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TRANSCRIPT

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

The House met at 3:00 p.m.

Mr. Speaker in the Chair.

MR. SPEAKER (Russell): Order, please!

Before we proceed, I would like to welcome to the galleries today sixteen students from the Marystown High School and their teacher, Mr. Clayton McCarthy, from the district of Burin - Placentia West.

SOME HON. MEMBERS: Hear, hear!

ORAL QUESTIONS

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I have a question for the Premier who I note is just arriving -

MR. WARREN: He looks very fresh.

MR. NEARY: - looking fresh after the weekend.

Could the hon. gentleman inform the House and indeed the people of this Province if his administration has made a proposal to the Government of Canada in connection with foreign fishing vessels catching fish inside of our 200 mile management zone to supply resource-short plants?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Well, obviously, Mr. Speaker, the Minister of Fisheries (Mr. Morgan) is the appropriate person to answer that question. The government has, over the last three or four weeks, been into negotiations, the Minister of Fisheries and his people, with the federal fisheries people and we have indicated that on a short-term

PREMIER PECKFORD: basis, because there will be some problems with our own bottoms, that foreign vessels should be allowed to come inside the 200 mile limit to catch fish for the resource-short plant programme, but only for the resource-short plant programme. The Minister of Fisheries (Mr. Morgan) and myself have had meetings as late as Friday with the federal Minister of Fisheries (Mr. De Bane) on the matter and we are hoping that the matter can be resolved. We are trying to work out an interim arrangement for the foreign vessels to catch fish and land it to resource-short plants in the Province until such time as the new company is in place and a proper long-term permanent strategy can be worked out for Canadian bottoms to catch the fish for the resource-short plant programme.

MR. NEARY: A supplementary, Mr. Speaker.

MR. SPEAKER (Russell): A supplementary, the hon. the Leader of the Opposition.

MR. NEARY: Mr. Speaker, would the hon. the Premier inform the House why it is necessary to go to the foreigners to catch the fish? Could the hon. gentleman be a little more specific in his answer and tell the House if indeed any negotiations have been carried on with the Canadian companies to catch this fish, and why it is impossible for Canadian bottoms to catch the fish and be competitive with the foreigners? Could the hon. gentleman elaborate on that matter for us?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: The situation right now is that we are in somewhat of a hiatus between the old companies and the new restructured company, so that therefore, there is not in place a board of directors and a CEO and all the

PREMIER PECKFORD: rest of it, the new company
that could bring to bear some kind of rationale to allow
it to occur. At the present moment, for the Fall fishery,

PREMIER PECKFORD: there was a dispute over the cost of landing the fish; the companies that are to be part of the new restructured company said they could do it for a certain price and that was too great a price for the independent operators to pay, so the independent operators said. Meanwhile, we have a lot of fish that is available to be caught, a lot of Newfoundlanders who wish to work in the plants and create jobs, and so in the interim period between now and when the new restructured company is put in place, when it is everybody's intention, both governments and the bank and those people involved in it, to try to put in place some programme which will make the cost bearable to the independent processors and make it possible through the new company. Until that happens, in this transition period the foreign boats should be allowed to come in and land the fish thereby creating a lot of jobs in Newfoundland. So there is a problem with price and how that price, that cost, will reflect itself after the new company gets formed is a good question. Neither the federal Minister of Fisheries (Mr. De Bane) and his officials nor the provincial Minister of Fisheries (Mr. Morgan) or anybody in the government that I know of, either federal or provincial, wants to see a long-term foreign effort for the resource-short plant programme, Canadian boats should be able to do it. And, as a matter of fact, years ago when we were just the lonely one or two or three people in this whole debate, when the union was pushing for the Bulgarians and all the rest to come in and buy the fish and take it away even, not a resource-short plant programme, we opposed the foreign effort because it was taking jobs away from Newfoundlanders. The fishermen were getting a tiny bit more for their fish but they were depriving a lot of Newfoundlanders from having jobs in the plants.

PREMIER PECKFORD: So the question is one of cost and somehow a way has to be found to make that cost acceptable both to the owners of the boats and to the owners of the plants. At the present moment that is an impossibility because we are in, as I say, this hiatus period between the old companies phasing out and the new restructured company phasing in. In the meantime, there is fish to be caught, there are people to be put to work and in that interim period we have proposed this foreign effort to land the fish here and have it processed here and then sold through the appropriate mechanisms. So the question right now is one of price or one of cost, and there is a dispute between our own people who own the trawlers and the independent processors. So that will be resolved hopefully, and it is the intent of both governments to resolve it when the new restructured company gets in place.

MR. NEARY: A supplementary, Mr. Speaker.

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

MR. NEARY: Could the hon. gentleman inform the House if the proposal that he is talking about is going ahead with the blessing of the Newfoundland Fish Food and Allied Worker's Union, if there have been any prior discussions with the union and the various parties involved before proceeding with this, allowing foreign vessels inside of our 200 mile management zone?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: I will refer that to the Minister of Fisheries, Mr. Speaker, who is more

PREMIER PECKFORD:

familiar with that aspect of it because he has had meetings, I think, with the Union over the last few weeks.

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

MR. MORGAN: Mr. Speaker, in following up on what the Premier has said in connection with the whole issue, the Fishermens' Union has indeed been consulted. I held a meeting with Mr. Cashin prior to going to Ottawa, I think it was last Tuesday or Wednesday, to attend a meeting with Mr. DeBane and his officials, and the Union is taking a position that we should pursue further, and in fact vigorously, the two governments, trying to find a way of using Canadian bottoms. They have concerns about foreigners being given the right to harvest even part of the total quota of 10,000 metric tons because of the fact they are afraid if it happens this year it will continue on next year. So they want some assurances from the governments if the programme is going to come into place over the next few weeks or by the end of the calendar year, that it has to be and it is to be a temporary situation and not to be a permanent arrangement of always depending on foreign vessels to catch fish for our plants. So they have concerns on the issue, and we have discussed that, Mr. Cashin and myself and the officials in the Department of Fisheries. And I understand Mr. Cashin has telexed Mr. De Bane as well and a copy to me, putting forward the same concerns.

I want to stress again that the only reason we would give the foreigners a temporary arrangement or approval would be because the restructuring is not in place, and that is very important. It is not in place, hopefully it will be in place in the next number of days, when the legislation is passed through both Parliaments, here

MR. MORGAN: and in Ottawa. And because the restructuring is not in place, because the companies are still in negotiations, speaking on behalf of the somewhat private sector companies you can call them still, I guess, National Sea, Nickerson, Fishery Products and the Lakes, because these are not straightened away, finally resolved through the implementation of the restructuring, we are proposing a temporary measure, as the Premier just mentioned, to get employment in our plants. We have all of those plants right from, well St. Anthony down to Cape St. Mary's, and with the exception of the trawler plants, all of the plants are closed. Why are they closed? Because there is no fish to be processed. And whereas there is an allocation out there of 10,000 tons waiting to be caught and our Canadian vessels cannot reach a settlement with the independent owners of these plants, we are saying, if you cannot settle your differences in this way, let us get fish in on a temporary basis to the plants on the Northeast Coast and have it landed by the foreigners to be processed in our plants here in the Province to provide employment.

MR. SPEAKER (Russell): Before I recognize the hon. Leader of the Opposition I would just like to take a moment to welcome a large group, in fact, seventy-nine 4-H young people, young ladies and young gentlemen from Calvert to Summerside in the Bay of Islands, to the galleries today.

SOME HON. MEMBERS: Hear, hear!

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

MR. NEARY: Mr. Speaker, I just want to establish from the answers that have been given by both hon. gentlemen, but I am directing my supplementary to the Premier, would the Premier tell the House if we are right on this side in assuming that it is the Province that is taking the initiative in this matter? Could the hon. gentleman confirm or deny that for the House?

MR. SPEAKER (Russell):

The hon. the Premier.

PREMIER PECKFORD:

I do not know, Mr. Speaker.

You know, it is all coming together, I do not who was the first one. We have been trying to implement a resource-short plant programme, it has been in place now for a number of years. So, I mean, the resource-short

PREMIER PECKFORD:

plant programme has been there our problem is trying to get the fish that is going to be a part of the resource-short programme into the plants, the use of a boat to catch and transport the fish into these plants which are now closed. So I do not know who was the first one to take it - everybody wants to resolve the resource-short plant programme. Now different people may have different ways they want to do that. We cannot see, given our high unemployment and all the rest of it and given that we have a cost problem between the independents and the owners of the boats and trawlers right now, any other way, short-term way, to get jobs going short of having foreign bottoms land that fish, which they have done before and which it seems they will have to do again until this restructured company. But who actually took the initiative on it? I would not like to claim that the Province itself is the only one interested in employment in the Province, totally. I suppose Mr. De Bane and the federal government are interested in creating jobs in the fishery and I suppose Mr. Cashin and his union are. I know the Minister of Fisheries (Mr. Morgan) has been at the forefront of it, whether he was actually first or almost first or second I am not sure. But I know we have, as a government, been keenly involved in talks on it now for the last number of months. We are not ones to take credit, Mr. Speaker, but I think it is fair to say that we were in the forefront of trying to resolve this matter.

MR. NEARY: Supplementary, Mr. Speaker.

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

MR. NEARY: Mr. Speaker, the hon. gentleman did some pretty fancy stickhandling on that answer. Obviously the hon. gentleman is concerned about something. Let me ask the hon. gentleman point-blank if indeed the initiatives in

MR. NEARY: this regard, of allowing the foreigners back inside our 200 mile management zone, is indeed taken by this Province, by the provincial government, by the hon. gentleman's administration? And, Mr. Speaker, would the hon. gentleman indicate to the House what proposals he put forward to the federal Minister of Fisheries (Mr. De Bane) and to the Government of Canada in this regard? What are the proposals? Why be vague about it? Lay it all on the table and let us see what the proposals are, Mr. Speaker, so that we can ask some more questions about it.

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

PREMIER PECKFORD: Mr. Speaker, I have no intention of being vague about it, none whatsoever. This government has gone on record I do not know how many times - talking about letting ships inside the 200 mile limit; there have always been ships inside the 200 mile limit. The Minister of Fisheries (Mr. Morgan) for the Province, myself and others in this administration have been arguing about the foreign allocations, the fish that is taken and brought back to Europe and brought back to other countries unprocessed. There is an ongoing allocation. The Leader of the Opposition (Mr. Neary), I do not know where he has been for the last number of years, but is the Leader of the Opposition aware that foreign

PREMIER PECKFORD: allocations of raw fish are being taken by countries all the time within the 200 mile limit, by other countries, and taken away from here unprocessed? That is one set of circumstances. The other set of circumstances is fish allocated to Canadians to be placed in fish plants that are only open during the Summertime, the resource-short plant programme, and that is the one that we are talking about. We are not talking about the issue of allocations of fish to foreigners to be taken by the foreign ships back to their companies, to be processed back in their companies and all the jobs go to those countries. We are not talking about that. The federal government has full jurisdiction over that and have signed a deal with the Europeans, and the Europeans have agreed, "We will reduce our tariff a little bit, but there will still be a tariff," and in return for that Canada has allowed them to come into our 200 mile limit and take fish and bring it back raw to these countries and all the jobs are thereby exported to somewhere else.

So let us not talk about the question of allowing foreign trawlers into the 200 mile limit, that is going on all the time. And one of our major objectives through the restructuring programme - there is a special provision in there which studies the whole question of the resource and the whole idea in that is to try to persuade the federal government to gradually reduce the amount that foreigners are allowed to take from the waters off our shores so that more of the fish - if they reduce it, that leaves more for us; that would be more that can come ashore, that is more fish here, more plant workers, and more jobs. I mean, that is the policy of this administration. But on this resource-short plant programme we are trying to get the allocation that is available to Canada, and in this case available to Newfoundland, into the plants in Newfoundland and we have been trying to work out some system whereby that can happen immediately so that we can create

PREMIER PECKFORD: hundreds of jobs today, tomorrow, next week on the East and Northeast Coast of Newfoundland. So we have been working with the union and working with the federal government to try to make that happen.

 There has been a stumbling block because of the cost that the people who own the trawlers wish to charge for bringing the fish into plant A or plant B or plant C. And the independent operators say that price is too high for us to be able to pay and still make a dollar. So that is the problem that we have. It is a short-term, temporary problem. And, as I say, I do not want to take, or this administration, to take full credit for proposing or trying to work out some temporary solution. The union is just as concerned as we are. The federal government is just as concerned as we are. Everybody is just as concerned about creating more jobs and getting some of these plants open for two or three or four months, with this resource-short plant allocation.

PREMIER PECKFORD:

But the way the Leader of the Opposition (Mr. Neary) put his question it was as if somehow or another suddenly and magically a few foreign boats are going to be allowed inside the 200 mile limit. Well, they are always allowed inside the 200 mile limit, there are too many in here, and those too many are the ones who take the raw fish back to Europe and put all the jobs back in Europe. What we are talking about now is a temporary programme, seeing we have a disagreement over the cost with our own boats, of allowing those foreign boats to come in and bring the fish to Newfoundland, to be processed in Newfoundland, to create jobs in Newfoundland. We only wish that this resource-short plant programme applied to all the offshore so that the boats that now come inside the 200 mile limit and take fish back to Europe are no longer allowed to do so, and they would bring all that fish into Newfoundland so that our unemployment rate would go down to 8 per cent.

MR. NEARY:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. Leader of the Opposition.

MR. NEARY:

It must be lately that the hon. gentleman does not want to take credit for things that his administration does. But for some reason or other he is shying away from taking the credit for this one.

MR. PECKFORD:

I am a very modest man.

MR. NEARY:

Modesty is not one of the hon. gentleman's virtues. Mr. Speaker, we are all very familiar with the foreign allocations. My view on it is that when the 200 mile management zone was brought in by a Liberal government in Ottawa it was

MR. NEARY: to get the foreigners outside the 200 mile limit and now the hon. gentleman is going to bring them in by the backdoor. Now, Mr. Speaker, let me ask the hon. gentleman - he tosses around, he bandies the union's name around. The Minister of Fisheries (Mr. Morgan) told us that the union are very concerned about this matter but the hon. gentleman says, well, they are so concerned about the resource-short plants that they disregard all the other implications. Let me ask the hon. gentleman what other options were looked at before they went to the federal government to ask them to allow the foreigners to come in here and catch our fish? What other options did the administration look at before they took the initiative and went to the federal Minister of Fisheries (Mr. De Bane) to ask him to allow the foreigners to come in here and catch fish?

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

PREMIER PECKFORD: Mr. Speaker, obviously the Leader of the Opposition (Mr. Neary) is trying to impose a point of view upon this House and upon the people of Newfoundland that somehow this government favours foreigners coming in here and catching fish. Now, Mr. Speaker, if there is ever a government and an administration which has opposed this kind of situation it is this government and this administration. We have totally and absolutely, and I have just explained it in a long, drawn out way - it might be a little complicated for the Leader of the Opposition but that is not my fault, that is something that he has to live with. But all I can say to the Leader of the Opposition is that there is an ongoing foreign allocation of fish, of various species of fish to foreigners. That allocation is allowed by the federal Liberal

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PREMIER PECKFORD: government in Ottawa
and we have opposed that from day one. Since this
administration took office, we have opposed it.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

It is a policy that is in place, that has been in place for the last several years. The federal government allows foreign ships to come inside the 200 mile limit and catch massive amounts of fish. I had two or three press conferences during the last four or five months detailing the amount of fish that has been taken by foreigners, when I was arguing about the restructuring process and how it was doing, and saying that we have to go back and look at the resource. So you have a federal Liberal Government which allows foreign ships to come inside the 200 mile limit, take thousands of tons of our fish, and bring it back to Europe unprocessed - unprocessed, no jobs. What I am saying and what all of us are saying together right now is while the new company is being restructured we have a problem which relates to our own Canadian ships bringing our fish in to our plants because they want a higher cost for that fish than the independent operators are willing to pay at this point. And because the new company is not established, we are not in a position, as governments, to fully resolve this matter. The new company will have to get in place and see if it can work out some process whereby the Canadian bottoms can be used.

