Honour knows.

MR. NEARY: I am talking about adoption, but I am also tying it in with the fact that these are international adoptions and I am asking the minister if there was every any example of where somebody went and snatched a child in the United States or in Newfoundland, Mr. Speaker. And the hon. gentleman should not be so narrow-minded. I say it is a difference of opinion, Mr. Speaker.

MR. SPEAKER: To that point of order, I would remind the Leader of the Opposition that the bill is, "An Act To Give Effect To The Convention On Civil Aspects Of International Child Abduction". I do not have in front of me the actual act, I do not know the details of each clause, but I would ask the hon. member to have his remarks relate to Bill No. 63.

The hon. Leader of the Opposition.

MR. NEARY: Thank you, Mr. Speaker.

But, anyway, we had these pictures taken and put in the backs of the churches and in the public building. Tina was the little girl's name, Mr. Speaker, When her picture appeared, everybody in Newfoundland, I think, wanted to

MR. NEARY: adopt her she looked so sweet. Everybody wanted to adopt her. Not abduct her, adopt her, Mr. Speaker. And then the next time we used a little boy, I think the little boy's name was Michael. Then everybody wanted to adopt Michael. And I used to have to write letters to people and point out -

MR. TOBIN: Where was this going on, in the States, these pictures?

MR. NEARY: No, no, here in Newfoundland and Labrador. We had no promotion in the United States. In the United States the only thing that happened was that these agencies knew of people who were looking for children to adopt.

MR. STAGG: You were abducting Newfoundlanders for people in the States, is that what you are saying?

MR. TOBIN: He is making a good speech.
He is making a good speech.

MR. NEARY: But anyway, Mr. Speaker, the fact of the matter is that there was a magnificent exchange, there was a magnificent relationship between Newfoundland, American service personnel and families who adopted children from this Province, in the United States. I do not believe there was ever any trouble as a result of it.
Mr. Speaker, I give this background information because I would like to ask the minister if there has ever been a case where somebody from Newfoundland went outside of the Province, that he knows of,

MR. NEARY: that probably the law became involved in, went outside the Province, snatched a child or abducted a child from its family, whether it was its natural family or its adoptive family, and vice versa.

MR. TOBIN: Or had people do it for him.

MR. NEARY: Or had hired private detectives to do it for him. Does he know of any cases where they came into Newfoundland and took ~~the~~ children, or are there any cases of where people from one community in Newfoundland to another community in Newfoundland are doing this - no, of course this applies internationally and not provincially. But it would be interesting to hear the minister comment on that, too.

It strikes me, Mr. Speaker, as being a necessary piece of legislation. We intend to support it and we look forward to having the minister answer the few questions that I put to him and the few comments I made on these matters in closing the debate.

I do not think I have anything else unless my colleagues have something to add to what I have already said, Mr. Speaker. Then we on this side of the House will support the bill.

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

The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, I will remember to reply to the questions asked by the hon. Leader of the Opposition (Mr. Neary). I will check and in Committee stage will be able to tell how many provinces have already signed it. If my memory is correct, this was discussed at a federal/provincial conference some time ago and, if my memory is correct, it was then the intention of every province to so do. Whether they have all, to date, put that into legislation I do not know, but my memory is that all provinces agreed to enact the legislation which would give this convention effect.

MR. OTTENHEIMER:

During the past five years I have been aware of three instances of what could be called international child abduction in Newfoundland. And they are all instances of a child being abducted from Newfoundland rather than to Newfoundland. Obviously there could be instances of which the Department of Justice would not be aware. One and only one I recall any details of at all and that was of the abduction of a child - this was an instance of separated or divorced parents, and it was one of the parents who, in fact, abducted the child.

The hon. member asked about the legislation, its sort of origin. Actually after the federal government signed the convention the Uniform Law Commission did prepare

MR. OTTENHEIMER:

a draft bill so that each of the provinces which enact it will be enacting the same bill except for any specific changes required from province to province. So it is the product of the Uniform Law Commission. I move second reading.

