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Speaker: Honourable Patrick McNicholas

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The House met at 10:00 a.m.

MR. SPEAKER (McNicholas):
Order, please!

I would just like to have a few words to say about the point of privilege raised by the hon. the Leader of the Opposition (Mr. Barry) yesterday. For some time we have had spurious points of privilege and points of order, but I certainly would not classify the one yesterday as such. There is one further authority I want to check on, and between yesterday evening and this morning I have not been able to do it. Secondly, I understand the hon. the member for St. John's North (Mr. J. Carter) cannot be here today, so I will rule on that point at our next sitting.

Statements by Ministers

MR. WINDSOR:
Mr. Speaker.

MR. SPEAKER:
The hon. the President of Treasury Board.

MR. WINDSOR:
Mr. Speaker, just by way of some information for the House, because there has been some misleading information put out publicly as it relates to the proposal that government has on the table to NAPE and the response that NAPE has made to us through the Deputy Minister of Labour (Mr. Blanchard), I have just taken a couple of examples at random, one from the MOS and one from the GS units, and we have had them done up in graphs which are quite graphic and show clearly what we are talking about. I have copies for the House. As the Speaker can

see, the blue represents the government offer, the pink represents the health care sector, which is presumably the target that these people want to reach, and the yellow represents the current request from NAPE, which is somewhere up in the clouds. I was going to put some birds on that one. It shows, Mr. Speaker, the difference in where we are and we are trying to go. It shows clearly that at December 1989 we do reach full absolute parity, because all scales then are equated. I have a similar one for the watchmen in the MOS unit, Mr. Speaker. I table copies of that for the information of the House.

MR. FLIGHT:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Windsor - Buchans.

MR. FLIGHT:
Mr. Speaker, again the tenor of the minister's statement continues to be provocative, referring to NAPE's position as being up in the clouds and he should have put birds on it, indicating that the position of NAPE is up in the clouds. Whether it is or whether it is not, the minister must know now that that is the type of thing that is not conducive to getting a settlement or to getting decent talks going, talks that will have a chance of succeeding. There is no question, Mr. Speaker, that it smacks of arrogance. We are going into a long weekend and we see the minister negotiating again in public, and the general public hearing that it is all NAPE's fault.

The Premier rejected, out of hand, the possibility of meeting with Mr. March. Whether he was right

in doing so or whether he was not, the fact is it is obvious that the President of Treasury Board (Mr. Windsor) and the Premier - the stakes here are public opinion - are appearing to get public opinion. What is happening now, particularly since we are going into a long weekend with the negotiating committee at the table and the government refusing to meet, is they are inviting those workers to go back on the streets. Mr. Speaker, that kind of statement only adds fuel to the fire. The President of Treasury Board should take a more conciliatory position and try to get meaningful negotiations going.

MR. MARSHALL:
Mr. Speaker.

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

MR. MARSHALL:
Mr. Speaker, I have a statement to make. I am pleased to announce that the people of Pinsent's Arm on the South Coast of Labrador, in the Liberal district of Eagle River, received electricity for the first time yesterday afternoon.

SOME HON. MEMBERS:
Hear, hear!

MR. MARSHALL:
Now, let us hear our friends at CBC, and their friend and our friend from Menihek (Mr. Fenwick), comment on that.

Newfoundland and Labrador Hydro energized a new distribution line constructed to the community from Charlottetown.

PREMIER PECKFORD:
That is too positive, they cannot carry that.

MR. MARSHALL:
As Minister responsible for Hydro, I visited Pinsent's Arm -

MR. OTTENHEIMER:
What? What great fortune! Oh, my God!

MR. MARSHALL:
Yes.

SOME HON. MEMBERS:
Hear, hear!

MR. MARSHALL:
- last August and announced to the residents that electricity would be extended to their community. At that time, Mr. Speaker, in my unbounded enthusiasm I told the people there that it was hoped that the line would be completed in time for Christmas. However, unfortunately weather, and not the Tory Party, made it very difficult for the construction to take place so it was impossible to meet that schedule. But, very happily, Christmas came to Pinsent's Arm yesterday -

MR. OTTENHEIMER:
They will have it for St. George's Day.

MR. MARSHALL:
- when Hydro closed a switch to activate the line and electricity started flowing to the households at Pinsent's Arm for the first time.

Mr. Speaker, Pinsent's Arm is the latest community in the Province to meet the criteria for receiving electricity under the government's subsidized programme. I am sure all members of the House will want to offer congratulations to the people of Pinsent's Arm as they avail of the many modern conveniences that electricity has to offer.

With the exception of the most blatantly partisan, I am sure the majority of the people of Newfoundland will recognize what a commitment this party has made to rural Newfoundland and Labrador, as indicated in this, over the years. Mr. Speaker, this constitutes an expenditure, for fifteen to twenty households, of \$750,000. The solution of this party is to build up rural Newfoundland and Labrador but, after the hon. gentlemen gave away the electricity in Labrador, their solution would have been to centralize, to move them elsewhere. We rejoice with the people of Pinsent's Arm today and we wish them a very secure and happy future, that projects such as this will bring to them.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

I am told, and I am sure that it is a malicious lie, that the Minister responsible for Energy purchased a safari suit on his first expedition West of the overpass. I am sure that is not correct. I tell you, Mr. Speaker, when the minister made his announcement that Pinsent Arm was going to be getting electricity, it was as though the minister was Santa Claus giving a Christmas gift to the people of Pinsent's Arm - it was supposed to be in for Christmas. One would think that it was within the discretion of the minister as to whether or not these people received electricity, and the very fact that it is a

Liberal district, I think, underlies this. The minister had absolutely no choice, nor did the administration, because in that great and enlightened formula that I laid down when I was Minister of Energy, whenever a community reaches the point where it has fifteen customers it is entitled to electricity as of right.

Despite how much members opposite would hate the thought of putting electricity into a Liberal community, they had no choice. The people of Pinsent's Arm were entitled as of right, under that great Liberal policy, Mr. Speaker, of electrifying any community with more than fifteen customers.

It is unfortunate, Mr. Speaker, that members opposite did not go further and announce today that they would be seeing that all remaining communities without electricity received it within the next year. There are only a handful of communities now that have not been electrified.

And the final point, it is time, Mr. Speaker, particularly now that oil prices are falling, to see uniform rates applied across the Province. This will now be on diesel. People who are on diesel, these communities are paying much higher electricity rates than those that are on the main hydro grid.

I would ask the minister to look at seizing the opportunity, now that oil prices are falling, to electrify the few remaining communities left in Newfoundland that do not have electricity, and also look, Mr. Speaker, and inform the House, at what point would falling oil prices - if the minister were to do nothing in terms of changing the policy -

bring the diesel rate down to the current rate on the main grid. Do we have to reach the stage where we are paying the Arabs in order for the people on diesel to get the benefit of these lower oil prices? Thank you.

MR. BRETT:
Mr. Speaker.

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

SOME HON. MEMBERS:
Hear, hear!

MR. BRETT:
Mr. Speaker, I am pleased to announce today the appointment of Mr. Brian Miller to the position of administrator at the Whitbourne Youth Center. Mr. Miller, who hold a Bachelor of Arts Degree, with a Psychology Major, anticipates receipt of his Master's Degree in Educational Psychology during the Spring Convocation of Memorial University. Mr. Miller is also involved in the Reality Therapy Training Programme offered by the Institute of Reality Therapy, Toronto. In addition, he has also completed a number of courses offered by the Public Service Commission of Newfoundland.

For the past three and a half years Mr. Miller has held the position of Programme Supervisor at the Whitbourne Youth Center and quite frequently was temporarily assigned as administrator during this period. He assumes his new position at a critical time in the development of secure custody services for young offenders, and the Department of Social Services has every confidence that Mr. Miller will meet the challenge ahead of him.

Mr. Miller is a native of New Bonaventure, Trinity Bay, and we are very pleased to have been able to get him on our staff.