In the meantime, there are thousands of people out of work who could be working. And if the federal Liberal Government is going to allow foreign ships to come in and take raw fish back to Europe unprocessed, I cannot see anything radically wrong with allowing foreign ships to come in and bring the fish to

PREMIER PECKFORD: Newfoundland so Newfoundlanders can work and get the processing jobs out of it in the short-term until a new restructuring company gets formed, and then we will put a permanent Canadian policy in place to use Canadian bottoms. That sounds to me to be a very reasonable position for us to take.

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: Now, if the Leader of the Opposition (Mr. Neary) does not want to see jobs created because he is afraid we are going to get the credit for it, boo on the Leader of the Opposition.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, what a gigantic bluff! What a bluff! The hon. gentleman is trying to weasel his way out. Mr. Speaker, this is a complete departure from the norm and has nothing to do with the allocations to foreign -

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

SOME HON. MEMBERS: Oh, oh!

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

MR. MARSHALL: I realize the Leader of the Opposition is obviously visibly upset, Mr. Speaker, but this is the Question Period and it is not the time for him to make a speech.

MR. SPEAKER: Order, please!

The purpose, of course, of the Question Period, it being only thirty minutes, is to give

MR. SPEAKER (Russell): the Opposition people to my right the opportunity to ask as many questions as they can and for the ministers on my left to answer as many questions as they can, and therefore, there should not be a need for a long preamble or a long answer.

MR. NEARY: Mr. Speaker, would the hon. gentleman tell the House what happens to all the jobs on these trawlers catching the fish that will be filled by foreigners? Why cannot Newfoundlanders and why cannot Canadians do these jobs? If the hon. gentleman is so concerned about jobs and allowing the

MR. NEARY:

foreign vessels to come in, and foreigners to come in and catch that fish, What about these jobs? Are Newfoundlanders entitled to these jobs, Mr. Speaker? I am going to ask him once more if he is prepared to lay on the table of this House the proposal that he brought to Ottawa so that we can take a look at it. Mr. Speaker, the hon. gentleman can get up and stickhandle and twist and turn and squirm and try to weasle his way out all he wants and he can bluff all he wants, give us the proposal.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Russell):

Order, please! Order, please!

The hon. the Leader of the Opposition (Mr. Neary) is now entering into the realm of debate and that is certainly not the purpose of the Question Period.

The hon. the Leader of the Opposition.

MR. NEARY:

Mr. Speaker, somebody has to protect the hon. gentleman, I suppose.

Mr. Speaker, would the hon. the Premier undertake to lay on the table of this House the proposal that he has brought to the federal Fisheries Minister (Mr. De Bane) to allow foreigners to come inside of our 200 mile management zone, take jobs from Newfoundlanders and Canadians, to catch fish?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, the Leader of the Opposition when he starts to lose in Question Period always then begins to call me, or whoever the minister is at the time, various names, until the Speaker has to step in and bring him to order.

Now, the Leader of the Opposition would like to try to place himself on that side of the issue

PREMIER PECKFORD: which has failed the Liberal party since 1975 or 1976, that is on the side of the issue that we oppose, as a party, here on this side of the House. This government opposes the whole issue of foreigners coming in and taking fish and bringing it back to their countries and processing it. Now, the Leader of the Opposition sees that he has lost in the last few questions and answers on that and now he is worried about the jobs on the trawlers. This whole resource-short plant programme is a temporary measure, a very temporary measure. And if we have the plants - just take, for example, 800 jobs. You have got 800 jobs in the plants and you have got how many on the trawlers for a very short period of time, for two or three months? How many trawlermen would there be?

MR. DAWE: At the maximum there would be 200.

PREMIER: Say 200. So you got about, say, 800 processing jobs and about 200 trawler jobs. Now, these trawlers are only going to be here for two or three months, 200 jobs; they are owned by foreigners and we want to get the fish in to get at least 800 jobs. I think it is worth while to create 800 jobs. You know, you would like to have 1,000 for the three months, but if you can get 800, that is not too bad, Mr. Speaker. That is pretty good, especially when you are going to put in place a permanent programme right after to get all of 1,000 of them. This is a temporary measure while we are working out the problem of the cost of fish from a Canadian trawler to a Canadian plant. That is pretty good. It has been done before, this is not the first time. The Leader of the Opposition (Mr. Neary) suddenly raises this for the first time. Now let me tell the Leader of the Opposition, apparently he does not know, in 2GH, 2J, 3KL, 3M, 3NO, 3PS, 4RS plus 3PN which are all the various fishing zones along the East and Northeast coast of Newfoundland, here are the foreign allocations in 1982,

PREMIER PECKFORD:

Mr. Speaker, that the federal Liberal Government gave away to foreigners for all the jobs to go to Europe: 9,000 tons, 20,000 tons - this is cod. Just cod, 9,000 tons -

MR. NEARY: This has nothing to do with (inaudible)

MR. SPEAKER (Russell): Order, please!

PREMIER PECKFORD: - 20,000 tons, 12,000 tons,

6,000 tons, 5,000 tons, 13,500 tons for a total of 66,170.

Now that is 66,000 tons of raw fish caught by foreigners and brought in here for our jobs? No, caught by foreigners and brought over there for their jobs, Mr. Speaker. This Leader of the Opposition, Leader of the Liberal Party who supports the Liberal Party and the Liberal Government in Ottawa, is getting up and trying to make a statement about foreigners coming into Newfoundland waters when he supports 66,000 tons of cod alone going to Europe and other foreign countries, taking all of the jobs with them.

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. member for Torngat Mountains.

MR. WARREN: Yes, Mr. Speaker, I have a question for the Minister of Transportation (Mr. Dawe). First I would like to comment on the minister bringing in the seat belt legislation, I believe it is very effective in the Province. However, on behalf of the thousands and thousands and thousands of school children in this Province who have to travel on buses going to and from school, has the minister given any consideration to having seat belt legislation compulsory for school buses in this Province?

MR. SPEAKER (Russell):
Transportation.

The hon. Minister of

MR. DAWE: Mr. Speaker, this administration is very proud of the fact that it did bring in seat belt legislation in this Province, and statistics, which I will make available to the House very shortly, will indicate the positive effect it has had on both reducing the severity of accidents and, also, lessening the number of highway fatalities.

The question of seat belts in buses, not only school buses but buses in general, has been a topic of conversation between the Ministers of Transportation responsible for highway safety right across the country. The provincial government's, and our legislation is similar to the legislation in other provinces, is that it refers its legislation to federal regulations as they relate to the building in in vehicles of seat belts. And the legislation specifically indicates that where federal regulations are in effect and a vehicle is supplied under these regulations with seat belts, then that is when the provincial regulations and the legislation as it relates to seat belts comes into play.

At the present time we are still

MR. DAWE:

carrying on discussions with the other ministers across the country and with the Federal Minister of Transport (Mr. Pepin) and his officials, to see what can in fact be done with the inclusion of seat belts into school buses and other vehicles that carry large numbers of people.

There is, of course, an ongoing problem with buses that are already on the roads that do not have the seat belts in place, and that situation is being addressed as well. Members of this House can appreciate, as well as the general public, the cost associated with that particular situation. But we are addressing it, Mr. Speaker, and as we have introduced legislation to protect the citizens of this Province through general seat belt and child restraint legislation, we will be doing everything we can to make sure that that whole process and that legislation is improved where possible.

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

MR. WARREN: Mr. Speaker, a supplementary to the minister. In view of the fact that many of the school buses that are transporting children to and from school are carrying more children than can be seated on the buses, has the minister any views on whether this should be allowed? If the minister is concerned about making sure if there are only five or six passengers in a car they have to be buckled up, surely goodness there should be some concern about when there are ten or twenty students on a bus who are not even sitting down. I am just wondering if the minister is concerned about students travelling on school buses when they do not even have a seat to sit in? Are there any regulations saying that the operators of those buses should make sure that those students have a seat on the bus?

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

MR. DAWE: Mr. Speaker, I have no idea how many people would be standing up at any particular time, but I am sure that not only the Department of Education and its programme as it relates to the school buses but also the Department of Transportation are ensuring that all the regulations that are in place are being addressed. And I could not really comment other than the fact that, "Yes, I am concerned, as well as I am sure all my colleagues are concerned, about school safety not only in the school bus but in all aspects of school safety, and the safety of all the citizens in this Province." I have no way of knowing at this particular time; maybe the hon. member opposite has some information as it relates to students who are standing, or that buses are overcrowded, or that there are some irregularities taking place. I would only suggest to him that perhaps he refer those irregularities, and be specific, and I will certainly have them investigated.

MR. SPEAKER: Order, please! The time for Question Period has expired.

I would like to welcome to the galleries a delegation from the Grand Bank Town Council led by the Mayor Maxwell Snook, Deputy Mayor Clarence Rogers and Town Clerk Alfred White.

SOME HON. MEMBERS: Hear, hear!

NOTICES OF MOTION

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

MR. NEARY: Mr. Speaker, I would like to give notice that I will on tomorrow move the following resolution. As a matter of fact, Mr. Speaker, if the hon. gentlemen there opposite would agree, I believe we should pass this resolution this day, because when I put it on the Order Paper it will go down to the bottom of the list and we may never get around to debating it this session. And the hon. gentlemen will see the urgency of it when I read the resolution. I am hoping that I can get unanimous consent to have it passed in the House today.

WHEREAS the threat of a nuclear war looms more dangerously on the horizon with every day that passes;

AND WHEREAS in the opinion of most people the build-up of nuclear arms and weapons by the two major powers is not a deterrent to war;

AND WHEREAS people everywhere are becoming increasingly aware of the holocaust of nuclear warfare;

AND WHEREAS the peace movement throughout the world is growing by leaps and bounds; -

AN HON. MEMBER: Start a war going.

MR. WARREN: How funny! How funny!

Get back in your grave again, boy.

MR. NEARY: We are talking about a very grave and serious matter here.

MR. WARREN: A grave matter, yes.

MR. NEARY: AND WHEREAS the Prime Minister of Canada is taking unprecedented initiatives to convince the superpowers to reduce and dismantle missiles and nuclear warheads by peaceful negotiations;

THEREFORE BE IT RESOLVED that this House unanimously support Prime Minister Trudeau's peace mission;

MR. NEARY:

AND BE IT FURTHER RESOLVED

that the Speaker of the Newfoundland and Labrador Legislature in session be directed to communicate a message of encouragement and support from the Thirty-Ninth Session of this House to the Prime Minister for his humanitarian efforts to save mankind and indeed the whole world from destruction by nuclear warfare.

Mr. Speaker, I am hoping that hon. gentlemen there opposite will agree to have this unanimously passed here this afternoon.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, we owe the hon. gentleman the courtesy of a response. The fact of the matter is that any member of this House is entitled to bring in private members' motions, and they do and they go on the Order Paper and they are considered in accordance with the order in which they come up. There are other members, including colleagues of the hon. gentleman, who have matters on the Order Paper that will come up in turn as his will. And I do not think we can give any precedence because it is a motion of the Leader of the Opposition (Mr. Neary). So, you know, Mr. Speaker, that is the position.

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

MR. SPEAKER:

The hon. Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, I undertook Friday in answer to questions to get figures with respect to two Royal Commissions - the one on Hospital and Nursing Costs and the one on the Ocean Ranger Marine Disaster. I have the information here and I will table it and obviously it is available to members. One matter I should state: I think it was made clear on Friday, but just in case it was not, with

MR. OTTENHEIMER: respect to the Royal Commission on Hospital and Nursing Home Costs, the commissioners, Mr. Garfield Pynn on the Faculty of Memorial University and Dr. Payne on the staff of the Health Science Complex are, during the period of occupation as members of the Royal Commission, without salary from either of those institutions.

MR. NEARY: Can you read it out for us?

MR. OTTENHEIMER: I can read it out, but it would be easier for the hon. gentleman to read it himself, I would think. I mean, there is a whole list of figures. It is there, it is public now.

MR. HOUSE: Mr. Speaker.

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

MR. HOUSE: Mr. Speaker, I table the

Answers to Question 134 -

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Russell):

Order, please!

MR. HOUSE:

- answers to questions 134, 135, 136, 137 and 140 on the Order Paper, placed by the member for the Strait of Belle Isle (Mr. Roberts).

I want to point out that some of the questions referred are questions that do not pertain to the department and that has been stated in some of the responses to them.

ORDERS OF THE DAY

MR. MARSHALL:

Order 26, Bill No. 31.

MR. SPEAKER:

Order 26, Bill No. 31. I think the debate was adjourned last day by the hon. the member for Torngat Mountains.

MR. WARREN:

Mr. Speaker, I want to make a few remarks concerning this very important bill as it pertains to the Minister of Culture, Recreation and Youth (Mr. Simms).

"An Act Respecting The Provincial Archives And The Management Of Public Records": Surely, Mr. Speaker, there are many other more important issues to be brought before this House, as my colleague said last week, than a bill of so minor importance. However, there were a couple of interesting comments made by the member for the Strait of Belle Isle, in particular, as it pertains to written historic documents that should be placed in the provincial Archives. I, personally, Mr. Speaker, believe - it was only about two weeks ago that I had the opportunity of being down there - that there is very little there on Eskimo and Inuit ancestry. I believe there is much more history that should be found about the early settlers of

MR. WARREN: this Province and placed in the provincial Archives. I believe that there are several books written by Dr. William Peacock, one of the retired Moravian missionaries who lived on the Labrador Coast, that surely contain much valuable information concerning the first settlers of this Province that the provincial Archives could have in its possession.

MR. WARREN: Mr. Speaker, I am sure the minister is going to respond to comments made on this side with respect to this bill. Although he is not in his seat today, I presume it will be clued up by the House Leader (Mr. Marshall). Why do we not pass this bill and get onto something that is much more important, much more valuable and probably will be much more interesting for the people of this Province, something that would bring bread and butter to the table of many Newfoundlanders who do not know where their next meal is coming from? In particular I am thinking about a lot of the people on social assistance. I am sure the minister could have brought in positive bills concerning social assistance recipients in this Province instead of bringing in something taking care of the provincial Archives.

On motion, a bill, "An Act Respecting The Provincial Archives And The Management of Public Records," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 31).

Motion, second reading of a bill, "An Act Respecting Pension Benefits." (Bill No. 7).

MR. MARSHALL: Mr. Speaker.

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

MR. MARSHALL: Mr. Speaker, it gives me great pleasure to introduce this bill to the House. It is an extremely important bill, probably more important from the viewpoint that it marks an initial step by this Province in a very, very important area of providing for pensions in the private sector and supervising pensions in the private sector. And, to a large extent, I think it could be styled as a harbinger of other measures that will come in the future.

MR. MARSHALL: I suppose one of the greatest acts of injustice that have occurred from time to time and that we have witnessed in this Province in the past twenty or thirty years, is the spectacle of people who have been employed in private businesses for periods of twenty to thirty and forty years who find they come to the end of their productive working life that there is no pension provided for them and if in fact there was one, that that pension would have been provided as a gratuitous measure by the firm with which they had been employed for all of their working life and, of course, if the firm goes bankrupt or goes out of business, then they find that there is no money to pay their pensions. And this certainly has happened, Mr. Speaker, very frequently in the past. It only has to happen once or twice to be an act of great concern and a very, very concerning occurrence in the life of an individual. I cannot think of anything really more disturbing than a person who has been employed all of his or her life who finds at the end of time, at age 60 or 65, that there is no pension available, or even worse than that. There have been instances, I know, and through no fault of the employers, because the employers are the ones that usually bare the whip with respect to this, but through no fault of the employers I know of instances in this Province where people have worked for thirty, forty and forty-five years and have been put out

MR. MARSHALL:

on pension, a very small one but still a pension, only to find after two or three years that the business has gone into bankruptcy, or into receivership, or discontinued business and with that has gone the pension. Now, that to this administration is a great social injustice which has to be rectified and this bill is the first in a series of steps of the administration towards remedying this, because the ultimate goal has to be the provision of compulsory pension plans extended to the widest number of employees and to the greatest number of businesses. There is no excuse in the world, as far as we are concerned, or there is no justification for it. It does happen and it has happened in the past, but insofar as government can take steps to rectify it, this government is going to and this Pensions Benefit Act is the first step in this direction. Now, it is going to take a long time, Mr. Speaker. I would not want this bill to be misinterpreted as in fact being a bill to provide for compulsory pension plans to the widest number of employees, because a step like that has to be taken very, very carefully. You just cannot bring it in without doing the necessary research and you just cannot bring it in without being cognizant of the financial times in which we are at the present time, the effect it would have on viable local business is because of the fact that it is going to cause extra expenses, and in times as we have at the present time, where the economy is not as good as we would like the economy, we have to tread very, very softly. We have a very fragile economy, as we have witnesses of daily and we have to be very, very careful in bringing in a measure of this nature without very careful assessment

MR. MARSHALL: of it, of its consequences and its application so that we do not disturb the economy and, in effect, by causing extra amounts of money to have to be paid, large amounts, adversely affect business activity. But, as I say, there should be no doubt that this is the ultimate goal of this administration which we expect to bring to fruition, where it will apply to the widest number of people possible. It is our opinion that employees have the same right to a pension, a long-time employee has the same right to a pension and businesses have a duty to provide them in the same way as they have a duty to provide, say, a minimum wage. And we are going to do our best to see that this is done. Of course in doing so we have to rectify the oversights of numbers of years ago. If this has been brought in a number of years ago we would have been a lot further along the way.