On motion, a bill,

"An Act To Give Effect To The Convention On The Civil Aspects Of International Child Abduction", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 63)

MR. SPEAKER (Aylward):

Order, please! It being five o'clock on Thursday, it is my duty to inform the House that we do not have any questions for the Late Show today.

MR. WARREN:

We do not get any answers, Mr. Speaker.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

Motion, second reading of a bill, "An Act Respecting Reciprocal Enforcement Of Custody And Access Orders." (Bill No. 64)

MR. SPEAKER:

The hon. the Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, this bill is consequential on the one which just passed second reading, so there is very little to say on it because it flows inevitably and consequentially from the bill enacting the provisions of the International Convention On Child Abduction. Its purpose is to streamline the remedies available to people whose children have been abducted. It is designed to replace the existing Extra Provincial Custody Orders Act, and is broader in scope. It defines the courts which will

MR. OTTENHEIMER: assume jurisdiction in this Province and they are the provincial courts, Unified Family Court, and the Trial Division of the Supreme Court of Newfoundland.

The enforcement remedies include assistance of the law enforcement officers in the return of an abducted child and are intended to be the same as the enforcement remedies for intra-provincial custody orders. In other words, in instances of international child abduction the purpose is to streamline the whole procedure and to have the enforcement with respect to custody orders the same as custody orders within the Province. As I say, it flows inevitably and necessarily and logically from the bill which was debated previously.

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

MR. ROBERTS: A changing of the guard up there, Mr. Speaker, and a changing of the guard down here. I am sorry that I was not given some notice that these bills might be called today. My friend, the Minister of Justice (Mr. Ottenheimer) was not given any notice either. I tried to reach him this morning, as his secretary may have told him, and this is one of the things I had in mind.

MR. CARTER: You hardly ever come into the House anyway.

MR. ROBERTS: Mr. Speaker, I would rather be in the House on less than a continuous basis if being here on a continuous basis meant that I was like the gentleman from St. John's North (Mr. Carter) who, although he

MR. ROBERTS:

occasionally graces his seat in the House, usually disgraces it. Now, Mr. Speaker, let me come to the point of the bill. The minister has -

MR. STAGG: This could get good.

MR. ROBERTS: I am sorry, my friend from Stephenville (Mr. Stagg)?

MR. STAGG: This could get good.

MR. ROBERTS: Well, I agree with my friend, it could get good. And if he would choose to leave the Chamber it would get even better.

Now, Sir, if

I may go back, you see, actually -

MR. STAGG: (Inaudible) insult.

MR. SPEAKER (RUSSELL): Order, please!

Order, please!

MR. ROBERTS: - somebody is going to say, Mr. Speaker, that this is beyond the purpose of the bill, but I would think that a bill having to do with custody and access orders for children is exactly in line with the gentleman for St. John's North (Mr. Carter) and the gentleman for Stephenville (Mr. Stagg). But, Mr. Speaker, if I may now carry on, I mean, they provoke me by this merciless, incessant, unceasing, never-ending vitriolic, virulent, bitter and altogether shameful attack. Now the gentleman for Grand Falls (Mr. Simms) is now carrying on with his leadership campaign. I can tell him about leadership campaigns. I have run in more campaigns than the gentleman for Grand Falls has and I will tell you this, I have succeeded in more than he has too.

MR. SIMMS: What are you running for now, the leadership of the party?

MR. ROBERTS: I have succeeded in more leadership campaigns than has the gentleman for Grand Falls (Mr. Simms). Not only that, I have succeeded -

MR. SIMMS: How many election campaigns?

MR. ROBERTS: Six.

MR. SPEAKER (RUSSELL): Order, please!

MR. ROBERTS: How many has the hon. gentleman succeeded in as leader?

MR. SIMMS: Never been.

MR. ROBERTS: That is right, and never will be.

MR. SIMMS: You never should have.

MR. SPEAKER: Order, please!

Order, please!

MR. ROBERTS: I agree I probably will be successful in a leadership campaign if I run. Is there any leadership open?

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

I suggest that the hon. member whom I recognized does have the right to be heard in silence, but certainly he is not being very relevant to the principle of this bill.