SOME HON. MEMBERS:
Hear, hear!

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
Mr. Speaker, we thank the minister for having supplied us with a copy of this, as did the Minister responsible for Energy (Mr. Dinn) - I forgot to mention that - before making the statement. We are pleased to see the appointment of Mr. Brian Miller to the position of Administrator at the Whitbourne Youth Centre.

There are many problems at this centre, as in fact there are in many of the institutions that remain under the minister's department and under the responsibility of the minister. We see this, Mr. Speaker, as a step forward, in that we have an individual here who has pursued educational opportunities that should improve his ability to perform in this position. We look forward to seeing improvements at the Whitbourne Youth Centre, and we wish Mr. Miller all the best in his new position.

MR. SPEAKER:
I would like to welcome to the galleries two teachers, Mr. Grace and Mr. Marrie, with fifty-five Grade V students from Holy Spirit School, Manuels. I would also like to welcome Mayor Dan Whelan from St. Thomas.

SOME HON. MEMBERS:

Hear, hear!

Oral Questions

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

I would like to ask the Premier, in light of the fact now that we have the Minister responsible for Treasury Board (Mr. Windsor) commencing another propagandist exercise, taking out a few selected figures to put the best face on the government's case and the worst face on the union's case, when is the Premier going to take up the invitation of Mr. March and sit down face to face and resolve this matter once and for all as the Premier promised to do in his recent On Camera interview?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, first of all let me say that we are not trying to take our best case and to give NAPE's worst case as it relates to this graph. This can be done for every single position because when we filed our proposal with the union we gave all the positions and said that at the end of December 1989 all of the positions on the grid would be equalized regardless of who got increases in the meantime. So we are not trying to paint our best position and their worst position. These are two positions, one in MOS and one in GS, and we can do the same for all

of the positions in both of those units, no problem whatsoever, but it does starkly show just exactly how unrealistic the proposal that NAPE has on the table.

Now, Mr. Speaker to deal with the substantive part of the Leader of Opposition's question, right now, at the present moment, in this dispute there are forty-four outstanding items between GS and Treasury Board and there are thirty-two outstanding items between MOS and Treasury Board. Of the forty-four with GS, seven have some relevance to parity, as do eight out of the thirty-two in MOS. So there is a whole range of issues, thirty-seven with GS and twenty-four with MOS, which really, given the amount of negotiation that has gone on, should be off the table. We should be down to the last few.

MR. FLIGHT:

There have been no negotiations.

PREMIER PECKFORD:

There has been negotiation.

MR. TULK:

You refused.

PREMIER PECKFORD:

There has been, I said.

MR. TULK:

You refused.

MR. SPEAKER:

Order, please!

PREMIER PECKFORD:

Mr. Speaker, I do not know where the hon. gentlemen have been, the hon. the member for Fogo (Mr. Tulk) and the member for Windsor - Buchans (Mr. Flight), but there have been negotiations sometimes going on until two and three in the morning and the problem with

it is that NAPE are not willing to negotiate. They do not want to negotiate. They have backed up from their original position. Now we have expert negotiating teams in Treasury Board, they have their negotiating team, so why do they not sit down and realistically negotiate these many, many outstanding items. It is not a time for the President of the Union and the Premier of the Province to get involved in forty-four issues here and thirty-two issues there. That is to be done by the various negotiating teams. As I said yesterday, Mr. Speaker, there are two things operative here. One, the NAPE leadership have led the workers to believe they can get parity now. Two, they want us to leave as many things on the table as they can in case mediation or arbitration comes up, because an arbitrator or a mediator has to rule somewhere in the middle so they think with an extreme position at least they will get somewhere in the middle. Even to start on that issue would be unrealistic and that is the problem we have. There is no seriousness by NAPE at the present moment to want to sign a collective agreement.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
Mr. Speaker, the Premier is insulting NAPE, is insulting the leadership and membership of NAPE and this has been a consistent pattern and this has been the cause of this labour dispute. The same arrogance is still there.

Would the Premier agree that his credibility is on the line? He went on television in the course of this labour dispute, intervened as the Premier of the Province, taking an exceptional approach. For the Premier of the Province to intervene, that is fine.

MR. PEACH:
Was he asked to intervene?

MR. BARRY:
Yes, he was asked to act. He was asked to do something. He has laid the credibility of himself and his administration on the line. Now, several weeks later, we see this sort of rubbish going on, the sort of rubbish that we had yesterday.

Now will the Premier answer my question? Will he sit down with Fraser March and attempt to resolve this once and for all so we can get on with the business of the Province?

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
Mr. Speaker, I thought I gave the answer in my answer to the first question asked by the Leader of the Opposition. The answer is no. I will not sit down with Mr. March at this point in time because the union leadership, not the membership, has shown at the table - there are forty-four and thirty-two outstanding items that have to be negotiated by the negotiating teams - that they are not prepared to be realistic. They have backed up in their positions. They still have promotions on the table, for example, that have to be done. Mr. March was on radio this morning out in Corner Brook trying to defend the indefensible, trying to

say that all promotions in the Public Service are going to be done by seniority regardless of qualifications.

Now where is the room to sit down and negotiate with that, Mr. Speaker? That is not an negotiable item. We have told NAPE that, that is not negotiable. In the Canadian Public Service that is not even allowed to be on the table. They do not even have that in their negotiations. Therefore, as long as NAPE keeps positions which are completely dogmatic and categoric and will not move from them, this will drag on. We have moved on nineteen or twenty items, and they have only moved on one or two items. One of the items they say they have moved on, Mr. Speaker, is that first off in the promotions clause they said, 'All people in the bargaining unit plus those not in the bargaining unit' - as if they could have some jurisdiction over them - 'should be promoted by seniority.' You know what their concession was? 'We will take out those not in the bargaining unit.'

Mr. Speaker, surely that does not demonstrate flexibility.

MR. TULK:

Yes it does.

PREMIER PECKFORD:

The member for Fogo, I mean, we understand where he is coming from. But it does not show that they are realistically trying to get a collective agreement, Mr. Speaker. Every time we do something they go public on us and that forces us to defend ourselves as well. That is what they have been doing all along.

They began, by saying, right after

the back-to-work agreement was signed, 'ninety-six hours,' and put a gun to our head even while we were signing the back-to-work agreement. Then they released our proposal when we thought we still had a news blackout. Now what are we supposed to do, hide away and say nothing? Not on your life, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Will the Premier admit, Mr. Speaker, that what we have ongoing here is a massive propaganda exercise?

MR. PEACH:

Ask a question.

MR. BARRY:

That is the question. Did you hear the first word, 'will'? That constitutes a question.

MR. TULK:

Do not be so foolish, boy.

MR. SPEAKER:

Order, please!

MR. BARRY:

The member for Carbonear might not understand that, but that is a question. Will the Premier admit that what is ongoing here is a massive propaganda exercise by government? It was the same case yesterday when the Premier waved around a piece of paper and said there was no involvement by government, but the Premier had to deal with it in terms of

'government condoning.' It is the same thing as the Premier did yesterday. There was no need for the Premier to get up and say government was not condoning this. There was no indication that the government was condoning anything. Will the Premier admit to his propaganda exercise?

PREMIER PECKFORD:
Mr. Speaker.

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
Mr. Speaker, as the President of Treasury has just done, we will table and make public to the people of Newfoundland, if that is the way NAPE is going to play the game -

MR. TULK:
You started it.

PREMIER PECKFORD:
We did not start it, Mr. Speaker. The facts cannot bear that we did.

MR. TULK:
You did start it.

MR. SPEAKER:
Order, please!

PREMIER PECKFORD:
But if NAPE is going to continue to get on Open Line and on radio shows and give partial information here and partial information there, we as government, as the employer have not only the right but the responsibility and the obligation to ensure that people who are looking at this very serious dispute know both sides of the story. And we do not apologize for that now or ever, Mr. Speaker. Secondly, as it relates to the letter yesterday, we also have a responsibility and

an obligation to ensure that every single person who works for the Public Service have their rights protected, not just those who went out on an illegal stoppage.