MR. WARREN: You have had twelve years to do it.

MR. MARSHALL: We have had twelve years to do it, but it has been a very difficult road. The hon. gentleman's predecessors had twenty years before that and they did not do it. The fact of the matter is, Mr. Speaker, it is being done now.

MR. NEARY: We had a public debt then of \$750 million, now you have a debt of \$4 billion.

MR. MARSHALL: If the hon. gentlemen want to talk about the debt.

MR. SPEAKER (Aylward): Order, please!

MR. MARSHALL: - perhaps he can consider the fact that this debt, both direct and guaranteed debt, of this Province has grown by only 7 per cent from 1977 to 1982 compared with all other

MR. MARSHALL: provinces' growth, which was 12 per cent.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Twelve per cent. And the great federal government that the hon. gentleman emulates from time to time, as he brought in this resolution today, this quasi-political resolution under the guise of concern, what did that grow at, Mr. Speaker? Was that less than ours of 7 per cent?

PREMIER PECKFORD: Less than 7 per cent.

MR. MARSHALL: This poor little province?

PREMIER PECKFORD: Four per cent? Three per cent?

MR. MARSHALL: No, it was not four, it was not three, -

MR. PECKFORD: It was not less than seven.

MR. MARSHALL: Yes, it was, it was more than seven per cent, it was eleven per cent.

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: Oh, bless my soul.

MR. MARSHALL: I am sick to death of hearing the hon. gentleman prating about the debt in this Province when we have such small resources to cope with the bad economic situation. And the fact is, while the federal debt was growing at 11 per cent, all other provinces were growing at 12 per cent, this Province's debt ratio over the last three to four years grew at the rate of a mere 7 per cent, Mr. Speaker. And that is something we are proud of. So the hon. gentleman can talk all he likes about the debt. Added to all of this, Mr. Speaker, with that 7 per cent growth in debt, a large part of that was incurred for paying interest on indebtedness incurred by the hon. gentleman a long period of time ago.

So, Mr. Speaker, this particular bill, this Pension's Bill that the hon. gentlemen are

MR. MARSHALL: obviously going to vote against because of the way in which they are reacting to it at the present time, as I say this bill is a first step towards the provision of compulsory portable pension plans. What really it does it provides in this Province that every pension plan must meet the requirements of the law and must be registered with provincial authorities. If the plan covers employees in more than one province it only has to be registered once in the province that includes the greatest number of plan members.

Now, it might be of interest to the House to know that this type of legislation is enacted in every province with the exception of British Columbia and Prince Edward Island. Newfoundland is the eighth province to bring in this particular legislation and we are very proud, as I say, to do it. In addition, the bill provides that an actuarial report must be filed every three years and the purpose of filing that report every three years is to test the strength of pension rights to assure that they meet prescribed criteria that has been set down to safeguard for employees the right that they have attained as a result of paying into a pension plan.

There is a provision for vesting: This means ownership to the employee. A person who has served ten years and who has attained the age of forty-five years, then that person attains a vested interest in his pension plan. These contributions that members make, there is a provision there for what they call the locking in of these pension contributions so that they become the property of the employees who have made the contributions. There is provision for a pension benefit guarantee fund. There is a provision that all of the plans

MR. MARSHALL:

must be funded, that the pension plans must be funded; they just do not pay the money into a company and into a concern without that money being taken and invested and ear-marked for the pension fund itself.

The plan provisions must be well defined. In the event that a pension plan is wound up a method of allocating the asset must be submitted. The funds of the pension plan may be invested only as permitted by the regulations; and there is another provision that all plan members are entitled to a written explanation of the pension plan of which they are members.

So, Mr. Speaker, we regard this as being a very positive step forward. In this Province today there are over 580 pension plans covering some 65,000 people. A number of these plans certainly are already registered in other jurisdictions, but there are a number of them, by the same token, that are not registered here but they will be registered in the future.

The act provides for the appointment of "an officer", it says, "within the Department of Finance to be the superintendent of pensions." In committee we shall probably remove the words "within the Department of Finance".

MR. NEARY:

Make another job.

MR. MARSHALL:

No, it is not make another job. This is a very specialized area. Initially, we envisaged that the superintendent of pensions will in fact be an employee of the Department of Finance, but we want to leave the latitude there in order to obtain the services of the most qualified person for this position, particularly in view of the fact that in addition to examining the pension plans that exist, this person will be charged with examining all implications of extending and implementing

MR. MARSHALL: the policy of this government which is for the provision of compulsory portable pension plans to the widest number of employees and the widest number of businesses possible.

MR. NEARY: Do you have anybody in mind?

MR. MARSHALL: The superintendent - as I say, at the present time we have in mind a person in the Department of Finance, but we want the latitude to be able to appoint the most qualified person who may or may not be in the Department of Finance.

MR. NEARY: Do you have to be a Tory to get the job?

MR. DINN: It is hard not to get one, boy.

MR. MARSHALL: As the hon. gentleman said, if we are going to hire a Newfoundlander it is going to be very hard to find a Newfoundlander now-a-days who is not a Tory. It would be very difficult to find one who is a Liberal, I can tell the hon. gentleman that.

MR. NEARY: You should have been in Corner Brook Friday night.

MR. MARSHALL: Oh, yes, some do in Corner Brook on Friday night. Oh yes, I am sure. I am sure. Yes.

MR. NEARY: Half of the university was there.

MR. PECKFORD: Yes, we got a report on it.

MR. MARSHALL: All the recipients of federal patronage were there and that was about all. The only people who are interested in the Liberal Party in this Province are not people who are interested in the Province of Newfoundland, but they are interested in the personal patronage that they have received.

MR. NEARY: What about the Mayor of Corner Brook?

MR. MARSHALL: "The superintendent," Mr. Speaker, "shall provide for the establishment, extension and improvement of pension plans throughout the Province." And that is going to be his main duty. There are standards set down there which pension plans as they exist must meet. They have to be filed with the Superintendent of Pensions. There are standards that are set down here, and that are here as the hon. gentleman can see in section 17 of the act, that pension plans will have to comply with in order to obtain a certificate indicating that they have complied with the law with respect to these things. There is a provision here specifically that the pension plan registered for filing in order to qualify must obtain provisions for funding and there must be a provision in it that investments of pension funds, and that is in the plan, the pension plan, can only be invested in pension funds and securities and loans prescribed by the regulations, which will be securities and loans that are deemed to be safe for investment by pension funds. And generally speaking, Mr. Speaker, the provisions of this act permit the Superintendent of Pensions to have the power which the government did not have before, which is to supervise the pension plans that are existing to assure that

MR. MARSHALL: they comply with certain standards which will protect the security and integrity of the pension plans themselves. And once again, Mr. Speaker, I want to emphasize that the main purpose of this act is that it indicates on the part of government just the first step in the policy of government along what will be a very difficult road to implement but one that we are determined to implement, and that is for the ultimate provision of requiring compulsory pension plans in businesses to the widest number of businesses feasible and affecting the widest number of employees.

So, Mr. Speaker, I shall listen to what the hon. gentlemen want to say with respect to it. I gather from what they say that they are not prepared to vote for the legislation, that they are not in favour of it, but if they have any rational, reasonable questions, I would be quite happy to deal with them on closing the debate.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, first of all, let me read something to the House, a statement the hon. gentleman made, and this is taken from Hansard. The hon. gentleman made this statement four years after a Tory administration took over in this Province, May 14, 1976, going into the fifth year of a Tory administration. This is the gentleman who made a statement there a few moments ago when I flung the public debt at him. Quote: "I am alarmed at the financial condition of the Province. I feel that the major problem facing us today is to make the public aware of the financial situation, so that if the public is aware of it then it can accept what has to

MR. NEARY: be done to get the Province back on a firm foundation."

That is the same hon. gentleman now, Mr. Speaker, who is not alarmed or not concerned as he was then, and at that time the debt was only \$800 million. Now it is climbing towards \$4 billion and he shrugs it off, Mr. Speaker.

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

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

MR. MARSHALL: I do not usually bother to get up on a point of order with respect to the hon. gentleman when he casts his misinterpretations and tries to put words in the mouths of individuals, but the hon. gentleman is completely and absolutely wrong when he indicates that these are the words which I have used.

MR. NEARY: These are the words.

MR. MARSHALL: Well, I mean, what the hon. gentleman is trying to say is that there is an inconsistency, and there is absolutely no inconsistency.

Why does not the hon. gentleman debate the bill rather than every single time that this member and one or two others make a statement he runs to Hansard and tries to find some little ants crawling up the walls or what have you? Why does he not just debate the bills and debate the issues rather than get on with his purile little comments as he is doing right now.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Your Honour is smiling and is well aware that the hon. gentleman should really go out and

MR. NEARY: learn the rules of the House, because I believe Your Honour will rule that there is no point of order, it is merely a difference of opinion between two hon. gentlemen. Because I recall a few moments ago, Mr. Speaker, the President of the Council (Mr. Marshall) elaborated on this point to some great degree and the Chair allowed him to plow on and squirt his poison, the poison that usually emanates from the lips of the hon. gentleman and the nastiness that comes from the hon. gentleman, allowed him to plow on and, Mr. Speaker, if the hon. gentleman were in order, then I believe the same rules apply to this side of the House. If you are out on the ice involved in a hockey game, it does not make any difference if you have forty-four on that side and seven on this side, I believe the same rules apply, Mr. Speaker. And I hope that Your Honour in his ruling will see to it that democracy is upheld in this House and that the same rules apply to

MR. NEARY: people over here as apply
to the people over there.

MR. SPEAKER (Aylward): Order, please!

To that point of order, I can assure the hon. the Leader of the Opposition (Mr. Neary) that the same rules do apply to both sides of the House and to each member here. To that point of order I rule there is a difference of opinion, yet I wish to remind the Leader of the Opposition that I am not sure how this relates to the Pensions bill that we are discussing, An Act Respecting Pension Benefits, Bill No. 7.

The hon. the Leader of the Opposition.

MR. NEARY: Thank you, Mr. Speaker.

Mr. Speaker, so the hon. gentlemen will not be continuously harassing members on this side of the House and interrupting, rudely most of the time, I wonder if the hon. gentlemen would consider taking a short course? Could we dispatch him to Ottawa to learn the rules of the House, Mr. Speaker? I notice when the former Speaker is not sitting behind him, the days that the former Speaker is not there, that the hon. gentleman really makes a mess of things. And the hon. the member from St. John's North (Mr. Carter) is down there with a silly smile on his face, he said at the same time, the same date, 'I take the position, Mr. Speaker, that the financial condition of this Province is extremely grave.' That was back in 1976. Now, Mr. Speaker, take that and compare it to what the hon. gentleman said earlier in this debate.

Now, Mr. Speaker, as far as this bill is concerned, let no one be fooled by it. We are going to support the bill, Mr. Speaker. The only reason we are

MR. NEARY: supporting it is because it is a motherhood matter. It is not a reform, as the hon. gentleman told us in the beginning, a reform, Mr. Speaker, is of the nature of the Canada Pension Plan or the Old Age Pension Programme that was brought in for Canadians. These are major reforms brought in by Liberal administrations. Or, Mr. Speaker, the unemployment insurance benefits for all Canadians, that is a reform; Medicare, giving medical health care service to Canadians free of charge, that is a major Liberal reform; free education is a major Liberal reform. These are all reforms, Mr. Speaker. And the hon. gentleman has the gaul and the audacity to stand in this House and to tell us that this is a reform. This is not even one-thousandth of a reform. And I hope nobody will be fooled by it because the hon. gentleman kept alluding to the fact and trying to leave the impression in a kind of devious way that this was going to mean that employers in this Province would have to provide pensions for their employees when in actual fact that is not true. That bill does not do that. All the bill does is make it compulsory for companies to register their plans, that is all it does. It does not go far enough. It is not in the category of a reform. That is a gross exaggeration, Mr. Speaker. All it does is make provision for employers in this Province to file information with the Department of Finance. And then they put on this grandiose name; they call him a Pensions Superintendent. A filing clerk would be more like it, Mr. Speaker. Why did they not bring in a bill to make it compulsory for employers in this Province to put pension plans in place for their employees?

MR. NEARY: We can all get up like the hon. gentleman and we can cite example after example, case after case, and I have it well documented as a result of the experience on Bell Island, Mr. Speaker, we can all get up and we can very piously talk about how the merchants on Water Street shafted their employees, after twenty, thirty, forty, fifty years of service they were thrown out in the cold without a pension.

Mr. Speaker, I wonder if we can have a quorum call. I would like to be heard. I would like for the government members to come in the House.

MR. SPEAKER (Aylward): Call in the members, please.

QUORUM CALL

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

MR. NEARY: Well, Mr. Speaker, I hope I will not pick up the newspaper tomorrow or watch television tonight and have somebody misinterpret this bill as has been done so often in this House. I have seen bills reported in the newspapers as having been approved when they are still in the second reading stage.

MR. MARSHALL: Do not be so bitter. Be nice.

MR. NEARY: Mr. Speaker, I am bitter with the hon. gentleman for not allowing that resolution to be debated today.

MR. WARREN: He does not care about people.

MR. NEARY: The hon. gentleman does not care about people, does not care. Mr. Speaker, the hon. gentleman looked very frightened in Corner Brook the other day, Saturday. Saturday when I saw him he was very scared and frightened, and he has every good reason to be after that ball Friday night.

MR. BAIRD: Especially when I heard about the eleven people instead of sixty who showed up for the meeting in Deer Lake.

MR. NEARY:

Mr. Speaker, he has every reason to be frightened with the remarks I heard about the members out there and their negligence as far as the Bowater situation is concerned. No wonder the hon. gentleman looked scared and frightened when I saw him Saturday morning.

So, Mr. Speaker, getting back to this bill, I hope nobody will be duped, because, you know, the trouble with the administration is that they think everybody is stunned, Mr. Speaker. The hon. gentleman is not as good at hypnotizing people as the Premier, Mr. Speaker. He tried his little trickery there in his remarks, he tried to leave the impression that this bill will make it compulsory for employers to have pension plans in this Province. Even a one year old knows the difference of that, Mr. Speaker. That bill does not do any such thing. All it does is say 'Look, if you have a pension plan you have to register it'. That is all it does. Now would you hail that as a great reform, Mr. Speaker? Would you put that in the same category as veterans' allowances in Canada, a great Liberal reform?