MR. ROBERTS: I thank Your Honour for the protection of the Chair from this unceasing onslaught from these gentlemen opposite who really, Mr. Speaker, it is beyond even the bounds of an act respecting reciprocal enforcement of custody and access orders. My friend from Grand Falls should know about custody and access orders. He has been kept in custody and his constituents have been trying to get access to him.

MR. TOBIN:

to be nice now.

You are supposed

MR. ROBERTS:

to my friend from Burin-Placentia West (Mr. Tobin) I am being nice. If he has been here when I have been in full flood against some of the more yahooish yahooos - he should be like his friend from Bonavista North (Mr. Cross) who says nothing but contributes greatly by that. His presence in the House adds considerably to the stature of the House if not to the stature of the hon. gentleman.

Now, Mr. Speaker,

let me come back to the bill. The bill itself, as the minister says, is consequential. The minister quite properly has pointed out that the bill itself is consequential upon the ratification by this Province of the international child abduction convention. I do not know how significant a problem this is in Newfoundland. I do not know.

MR. ROBERTS: Perhaps the minister could enlighten us, but I do not know whether there have been any cases in Newfoundland of child abduction. It is a problem throughout some parts of Canada, I understand. In fact, as I recall, the Criminal Code has recently been amended to make it a criminal offence in Canada to abduct one's own child if the abducting parent does not have legal custody of that child. These matters come up from time to time, particularly in matrimonial disputes, family law disputes and they often get a great deal of attention. These are the ones the press love to talk about, you know, child, age four, abducted by his father or his mother as the case may be, and carried across international borders, and questions in parliament. There have been a number of quite sensational cases, to use that word in its correct sense. All that this bill will do, as I understand it, and if I do not I am sure the minister would be more than willing to be helpful in pointing it out, is allow the courts in this Province to enforce custody orders that have been given in reciprocating provinces. And that is not a new principle. If I understand it correctly, we have had legislation of this sort in effect in this Province for a number of years. In fact, this bill itself will repeal the legislation which has hitherto been in effect. The minister might perhaps tell us in closing the debate, or his colleague, the gentleman from St. John's East (Mr. Marshall) might wish to address it - I do not purport to be an expert in this kind of law or, in fact, in any other kind of law, but this one in particular. I am not sure how this legislation differs from the legislation which we have had in effect. My understanding from the practitioners at the family

MR. ROBERTS: bar in the Province is that the reciprocal enforcement legislation does work and that this legislation, which would give our courts, particular the Unified Family Court here in St. Johns and the court sitting outside St. John's, the provincial courts, as well the Trial Division, Supreme Court would give them the authority to accept custody orders made by courts in other jurisdictions, reciprocating states, and enforce them in this Province. I am not sure how this bit of legislation

MR. ROBERTS: how this kind of legislation differs from the one that is being repealed. Perhaps the minister could tell us why we are being asked to repeal it other than simply his explanation of ratifying a convention which we all ratify and which, while it is a relatively new convention, the one that was given effect to by Bill 63, is not a new principle in law; in fact I am not even sure in looking at the bill when Canada ratified it. It was dated at the Hague on 25 October 1980. Perhaps the minister - he may have said this earlier - could tell us when the House ratified the International Convention.

Mr. Speaker, two other questions and I will leave it at that, if I could get the minister's attention: First of all, Mr. Speaker, can the minister tell us why this act is subject to proclamation, and, growing out of that, when he intends to have it proclaimed? I can see no particular reason why it should be subject to proclamation but there may well be one of which I am not aware. In any event, when is it intended to proclaim it?

Secondly, can the minister tell us whether the list of reciprocating states, the states whose custody orders we enforce reciprocally, will be the same as that in effect with respect to the present legislation which is the Extra-provincial Custody Orders Enforcement Act? If there are to be changes, what are they to be and, in particular, is there to be any diminution of the list? Because there is quite an extensive list printed. It is found each year in the closing pages of the Annual Statute volumes. Are there to be any changes in it? I suspect that is information which the practicing Bar, who will have occasion from time to time to have recourse to this legislation, would need very early on.

MR. ROBERTS: So if he could tell us when the legislation will be effected and whether there will be any changes in the lists of reciprocating states whose judgements we enforce.