SOME HON. MEMBERS:
Hear, hear!

MR. FLIGHT:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Windsor - Buchans.

MR. FLIGHT:
Thank you, Mr. Speaker.

I have a question for the Minister of Transportation (Mr. Dawe). As he is aware the Trans-Canada Highway West of Grand Falls and Windsor in my district was flooded yesterday and had to be closed and traffic diverted around the flooded area. This is happening yearly, with great cost to the Province, I presume, great inconvenience to the general public and, at times, very tragic results. Now would the minister indicate what the status of that situation is with flooding on the Trans-Canada and the resultant closing of the Trans-Canada? And what is the problem? Why is this happening year after year with great cost to the Province and tragic results?

MR. DAWE:
Mr. Speaker.

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

MR. DAWE:
Mr. Speaker, there is one thing that I should point out initially, that last evening at the Estimates Committee I had to inform the

member that that was happening for a full day in his own riding. So I thank him very much for the question. The fact of the matter is, Mr. Speaker, obviously that the flooding is caused by ice buildup in the river some considerable distance down from where the flooding is occurring, and the river is backing up and overflowing the road. Work crews are working on that now. There is a bypass established so people can get around the particular area. From time to time that is going to occur as it relates to the river itself and flooding conditions on the river. It has nothing to do with the structure of the road. We could not impose any other capital mitigating measures in there on the road to alleviate that particular problem. It is a problem caused by the river and the Spring runoff.

MR. FLIGHT:
Mr. Speaker.

MR. SPEAKER:
The hon. member for Windsor-Buchans.

MR. FLIGHT:
Mr. Speaker, the minister referred to his estimates. At his estimates review last night the shameful fact came out that this Province had spent \$14,000 in the whole district of Windsor-Buchans, which has 100 miles of road, and that probably was one of the reasons why we are seeing the flooding now. Would the minister indicate the real cause of that flooding? Year after year we go through flooding on the Trans-Canada, but it only started happening this past five or six years. Would the minister indicate why we are getting flooding in that area? What has happened to the Exploits River?

Why is the ice going in there? Who is at fault for that flooding? Is his department prepared to take preventive action?

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

MR. DAWE:
I realize, Mr. Speaker, that the hon. member would like to place blame.

MR. FLIGHT:
No. Tell us why.

MR. DAWE:
You asked why and that means cause.

I would suggest that perhaps there are natural causes, they are caused by nature. Now who the hon. member will blame nature on I have no idea, Mr. Speaker. There is a flooding problem that is being created by a natural condition of ice build-up, run-off, and unusual rain for this particular time of the year to add to it, and it is causing some flooding not only of the road but the surrounding geography. That occurs from time to time around the Province. It does not occur yearly in the area, as the hon. member indicated. It occurs once in a while, every two or three years, perhaps, in recent times, and perhaps will not occur anymore for a number of years. The town of Glenwood is experiencing flooding problems associated with water build-up and high water tables. Who the hon. member wishes to blame that on, Mr. Speaker, he will have to judge for himself.

MR. FLIGHT:
Mr. Speaker.

MR. SPEAKER:

The hon. member for Windsor-Buchans.

MR. FLIGHT:

Would the minister confirm that in the Estimates Committee last night, as Hansard will show, he indicated the reason for flooding the is that certain companies have taken away the natural banks of the Exploits River and ever since that has happened we are getting ice rafting and flooding in that section? Now, would the minister confirm that he admitted that in the Estimates Committee last night? Hansard will show that he indicated that last night.

MR. SPEAKER:

The hon. the Minister of Transportation.

MR. DAWE:

Mr. Speaker, I have no idea where the hon. gentleman was last night with his mind. I know physically he was in this Chamber when we dealt with the Department of Transportation Estimates. He can bring out Hansard for the next hundred years and nowhere in any Hansard will it show that I said, either last night in the Estimates or any other time, that the flooding was caused by companies cutting on the river banks and so on. I do not know where the hon. member was, Mr. Speaker. That was never mentioned last night in my presence. I did not even hear it, let alone say it. The member should, when he comes to committee meetings, be not just physically here but mentally as well. This particular question proves it.

MR. FLIGHT:

Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for Windsor-Buchans.

MR. FLIGHT:

Mr. Speaker, it does not matter what the cause is, I suppose, Mr. Speaker. The Minister of Environment (Mr. Butt), and the Minister of Transportation will find out that the real cause of that problem is the fact that the natural banks of the Exploits River has been taken away and we are getting flooding. Now if the minister does not want to admit that I could not care less. I do not care who caused it. I am asking the minister will he meet his responsibility to the people of this Province and take preventive action?

MR. SPEAKER:

Order, please!

The hon. member is making a speech.

MR. FLIGHT:

Will the minister undertake to determine the cause of that flooding that we get year after year. Last year it was the golf course.

PREMIER PECKFORD:

He is repeating the same thing over again, Mr. Speaker.

MR. FLIGHT:

There have been tragic deaths as a result of the flooding. Now, will the minister undertake to determine the cause and take preventive measures?

MR. SPEAKER:

The hon. the Minister of Transportation.

MR. DAWE:

Mr. Speaker, it is very difficult to answer a question from someone who waffles and the hon. member is waffling everywhere. In a preamble to the previous question he said that last night in the

estimates I made a statement which, Mr. Speaker, was not made by me or anyone else in the Estimates Committee last night. So that was a false statement. I am sure that the member did not say it intentionally. I am just assuming that his mind was somewhere else, that it was wandering, and perhaps he had a dream after he went back to sleep last night, Mr. Speaker. On his comments now with regard to flooding, there has been flooding no the Exploits River for as long as I can remember, Mr. Speaker. For the past twenty or thirty years, and beyond, people living in the communities on the banks of the river can attest to that in Glenwood and in Badger and in other places around the Province. There has been flooding in all parts of the Province over the years, Mr. Speaker, depending upon natural conditions, usually caused in the Spring of the year by unusual ice conditions and build-up and unusual rain conditions which have occurred in this particular case.

MR. FLIGHT:

What a silly nincompoop!

MR. DAWE:

The hon. member is really, really having a lot of difficulty in trying to ask a legitimate question today, Mr. Speaker.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. FLIGHT:

Ask the people in Grand Falls if it is silly. Ask the people who had relatives drown in that river, and drown on that strip of road if it is silly.

MR. MARSHALL:

On a point of order, Mr. Speaker.

MR. SPEAKER:

Order, please!

A point of order, the hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, this is the question period and the hon. member for Windsor-Buchans is shouting and bawling in the House of Assembly. The member for Fogo is up asking questions and the hon. gentleman should be called to order.

MR. BARRY:

Mr. Speaker, if I could just refer to that.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

From the very first time a member on this side stood up today we had heckling. The member for Carbonear (Mr. Peach) started it. We have had to yell and shout in order to speak above the noise from the other side. Now if the Government House Leader (Mr. Marshall) would control those members around him who do not have the courage to stand up and debate but sit in their seats and try and shout us down, then we would not have to shout across the floor. And we would ask Your Honour to control members on that side of the House and ask that they obey the rules of this House?

MR. SPEAKER:

Order, please!

To that point of order, that point of order is well taken. There is interruption on my right, but equally there is quite a bit of

interruption and shouting on my left. So I would ask all hon. members to realize that when somebody is asking a question they should be heard in silence. Equally, when an answer is being given, the hon. members on my right should be silent.

MR. TULK:
Mr. Speaker.

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

MR. TULK:
Mr. Speaker, I have a question for the Minister of Labour (Mr. Blanchard). I say to the Minister of Labour that it has long been my contention, and a contention of his own government, that one of the causes of our severe economic problems in Newfoundland is the weakness of the private sector and therefore investment in the Province.