MR. NEARY: Would you put that in the same category as allowing a vote to females in Canada? Would you put it in that category? That is a reform. Would you put it in the category of medicare for Canadians, unemployment insurance benefits, Canada pension, old age pension for Canadians, free education, all great Liberal reforms? As a matter of fact, Mr. Speaker, every major reform in Canadian history and in Newfoundland history was a Liberal reform. Now, would you take this piece of legislation to set up a filing clerk and to ask employers to file information with the Department of Finance, would you put that into the category of a reform? Because that is what the hon. gentleman did when he introduced the bill and then proceeded to try to hoodwink the House and hoodwink anybody within listening distance of the hon. gentleman, tried to hoodwink them into saying that this provides for compulsory pensions for people who are on the payrolls of the various employers throughout this Province. It does not. It does not go near it, Mr. Speaker. And if we have any complaint about the bill it is the fact that it does not go far enough. That is our complaint. Of course we will support it. It is only a very minor measure, but we will support it. We are not going to vote against it. Why would we? But I hope nobody is fooled by the political rhetoric of the hon. gentleman.

Mr. Speaker, the fact of the matter is that they did not have the courage to bring in a bill to make it compulsory for employers to provide pensions for their employees, they did not have the courage. And I would say, Mr. Speaker, that that reform will take a Liberal Administration, it will take a Liberal Administration

MR. NEARY: to bring in a bill of that magnitude. Why would it not? Every other reform in Canadian history, unemployment insurance benefits for Canadians, a Liberal reform, medicare, veteran's allowances, widows allowances, the family allowances, all great Liberal reforms, and it will take a Liberal Administration, Mr. Speaker, I submit, to bring in a reform necessary to make it mandatory or compulsory for employers to cover their employees under a pension scheme.

So I hope that message now has sunk in. I know I do not have to get up and spell it out for my colleagues, for people on this side of the House, but there are people on the other side who may have gotten swept away with the enthusiasm of the hon. gentleman who gets his jollies out of forcing the House to debate trivial pieces of legislation day in and day out when we should be talking about unemployment, especially unemployment amongst young people, we should be talking about the high cost of living, the high cost of electricity, the high retail sales taxes, the closing of hospital beds, user pay fees, Mr. Speaker, these are the things that we should be debating in this House. We are forced to debate

MR. NEARY:

this kind of legislation. And I would not mind so badly but the hon. gentleman should get up and tell the House what it is. He really should describe it for what it is and not try to pull the wool over one's eyes, Mr. Speaker. We would have voted for it, we did not need to be persuaded by the hon. gentleman. We did not need the little digs and the little nasty remarks that he made before he sat down when he said, Obviously the Opposition are not going to vote for this, from the remarks that we made across the House, the interruptions, asked a few simple questions about why they did not go further with the bill. He got his little digs in as he usually does, Mr. Speaker. So the hon. gentleman may be surprised that we are going to vote for it. But, Mr. Speaker, it will do nothing for the employees of companies and businesses in this Province who are not covered under a pension plan. And we could go on forever citing example after example and cases of where much pain and suffering was brought about by ruthless employers who threw their employees out into the street after forty and forty-five and fifty years of service, without a pension.

I remember when my late father retired from DOSCO on Bell Island. Because the contributory pension plan was brought in too late for him, Mr. Speaker. I will tell this House what he got from DOSCO, his pension from DOSCO - so you are talking to the converted here - \$18 a month. That was his pension from DOSCO, \$18 a month! It is a wonder that I survived to come into this House at all to be able to speak on this bill today.

So the hon. gentleman can get up now in his pious way and he can try to be as dramatic

MR. NEARY: as he wants about this bill which we are going to support. But let nobody be fooled by it. The problem with it is it does not go far enough, it does not take care of situations as happened to my late father and all the other people that I met on Water Street who were thrown out in the cold by the Water Street merchants. It is improving. The situation in Newfoundland is getting better, thanks to the unions. And you do have some employers who will voluntarily bring in a pension plan for their employees. We have some of that. We do have some employers with a conscience. But there are still an awful lot of employers in this Province, Mr. Speaker, who do not want to see or hear tell of a pension plan for their employees, whether it be a contributory plan with both parties contributing or whether it be brought in by the employer. Unless you have a union, Mr. Speaker, I would

MR. NEARY: Mr. Speaker, I would suspect that unless there is a union in the business, then it is very unlikely and there are probably very rare cases where the employer will voluntarily introduce a pension plan of his own volition. Some do it, I have to say, I know of some cases where employers have come to me and asked me to recommend a pension plan, and there was no union, but these are very rare cases. Mr. hon. colleague here was late coming in, the member for the Strait of Belle Isle (Mr. Roberts). He should have been heard to hear the Government House Leader hail this bill, he heralded this bill as a great reform.

MR. ROBERTS: But they are ten years behind everywhere else in Canada.

MR. NEARY: They are ten years behind the rest of Canada where they have a bill similar to this one. And do you know what he tried to do when he introduced the bill? He tried to pull the wool over the eyes of those who were listening to him. And, Mr. Speaker, he tried to leave the impression that this was a bill that was going to make pensions compulsory. It does not. My colleague is so right, he should have been here to hear what I had to say on this when I marched out in my place. I said we are going to support the bill, we have no hesitation in supporting it, but it -

MR. ROBERTS: They are going to appoint somebody new as superintendent?

MR. NEARY: Well, yes, he said that first; they are going to change that. First they were going to have the employers file the information with somebody in the Department of Finance but now, obviously, they have somebody in mind for the job so

MR. NEARY: now they are going to set up a separate superintendent. Well, all it calls for is a filing clerk, because all the bill does is ask employers to file their information with the Department of Finance, it will not improve the situation. As for people not being covered by pension plans, it will not improve that situation. And I submit, Mr. Speaker, as my colleague indicated, they are running ten years behind the other provinces of Canada, all the other provinces, except British Columbia and Prince Edward Island, that have similar legislation. I think it is shameful. I started to tell my colleague, when he said it was a reform, I said I would consider a reform to be Medicare, unemployment insurance benefits, veterans allowances, family allowances, old age pensions and the like; I would consider these to be great reforms and every one of these were brought in by a Liberal administration. And I asked the Government House Leader if he would put this in the category of Medicare and, of course, his answer to that was that he got shamed into leaving the House.

MR. ROBERTS: Has he gone permanently?

MR. NEARY: I do not know if he is gone permanently or not. But, Mr. Speaker, we will support the bill. We would have supported it more enthusiastically if it had been a bill to make it compulsory for employers to cover their employees with a pension scheme, but I guess that will have to wait for another day and

there is no doubt in our minds over here that it will take a Liberal administration to bring in that kind of a reform. This is not even one-thousandth of a reform.

MR. NEARY: Mr. Speaker, I wish the administration would stop bluffing and just tell it as it is.

MR. ROBERTS: They may think this is a reform and that is a tragedy in itself.

MR. NEARY: Yes, it is and that is regrettable, very regrettable. The Premier and the minister may think it is a reform and that is the tragedy of it. So we will support the bill and we hope that once we dispose of this bill, then we will get on to some urgent and important matters.

MR. NEARY: like the horrible state of the Newfoundland and Labrador economy, the incredible financial mess in this Province, closing hospital beds, and closing community hospitals and clinics, forcing young people onto the welfare roles, no unemployment insurance benefits for construction workers and large numbers of fish plant workers and fishermen, the first time since Confederation. That is something to be proud of. And they force us then to discuss a bill to set up a filing clerk in the Department of Finance, Mr. Speaker.

Mr. Speaker, what else can I say? They sit over there, they are completely immune, they have no feelings. They do not care about people. They sit there day in and day out like zombies. They just do not care. They have no heart. It is a government without a heart.

I do not know if any of my colleagues want to speak on this, they are welcome to have a go, Mr. Speaker, but I hope once it is disposed of, gone through second reading, that we will get rid of it and get onto some more important business in this House.

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

MR. ROBERTS: Mr. Speaker, I shall not delay the House for very long at all on this bill because my colleague from LaPoile, I suspect, has said almost everything that need be said and has said it eloquently and effectively. I did not have the pleasure, dubious or otherwise, of hearing the speech of the gentleman from St. John's East (Mr. Marshall), the Minister without Portfolio, in introducing the bill and so, of course, I do not know what, if anything, he said in support of the legislation. It should, however, be clear to the House, Mr. Speaker, that this legislation does not really accomplish

MR. ROBERTS: very much, if anything. It certainly accomplishes nothing for anybody who does not have a pension plan at present, and if there be anybody in this Province today who believes that the House in enacting this legislation will confer upon any person who does not now have a pension plan or rights under a pension plan, will somehow confer upon that man or that woman anything more than he or she now has, then they are sadly mistaken. All that this bill will do is require the employees and others now administering pension plans to register them with an official in the Finance Department.

MR. WARREN: Big deal.

MR. ROBERTS: And that is a big deal, as my friend from Torngat Mountains (Mr. Warren) says with, I suspect, a touch of sarcasm and I agree with him. It does not help anybody who does not have a pension plan. It does not help anybody who has a pension plan that is not funded or is not actuarially sound and that, of course, is the position in which all of the employees of the Province now find themselves. They have been contributing to pension plans and these are not actuarially sound and they are not funded to any meaningful extent. These people are not in the least bit helped by this bill. All that will happen is that we will have one more public servant. I assume there will be a new position created, and there is bound to be an assistant, and there is bound to be a couple of secretaries; before we know it we are up to \$100,000 or \$150,000 on top of the salary bill for work which, as valuable as it may be, is essentially that of a filing clerk.

MR. ROBERTS: Now let me ask the minister, who is not here, and perhaps in his absence his friend and political bed mate, the Minister of Justice (Mr. Ottenheimer), political soul mate, political bed mate, heart to heart, cheek to cheek -

AN HON. MEMBER: Seat mate, not bed mate.

MR. ROBERTS: Well, I do not know how they sleep, it is no concern of mine, I am simply playing with the old saw with which my friend the Justice Minister is no doubt familiar, that politics make strange bed fellows. It also makes strange seat mates he will concur when he looks at those who are on either side of him.

MR. BARRETT: (Inaudible)

MR. ROBERTS: My hon. friend from St. John's West (Mr. Barrett) has returned from wherever he was and is once again doing his very best to improve the House. He has left wherever he was and came here and by so doing has doubtless improved both places.

Mr. Speaker, let me ask the Minister of Justice a question or two growing out of this bill which either he or his political seat mate, bed mate, soul mate, whatever kind of mate, can answer. First of all, is this bill a uniform bill? The explanatory note done by the, as always, anonymous draftperson says that this legislation is similar to that in effect in other provinces. I wonder if the minister could tell us whether it is uniform? It is not that I have any regard for uniformity per se, it has its value at times and it can be a pain in the seat mate at other times, but in a matter of pensions where portability is of some considerable concern, uniformity, I think, is much to be desired. Now that the minister without portfolio, the gentleman for St. John's East (Mr. Marshall) has returned, perhaps he could when he closes this debate tell us whether this is uniform? He may have indicated that in his opening remarks but, as I said, I

MR. ROBERTS: did not have the pleasure of hearing what he said when he introduced this bill.

Secondly, can the minister tell us exactly what Section 24 means? Section 24 provides that 'Moneys payable under a pension plan shall not be assigned, charged, attached, anticipated or given as security and are exempt from execution, seizure or attachment and any transaction purporting to assign, charge, attach, anticipate or give as security such money is void.'

Now I know what those words say. Do they mean what they say? If so, a most sweeping and I think most welcome innovation in the law. They appear to say that if I am receiving a pension, say, from the Government of the Province in respect of my service, that that cannot be taken by my creditors nor can I in any way pledge it or assign it as security for any loan. If that is what the words say and the minister who is, of course, learned in the law as well as knowledgeable in other things can confirm whether that is so or not, then perhaps he could tell us whether this is a usual provision or whether it is an unusual one. I think it is probably unusual but I think it is welcome.

MR. WARREN: I think he has gone to check it.

MR. ROBERTS: Well, I hope he has gone to check it. I just assume whatever information he gave us, I say to my friend from Torngat Mountains (Mr. Warren), whatever information the minister gives us I just assume it comes from the horse's mouth and I look forward to it.

MR. ROBERTS: But those are two of the questions which spring to mind. The rest of it is straightforward. All it does is you are required, if you are an employer, to register your pension plan - that is required in Section 15 - and then the superintendent shall, assuming he thinks all is well, be obliged to register the pension plan; and then Section 17 sets down a number of the features which a pension plan must have before it is accepted. Then there are provisions for funding, Section 18. Now, I find these most intriguing. Section 18 1 (a) in context says that a pension plan shall provide by contract for funding that is adequate to provide for payment of all pension benefits, and so forth.

I wonder if the minister could tell us whether this act applies to the Crown? No legislation, of course, applies to Crown unless it is specifically designated. I do not see a section in this act. And I raise that because, of course, Mr. Speaker, the biggest pension plans in this Province are the government pension plans, including the NTA plan, the MHA plan and the General Public Service plan. None of those meet the test laid down by Section 18 1 (a). So if this act does not apply to the Crown, and I do not see any indication that it does, and in the absence of words to indicate that it does, it does not as a matter of law, then what the government are doing is asking the House to adopt as law and to apply to all private employers in the Province a standard which does not apply to the government themselves. The obvious answer to that is not simply to throw out the bill, it is not simply to say that the standard does not apply to anybody. The obvious and correct answer, in my view, is to have the same standard

MR. ROBERTS:

apply to the government.

The Public Service unions, and I include in that term for these purposes at least the NTA, have from time to time expressed grave concerns about the fact that their pension plans are not funded, that the money simply comes in to the maw of the treasury and the benefits come out of the hitherto capacious pockets of the treasury, but as we have now seen in the last year or so, the hitherto capacious pockets of the treasury are very limited indeed and we have apparently touched bottom.

MR. ROBERTS:

The Minister of Finance (Dr. Collins) does not know where the bottom is, he cannot do his sums at all, but it is obvious that the hitherto bountiful pockets of the Treasury have very limited resources indeed. Well, if I read Section 18 correctly, and I am sure that the gentleman from St. John's East (Mr. Marshall) would be the very first to point out and doubtless with some glee that I have not read it correctly, if in fact I have not read it correctly, if I read it correctly the government are imposing upon private employers in this Province a standard which they will not themselves accept and that, of course, is rank hypocrisy, rank, utter, indecent, obscene hypocrisy. I have no quarrel with funding, but I think that if we are going to require private employers to fund then we should in the government accept the same obligation.

Now growing out of that same point let me ask the minister what happens to a plan which falls within the ambit of this act, and there is a very wide definition clause found in Section 2 of the act, Sir, what happens to a plan that is not funded, that does not meet the tests set down in Section 17 and Section 18 and, therefore, one assumes cannot be registered? What happens to the employer? There are substantial penalties provided for offenses, is the employer then liable? Is the employer given a grace period? What happens if within that grace period the employer cannot fund that plan? Bowater have a pension plan I suspect, they may have a worldwide one for all I know, it may or may not be funded, I do not know anything at all about the Bowater pension plan but let me take Bowater as an example because it is a very large company which no doubt over the years has become involved in pension plans and pension benefits and is now

MR. ROBERTS: leaving Newfoundland. After nearly fifty years here Bowater is leaving Newfoundland. Sometime next year, in 1984, the last of the Bowater links with this Province will be severed. What happens then to Bowater? What happens if their pension plan is not funded? I know not whether it is or not. What happens to them? What happens to ASARCO which may or may not have a pension plan, which has been at Buchans for nigh on sixty years now and will, if the worst should befall us, be leaving Newfoundland within the next two or three years? We hope that will not be the case. But what happens to them, what happens to the employees who have contributed to that pension plan? What happens in the event of a bankruptcy of a company that has a pension plan but has funded it? And I suspect there are many. The minister may have addressed all of these issues when he opened the debate, if so I would be quite content if he were to point that out gently or otherwise when he concludes the debate. But if he has not addressed them, then let him deal with these issues because, of course, these are real and once this bill becomes law these matters will all have to be coped with. What happens if an employer who has contracted pension liabilities and is required by law to fund them - if my friends from Burin - Placentia West (Mr. Tobin), Bonavista South (Mr. Morgan), and I agree there is no sense at all in the gentleman from St. John's North (Mr. Carter), we have given up expecting it, but if my friends could please carry on their conversation a little more quietly, and that includes my friend the Minister of Health (Mr. House) and my friend and relative the Minister of Transportation (Mr. Dawe).