Mr. Speaker, other than that the legislation is worthwhile, But of course, as with all of the other legislation before the House in this session it does not do a thing to address the real problems of this Province. It is a matter of regret for me not that the minister brings these in, it is a matter of regret that the government have nothing of more moment, nothing of greater weight to deal with the problems of this Province than this kind of legislation. As important as it may be in itself, Sir, it is of little importance to the overall problems facing Newfoundland and Labrador today.

Thank you, Sir.

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

MR. OTTENHEIMER: Mr. Speaker, the hon. member for the Strait of Belle Isle (Mr. Roberts) questioned why the Extra Provincial Custody Orders Enforcement Act is repealed. This bill will make the procedures of extra-provincial similar to intra-provincial. I think the idea is to simplify and hopefully expedite the procedures and to treat the extra-provincial situation in the same manner as the within the Province situation.

With respect to it being proclaimed rather than coming into effect on royal assent, certainly it is the government's intention to proclaim it as soon as possible. I believe the reason that it is coming in in that manner is that after it is enacted we are required

MR. OTTENHEIMER:

to inform Ottawa, which of course is the signatory to the international convention, which jurisdiction then informs the other contracting parties of the date on which it will come into force. And in order to be able to have a specific date, then we would have to inform them on what specific date and we could not very well do that with royal assent not knowing exactly what date that would be.

With respect to whether the signatories would include all of the reciprocating states under present agreements, I would have to undertake to have that checked and inform the hon. gentleman in the House in Committee. Indeed what I will endeavour to do also, it might be interesting as well, is have a list of all the contracting parties to this particular convention, both within Canada, provinces, and internationally.

MR. ROBERTS: A question of the minister.

MR. OTTENHEIMER: Surely.

MR. ROBERTS: Mr. Speaker, in connection with that, would the minister undertake to look into perhaps Gazetting together with the proclamation a list of the states who are reciprocating within the meaning of this legislation because, as he will appreciate, the International Convention on Child Abduction may not be readily available to many members of the practising Bar in the Province.

MR. OTTENHEIMER: Yes, Mr. Speaker. Certainly that is a very good suggestion and obviously there could be people who would wish to know and it may not be that easy for them to find out. I would point out, of course, as is obvious, there are additions to it from day to day. I remember, I think no more than a week or ten days ago, a letter from the federal Minister of Justice (Mr. MacGuigan)

MR. OTTENHEIMER: indicating that it was the Netherlands, I believe, or some such state, which had recently adhered to it. But certainly a list of those who up to that time have signed would be good information for people to have.

On motion, a bill, "An Act To Give Effect To The Convention On The Civil Aspects Of International Child Abduction," read a second time, ordered referred to a committee of the Whole House on tomorrow. (Bill No. 63)

Motion, second reading of a bill, "An Act Respecting The Provincial Archives And The Management Of Public Records," (Bill No. 31)

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

MR. SIMMS: Mr. Speaker, this is a major piece of legislation. I will not spend too much time on it. I will try to briefly explain the purpose of the bill. Actually it is pretty well outlined in the explanatory note which says that the bill would revise the law respecting the Provincial Archives and provide for the establishment of a branch of the Archives to be responsible for the management of public records. It might be interesting to briefly offer a little background to hon. members with respect to the Provincial Archives. It began in 1956 on the old Parade Street campus of Memorial University of Newfoundland and at that time received financial support from the Carnegie Foundation of New York. Then The Archives moved to their present location in the Colonial Building on Military Road back in 1960, when this particular House

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MR. SIMMS: of Assembly, in fact,
moved to its present location. I would hope and trust

MR. SIMMS:

everybody is well aware of the responsibility the Provincial Archives has for the collection and preservation of historical records of the government, and also to collect and preserve the records of private businesses, private persons, churches and other organizations. Since the creation of the archives in the 1950s it has been included in a number of pieces of omnibus legislation, the most recent of which was The Historic Object Sites And Records Act of 1973. While that legislation did bring a number of functions under the same act, for example, the Archives, the Newfoundland Museum, Historic Sites and so on, it made the legislation very difficult to update because of its many different parts which related to different institutions with very different goals. So we think that it is very important to the operation and identity of a public institution that its operation be covered by a single piece of legislation which will give some focus to its operations and a sense of identity.