The Canadian Federation of Independent Businessmen has recently said that Newfoundland has the worst labour relations record in Canada and it is turning off potential investors who at one point or another had it in mind to come to this Province. Does the minister agree with that statement? And could he explain to us why this is the case in this Province?

MR. BLANCHARD:
Mr. Speaker.

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

MR. BLANCHARD:
Mr. Speaker, the answer is no, I would not agree with that. I will table statistics next week to prove that the hon. member is wrong. In 1983 in this Province

we had something like 178,000 person days lost; in 1984 - I will check those figures - I think it was 196,000 or something like that; and in 1985 it was down to 95,000, Mr. Speaker. So there has been a decline in the person days lost over the last couple of years. And our record, Mr. Speaker, is no different from anywhere else in Canada. We have sporadic periods where strikes occur, and we have periods of peace.

MR. TULK:
Mr. Speaker.

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

MR. TULK:
Mr. Speaker, the statement was made by one Peter O'Brien, I think, Executive Director of that organization, who pointed out that national investors seeking an East Coast foothold have told him that they will not consider Newfoundland because they consider it to be too unstable in terms of labour relations between the private sector and labour unions in the Province. Would the minister agree with that statement?

MR. BLANCHARD:
Mr. Speaker.

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

MR. BLANCHARD:
Mr. Speaker, the hon. the member for Fogo is demonstrating, as he did a little while ago, how very little he knows about labour relations. Number one, he has misinterpreted the statements of Mr. O'Brien. Mr. O'Brien was speaking on behalf of business and saying what a tragedy it is that a union would take illegal strike

action in this Province right now when we are on the threshold of some developments where we want to demonstrate good labour relations. He was criticizing the actions of certain unions in taking illegal actions here, where it demonstrates a poor labour relations climate.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Fogo.

MR. TULK:

Mr. Speaker, the Minister of Development (Mr. Barrett) in this Province also made the point in the same interview in *The Globe and Mail* that Mr. O'Brien and the Canadian Federation of Independent Businessmen had a very valid point. Now is the Minister of Labour saying that he disagrees with the Minister of Development? Just what is he saying? Does he know what he is saying?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, it is part of this same question. I am telling the hon. member that he misinterpreted what Mr. O'Brien said. As a matter of fact, I had a personal call from Mr. O'Brien and he was concerned, Mr. Speaker, over the actions that were taking place in this Province because he felt that it was going to portray a bad image, something that should not have taken place at this particular time. If it had gone the legal route, his point was, it might have been a very different situation.

MR. TULK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary.

MR. TULK:

Mr. Speaker, the minister seems not to be agreeing with anybody. First he cannot agree with Mr. O'Brien, then he cannot agree with the Minister of Development who says that Mr. O'Brien has a very valid point. There is another gentleman by the name of Christopher Palmer, Research Director for the Provincial Royal Commission on Employment and Unemployment that was put together by this government, who says that it is true that Newfoundland has a dismal labour relations record. Would the minister agree with Mr. Christopher Palmer or does he agree with nobody except the Premier those days?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, a simple answer. No, I do not agree with that statement. Our record is no better or worse than anybody else's. Certainly no worse, Mr. Speaker.

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Menihek.

MR. FENWICK:

Thank you very much, Mr. Speaker. My question is for the Minister of Public Works once I get his attention. My question has to do with the provincial government's Affirmative Action Programme for the hiring of additional women in nontraditional jobs in the government service. Could the

minister give us some indication of what kind of programme he has in place and how well it is going? I will repeat the question - if you did not get it.

MR. YOUNG:

That has nothing to do with Public Works.

MR. FENWICK:

Well, he is also responsible for the Public Service Commission. Is there someone else who wishes to answer that? The Minister Responsible for the Status of Women I believe.

MR. SPEAKER:

The hon. the Minister of Career Development.

MR. POWER:

Mr. Speaker, the question asked by the member for Menihek obviously relates to the President of Treasury Board (Mr. Windsor) who is the Minister Responsible for Affirmative Action policies in the government. The President of Treasury Board, who obviously administers our hiring procedures and practices, is not in his seat right at this moment. I will be glad to get any information the member wants and bring it to him and show him the programmes we have.

This government is very proud of the actions we have taken to give women equal access to all of the job opportunities that we have in the Public Service. As well we are proud, Mr. Speaker, of the job that we are doing in post-secondary education, for one, to get many of the female members of our population into nontraditional trade areas so that we can give women access to all of the opportunities that may become available in our offshore and in

other parts of the Newfoundland industry. We are somewhat embarrassed, Mr. Speaker, because if the figures were known, in a place like the \$44 million Marine Institute, where we have 1,000 students, and whose graduates, Mr. Speaker, are going to get the best paying jobs in Newfoundland, in that school, as an example, I believe the recent statistics show thirty-four female students out of 1,000 and about 966 males. It is very disproportionate of the female portion of our population. We are doing everything we can in our department, and through the NTA and through the regular school system, to encourage women to get involved in different, non-traditional trades. As it relates to the programme asked about specifically, the Affirmative Action Programme, I will be glad through the Minister of Treasury Board to get the information that he asks.

MR. FENWICK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Menihek.

MR. FENWICK:

Mr. Speaker, yesterday the Minister of Public Works (Mr. Young) tabled the annual report of the Newfoundland and Labrador Public Service Commission. I would like, as a supplementary to that question, to ask him to refer to page 8, if he wants to. Would he explain why, if there is an Affirmative Action Programme, that the St. John's Fire Department had twelve female applicants for positions and none were hired, The Royal Newfoundland Constabulary had 199 applicants and only one was hired, and the Adult Correction Division - I assume

that is warders - 106 women applied and only one was hired? Would the minister please explain why, despite the fact that we have an Affirmative Action Programme, only two women were hired in these non-traditional jobs in the time covered by this report?

MR. SPEAKER:

The hon. the Minister of Public Works.

MR. YOUNG:

I presume, Mr. Speaker, that applications are screened and appointments made by qualifications. I guess this is why. I know that when the Public Service Commission or anyone puts out a notice for positions they always say their applications are open to male and female. I do not know why. Twelve out of 1,205 is only 1 per cent.

MR. FENWICK:

A final supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary, Mr. Speaker.

MR. FENWICK:

To get him off the hook.

Mr. Speaker, there were thirty-four, thirty-nine and eight, something like eighty-one people hired in these three services in the time covered by this report. So there were eighty-one hired and yet there were only two women hired. Now it seems to me that if there is an Affirmative Action Programme you could do a little bit better than that. My question to you is do you have an Affirmative Action Programme or is it just lip service that you are paying to the whole question?

MR. YOUNG:

That has nothing to do with me at all.

MR. POWER:

Mr. Speaker.

MR. SPEAKER:

The hon. Minister of Career Development and Advanced Studies.

MR. POWER:

Mr. Speaker, on behalf of government I do not mind saying that those figures are obviously the reason why we put in an Affirmative Action Programme. From the figures for the St. John's Fire Department, the Newfoundland Constabulary and the Adult Correction Division, obviously this is an early 1984-85 report, and I assume some of the hiring was done before the Public Service Commission was aware of government's commitment to affirmative action. But I will say, Mr. Speaker, to the member for Menihék that we will be having further discussions with the Public Service Commission - Treasury Board, Public Works and my own department - to make sure that if anything is required to be done so that we can get more female representation in any of those given sectors or other sectors that relate to public hiring, if there is any programme required, any training necessary, then we will be very delighted to put in place anything to assist the female portion of our population contribute more significantly to Newfoundland by being employed in what are considered non-traditional areas.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Bonavista North has been wanting to ask a

question.