MR. DAWE:

Now, now, careful!

MR. ROBERTS: Well, I say to him that I can pick my friends but not my relatives.

MR. DAWE: By marriage.

MR. ROBERTS: I admire his taste, but I have been known to query the taste of my third cousin once removed whom he had the good fortune to marry.

MR. ROBERTS: Mr. Speaker, let me come back to the minutiae of the pension benefits bill which, although it is a frightfully unimportant piece of legislation in the context of dealing with the ills of this Province, is an important piece of legislation in that it will affect a certain number of people who are carrying on business in this Province and a certain number of men and women who have made contributions to pension plans. Now, the question I was asking is this: What happens if an employer is not able to fund the plan? He is required to register, he is required to fund. Now, what happens if an employer has accepted contractual obligations and may have met them- the government of the Province has accepted contractual obligations to pay pensions, one and one half billion in dollars was the current value of the obligation as established in evidence before the Public Accounts Committee last Fall, one and one half billions, now what happens if an employer such as the Province cannot afford to fund it? There is no way in this world, Mr. Speaker, that this Province could ever afford to fund its pension plan. Whatever the desirability of funding, whatever the requirement of it, it could not possibly afford it.

Now what happens if there are private employers who have accepted these obligations? Let me ask as well whether- and it is really very difficult, Sir, there is not an important minister in the House. I think we should have a quorum call, Sir, to begin with, there are not fourteen members here.

QUORUM

MR. SPEAKER (McNicholas):

We have a quorum.

The hon. member for the

Strait of Belle Isle.

MR. ROBERTS:

Mr. Speaker, I am grateful

that the minister is back. You would think that a minister bringing a bill through the House would either be within the House or within hail. He may have been within hail, I do not think he has any bad habits such as smoking. His political bed mate, the Minister of Justice (Mr. Ottenheimer) is subject to that vice, but no others I hasten to say, smoking cigarettes only, but the minister of whatever he is, the minister of everything and nothing, the Minister without Portfolio (Mr. Marshall) to my knowledge does not -

MR. YOUNG:

Do not get jealous now.

MR. ROBERTS:

No, I am not jealous. I simply

say to my friend for Harbour Grace (Mr. Young), and he will understand this, that as long as the Minister without Portfolio is here, Les Curtis will never die, and that is something which I mean as a compliment, the hon. gentleman may take it as he wishes - honi soit qui mal y pense, the motto of the Order of the Garter, I believe.

MR. CARTER:

Did the hon. member ever

(Inaudible) Les Curtis.

MR. ROBERTS:

No, I once articulated the

hon. Mr. Curtis and a marvelous lawyer, a marvelous parliamentarian, and a gentleman whom the hon. gentleman for St. John's North (Mr. Carter) would have been proud to shine his shoes if ever he but had the opportunity.

MR. ROBERTS:

Now, Mr. Speaker, let me carry on with the Pension Benefits Bill. We are not on a bill to benefit those with mental deficiencies, which would solve the

MR. ROBERTS: gentleman from St. John's North (Mr. Carter), we are on one to deal with the portability of pension benefits.

Let me come back to ask the minister finally whether the minister is aware and if so what are the results of any study that has been made of the effect of this legislation? I asked a number of questions, it may well be that the Finance Department, which cannot count, which has not been able to estimate our tax revenues, may instead have been devoting themselves to surveying the pension situation. If so, could the minister enlighten us on the situation? How many of these plans are there in Newfoundland and Labrador? We do not know probably, that is why we are requiring them to register. But have we any information at all? What is going to be the effect upon them? Are there any that are not funded? I suspect there are a great number. Are there any that cannot be funded in that to fund them may have exactly the same effect as the Province itself? The Province itself could not fund its pension plans and yet here we are requiring private employers to do it, an interesting example of the double standard of morality if ever I saw one. What happens though if there are employers who cannot fund? Are they to be exempted? If so, who has the power to exempt? What happens if there are employers who cannot meet the other criterion which the bill establishes? Does this provide for portability? The Superintendent of Pensions, I believe, has the power to make reciprocal agreements. Is it the intention of the government to enter into such agreements? If so, with whom and on what terms? Does this have anything at all to do with the portability of pension benefits? It provides for vesting at ten years or at forty-five, I believe, section 17 (1) (a), does it provide for portability?

It prohibits, as I read it, but I may not read it correctly, early withdrawals. Once a pension

MR. ROBERTS: has vested, must a contributor to that plan then leave his money, or her money, in the plan until the pension drawing age comes, whatever that may be? In the case of MHAs it is a combination of years and age together totalling sixty. If you are thirty and had thirty years in the House you can draw your pension at age thirty. In the case of teachers I believe it is a combination of years of services and age together totalling ninety.

MR. HOUSE: Eighty-two.

MR. ROBERTS: Eighty-two is it? It has been lowered then. I thank my friend, the member for Humber Valley, the Minister of Health (Mr. House), who, of course, in his other career is a teacher. If you are then forty with forty-two years service in - that would be an interesting arrangement - you can draw your pension. What is the effect of this on these? The member for Humber Valley might well want to address the funding issue, because the NTA, of which he was once such a shining ornament, has raised this issue on a number of occasions. So there are a number of points, Mr. Speaker, which come out of this bill which in my view ought to be addressed. It is not much of a reform. It is not new. Seven other provinces have had similar legislation for ten or fifteen years now. It will not create any jobs except the superintendent of pensions. It is one more public service, as if that was what we needed, yet provides for the monies being held in trust and that is a very welcome change.

MR. NEARY: That is his make work project.

MR. ROBERTS: Yes, it may well be a make work project. You know, we cannot afford the public servants we have now got so we are going to create new positions. And finally these other questions of what happened - first of all, are we here enacting a double standard? This does not appear to apply to the Province.

MR. ROBERTS: So we are saying to private employers that they must meet certain standards and we are not prepared to meet those standards for the government of the Province. If that is the case, what possible defence does the minister offer? I will be interested in hearing whatever it may be. Secondly, what happens if a company cannot, simply cannot fund its plan without going under? That does not help anybody, to drive the employer under. It may or may not help the pension but it does not help all the men and women who are working in that company. And then, Mr. Speaker, what happens if an employer is not able to fulfill the other sections of the act? There are very heavy penalty provisions in this and would these be invoked? So all in all there are quite a number of questions which the minister ought to address. My friend from St. John's North (Mr. Carter) is once again as close to the front benches as he will ever get. He is there now hovering, hoping and hovering. They used to have hovering acts in Nova Scotia, and the hon. gentleman from St. John's North is a hovering act. He hovers in midair hoping that the lightning will strike. We once had him as Minister of Education and, I must say, of all the disasters we have ever had in this Province he did more to set back the cause of education in eighteen months - was it eighteen months? Do you remember? Eighteen months of inglorious incompetence.

MR. TOBIN: Do not be nasty now.

MR. ROBERTS: I am not being nasty, I am just telling the truth. Even the former Minister of Education would admit, even the gentleman from St. John's North would admit that his career in the Cabinet was one of inglorious incompetence.

MR. CARTER: The pay was good.

MR. ROBERTS: The pay was good and that was the only reason he was there. He admits it, the pay was good and that was the only reason he was there. Fortunately, the then Premier found his senses and invited the hon. gentleman out off the Cabinet posthaste, which he did.

MR. NEARY: Was this the first time since Confederation that a minister was kicked out off the Cabinet?

MR. ROBERTS: The first time for incompetence. There have been many incompetents before and since, but it was the first time a minister was ever publicly judged incompetent. If ever a man needed a pension benefit or charity, it is my friend from St. John's North (Mr. Carter). In any event, Mr. Speaker, with these few brief, succinct, penetrating and generally illuminating comments we on this side said we are prepared to pass the bill. For all the good it will do anybody we might pass twenty like it today, because the government still has not come to grips with any of the problems of the Province. Indeed they are sitting there, not fiddling while Rome burns, they are fiddling while Newfoundland sinks. Thank you, Sir.

MR. SPEAKER: Thank you, Mr. Speaker.

I will be extremely brief in my remarks because the member for the Strait of Belle Isle (Mr. Roberts) and the Leader of the Opposition (Mr. Neary) have dealt with the bill. And as the member for the Strait of Belle Isle said it is not a major piece of legislation, it is not dealing with high unemployment among our youth, it is not dealing with the closing down and loss of jobs in Western Newfoundland or in Labrador West, it is not looking

MR. HISCOCK: after the problems that we have with our senior citizens as they grow older. We still find that we are having housekeeping bills brought before us which are occupying most of the time of this House.

MR. HISCOCK: One of the things that I think is very important is that we should have pensions. I am glad again that the Liberal Parties of Canada and Newfoundland realized this when we brought in Old Age Pensions years ago, unemployment insurance, Canada Pension, Medicare and the foundation of the social fabric of our nation.

But with regard to these social policies that have been the cornerstone of our country and have led, in many ways the industrial world, many of these programmes, by the way, would be in jeopardy if the national Progressive Conservative Party came back into power. We would soon see what would happen to Medicare and other social programmes that we have. We would see them follow the same route that Reagan is following and Thatcher is following.

But this government itself has looked after its own pension plan. It was quite possible at one time that if you applied for a job in the public service and were coming out of university or were in the private sector or were teaching, there was a provision by which you could buy back your university years and put them towards your pension. This government last year changed that very, very quietly; the Minister of Finance (Dr. Collins) and his department changed it very quietly, doing away with that benefit where you could buy back your university years and put them towards your pension. They did this so quietly that the majority of the people in the public service

MR. HISCOCK: who wanted to make use of this benefit did not even know about it. So here is the government going on and saying to the private sector that they should get into pensions and if they do not observe their rules and obligations then the penalties will be severe and they will be fined. And that question has to be addressed. What about if some of these companies cannot provide pensions? Does that mean that the companies fold?

 But what the government itself did here was it eliminated one of the fringe benefits of enticing qualified people into the public service instead of political appointees. And now we find that people who would normally like to see their pension plan, whether they were teaching or working in the private sector, to be reciprocal, and have a mobile pension plan, they find instead of being able in the private sector or in the professions to buy back their university years, now if they go into the provincial civil service they can no longer do this. And I hope that the Minister of Finance (Dr. Collins) will reintroduce the clause that they had before and at least inform the civil servants who have joined with that understanding that they have a cut-off date so that the thing will be done fairly and not underhandedly, as I believe the department has done. And I hope that the Minister of Education (Ms Verge) and other ministers, the Department of Social Services, the Department of Health, the various people who have come into the provincial civil service, who want to buy back their university years can buy them back which, as I said,

MR. HISCOCK: the Minister of Finance (Dr. Collins) did away with. And I think that is an important thing because-I do not necessarily agree with the idea of being able to buy them back - it is a fringe benefit that was there before and I would assume that learned men in this House and their advisors recommended that it was a good idea. Why it was brought in, as I said, I really would not know but I do believe very strongly in the idea of fairness and that if you are going to do away with it at least it should be well publicized and a sense of fair play used. Then if people do not want to make use of it in a certain amount of time, then it becomes redundant and lapses and these fringe benefits are no longer in play. So I hope that the Minister of Finance and his officials, if any of them are listening, and the other ministers will make sure that this amendment is reintroduced into the Department of Finance rules and regulations concerning pensions.

The other part, as I said, with regard to major legislation, it is extremely upsetting and disturbing that here we are finding out that we owe about \$4 billion and very little to show for it, very, very few jobs, tens of thousands of our younger people and other people finding out there are no jobs in the Province, finding out that in order to get on the oil rigs or to get on the supply vessels you have to stand in line behind about 8,000 people. Yet here we have a government that is bringing in legislation that is of a miniscule nature. If we had a mind to, this Opposition could take all this legislation now and have it passed in one afternoon.

Of course you will hear the Deputy Premier get up and say we are filibustering because we are talking on this legislation. But as I said, Mr. Speaker, we could end up closing the House and this session

MR. HISCOCK: by having all this done in one afternoon. But, of course, this is what the provincial government would like, with forty-four seats, they would like to make sure that the House was not open in the first place, that they could rule by divine right thereby having no need to be responsible not only to the people but to the Parliament of this land for how they are spending their money, Mr. Speaker.

So, in closing, as I said, again I find myself talking on a piece of legislation that has very, very little impact on the economy, to stimulate it, to generate new jobs whether they be in tourism, agriculture, fisheries or forestry. We find ourselves getting up again talking on matters that are of a routine nature, that could be passed in one afternoon. So, Mr. Speaker, in concluding I do hope that the Minister of Finance (Dr. Collins) will find out if they will reintroduce the idea that you can buy back university years and allow people to at least have a sense of fair play and let them know when it is cut off. Thank you.

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

MR. MARSHALL: Mr. Speaker.

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

MR. MARSHALL: Mr. Speaker, how negative can a person or a group of people be? Make no wonder that people style oppositions as being negative. They ask questions, what will this do for the economy, they say it is a bill of a routine nature, it has no import and no impact. No, Mr. Speaker, no impact except if you happen to be somebody in a number of years time, sixty or sixty-five years old as they have in the past, who have found themselves retired without the benefit of any pension or found themselves retired, depending upon the good graces of their employer to provide there wherewithal in their retiring years. No, very routine, Mr. Speaker, very mundane, of no importance whatsoever. It may be of no importance to the hon. gentlemen there opposite but this is a giant step forward, Mr. Speaker, in the alleviation of a great social problem that has occurred in this Province over and over again and has been directly experienced. It has been experienced by a lot of people particularly, from my own knowledge, in the St. John's area. In my own district I have a number of people over the years who reside in my district, which extends from Empire Avenue down to the Waterfront and from Long's Hill to Quidi Vidi gut, and in that area there are a lot of people, Mr. Speaker, a number of them, who have worked for twenty-five, thirty, thirty-five or forty years on Water Street, have worked diligently and faithfully for their employers, Mr. Speaker, and have found themselves in the position that when they retired they had no pension. Sometimes they have gotten a pittance, then the company has gone bankrupt and they have

MR. MARSHALL: been left with nothing. So, Mr. Speaker, let the hon. gentlemen think that is routine and that that is not good. What this does, it is the first step towards the alleviation of this. We never pretended it was anything more than that. When we brought in this bill, Mr. Speaker, we clearly indicated that this was for the purpose of establishing standards for pensions and these standards will be adhered to. We have also indicated very directly that the Superintendent of Pensions will be ordered to carry on what the bill empowers him to do, that is to examine the impact of pensions. We will indicate to the Superintendent of Pensions that he or she must take every step possible to see that the public and private pensions are extended to the widest group of employees possible and the greatest category of business. Now, Mr. Speaker, if that is not a monumental piece of legislation I do not know what is. And listen to the negative pratings and the bellicose manner of the hon.the Leader of the Opposition (Mr. Neary). Make no wonder they are in opposition, Mr. Speaker, make no wonder now they are running for their life in a by-election in Terra Nova, in a district that was once so thoroughly Liberal that you could not find a PC candidate to get in there. Here is what happened in this particular case, Mr. Speaker; We had a nominating convention contested by four people, attended by people from all over the district and what happened to the hon. gentlemen? They had to sneak in a twice-defeated candidate, drag him in by the collar around his throat from a neighbouring district.

SOME HON. MEMBER: Oh, oh!

MR. SPEAKER (Aylward): Order, please!

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

MR. SPEAKER: A point of order, the hon.

the Leader of the Opposition.

MR. NEARY: Mr. Speaker, I want to point out

MR. NEARY: to the Chair that I am not
objecting in any way to what the hon. gentleman said, all
I am asking is that the same rules apply to this

MR. NEARY:

side of the House because the hon. gentleman is irrelevant, he is not speaking to the bill and when we do the same thing, Mr. Speaker, I am only asking the Chair to allow us the same leaway that the hon. gentleman has.

MR. SPEAKER (Aylward): Order, please!

To that point of order I have to remind the hon. President of the Council (Mr. Marshall) that we are discussing Bill No. 7.

The hon. President of the Council.

MR. MARSHALL: Of course, Mr. Speaker.