Equally, this particular piece of legislation is needed for an even more immediate reason:

The disposal of dormant government records has really been controlled only by Order in Council since 1972, and there really has been an urgent need for some proper legislation, or legislative definition of a mechanism, by which this disposal should take place. So, therefore, the bill includes the creation of a Public Records Committee to be composed of the provincial archivist, of course, and representatives from Finance, Justice, the Auditor General's Department as well as my own department. And they will, of course, review the process of disposing of records held in the government's record centre, with the departments controlling these records. We think that this procedure will make the disposal of the records more economical and more efficient.

MR. SIMMS:

The same procedure will be applied to the limited disposal of unnecessary records in the Provincial Archives, for which previously there has not even been a procedure. We believe that using this Public Records Committee to review disposal of archival material and subjecting them to a board of impartial opinion is a valid method of procedure to use.

Although the management of public records as indicated in the legislation, the current legislation, The Historic Objects, Sites and Records Act of 1973, is the responsibility of the Provincial Archivist, the creation of a specific unit within the Archives to oversee these responsibilities has never ever really been legislated. At the same time, the process for the deletion of useless records has never been clearly defined and this, in turn, has led to hesitation on the part of all government departments and agencies to apply for disposal authority for obsolete records. So as part of its commitment to the act,

MR. SIMMS:

the Archives developed the records management programme.

MR. WARREN:

How many people are employed there?

MR. SIMMS:

In Newfoundland the records management programme was developed in the mid-1970s to provide uniformity in departmental record systems, plus a centralized records disposal operation. The records management programme as it presently exists offers the only viable means of managing the ever-increasing mass of records that are accumulating all throughout the public sector, and that I am sure everybody is concerned about. This programme was set up for two reasons: firstly, to ensure that these records will be preserved, those especially with historic value; and secondly, to implement some sort of a system for the control of files and documents in all government agencies, and this would include economical storage for old files and a process for disposing of useless records.

Perhaps the most visible aspect of the programme, Mr. Speaker, is the operation of the record center which is presently situated in the White Hills. It was a former operation center of the United States Airforce Base, Fort Pepperell, and it has since been renovated in order to accommodate the heavy flow of old files from all government agencies. As an example, since the opening in 1978, 7,800 cartons of old records have been organized and shelved. Reference services are provided by the staff, with research available at all times. Eight hundred and thirty cartons now in storage are pending approval for distruction.

And, finally, another highly visible aspect of the programme will be the

MR. SIMMS: counselling of all departments and agencies of government in the management of records. This includes the development of standard procedures for classification systems and the introduction of a scheduling system for the disposal of public documents.

The long-term objective of the programme, Mr. Speaker, is to implement a uniform system of filing across the government service similar to those in many other provinces. This system would be constructed on the same basis but, as one can understand, the content would inevitably vary from one department to another. On a number of occasions the records manager responsible for the programme has been requested to participate in fact finding projects outside our own provincial boundaries. To mention just two

MR. SIMMS: of these, he has been asked to sit as a member of the steering group, headed by Public Archives of Canada, designed to assemble data on the state of records management at the various levels of government and the second is that of an advisory member for the Special Committee on Records Retention in the Maritimes and Newfoundland and Labrador. So professional contacts such as these are a valuable asset in assuring professional level development for the programme.

I do not think there is much else I can say about it, Mr. Speaker. It is fairly cut and dry, quite clear I believe, and something that is very important and necessary, especially in the progressive development of the Provincial Archives. I have much pleasure in moving second reading and asking the support of all members of the House for this legislation.

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

MR. NEARY: Mr. Speaker, of course we are going to support the bill, but I can guarantee the House that there will be no dancing in the streets of Grand Bruit or LaPoile tonight because we are going to pass a bill to set up a management of the Archives and the public records, Mr. Speaker.

In supporting the bill I have to lash the administration again with every ounce of energy I have for wasting the time of this House discussing items that are completely irrelevant to the economy. Mr. Speaker, we have record unemployment in the Province, especially among young people in the Province. We have community hospitals

MR. NEARY: shutting their doors for the last time, and community clinics. We have the highest taxes in Canada, the highest retail sales taxes in the nation.