MR. LUSH:

I yield, Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, I would just like to say the following. In terms of hiring in the Public Service, traditional and non-traditional jobs, in terms of recruitment and selection, on page eighteen of the Report of the Public Service Commission there is an indication that for entry level clerical and secretarial positions there were 2,021 applicants tested and over 50 per cent, 1,057, failed. Of those, there were 1,736 females applying and 285 males, an indication that the stereotyping has gone on, with more applicants by women in the clerical and secretarial sectors. I would like to ask the minister why is it that we have such a high failure rate? Is this an indication of the failure of the minister and his department to provide the appropriate training to ensure that individuals applying for entry into the work force have the opportunity of getting in?

MR. SPEAKER:

The hon. the Minister of Career Development.

MR. POWER:

Mr. Speaker, obviously the Leader of the Opposition should understand exactly what kind of personnel apply for those given positions, and understand that many of those persons who apply for a clerical job with the government have no training whatsoever, which is the problem that we are rectifying in

post-secondary institutes in this Province. The fact that we are revitalizing our schools, the fact that we are offering better programmes, that in the budget of the Department of Career Development and Advanced Studies this year there is a significant amount of money to purchase new equipment for our vocational schools, that we are reorganizing going towards a college system, mean that the training element is not the problem. I would suspect that most of those failures there are persons who have little or no training, who are probably Grade XII graduates or less, who are applying for clerical positions within the Public Service and who are obviously not trained well enough to pass even the very simple test that the Public Service Commission administers.

MR. BARRY:

That is your responsibility.

MR. POWER:

Mr. Speaker, it is my responsibility to make sure that once someone gets into our post-secondary system and does a course that the course is the best available. I assure you that very few persons who pass a course at the College of Trades and Technology or another vocational institutes in this Province would fail the kind of test that is available at the Public Service Commission for new entrants.

MR. DECKER:

MR. Speaker.

MR. SPEAKER:

There is just time for a very short question and answer.

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

MR. DECKER:

Mr. Speaker, I will make my statement as short as possible to the hon. Minister of Health (Dr. Twomey). One of the recommendations of the Royal Commission on Health Care Costs recommended that the aged would be kept out of the hospitals as long as possible. Now, this recommendation is being enforced, whether deliberately or not. Is the minister satisfied that sufficient home care services are in place to provide adequate care to the aged once they are released from hospital? I especially ask this question in view of the rural parts of the Province.

MR. SPEAKER:

The hon. the Minister of Health.

DR. TWOMEY:

Mr. Speaker, I think you have put many facets into the question you asked. Obviously the Royal Commission Report did recommend that we would have at least seven hundred extra institutional care beds. We have, within the last twelve months, made great efforts in that field. For your information there are seventy-five beds opening up in Placentia. Other areas that they are opening up in are: in Clarendville there are going to be about fifteen beds, Harbour Lodge, forty beds; Bay St. George, around fifty beds; St. Patrick's have put in over fifty beds; and Lakeside Homes in Gander over fifty beds. As well as that, in our budget we have made accommodation to open new licensed boarding homes across the Province. We have appointed a group to do a bed survey both for the acute and chronic beds. That report is due in shortly and a statement will be made after it has been read and analysed by the Department of Health.

MR. SPEAKER:

Order, please!

The time for Oral Question has elapsed.

MR. SPEAKER:

Order, please!

Notices of Motion

MR. SPEAKER:

The hon. the Minister of Consumer Affairs.

MR. RUSSELL:

Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The Real Estate Trading Act To Provide For The Establishment Of The Real Estate Foundation."

MR. SPEAKER:

The hon. the Minister of Health.

DR. TWOMEY:

Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The Embalmers And Funeral Directors Act, 1975."

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled - it is a long title - "An Act To Amend The Convention Between Canada And The United Kingdom Of Great Britian And Northern Ireland Providing For The Reciprocal Recognition And Enforcement Of Judgements In Civil And Commercial Matters."

MR. SPEAKER:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, I give notice I will on tomorrow ask leave to introduce a bill entitled, "An Act Respecting An Increase Of Certain Pensions."

Answers to Questions
for which Notice has been Given

MR. SPEAKER:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, the other day the hon. the member for Menihek asked me if I would table the names of the service stations polled when we last did a survey to determine the base price of gasoline. Perhaps I should just explain the mechanism, and then we will see if I should still answer that.

We have a list of names of all the service stations in the area and when we do a survey all the names are, really, put into a hat and someone picks out the twenty-five to thirty names and then that poll will be done. The next time around we do the same thing, so that maybe the same names are highly unlikely; they would probably be different names. So there is no consistent list of names, we just take all the names as we need them, on either a quarterly basis or a monthly basis, whatever it is, and we just pick out names to poll.

I suppose I could dig back and see if someone has kept the list from the last time we did this to give the hon. member, but I suggest it would not be too fruitful an exercise because, as I say, they may quite well be different names

next time around.

Petitions

MR. SPEAKER:

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

MR. DECKER:

Mr. Speaker, I have a petition on behalf of ninety-one residents of Englee who are requesting the upgrading and paving of Route 432. I will read the prayer of the petition:

"We, the residents of Englee, hereby petition the hon. Ron Dawe, Minister of Transportation for the Province of Newfoundland and Labrador and the hon. Donald Mazankowski, Minister of Transport for Canada, to take immediate steps to have a federal/provincial roads agreement signed and funds made available for the completion of the upgrading and paving of the cross-country road, and of the roads that come under the jurisdiction of the Department of Transportation within our town, so that we can enjoy the most basic of road conditions that have been experienced by the residents of all similar towns and communities in this Province for many years."

Mr. Speaker, I am pleased to be able to stand here today and support this petition. I want to thank the hon. the Minister of Forest, Resources and Lands (Mr. Simms) who yesterday stood up after he realized that this road that I am referring to, although it is being petitioned by the people in the Strait of Belle Isle, is in the district of Baie Verte - White Bay. I want to thank the Minister of Forest Resources and Lands for supporting

this petition. It was unfortunate, though, that when he got up to support this petition he had to get so political about the whole thing. Mr. Speaker, I find it very disturbing that a person would attempt to try to make some political gain on a road, whether it is in the Strait of Belle Isle or whether it is in Baie Verte - White Bay.

When a Minister of the Crown gets up in this House and gets on with such foolishness, it is very disconcerting for a new member of this House to see this happening. I refer especially, Mr. Speaker, to the remark he made when he tried to somehow embarrass me with the fact that I was beaten in the previous election by the present Minister of Fisheries (Mr. Rideout). Mr. Speaker, I am pleased to say I took part in that election and, indeed, did lose the election, but the great loser was not me, the great loser, as with the other thirty-five districts, was the people who elected a member who is not as good as the one they defeated. I could not help that, it was just what the people chose to do. The hon. the Minister of Forest Resources and Lands wanted an explanation and I feel, since he supported my petition, I owe him an explanation. When I ran in Baie Verte - White Bay it was a two-way fight between a Liberal and a Tory, there was no NDP. Had there been an NDP, the outcome would have been quite different.

MR. SPEAKER (McNicholas):
Order, please!

The hon. member is not speaking to his petition.

MR. DECKER:
Thank you, Mr. Speaker.

The only reason I was doing this is because when the Minister of Forest Resources and Lands spoke to a petition yesterday, he did ask a question and I feel obligated to answer it. If the Speaker will not allow me to do it, then I will have to find some other way of advising him. I will probably send him a note or meet with him, but I would like to have the privilege of doing this.

MR. SIMMS:
I do not want to meet with you. Send me a note.

MR. DECKER:
That is right. I just give notice that I will, when the time comes, and the proper way to do it, explain that NDP voters will vote Tory when they do not vote Liberal.

MR. SIMMS:
You do not know what you are saying.

MR. DECKER:
When there is no NDP candidate, they will vote Tory.

MR. SIMMS:
What about the petition?

MR. DECKER:
Okay, I am presenting a petition.

What I was saying was, when there is no NDP candidate, they will vote Tory.

Now, Mr. Speaker, the pavement in the district of the Strait of Belle Isle -

MR. SIMMS:
The Straits of Belle Isle.