Certainly I accept your direction. Your Honour or no member who occupies the Chair gives any more leaway to one side than the other and it is consummate of the way in which the hon. gentleman operates in this House to make the insinuation that he does from time to time.

I suppose I had better get to the statements of the hon. member for the Strait of Belle Isle (Mr. Roberts) and the predecessor because I would not -

MR. NEARY: What a joke.

MR. MARSHALL: -dine the Leader of the Opposition (Mr. Neary) by dealing with his negative remarks first. The hon. former Leader of the Opposition was almost as negative as all of them were but there were a few questions he asked which should be answered.

The first question: Is it uniform? Yes, Mr. Speaker, this act is uniform. It is similar to the acts in all other provinces of Canada with the exception of BC and Prince Edward Island which does not as yet have legislation of this type. And there is a very good reason for it to be uniform, Mr. Speaker, because there are people who transfer from province to province and it is in the interest of everybody that this pension legislation be uniform. As a

MR. MARSHALL: matter of fact, if the hon. gentleman wishes to look more closely at the provisions of the bill rather than try to pick them out as he did in the debate and talk about them in isolation he would find a section there defining the word 'employer' and provides that it means in relation to an employer, an individual who performs service in the province, in a designated province, for a continuous period of not less than six months and it defines that what they mean by 'in the province' as where the majority are. In one province with a majority of employees you would relate to that province and when a firm has a majority in another it will relate to another. So there has to be this interplay and that is why it is uniform legislation.

Section 24,

the hon. former Leader of the Opposition with respect to the assignability and the attachment of it he says, 'And is this not sweeping?' I can only tell the hon. gentleman that this is similar to other legislation and it is necessary for the purpose of protecting pension contributions, to keep them away from the attachments of creditors and to preclude the unwise assignability of them. The contribution is made, there is vesting after ten years, and within that period of time it can neither be assigned or attached.

MR. DINN: Well, sure, that is a giant step.

MR. MARSHALL: That is a giant step. Sure it is. To hear the hon. gentleman talk about funding, now you know, I really have to say, the hon. gentleman scores this government about funding of pensions in the public service. This government is the first government in the history of this Province to bring in partial funding of pensions and we have done it over the past two or three years. There was \$17 million last year, there is \$21 million or \$22 million this year, there was a similar amount the year before last,

MR. MARSHALL: the first time that the amount was brought in. And to hear the hon. gentleman getting up and saying that it should be funded when the very fact that there is such huge contingent liability built up in this Province for pensions because during the sojourn of the hon. gentlemen there opposite in government they never bothered to address themselves to these issues, instead they used the money that was contributed by employees in this Province for the purpose of perpetrating themselves in power by using it to spread it around in a ridiculous fashion throughout this Province for their own political patronage.

MR. DINN: Give it to John C. Doyle.

MR. MARSHALL: The hon. gentleman, you know it is really something to hear the hon. gentleman talk about funding, any hon. gentleman there opposite. This Province has taken monumental steps with respect to this. The Province's pensions are not fully funded and the reason for that is they had not been funded in the past. But we have taken provisions for the security of pensions for public employees and we will continue to do it in the future.

What will happen if there is no compliance? It is there in the act. They will not receive their certificate and if they do not get their certificate the pension plan will not be capable of getting the tax benefits under the Income Tax Act. There will be an inter-relationship between the superintendent of pensions and the Income Tax Act. They will have some fifteen years in certain cases and large funds to comply and this is necessary. But most of them will only have five years to comply. Bear in mind the penalty is they do not get the certificate and they do not get the tax benefit.

With respect to the question of whether or not we should do something with respect to people who do not have pension plans which qualify but have pension plans, I suppose the answer would be it is better to have some pension plan than to have none at all. But as for providing a deficiency fund that the hon. gentleman seemed to allude to, I would draw to his attention the experience in the Province of Ontario where they had such a fund and they attempted to have it but its infinitesimal now in view of the experience with Massey-Ferguson and with other areas. You can only go so far and you can only do your best and that is what we are doing with this particular legislation.

MR. MARSHALL: Now the effect of this legislation was scored by the member for the Strait of Belle Isle (Mr. Roberts), the Leader of the Opposition (Mr. Neary), and the member for Eagle River (Mr. Hiscock), and I just say once again, you know, how negative can you possibly be? This legislation has the potential of being very beneficial to a large group of people who will find themselves retired after a long period of time and it will be there for the purpose of providing certain pension standards and very much increasing the benefits that they will receive. They will have to report to the superintendent of pensions and there are provisions in the act that the hon. gentleman can read as well as anyone else with respect to it.

So having answered generally the questions of the member for the Strait of Belle Isle I will turn just for a moment to the Leader of the Opposition (Mr. Neary). He first started off by talking about, and he talked about "the financial condition of the Province," a speech that I made - he loves to run through the Hansards for the speeches I made some years ago, in 1976 when I was a private member on the government side of the House, at which time it was quoted that I said I was -

MR. NEARY: You were in and out of the Cabinet.

MR. MARSHALL: - alarmed with the financial position of this Province. Well, Mr. Speaker, any rational person in this Province who understands a financial position would be very concerned and remain very concerned with the financial condition of this Province and its capacity to be able to respond to the needs of the people of this Province and that is no different in 1983 than it was in 1976. It is a matter of great concern to all members of this government and it is one of the reasons why we so strongly advocate the need to get control of our resources to be able to turn the tide that was turned upon

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MR. MARSHALL:
some years ago.

us by a previous administration

So I am, Mr. Speaker,

MR. MARSHALL:

just as concerned today as I was then about the financial condition. But I want to point out to the hon. member that I have a great deal more confidence in the way the financial affairs of this Province are being administered today than they were at any time in the past. Between 1977 and 1982 the debt, both direct and indirect, of this Province increased by only 7 per cent. Now, that is 7 per cent per year. The average of all provinces of Canada put together, every province of Canada, was not 7 per cent but it was 12 per cent. So we are 5 per cent -

MR. NEARY: What has it been since 1972? What has it been since 1972?

MR. MARSHALL: This little province with its small resources is very proud, this administration is very proud to be able to indicate that the total direct and indirect debt of this Province for that five year period has increased only by 7 per cent while the average of all provinces was 12 per cent. And, lo and behold, the average increase in debt for the same period under the administration of the federal government, under the administration of the heros of the hon. gentlemen there opposite amounted to 11 per cent with all the resources of Canada, as opposed to 7 per cent in this Province. So that is some management.

So, Mr. Speaker, while I am just as concerned as I was in 1976 over the financial condition of this Province, as any sensible person would be, I am very glad to be able to report that I have greater confidence in the management of the affairs of the government today and the facts speak for themselves. The hon. gentleman can screech and cry and interrupt and be his usual rude self all he wants, but the facts are there and the facts are there to see, 7 per cent as against 11 per

MR. MARSHALL: cent and as against
12 per cent. So the hon. gentleman should - and the hon.
gentleman, the cynical way he regards this bill. "All
that is required", he says, "is a filing clerk".

MR. NEARY: That is right.

MR. MARSHALL: That is all,
just a filing clerk to take in the plans. Do nothing
other than that, just take in the plans. Mr. Speaker,
there are in this Province today some 580 pension plans
covering some 65,000 people. And what this act will do
will not be to take in the plans and file them in a filing
cabinet as the hon. gentleman would try to distort the facts,
but what will happen is that these plans will have to come
in to a superintendent of pensions who will scrutinize
the plans, who will assure that they comply with the
minimal standards, will assure that they are funded
adequately, will assure that the investments that are
put in them are put in safe and good and secure investments
and will generally be there to protect the 65,000 people
who are covered by these plans.

So, if the
hon. gentleman does not think that protection for

MR. MARSHALL:

65,000 Newfoundlanders and their pension plans is not important, that it is routine, that there is nothing to it, then the hon. gentleman can think again.

Mr. Speaker, this is -

MR. NEARY:

No wonder they are laughing.

MR. MARSHALL:

They are laughing at the hon. gentleman there opposite. They might not be laughing, I would have suspected that most of them do what I do, they are probably grimacing at the hon. gentleman when they look at him, you know.

SOME HON. MEMBERS:

Oh, oh!

MR. MARSHALL:

But, Mr. Speaker, I think that that generally answers the question. I have great pleasure in moving the second reading of this bill which is a very important bill; it represents the first step in a great social step forward in this Province of ultimately providing for compulsory pension plans in the private area for the greatest number of businesses possible. It also, by the way, Mr. Speaker, relates to the public sector. The hon. gentlemen get up and they ask questions and sound half sensible sometimes, the hon. the member for the Strait of Belle Isle (Mr. Roberts) he asks questions and it is there in the act for the hon. gentleman to see if he wanted to read the act, that this act pertains to the public sector as well as the private sector with one exception, it does not apply to it with respect to the funding. It would apply to it with respect to the funding I guarantee you, Mr. Speaker, but for the fact that we have such a contingent liability to contend with, a contingent liability that has been built up over the years as a result, in the large part, of the lack of concern and the negligence of the hon. gentlemen there opposite, these very gentlemen who now get up and deride this bill as being nothing and having no import at all. It is a very important -

MR. NEARY: What about the tidal wave?

MR. MARSHALL: It was not a tidal wave.

Mr. Speaker, originally it was a tidal wave his former Leader used to talk about, but now all we need is a little ripple to knock them down in their seats.

MR. NEARY: We will see about that.

MR. MARSHALL: But, Mr. Speaker, this is a very important piece of social legislation. As I say, it represents the first in a series of steps towards providing compulsory portable pension plans for the greatest number of people possible. Those steps will be taken at a frequency which is permitted by the economy of this Province. We have to realize that this economy at the present time is a fragile economy, and it is even more brittle when you are into a situation as we are, both nationally and internationally. In the economic scene we suffer more than others. So when we jump in we have to tread very, very carefully to make sure that we do not adversely interfere with the businesses that are existing in this Province.

But, Mr. Speaker, I can assure the House and the government can assure the House that the speed with which the ultimate plan will be realized will be as quickly as possible, taking into account the situation with which this Province is faced. And I think the people of this Province can have more confidence in it as a result of their knowledge of the way in which this economy has been managed by this administration.

MR. MARSHALL: For instance, the proportion and growth of our debt over the past five years has been almost one-half the rate of that of the federal government. I think that is something to be proud of and I know that the people who will be affected by this can have more confidence in this government than in any other, that we will bring it about at the earliest possible moment.

So this is the beginning of a great step forward. The bill in itself is a bill of great substance. It is going to protect the existing pension plans, some 580 of them for some 65,000 Newfoundlanders but, Mr. Speaker, we will not rest until we get every employed Newfoundlander fully protected to the greatest degree possible.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Having said that, Mr. Speaker, I have much pleasure in moving second reading despite the disgraceful negative comments of the hon. gentlemen there opposite. Imagine them styling something that is going to very much affect the lives of 65,000 Newfoundlanders as being routine, as being merely housekeeping legislation and as being of no import! The bill itself has great import, Mr. Speaker, but it is going to be the harbinger of other things to come which are going to be even more dramatic and more promising and more beneficial to Newfoundlanders generally.

I have much pleasure in moving second reading, and you will note, Mr. Speaker, I move it over the objections of the hon. gentlemen and the interjections of them throughout. They do not have an iota of intelligence, Mr. Speaker, to call their own. If they had any they would have read the bill instead of asking

MR. MARSHALL: inane questions. Instead of getting up in this House and saying that this is of no import, has nothing to do with the economy, it is only routine, yet in this bill and the other bill they choose to debate it ad infinitum, if they really thought it routine, Mr. Speaker, why do they bother to debate it?

So, Mr. Speaker, I have much pleasure in moving second reading of this very beneficial legislation which is the harbinger of even more beneficial steps to come.

SOME HON. MEMBERS: Hear, hear!

On motion, a bill, "An Act Respecting Pension Benefits," read a second time, referred to a Committee of the Whole House on tomorrow.

MR. OTTENHEIMER: Order 17, Bill No. 28.
Motion, second reading of a bill, "An Act To Amend The Public Utilities Act," (Bill No. 28).

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

MR. OTTENHEIMER: Thank you, Mr. Speaker.
This is a very straightforward matter and nobody could make it complicated even if he tried.

It will be recalled that since 1972, each year the government in its budgetary provision provides for an increase in pensions for retired public servants. Many of them retired quite some time ago and their pensions are obviously much less than those of people who retire today. So every year as part of the budget there has been an increase in these pensions for retired public servants. Now, these increases have automatically applied, as well, to the employees of the Public Utilities Board, because they are obviously in the same position.

MR. OTTENHEIMER: But to be absolutely sure that there is no problem there, there should be a statutory reference to the applicability of these increases in pensions, which are made for the public servants, to the Public Utilities Board retired employees as well. At the present time the employees of the Public Utilities Board have received them but it could be argued that there is not statutory provisions for that having taken place. Whether that is valid or not is a hypothetical matter and I guess it could be argued either way. So what this bill does is it gives a statutory provision so that that practice which has been going on since 1972 no doubt will continue, and to make it absolutely sure beyond any kind of reasonable doubt of the applicability of those pension increases for retired public servants to be applicable also to retired employees of the Public Utilities Board. That is what it is about.

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

MR. NEARY: Mr. Speaker, that
is about as clear as mud. But the hon. gentleman made
a good attempt to tell us what the bill is all about.
Mr. Speaker, of course we support the bill. The only
question I would like to ask the hon. gentleman about it -
talking about members of the Public Utilities Board, that
opens up a can of worms. Mr. Speaker, they appointed one
of their big supporters recently to the Public Utilities
Board and no doubt this gentleman will qualify under the -

MR. OTTENHEIMER: No.

MR. NEARY: Pardon? Will not
qualify for a pension?

MR. OTTENHEIMER: No. I do not know if he will
qualify for a pension or not, this is really for people -

MR. NEARY: Who are already gone off.

MR. OTTENHEIMER: That is correct, yes.

MR. NEARY: And it applies for
people who will go off in the future.

MR. OTTENHEIMER: Yes, yes it will.

MR. NEARY: Well, Mr. Williams,
no doubt, if he lives long enough, will qualify for a pension.

MR. OTTENHEIMER: No. I believe the
intention of this, as it applies to public servants, is
for people who have been retired for some time and where
the level of pensions was much lower than it is for people
who retire now. It is the people in certain pension brackets.

MR. NEARY: Maybe I did not
understand the hon. gentleman correctly but nevertheless,
Mr. Speaker, I still want to make my point. When I worked
over on Bell Island, you know, they used to have a system
over there where they always had spare men in the mines.
You always had a spare. And now that policy is gone over

MR. NEARY: to the Public Utilities Board. They have a spare down there. They have an extra member on the board, another monkey on the taxpayers' back so to speak, Mr. Speaker. And, of course, that will add an increased burden to the taxpayers of this Province not only while the salaries are being paid out but when the pension benefits come around, that is if they stay there long enough to qualify. I presume that the rest of the members of the board qualify for their pensions. And for what use they are, what good they do to protect the consumer, Mr. Speaker, they may as well all be pensioned off now. All they do is rubber-stamp applications from the Light and Power Company and from the hon. Minister of Labour's (Mr. Dinn) idol, the Newfoundland Telephone Company. All they do is rubber-stamp these applications. I do not think- at least in my time I do not recall an application ever being refused by the Public Utilities Board. I do not ever recall hearing of the board rolling back rates. When companies come out and announce record profits, record earnings for the year, record dividends to their shareholders, Mr. Speaker, they do not take the initiative and yank them in before the Public Utilities Board and roll back the rates. We heard the other day that the hon. gentleman's friends down in the Telephone Company will declare record profits this year. And it is one of the few provinces and one of the few places in North America where we pay twenty-five cents for a pay phone when you go into a pay booth. In practically every other part of Canada and every State in the United States they still have the dime, ten cents. Here it is a quarter. They brought it up to twenty cents first and because it was difficult for people to get change and they were dropping in the quarter anyway, they figured there was a little gravy here to be had, so they upped it to a quarter.