MR. SPEAKER (Russell): Order, please! Order, please! Sometimes it is a bit difficult for the Chair to rule on the relevancy of a debate in principle on a bill, however, I must say that in the Chair's opinion at least, the hon. Leader of the Opposition was straying somewhat from what appears to be the principle of this bill.

MR. NEARY: Well, Mr. Speaker, while we have a chaotic situation in the economy, the pulp and paper industry, the mining industry, the fishing industry, the administration bring in silly bills that are completely irrelevant to the real problems of the people of this Province. This bill, Mr. Speaker, will put no bread on the tables of the ordinary people of this Province.

MR. NEARY: And if the minister has aspirations for the Chair in front of him to his left, Mr. Speaker, then he will have to do better than that. He will have to do better than he is doing. He is rapidly becoming known throughout the Province as the Minister of Fines. Everything he does increases fines or has a fine attached to it, the same as this. He is a fine minister. The Minister of Fines.

We used to have a magistrate in this Province at one time who had the nickname, Nail Them And Jail Them.

MR. TOBIN: Did you ever hear your nickname?

MR. NEARY: No but he became a member - Mr. Speaker, the minister is the Minister of Fines.

MR. SIMMS: I preferred it when you called me Sir Humphrey.

MR. NEARY: Everything is to set up, to increase fines or to impose fines or regulate somebody, somebody's life, set up a committee on something like he is doing in this bill, Mr. Speaker, or invite proposals for this, that or the other thing that will create no employment, no jobs, do nothing for the economy, do nothing for the incredible financial mess we have in the Province, Mr. Speaker.

So again I have to lash the administration, the members there opposite, Mr. Speaker, for their negligence, for the way they are mismanaging the affairs of this Province.

Now, Mr. Speaker, I can only ask the hon. gentleman then in that regard, because Your Honour has restricted my debate, what remarks I can make on this bill, I can only ask the

MR. NEARY: hon. gentleman there opposite if the mill in Corner Brook will be put down in the Archives as an historic object due to his administration's incompetence and mismanagement. Will the Iron Ore Company of Canada property in Labrador City become a historic object? Is that one of the historic objects that the hon. gentleman is going to protect? Will the fish plant in Burin and all the other fish plants that are being closed, will they be protected by this bill, Mr. Speaker, as historic objects? Will the hospitals that have stood the test of time, that were built by Commission of Government, Mr. Speaker, and survived over the years providing good community health care services in communities like Botwood.

MR. NEARY: and Buchans and in North West River, Mr. Speaker, will they become historic objects? Will the hon. gentleman have them on his list to be managed by whoever is going to manage these objects and property, Mr. Speaker? Will the medical clinics that are shutting their doors in this Province for the last time, will they become historic objects and be managed under this bill?

MR. HOUSE: Which ones?

MR. NEARY: I beg your pardon?

MR. HOUSE: Which ones, tell me.

MR. NEARY: King's Cove for one.

MR. HOUSE: King's Cove is not closed.

MR. NEARY: No, Mr. Speaker. The hon. gentleman is in the process of closing it.

MR. HODDER: The one in North West River.

MR. NEARY: The one in North West River. And, Mr. Speaker, will all the young people who are unemployed in this Province, who cannot find jobs, will they be put down in the Archives as historic objects, Mr. Speaker, somewhere down the road in their old age?

MR. SPEAKER (RUSSELL): Order, please!

The hon. President of the Council.

MR. MARSHALL: I think it is now five-thirty. There being no questions on the Late Show, these gentlemen who want to debate things, to bring things before the House, their one time, they have used it I think for one ten minute slot this session, Mr. Speaker. Well, so much for that. Anyway I believe Your Honour has to leave the Chair at this time, so he can spare us from the hon. gentleman.

MR. SPEAKER (RUSSELL):

Order, please!

It being Thursday

and there being no questions for the Late Show, it is deemed that a motion to adjourn has been made. I do now leave the Chair until tomorrow, Friday, at ten of the clock.