MR. DECKER:
The Strait of Belle Isle. There is only one Strait up there. If the hon. member can show me

another strait, I will be quite happy to go and visit it and represent it, as well. There is only one Strait, Mr. Speaker.

Pavement in the district of the Strait of Belle Isle has been a problem from the beginning of time, and it is becoming a more severe problem today. Automobiles are designed for pavement, therefore, they are not able to stand up to gravel roads. I would suggest to the Minister of Transportation today, on behalf of the people of Englee, as well as on behalf of all other people in the Strait of Belle Isle, that this coming Summer the federal government is putting an immense amount of money into the district to pave the road to the tourist attraction at L'Anse-au-Meadows - the plan is to put a paved stretch directly into L'Anse-au-Meadows; another eight or ten miles of road is left to be done and this is going to be done this Summer - now what better time to pave that road than when the paving equipment is going to be there, the contractor is going to be there? Adjacent to the road where this pavement is going are St. Lunaire and Griquet. Part of the road goes right through the town, but there are branch roads which are supposedly maintained by the Department of Transportation. What better opportunity than when the paving equipment is in the area - it makes economic sense, it makes sense in every way we want to approach it - to do the approaches to St. Lunaire and Griquet.

Also in the area, Mr. Speaker, is Noddy Bay, which has an access road which goes on to L'Anse-au-Meadows. What better time to pave the access road to Noddy Bay?

Now, Mr. Speaker, I can name several places. There is Straitsview and there is L'Anse-au-Meadow itself. The road only goes into the tourist attraction, which is just about a kilometer outside of -

MR. SIMMS:

Is this the same petition, by the way?

MR. DECKER:

It is the same petition, from different people.

MR. SIMMS:

What are you doing, splitting it up so that you will get some time every day?

MR. DECKER:

I am hoping to go to the last of the session, yes, or early next Fall.

MR. SPEAKER:

Order, please!

The hon. member's time has elapsed.

MR. DECKER:

Until we see some action, I am going to go on.

MR. FLIGHT:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Windsor-Buchans.

MR. FLIGHT:

Thank you, Mr. Speaker. I rise to support the petition so ably presented by my colleague from the Strait of Belle Isle (Mr. Decker). It is no trouble, Mr. Speaker, to share the frustrations of the member for the Strait of Belle Isle. He watches millions of dollars being spent around this Province, particularly in the St.

John's area and the Avalon Peninsula, and in other districts, year after year after year, while nothing happens with the roads he alludes to in his petition.

Mr. Speaker, it was too bad the member had other commitments last night, that he had to attend another Committee meetings, where he is party spokesman. It is too bad he could not attend the Committee that met to consider the estimates of the Department of Transportation, because, Mr. Speaker, if he is frustrated now, he would have been a lot more frustrated when he saw the dollars and cents being spent in this Province, where it is spent and, apparently, how it is spent.

Mr. Speaker, as far as my own district is concerned, I feel the same sense of frustration he does, even though he has more reason to be concerned than I have. Because, as he pointed out, by far most of the roads in his district are not paved, and he is seeking to get the basics, whereas in my district indeed the roads are paved. However, I share his frustration in the sense that the roads were paved twenty years ago when the attitude of the government at that point in time was not to build roads or pave roads in areas not represented by the government side. Mr. Speaker, if ever there was a statistic released to show the pork barrelling attitude of this government it was the statistic that showed that in the district of Windsor-Buchans last year, with fifty miles of Trans-Canada, fifty miles of secondary highroads \$14,000, Mr. Speaker, was spent on the upgrading and maintenance of the roads in Windsor-Buchans.

MR. DECKER:

\$10,000 in the Strait of Belle Isle.

MR. FLIGHT:

The hon. member says \$10,000. Mr. Speaker, we see evidence now this morning of what that kind of neglect means. We had yesterday the Trans-Canada Highway between Grand Falls and Badger closed due to flooding. Last year, Mr. Speaker, in this House of Assembly I rose and asked the Minister of Transportation -

MR. SIMMS:

What about the petition and the people of Englee?

MR. FLIGHT:

Mr. Speaker, would the mouth for Grand Falls (Mr. Simms) please keep quiet? The ex-speaker, the pompous member for Grand Falls. He is not getting to me as badly as he got to his constituents since last April or that he did get to his constituents.

Mr. Speaker, could I have protection from the hon. member for Grand Falls?

MR. SPEAKER:

Order, please!

MR. FLIGHT:

I am being very germane to the petition. The member for Torngat Mountains (Mr. Warren) was pointing out his problems with the lack of funding for roads in his district. I am pointing out that today in Grand Falls and in my district yesterday the Trans-Canada Highway was closed and it was closed because of flooding. That flooding is occurring on a yearly basis. Every Spring there are ice conditions in that river, for reasons that the Minister of Transportation (Mr. Dawe) and the Minister of the

Environment (Mr. Butt) know about, which cause flooding. They know it is going to happen. The first flood in that area had very tragic results, Mr. Speaker. There have been no tragic results since but there has been an enormous loss to the economy of that area. There has been an enormous inconvenience to the people who use that section of the Trans-Canada, to people going East and West. The minister is aware of the problem. The question is when is he going to take some preventive action? When is he going to do what has to be done to guarantee that there will be no flooding in that area? They have identified the cause, Mr. Speaker, and ignored the problem.

I feel the same sense of frustration as the member for the Strait of Belle Isle (Mr. Decker) and I encourage him, Mr. Speaker. I think he alluded a minute ago to the fact that he may have other petitions to present. I encourage him to stand in this House daily, from now until the next election, if he must, and present petitions and draw to the attention of the people of this Province the attitude of this government towards roads in districts not represented by members on the government side.

I would point out, since the member for Grand Falls chose to interject, he has got just as much of a sense of responsibility for that strip of road as I have.

MR. SIMMS:
More.

MR. FLIGHT:
It is closer to his district, yet, instead of standing up and supporting the position that preventive action be taken, he sits in his seat and he attempts

to undermine and attempts to distract from the points I am making.

MR. SIMMS:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Forest Resources and Lands.

MR. SIMMS:
The hon. member for Windsor-Buchans (Mr. Flight), as he usually is, was totally irrelevant. It had nothing at all to do with the petition presented by his colleague, the member for the Strait of Belle Isle (Mr. Decker) who presented a petition asking for some action on a road up on the Northern Peninsula. The member for Windsor-Buchans then goes off on a great tangent talking about a road out in his particular area. Mr. Speaker, that is not offering much support to the member for the Strait of Belle Isle. I want to get to the petition. The purpose of presenting petitions in the House is to seek support and opinions from members on both sides of the House.

Now, as I said to the hon. the member for the Strait of Belle Isle yesterday, I have a great deal of sympathy with the request contained in the petition. I do not know how many names are contained, perhaps, the Clerk can tell me how many names are on today's petition.

MR. FLIGHT:
Ninety something.

MR. SIMMS:
I think yesterday there were twenty-one names or something. So the member is presenting a petition that we can sympathize

with. I know that there could be some potential for access to forestry resources up there. I met with a mayor of one of the communities, Englee I think it was, I am not quite sure just now, but anyway they gave us a brief presentation a few weeks ago. We recognize the potential. But as I said yesterday, Mr. Speaker, the government has to consider all the requests that it has in and usually the requests exceed the amount of money that we have available, and obviously you cannot do them all. So you try to prioritize them and you try to do them to the best of your ability and within the ability that you have to pay.

I am told there are eighty-three names on the petition.

So, Mr. Speaker, what the member for Windsor - Buchans raises is an entirely separate issue. The Minister of Transportation (Mr. Dawe) adequately responded to his questions today in the House of Assembly with respect to the flooding.

MR. FLIGHT:
Adequately?

MR. SIMMS:
Mr. Speaker, the flooding occurred out there on Wednesday and I understand the hon. member was not even aware of it until yesterday. The Minister of Transportation had to tell him about it.