MR. NEARY:

Now, Mr. Speaker,
you know, sometimes I wonder if they are not all pensioned
off down there now for what good they are and what good

MR. NEARY:

they do to protect the consumers in this Province. It is awfully, awfully frustrating and annoying for the people of Newfoundland and Labrador to wack out these big salaries and these big pensions to members of the Public Utilities Board and then have them not do what they are supposed to be doing, and that is to protect the consumers in this Province. They always come out with this little remark, every time they hand down a decision here is what they say, that the company is entitled to a fair return on its investment. They were not put there for that purpose, Mr. Speaker. They were not put there to ensure that companies get a fair investment on their return, the moneybags get a fair investment. That is not why they were put there. They were put there to protect the consumer. And it is about time that somebody there opposite told them that, told them why they are there, and bring them to their senses so they will not be rubber-stamping applications before the Public Utilities Board.

Mr. Speaker, we will support the bill and perhaps some time in the foreseeable future in this House we may get an opportunity to have a thorough debate on the Public Utilities Board. But I guarantee you that the taxpayers in this Province were not very happy to hear an announcement recently from the administration that they had put one of their big supporters on the Public Utilities Board. Mr. Speaker, as I said before, when it comes to political patronage and political appointments you are looking at the administration that wrote the book, on that side of the House. I am horrified, every day I hear of political appointments and political patronage. It is horrifying, Mr. Speaker. And, you know, they sit there day in and day out and tell you how honest they are, how pious they are, what men of integrity they are, and they put a spare hand on the Public Utilities Board, a spare hand. There was no vacancy.

MR. NEARY: They did not need to put a replacement on there. They hired on a spare. And this is the crowd that talk about restraint and ask people to undergo suffering and pain, close hospital beds, lay people off, shut down community hospitals, cause people all kinds of suffering waiting in the corridors of hospitals for a bed, put the boots to people on social assistance, go back ten, fifteen, twenty, twenty-five years to collect over-payments because of errors on the part of the administration.

MR. DINN: Twenty-five years ago?

MR. NEARY: Yes. Errors, errors on the part of welfare officers, on the part of the department.

MR. WALSH: Was this administration in here twenty-five years ago?

MR. NEARY: Mr. Speaker, the administration that was there then did not go after these people with vengeance like they are going after them now. A lot of these people on old age pensions, Mr. Speaker -

MR. TOBIN: You are talking about social services now, tell us where the over-payments came from.

MR. NEARY: The over-payments came as a result of the incompetence of the likes of the hon. gentleman and the misjudgement on the part of people like the hon. gentleman, Mr. Speaker.

MR. TOBIN: It was caused by the incompetence of the minister when you were in there.

MR. SPEAKER (Russell): Order, please!

MR. NEARY: But we support the bill, Mr. Speaker, and in so doing give notice to the administration that in the foreseeable future, the earliest opportunity, we will be having more to say about how the Public Utilities Board has gotten off the rails, and are more concerned about

MR. NEARY: about shareholders of the company getting a fairer return on their investment than they are in protecting the consumers in this Province.

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

MR. OTTENHEIMER: Mr. Speaker.

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

MR. OTTENHEIMER: Mr. Speaker, the Public Utilities Board I think does a very adequate, efficient job in an extremely difficult area and a most complex area. I mean, these submissions on rates for phones and electricity are, from what I understand, matters of extreme complexity and I think do a commendable job in an extremely difficult area. There were four commissioners, and now there are five. They are Mr. Gordon McDonald, a former deputy minister as the Chairman; former public servant Mr. Earl; former public servant, Mr. Lawrence - I am not sure if he was a former public servant or not, he has been there for a number of years - Mr. Good, who was formerly a public servant, I believe with the Newfoundland Medicare Commission; and, of course, Mr. Williams, who is not a former public servant but a distinguished lawyer. The fact that Mr. Williams might be a supporter of the Conservative party certainly should not disqualify the man. After all, just a couple of weeks ago the President of the Economic Council of Newfoundland was announced, and that was Mr. Harold Lundrigan. Again it is probably equally rumoured, I mean, nobody knows how anybody votes, but whereas most people might well agree that Mr. Williams is a Conservative supporter, I think most people would equally agree that Mr. Harold Lundrigan is a Liberal supporter, and that is his privilege. But the government did not say, 'No, we will not appoint Mr. Harold Lundrigan because he is not thought to be a Conservative

MR. OTTENHEIMER: supporter.' We thought he was the right man for the job and he was appointed, and we felt the same with this Commissioner, Mr. Williams, that he was the right man for the job. It would be just as wrong not to appoint Mr. Williams because he is thought to be a Conservative supporter as it would have been to refuse to appoint Mr. Lundrigan because it was thought that he was a Liberal supporter. I suppose all Newfoundlanders, irrespective of what political party they are thought to support deserve an opportunity to make a contribution to their Province.

I move second reading.

On motion, a bill, "An Act To Amend The Public Utilities Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 28)

Motion, second reading of a bill, "An Act To Amend The Criminal Injuries Compensation Act". (Bill No. 13)

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

MR. OTTENHEIMER: Mr. Speaker, this is also a very straightforward matter and I do not know if it is possible to make it any clearer than in the explanatory note. The Criminal Injuries Compensation Act provides for compensation to victims of crime for their personal injuries. The victim has to apply and the compensation board hears the matter and then an award can be made. It is a federal/provincial programme and 90 per cent of the costs are federal and 10 per cent of the costs are provincial, and there is a similiar

MR. OTTENHEIMER:

scheme with every province. Now what this act does is provides for a presumed criminal intent on the part of a person who commits a crime. Now the reason for that, of course, is to benefit the victim of the crime. As long as there was the act and the person was injured, for the purpose of that victim to receive an award there has to be an intention and this amendment would establish that there is a presumed criminal intent on the part of the person who commits the crime and therefore the victim will be able to receive what he is entitled to or she is entitled to from the Criminal Injuries Compensation Act.

MR. NEARY:

Who is on that board?

MR. OTTENHEIMER:

It is a three person

board. I believe there are three members of the legal profession and I think it is the type of thing where you would have to be because it is an exclusively kind of legal consideration. I have the names here and I am sure I will find them. The trouble is there are too many papers. Here we are. Yes, it is a three person board. The three of them are lawyers. The Chairman is Mr. Frank O'Dea and the other members are Mr. Thomas Green and Mrs. Maureen Green. No, Mr. Thomas O'Reilly and Maureen Green. So the Chairman is Frank O'Dea and the other members are Thomas O'Reilly and Maureen Green.

MR. NEARY:

Are they all provincial appointments.

MR. OTTENHEIMER:

I am quite sure that

this is an area where there is federal/provincial concurrence on the membership of the board. I will have to check that. But I am reasonably sure, since it

MR. OTTENHEIMER: is a federal/provincial programme, that this is where both parties agree to the membership of the board.

MR. NEARY: What is the board called?

MR. OTTENHEIMER: Criminal Injuries Compensation Board. It is not something one hears very much about, It is not a high profile thing, but it is there and people do benefit from it.

MR. NEARY: Is it something new?

MR. OTTENHEIMER: No, it has been in operation for a number of years. It is one of these agencies that one hears very little about but which does a certain amount of good. And I think with this amendment it will be enabled to be of further benefit because you will be able to establish and presume an intention. Whereas you cannot always prove an intention, the statute there will presume the intention once a criminal act has been committed and the injury has occurred. It will be no longer necessary to prove it but it will be presumed. So that is essentially what it is about.

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

MR. NEARY: Mr. Speaker, this is one time I wish my colleague, the member for the Strait of Belle Isle (Mr. Roberts), were in his seat, because I am sure that he is more competent and more able to address himself to this bill than I am.

MR. MORGAN: Where is he?

MR. NEARY: I beg your pardon?

MR. BAIRD: Where is he?

MR. NEARY: He is here, Mr. Speaker. In the last week he has been here more often than the hon. Minister of Fisheries (Mr. Morgan).

MR. MORGAN: Oh, yes! He was not here (inaudible) on fisheries.

MR. NEARY: Oh, yes. Yes, Sir.

MR. WARREN: Where were you to all last week? Up along.

MR. NEARY: We know where he was. He was up trying to get a few foreign vessels inside the 200 mile management zone, He told us this afternoon.

MR. MORGAN: (Inaudible) were going to be embarrassed.

MR. NEARY: I beg your pardon?

MR. MORGAN: You never sucked in today on that one.

MR. SPEAKER (RUSSELL): Order, please!

MR. NEARY: Is that so!

MR. MORGAN: (Inaudible) was over six months ago.

MR. NEARY: Is that so now! Well, we will find out in due course who took the initiative in this regard.

MR. WARREN: What did you say today? What did you say today?

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

MR. MORGAN: Do not embarrass Mr. De Bane. He is a good man.

MR. NEARY: Mr. Speaker, that is why they were up in Ottawa last week running around like roosters with their heads cut off.

Mr. Speaker, the Criminal Injuries Compensation Board, I must confess that it is the first time I heard of it. It sounds to me to be something that should be a little more publicized. Now I hope as a result of the discussion back and forth between the Minister of Justice (Mr. Ottenheimer) and the few questions I put to him while he was introducing second reading of this bill that it may get reported on page 24 of one of the newspapers so that people will begin to realize that we do have such a board in this Province. Because, Mr. Speaker, one of the great criticisms that we hear about the administration of justice is the fact that everybody seems to want to help and protect the criminal, and it is only in recent years, with the great campaign that is being carried on across North America, that people have any sympathy at all for the victim of crimes. Now my understanding of this bill, from what the hon. gentleman said, is that they are now just making an amendment to make it a little more specific, that if it can be proven beyond any shadow of doubt that a person set out to commit a crime, there was the intention there to commit a crime - I am glad my colleague came because I am just marking time here,

MR. ROBERTS: We have an hour to mark.

MR. NEARY: Yes, we have an hour.

So I am marking time while my hon. colleague can get the bill.

MR. ROBERTS: What is the bill number ?

MR. NEARY: Bill No. 13.

MR. ROBERTS: Another one of the winners.

MR. NEARY: Yes. Well, I suppose

in one sense it could be a very meaningful bill, but I

MR. NEARY: am not quite sure. Perhaps my colleague could enlighten us all when he speaks. The argument that I am making here is that up until recently the administration of justice seemed to favour the criminal. There was no sympathy with the victim. What this is doing, so we were told by the Minister of Justice (Mr. Ottenheimer), is making it specific. If you can prove intent to commit a crime and there was injury as a result of that intent, then they might be able to qualify for compensation from the Criminal Injuries Compensation Board.

Mr. Speaker, I am still not sure of my ground, whether or not this was a move to help the victims of crimes when the matter came up several years ago. The hon. gentleman said the board has been there for some time. I do not know how long. I do not imagine it has been there that long because we have not heard of it before. Probably only the lawyers have heard of it. I think it should be publicized, Mr. Speaker, so that the victims of these kinds of situations will know that they have some recourse.

MR. WARREN: Why was it repealed in 1973?

MR. NEARY: Yes, why was it repealed?

MR. OTTENHEIMER: (Inaudible) repealed in 1973.

MR. NEARY: Oh. Well, anyway -

MR. OTTENHEIMER: (Inaudible) and was repealed in 1973.

MR. NEARY: Yes. Mr. Speaker, I have no intention -

MR. OTTENHEIMER: I do not know why it was repealed in 1973.

MR. NEARY:

- of going into a long
speech about how the victims of various crimes are
discriminated against. I think that is well known. I
believe the minister is probably well aware of it

MR. WARREN: It has a lot to do with mental incapacity.

MR. NEARY: Pardon?

MR. WARREN: This bill concerns mental incapacity.

MR. NEARY: Mental incapacity. Is that all it has to do with, this bill, mental incapacity?

MR. OTTENHEIMER: No -

MR. NEARY: No, it does not.

MR. OTTENHEIMER: - the capacity to form an intent. If the perpetrator of a crime does not have the capacity to form an intent that will no longer be a factor and the victim may claim whatever is his due from the Crimes Compensation Board.

MR. NEARY: Well, I will tell you what I am going to do, Mr. Speaker, I am going to yield to my colleague, the member for the Strait of Belle Isle (Mr. Roberts), who is more qualified to speak on these matters than I am.

MR. ROBERTS: Well, Mr. Speaker, I think it should be recorded that my hon. friend from LaPoile (Mr. Neary) yielded to me. That is one of the few times he ever has. On this one perhaps - it is a bit a lawyer's bill - perhaps I could say a few words.

MR. MORGAN: I do not think he will yield this time next year though.

MR. ROBERTS: Well, I say to my friend from Bonavista South (Mr. Morgan), that I take his point and if only my friend from LaPoile had yielded as often as the gentleman for Bonavista South has yielded the last few weeks we would all be better off. And I say that in homage to him that he has accepted the reality and how much better off we would all be if only the

MR. ROBERTS: agreements which he had made were carried in and particularly the Saltfish Corporation and the NFDC.

MR. MORGAN: It will be dealt with.

MR. ROBERTS: I am sorry?

MR. MORGAN: It will be dealt with.

MR. ROBERTS: I say to my friend from Bonavista South I hope it will be dealt with, and the quicker the better and I think it is a perfect case where we should all work together because the people who look to the NFDC for their future deserve that.

Now, let us come back to the Criminal Injuries Compensation Act. The minister, in response to a very good question from my friend from LaPoile (Mr. Neary) has said what it does. I am not sure he has dealt with the question which my friend from Torngat Mountains (Mr. Warren) raised when he said not why are we re-enacting a provision which was repealed in 1973, why was it repealed in 1973. What the bill does, of course, is say that a person who is not capable of forming a criminal intent, in other words somebody who is mentally unsound within the very tangled and very difficult definition of mental incapacity that the law has evolved over the years - it is really one of the areas where the law has not been able to come to grips with reality at all - that where a person is in that position he shall be deemed nonetheless to have formed the criminal intent for the purposes of administering the criminal compensation scheme.

Now, the criminal compensation scheme is one of these ninety/ten deals, I think the minister mentioned that 90 per cent of it comes from Ottawa. It has not been much used

MR. ROBERTS:

in this Province.

I do not know if the minister gave statistics, but my understanding is there are very few applications for aid under it. It is too bad really because it is a good idea in principle and it is one that perhaps many people do not know about. If you are injured in some way by somebody who is committing a crime -

MR. ROBERTS: I think I am paraphrasing the act correctly - then you can look to the government to compensate you. You can also sue the person who injured you, but that is generally a waste of time and effort because these people who do these things usually are judgement proof. But you can look to the government. If Your Honour is hit on the head tonight, or somebody comes into Your Honour's home to break and enter, to steal, and Your Honour, as a result, is out of work for a bit and loses wages, an employer not so generous as the House of Assembly - we would not dock Your Honour's wages - but if you lost your wages then you could claim, Your Honour, from the Criminal Compensation Board. And that is a good idea.

Now, I have one or two questions of the minister on this that really puzzles me. They do not necessarily trouble me but I want to know who decides, because what we have is this, in real life. A person, a man or a woman or anybody over the age of - what do you charge a child at now for purposes of the Criminal Code? Seven, you charge a child? I think it is seven. I think you can be charged with a crime if you are seven or up.

DR. COLLINS: Do you not know?

MR. ROBERTS: If you are the member for St. John's South (Dr. Collins), you have no worry about ever being charged because you have to be at least seven mentally and mentally competent. So he has no hope, being both a child and childish and no way is he mentally competent. But what this amendment aims at, Mr. Speaker, is a situation where a person is charged with a crime and is then found to be legally incapable of forming a criminal intent. Now that has

MR. ROBERTS: to be done by a court. Nobody else can do it. The Minister of Justice (Mr. Ottenheimer) quite properly can nolle prosequi the prosecution and he may choose to nolle prosequi on the ground that, in his opinion based on the advice he has taken, that that person is not capable of defending the charge. Courts can do one of two things. They can order that a person be found not fit to stand trial, or they can equally order a person to be fit to stand trial but be found incapable of having formed an intent at the time the act was done. Each of that reflects a very basic principle in our criminal law in Canada, Mr. Speaker, which is that you cannot be found guilty of a crime unless you formed an intent. The lawyers, who have an ability, of course, to confuse the simple, call it mens rea, guilty mind. But all it boils down to is you have to have the ability to form an intent, and if you have not got the mental capacity to form an intent it follows you cannot form the intent and therefore you cannot be found guilty of a crime. You may end up being committed to a psychiatric institution, of course, or to a custodial institution for mentally defective people, but you cannot be found guilty of a crime.

So, my question to the minister is this: Notwithstanding that a person is for any reason legally incapable of forming a criminal intent - now that is a decision by a court of law. Nobody else can find a person legally incapable but a court of law, by which I mean a judge and/or a jury. This may be a question of fact to be put to a jury. It may be a question of law, if I understand the criminal law correctly, to be decided by a judge. Or it may be a case of a judge

MR. ROBERTS: sitting as a jury,
which is often the case, of course, in our law to confuse
it further. Now, Mr. Speaker, my question to the minister
is this: How then does the criminal compensation scheme
kick in? Because my understanding is that the criminal
compensation scheme only applies in a case where a person
has been injured by some person committing a criminal
offense or in the course of somebody committing a criminal
offense. If there is no mental capacity,

MR. ROBERTS: there can be no criminal offense by law, by the very nature of the law. I think the minister gets what I am getting at. So if there is no criminal offense possible on the grounds that the so-called accused cannot form a criminal intent, has not got mental capacity, then that person cannot possibly be convicted of a crime. That person can be indicted but can never be convicted. Now then, if the criminal compensation scheme applies only to those injured in the course of somebody committing a crime, and I do not see how it could apply to anything else because if you do not limit it to crimes you are then in the whole area of torts which is an area of law altogether separate than this, so how then can the scheme ever apply? In other words, what is the amendment all about? Maybe that is why it was repealed in 1973, maybe it is just meaningless. Now I find that hard to believe because the minister would not bring in anything which he knew to be meaningless. I am sure there is a reason. But I wonder if he could -

MR. WARREN: I think he will withdraw that.

MR. ROBERTS: He is not going to withdraw it. I mean, it is a matter of face, I say to my friend from Torngat Mountains (Mr. Warren). The minister will not withdraw it, it is a matter of saving face. It may die on the Order Paper and it may not, I do not know, I do not call the Orders of the Day. That is something for the ministry to call except on Wednesdays and this is not a private member's bill. But, you know, what is the answer to this?

MR. CARTER: Hurry up. Time is running out.

MR. ROBERTS: Yes, I say to my friend from St. John's North (Mr. Carter), time is running out for him. "Ask not for whom the bell tolls, it tolls for thee." The hon. gentleman should read John Donne, he would be done and did.

But I say to the minister quite seriously that I just do not see how this amendment comes in. The question is who deems that mentally incapable persons to have intended an act or omission that has caused injury or death, the Criminal Injury Compensation Board? There is a board. I am not even sure if I recollect who is on it.

MR. NEARY: He just told us who is on it. He has the three names over there.

MR. ROBERTS: Yes, the minister said that when he introduced the bill, there is a board made up, no doubt, of eminent citizens. But who deems and what sort of situation do we then have? Do we then have a board, a private board made up of private citizens, no doubt men and women of standing doing the very best they can - I do not question that. I hope they are not being paid \$500 a day, the going rate, or \$650 a day as the case may be in this era of restraint and austerity, of cutting her to the bone. But, Mr. Speaker, quite seriously, how can this amendment apply? Who deems it?

MR. CARTER: Use your head.

MR. ROBERTS: Ah, unlike my friend from St. John's North I can

MR. ROBERTS: use my head. He, Sir, can use his head only to separate his ears. If only he then used his ears for some reason other than keeping his hat on, but he does not keep his hat on because usually he talks through it.

MR. CARTER: Rubbish.

MR. ROBERTS: Yes, the gentleman for St. John's North (Mr. Carter) generally speaks rubbish.

MR. BAIRD: (Inaudible).

MR. ROBERTS: Ah, my friend from Humber West (Mr. Baird), who can but carry the garment. My friend from Humber West follows behind the gentleman for St. John's North (Mr. Carter) and cleans up after him, as it were. A substantial task! A continuing task! I often say, 'Where there are elephants I do not want to be distracted by mice', and in this case the hon. gentleman for Humber West is following an elephant when he follows the hon. member for St. John's North and we all know what elephants leave behind them other than their footprints.

MR. SPEAKER (RUSSELL): Order, please!

I would ask the hon. member for the Strait of Belle Isle (Mr. Roberts) to be a little more relevant to the bill.

MR. ROBERTS: I would think, Mr. Speaker, with all respect, and, of course, accepting your ruling, that the hon. gentleman from Humber West is a perfect case in point for the necessity of a Criminal Injuries Compensation Board and for an amendment dealing with a person for any reason legally incapable of forming a criminal intent. Nobody would ever accuse my friend from Humber West of being incapable of forming a criminal

MR. ROBERTS: intent. Nobody would ever accuse of him of being incapable. You do not have to accuse him, res ipsa loquitur.

Mr. Speaker, I wonder if the minister could deal with the point, though. The amendment itself is inconsequential, like so many other bits of legislation that have come before the House with this session, completely, utterly and totally inconsequential. It may benefit a relatively few people. Did the minister, when introducing it, say whether there had been any cases that have come up? The amendment is not retroactive. I am wondering why it has surfaced again. We are dredging the dregs of the legislative draftsman's programme, the absolute dregs from the bottom of the legislative barrel down there to try to put together a legislative programme. No bill, Mr. Speaker, to deal with the problems affecting the House. No bill dealing with the problems affecting the Province. All we have got, Mr. Speaker, is a bill which is utterly inconsequential in itself. It does nothing to solve the problems of any of the people in this Province. But even the bill itself, there is this very real question. If a person is found legally incapable, an act which could only be done by a court of law - I mean, a psychiatrist or somebody functioning under the Mental Health Act can find Your Honour or me mentally incapable, no question of that, that is done all the time. But, Your Honour, only a court can find a person legally incapable of forming a criminal intent - and if that is so, then there is no crime. There

MR. ROBERTS:

can be no crime.

Now then, Mr.

Speaker, we come to the next point. Maybe the Criminal Injuries Compensation Act applies in cases where there are no crimes. That may be the answer to this conundrum. Finally, Mr. Speaker, who deems that this person has intended an act or omission that caused injury or death? The board? In which case the government may very well have problems with the fact that they are derogating from the functions of Section 96, Courts. This act may very well then be ultra vires until the amendment that is being spoken of to the constitution to allow the provinces to create bodies that function as Section 96, Courts, until that amendment comes into effect.

So, Mr. Speaker, it is five to six. I will sit down in the hope the minister can deal with this now. He has been in earnest converse with his colleague and his seat mate, his political bed mate, his political soul mate, his political helpmate, his friend from this side of the overpass, the gentleman from St. John's East (Mr. Marshall). Maybe one of them can answer these points. The bill itself, as my friend from LaPoile (Mr. Neary) has said, we shall support because, of course, it does not do any harm; it just does not do any good, that is the trouble.

MR. SPEAKER (Russell):

The hon. President

of the Council.

MR. MARSHALL:

Mr. Speaker, I

have a few words. You know, we can spent the time of the House on esoteric legal questions, I suppose, but the hon. gentleman asked questions that have to be responded to. First of all, he makes a big do about who is going to determine the nature of the crime. Now the issue before the board, and it is before the board, is not really whether a crime has been committed. The issue is really as to whether or not compensation is going to be paid in respect to the commission of a crime, and that is what the board determins. I would say that the difficulty of coming in and just picking up an act and just reading it and reading the amendment to the act, is you got to realize the amendment to the act forms a part of the entire act itself. And really it would be beneficial if a person who was looking at an act and debating an act, particularly an amendment to it as this is, looked at the act itself.

You will see, Mr. Speaker, that there was a provision in the 1970 act which is exactly similar to this. It was 13 (2) and it was repealed and it was felt that it caused an injustice.

MR. ROBERTS:

Why was it repealed then?

MR. MARSHALL:

Well, there are actions taken even by the immediate predecessor to this government that when they are put to the test they are found not to be beneficial and they can perhaps work an injustice.

MR. ROBERTS: So the chief justice did something wrong is what you are saying.

MR. MARSHALL: Well, I mean, I would not say anything about the chief justice, certainly not until he retires. But, I mean, the amendment that was led in the last time by the present chief justice, the then Minister of Justice, obviously there was an opening there where it could cause an injustice. And in order to remedy this injustice this is the amendment that it changed. Now, who decides? It is plain there, you see. If you do take the amendment and you read the act, you know, you go and you get the act and you find obviously if somebody has been acquitted of a crime because of lack of competency of intent to commit the crime, you cannot put the issue back into the court again, somebody having been acquitted, and ask if the court would decide if they had not been acquitted would they be convicted. You know, it is absolutely crazy. It would seem to me if you use that logic, I mean, it just does not make any sense. So the hon. gentleman, when he raises it, should know that the criterion under the Criminal Injuries Compensation Act, who determines which party, if any party, gets recompensed, is determined by the board itself. And the board is not deciding that the person committed a crime, is not really invading the criminal area of law. The hon. gentleman says, you know, that it is without the powers of the provincial government to enact it, really what we are doing is we are determining here a compensatory type of remedy. So it really relates to property, which is within the jurisdiction of the provincial government.

MR. MARSHALL: So, Mr. Speaker, those generally are my remarks. I have a few more remarks to make about the Criminal Injuries Board tomorrow. So I think it being now almost six o'clock I would move the adjournment of the debate.

MR. SPEAKER (RUSSELL): Let it be noted that the hon. President of the Council (Mr. Marshall) has adjourned the debate.

The hon. President of the Council.

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

MR. ROBERTS: Hold on a second now. What is on for tomorrow?

MR. MARSHALL: Well, we are going to be back into this bill tomorrow. Then there will be other items on the Order Paper. I can ring the Opposition Office. I want to consult with a few ministers tomorrow morning and I will let the Opposition Office know.

MR. ROBERTS: Before the adjournment motion, if Your Honour will permit, would it be possible for the Government House Leader in a nonbinding way - we all realize that things come up - to give us some indication in the Opposition what is coming up? This scatter gun thing we are going on with is really very unsatisfactory from a lot of points of view.

MR. MARSHALL: I say to the hon. gentleman, you know, the Order Paper really is coming up. But I know we are going to pass just about every bill that is here and we envisage them being passed before adjournment.

MR. ROBERTS: Yes. Well, we will be here until well after Christmas.

MR. MARSHALL:

But, as is my practice, I always at the end of a bill usually give the Opposition an indication of what is coming up. So I will do that tomorrow morning. I want to consult with a few ministers first.

MR. NEARY:

You will have

(inaudible).

MR. MARSHALL:

This is different.

This is democracy in action, it is co-operation in action, it is positiveness in action and it is non-belligerence in action.

On motion, the

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

Index

Answers to questions

tabled

21 November 1983

*Tabled by Hon. Minister
of Health, 21, 1983*

QUESTION #134

Mr. Roberts (Strait of Belle Isle) - To ask the Honourable the Minister of Health to lay upon the Table of the House the following information:

- (a) A list showing the number of Newfoundland students currently attending the Medical School on campus at Memorial University;
- (b) A list of the communities in Newfoundland and Labrador where these students came from;
- (c) A list showing the number of students from outside Newfoundland and Labrador attending the Medical School and state country of origin.

ANSWER

(a) First Year	40 students
Second Year	48 students
Third Year	41 students
TOTAL	<u>129</u> students

(b) Capstan Island	Northwest River	Goose Bay
Cartwright	Stephenville	Corner Brook
St. Anthony	Quirpon -	Lewisporte
Windsor	Botwood	Grand Falls
Buchans	Gander	Brookfield
Hare Bay	Coley's Point	Freshwater
Carbonear	Harbour Grace	Job's Cove
Portugal Cove	St. John's	Torbay
Mount Pearl	Foxtrap	Manuels
Burin	Hermitage	Grand Bank
St. Albans		

(c) First Year	N.B.*	Second Year	N.B.*	Third Year	N.B.*
<u>11</u> students		<u>10</u> students		<u>9</u> students	
3 students	Quebec			1 student	Manitoba
2 students	B.C.			1 student	P.E.I.
1 student	Ontario			1 student	B.C.
<u>17</u> TOTAL		<u>10</u> TOTAL		<u>1</u> student	Ontario
				<u>13</u> TOTAL	

GRAND TOTAL FOR ALL 3 YEARS - 40 students.

*Up to 10 N.B. applicants are admitted to each 1st year class (provided that the applicants are competitive with Newfoundland applicants) in accordance with the long standing agreement between the Governments of Newfoundland and Labrador and of New Brunswick.

The above question was tabled May 30, 1983, hence, the graduating class which convocated on May 27, 1983 is not included, neither is the new class of 1st year students to be registered September, 1983.

QUESTION #135

Mr. Roberts (Strait of Belle Isle) - To ask the Honourable the Minister of Health to lay upon the Table of the House the following information:-

How many people were laid off by Hospital Boards throughout the province as a result of the Government's economy restraint program implemented in November, 1982?

How much did the various Hospital Boards save on their 1982-83 operating budget as a result of the dismissal of these employees?

ANSWER

Hospital Boards were not approached to implement the November, 1982 restraint program applied to Government Departments. Hospital Boards were asked to live within the budgets approved for hospitals in June, 1982. The 1982-83 approved budgets represented, on the average, a 15% increase over 1981-82 approvals. Lay offs in hospitals may have occurred because Boards were told that Government would not be funding any deficits arising from budget overruns, and not because of the November, 1982 Government restraint measures.

The approved Estimates 1982-83 allowed for \$273,378,000 to finance Board operated Hospitals. The Revised Estimate 1982-83 was \$275,225,000. No savings occurred during 1982-83, indeed Government had to find additional funding over and above the original approved budget to attend to contingencies.

QUESTION #136

Mr. Roberts (Strait of Belle Isle) - To ask the Honourable the Minister of Health to lay upon the Table of the House the following information:

- (a) What is the total number of abortions or hysterotomies performed in the province since January 1, 1980 to date?
- (b) What number of these abortions or hysterotomies were performed in each of the following hospitals for this time period:
- Health Sciences Complex
 - Western Memorial Hospital
 - Curtis Memorial?
- (c) What has been the cost of these abortions or hysterotomies to the taxpayers or this province through MCP and what proportion of the cost went to
- specialists (Gynecologists, obstetricians, etc.)
 - cost of surgeons
 - cost of special medication and other incidental expenses?

ANSWER

(a)	<u>YEAR</u>	<u>TOTAL</u>
	1980	488
	1981	358
	1982	379
	1983 (3 mts.)	152
(b)	Health Sciences Complex	1,315
	Western Memorial Hospital	43
	Curtis Memorial	12
(c)	Oby-gyn specialists fees	- \$61,000.
	Anaesthetic Fees	- \$17,000.

These costs are for the years 1980-81 and 1981-82. On the date the question was tabled May 30, 1983, information for 1982-83 costs was not completed.

Cost for special medication and other incidental expenses are not obtainable because hospital expenditures are not broken down by specific admission.

QUESTION #137

Mr. Roberts (Strait of Belle Isle) - To ask the Honourable the Minister of Health to lay upon the Table of the House the following information:-

The number of cases of battered wives recorded in the province for the years 1980, 1981 and 1982.

ANSWER

The answer to this question is not obtainable from data collected for patients admitted and treated in the health system.

QUESTION #140

Mr. Roberts (Strait of Belle Isle) - To ask the Honourable the Minister of Health to lay upon the Table of the House the following information:-

List of names and salaries of Executive Assistants, Parliamentary Assistants and Public Relations Specialists appointed to the Minister's staff for the fiscal years 1979, 1980, 1981 and 1982.

ANSWER

Mr. Maxwell Wheeler - Executive Assistant
Appointed in 1977.

SALARY

<u>With Effect From</u>	<u>Rate</u>
January 1, 1979	\$21,408
April 1, 1979	22,478
January 1, 1980	23,602
April 1, 1980	25,490
January 1, 1981	26,765
April 1, 1981	28,906
January 1, 1982	30,351
April 1, 1982	31,869
April 1, 1983	33,144