MR. FLIGHT:
Of course, I was not aware of it. Where you?

MR. SIMMS:
Yes, I was.

MR. FLIGHT:
Tell the truth.

MR. SPEAKER:
Order, please!

MR. SIMMS:
I certainly was aware. The hon. member for Windsor - Buchans makes it a great to do about me and my constituents, if I were the member for Windsor - Buchans, I would pay a lot more attention to your own constituents in Windsor - Buchans and not my constituents in Grand Falls. He talks about the scare I got in 1985 because I only won by forty-one votes. I wonder about the scare he got in 1982, Mr. Speaker, when he lost his seat.

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

MR. SPEAKER:
Order, please! A point of order, the hon. the member for Windsor - Buchans.

MR. FLIGHT:
Mr. Speaker, the member indicated that the flooding took place Wednesday. Yes, indeed it did but the fact is, Mr. Speaker, the Trans-Canada Highway was closed yesterday and that is all I said. I said the conditions have existed for seven years that caused the closing. The road was closed yesterday.

MR. SIMMS:
Big deal, Mr. Speaker, big deal!

MR. SPEAKER:
There is no point of order.

MR. SIMMS:
I said I was aware it happened on Wednesday, he was not aware it happened on Wednesday. Now he has admitted it.

Anyway, Mr. Speaker, I am here to support the petition presented by the member for the Strait of Belle

Isle.

MR. DECKER:

On a point of order, Mr. Speaker.

MR. SPEAKER:

On a point of order, the hon. the member for the Strait of Belle Isle.

MR. DECKER:

Mr. Speaker, I am reminded of the song, "What Have They Done To My Song." I presented a petition.

MR. SIMMS:

Exactly.

MR. DECKER:

Will the hon. gentleman speak to my petition? What have you done to my song?

MR. SIMMS:

There is no point of order, Mr. Speaker.

MR. SPEAKER:

To that point of order, there is no point of order.

The hon. the Minister of Forest Resources and Lands.

MR. SIMMS:

Mr. Speaker, in fact, he presented a petition and spoke for five minutes. The member for Windsor - Buchans spoke in support of the petition for five minutes. I have spoken for three minutes and I said more than the two of them put together in support of the petition for the road in the Strait of Belle Isle district.

MR. DECKER:

Speak to the petition.

MR. SIMMS:

I will say and repeat again that the Minister of Transportation had to deal with all of these requests

on a priority basis, deal with them in consideration of the funds we have available, and we have sympathy for the position put forth by the member for the Strait of Belle Isle. I do not know how many times we have to tell him, the Minister of Intergovernmental Affairs said it two days ago, I said it yesterday, we say it again today. We support the prayer of the petition, Mr. Speaker, and I am sure that the department and the government will do everything in its power to try to address the problem as soon as finances allow us.

Orders of the Day

MR. MARSHALL:

Order No. 8. You adjourned debate yesterday.

MR. SPEAKER:

Order No. 8, "An Act To Revise And Reform The Law Respecting Corporations," (Bill No. 20). The hon. the member for Menihek (Mr. Fenwick) adjourned the debate and he has got twenty-two minutes left.

The hon. the member for Menihek.

MR. FENWICK:

I am afraid I will not use the twenty-two minutes, Mr. Speaker. Quite frankly, I adjourned the debate yesterday hoping that I would have yesterday evening off in order to actually read the particular piece of legislation. Unfortunately, we had a committee meeting last night and that took up another three hours. I have not had a chance to read it.

I would venture to say that there are a large number of members in the House who have not because the actual bill itself was only

distributed yesterday. We are asked to go through second reading today. The thing has, when last I checked, something like 307 pages. It has got 524 sections to it, Mr. Speaker. It amounts to a monumental changing to the way in which corporations are registered, set up and regulated in our Province. It seems to me, even though it has gone through a Select Committee several years ago as the Minister of Rural, Agricultural and Northern Development (Mr. Aylward) indicated yesterday - he was the Chairman of that committee - I think at this point a considerable number of new members really have not had a chance to look at it. I find that a very unfortunate thing since it is, I think, the obligation of all members to look at the legislation and say this legislation is being passed in the House, either you approve or it or you disapprove of it or at least you know enough about it to actually say something about it. To actually get it to go through second reading without having any kind of scrutiny by the present members of the House to me is extremely unfortunate.

I do not mind seeing short bills, like Bill 15, which has only one paragraph or so. You can have a look at it in a day or two and get a pretty good idea of whether or not that is something you can support in principle. But I have not, at this point, been able to do the kind of homework that should be done on this. I must say that the minister did as much as she possibly could in terms of getting me an advance copy of the bill but that only gave me an additional day and that still is not, in my opinion, enough time to have a look at it.

So I would request of the minister or of the Government House Leader, the member for St. John's East (Mr. Marshall), if he could pay attention for just a second, I am going to make a direct request to him.

AN HON. MEMBER:
(Inaudible).

MR. FENWICK:

Well, since he is not, maybe someone else on that side could listen. I was going to ask the Government House Leader, since we have not had a chance to look through this bill, is it possible for him to give us a considerable amount of advance notice before it comes through Committee stage since it looks like it might slip through second reading today so that we will have a chance to confer with other people about the contents of the legislation and will have a chance to make some detailed criticisms or detailed suggestions for improvements, if any, that may be necessary. I am hoping that he will mention it at the very end. Quite frankly, although there have been a few comments made to me by individuals that I have been able to consult, we are still not at a point to be able to make any kind of a detailed critique of it. It is something that I would appreciate being given the time to allow to do.

Thank you very much, Mr. Speaker.

MS VERGE:
Mr. Speaker.

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

MS VERGE:
Thank you very much, Mr. Speaker.
In closing the debate I will

simply comment that it is nice to see that the Leader of the Opposition (Mr. Barry), the only spokesperson on this bill for the official Opposition as well as the speakers on this side, expressed unanimous agreement with the principle of this bill. Of course, as the Leader of the Opposition pointed out, who did have a hand in its creation. It is modelled on the Canada Business Corporations Act and legislation in some of the other provinces of Canada, acts which have been in force for about ten years, acts which are now tried and proven, acts which have been quite satisfactory to the conduct of business and to others involved in commerce elsewhere in Canada.

As I said in my introductory remarks, our new measures set out in this bill, our new Corporations Act, will provide benefits to existing businesses in our Province. The new act will also make it more attractive, more popular for business to incorporate here in our own Province rather than incorporating federally or in another Province. As speakers opposite have pointed out, in recent years, since the Canada Business Corporations Act has been in effect, many businesses have opted to incorporate federally because the procedure has been much more simple and the cost less than the alternative of incorporating here in Newfoundland.

Our proposed legislation will make our procedure virtually the same as the federal procedure, and will eliminate that inducement that I mentioned for local businesses to incorporate federally. The federal fee of incorporation now is more than the present provincial fee, so there will be a

monetary advantage for businesses to incorporate in Newfoundland rather than to incorporate federally.

Mr. Speaker, I think this is an appropriate time for me on behalf of members on this of the House and, I trust, members opposite, to pay tribute to our Legislative Counsel. When one looks at a bill such as this, which is complex and lengthy, takes 307 pages, one gains some appreciation of the excellent work that is done for the House by our Legislative Counsel. We are fortunate in having such a high standard of drafting and legal services provided by our Counsel. Right now they are short staffed, since recently, within the past couple of weeks, one of the Legislative Counsel took up a position with the Civil Division of the Department of Justice.

The estimates for the Department of Justice, which are now before the House, contain provision for the compliment of Legislative Counsel to be increased to four. Until recently, we had a full compliment of three, with three people actually being in position. Shortly, when the recruitment procedure is over, which I trust will be successful, we will have four Legislative Counsel. With the increasing volume of proposed legislation and also with some new initiatives, there is indeed a need for the House to be served by four Legislative Counsel.

A chief initiative to which I allude is the preparation of a new Consolidation or Revision of the Statutes of Newfoundland. The Statutes were last consolidated in 1970 and, prior to that, 1952. There seems to be a pattern of

consolidating our legislation every eighteen years and, if we are to keep up that pace, a new Consolidation is due in 1988, and it is necessary, now that we are in 1986, to start work on that Consolidation. A lot of legislation has been passed, a lot of old acts have been amended since 1970, and it is very difficult indeed for lawyers and others wanting access to the Province's legislation, to figure out just what is a complete Statute right now; it is necessary to go back to the 1970 Consolidation and then look at each annual volume of legislation since that year to piece together the total picture.

So, Mr. Speaker, again I wish to acknowledge the excellent service rendered all hon. members by our Legislative Counsel.

Mr. Speaker, in closing the debate, again I will say on behalf of the government that we are pleased, at long last, to introduce in the House modern corporate legislation which will serve businesses and the general public of our Province very well in the years to come and will make it more attractive and more popular for businesses to incorporate here in Newfoundland rather than opting for federal incorporation, or, in some cases, incorporation in other provinces.

Again I want to stress that one of the very best features of the bill is that it sets out workable, effective measures for minority shareholders to seek relief from unfair actions on the part of majority shareholders who, in the past, have been able to shut out or freeze out minority shareholders.

Thank you very much, Mr. Speaker.

MR. BARRY:

On a point of order.

MR. SPEAKER (Hickey):

Order, please!

The hon. the Leader of the Opposition.

MR. BARRY:

Before the minister closes, I omitted to, and I should have, paid special tribute to Mr. James Ryan who was working in a special capacity with the Department of Justice, having come down as Chief Legislative Draftsman for the Government of Canada, I guess, when he retired there. He was a great help in helping prepare this Corporation's Act, and he should be given recognition.

He has now left the Province. I think he moved down to one of the Caribbean countries, if I am correct. He is a man with a lot of expertise in legislative drafting and he has been called upon by other parts of the world to help them in putting their legislative packages together. While he was here in Newfoundland, I think he did a lot to help us put together the very capable team that we have now working in the Department of Justice in the legislative drafting capacity. And Mr. Noel and Miss Linda Hunt - Black should be given particular recognition here, as well as others in the unit.

I would not want second reading to close without giving particular recognition, a tribute to Mr. Ryan who made a special effort and had a particular interest in this particular legislation, and who was a great help to me in the work that I was doing in preparing the

draft.

On motion, a bill, "An Act To Revise and Reform The Law Respecting Corporations," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 20)

Motion, second reading of a bill, "An Act To Amend The Justices and Other Public Authorities (Protection) Act". (Bill No. 8).

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Thank you, Mr. Speaker.

This bill. "An Act To Amend The Justices and Other Public Authorities (Protection) Act", is as very simple measure to make, simply, our law accord with current practice, and to firmly establish that the Crown may not enjoy an advantage over other citizens or defendents in legal actions in having a shorter limitation period within which a plaintiff may commence an action against the Crown.

This bill is designed to establish firmly that the Crown shall be treated, with respect to limitation periods for court action, the same as other citizens in the Province. In fact, the Crown has not taken advantage of the advantage which was some time ago pointed out in a judgement, and this bill is designed to make the law accord with practice and firmly establish that the Crown may not have an advantage over other citizens when it comes to the time period within which court action may be started against the Crown.

MR. BARRY:

Most periods are very, very short.

MS. VERGE:

The period will vary, depending on the type of action being commenced.

MR. BARRY:

This Statute, too, is very brief. Under the old Statute there was a very brief period, just six months.

MS VERGE:

Mr. Speaker, I think I have outlined the content of this bill and explained the reason for it being put forward.

Thank you, very much.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, this "Justices And Other Public Authorities (Protection) Act" is not a very complicated bill but it was a bill that, for a long time, had fallen into such disuse that I think most lawyers had forgotten it was there. It was only in recent years that some people, desperately searching around for a way in which to defend a particular action, stumbled upon this particular old piece of legislation which has the effect of saying that you cannot start an action after six months. Now, the normal limitation period is, in most cases, around two years.

The most common types of cases would be, say, motor vehicle accidents, but there are, in some cases, one year limitation periods recognized. In the case of fatal accident, it is one year from the time of the appointment of an

administrator. That is known, and all lawyers are very much aware, and most individuals I think, of the need for starting an action within a one year period. But this one used to sneak up on people; individuals would wait for seven or eight months before coming to a lawyer and not realize that they had that very short period within which to take an action, if there was a public authority involved. In fact, some lawyers, years ago, overlooked that act and there were certain liability claims made against members of the legal profession for not having started an action. Although the client may have come to him, say, five months after the accident, the lawyer may not have started the action until six and a half or seven months from the time the incident occurred.

This is one of the ways in which lawyers are supposed to earn their fees. They are supposed to start actions at the appropriate time, and they take the responsibility if they do not start the action after the client comes to them, and they have to bear the costs of compensating a person who was out of luck because their lawyer did not start the action in time.

There is insurance, of course, which lawyers avail themselves of in order to cover themselves in the case they miss a limitation period. Together with other professions and, indeed, the general public, lawyers are finding that insurance is becoming more and more expensive. Of course, this is the cost of doing business and it tends to be reflected in the fees that are charged, whether by lawyers, by accountants, by engineers, by doctors. All of this is part of the cost of doing business.

If large insurance claims are being paid, if large insurance premiums are being paid, it is the ordinary person who often ends up paying the price. So this legislation is overdue. There is no need in this day and age to have that short a limitation period, to give the Crown the advantage of saying to people, 'Well, you did not start your action within six months and, therefore, you are out of luck. So I think it is a very, very sensible step that is being taken now to repeal that antique, antiquated, out-of-date Statute and we, on this side, will support the principle of this bill.

MS VERGE:

Mr. Speaker.

MR. SPEAKER:

If the minister speaks now she closes the debate.

The hon. the Minister of Justice.

MS VERGE:

Thank you very much, Mr. Speaker. In closing the debate I wish to reiterate what I said in introducing it, that this measure is simply making our legislation accord with practice in recent years. In fact, the government, the Crown, has not taken advantage of its technical, legal right to insist on actions being started in court against the government being brought within a shorter period than would be the case with respect to private sector defendants.

I agree with the Leader of the Opposition that this measure is overdue, but again say that, in fact, the Crown has not taken advantage of its legal position in recent years. It is a necessary measure.

MR. BARRY:

Is it not a fact that school boards and certain other groups would fall within the definition of 'public authority', and part of the problem is knowing who is a public authority? Some of these groups have raised this as a defence.

MS VERGE:

Mr. Speaker, I am not aware that school boards have raised it as a defence but, not having been engaged in private practice for the past seven years, I would not have personal knowledge of very many court actions in recent times. I have been advised by officials of my department that in the recent past government, itself, has not taken advantage of the shorter limitation period for actions being brought against the government, to which strictly the government would have been entitled. But to eliminate any possible advantage on the part of the government or agencies which might be construed as public authorities and entitled to that technical advantage, then this bill will put arrest such uncertainty. Overdue but necessary, Mr. Speaker, and I now close debate on second reading.

On motion, a bill, "An Act To Amend The Justices And Other Public Authorities (Protection) Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 8)

Motion, second reading of a bill, "An Act To Amend The Queen's Counsel Act." (Bill No. 13)

MS VERGE:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, I am pleased to introduce this bill, "An Act To Amend The Queen's Counsel Act". The bill would provide for the appointment of up to five Queen's Counsel in any year as opposed to the present maximum of three. This is designed to respond to the large increase in the number of members of the Law Society. The number of members of the law society practicing law in the Province has virtually doubled in the last ten years. This year, there are about 360 practicing lawyers. Ten years ago, there were only about half that number practicing. There is a fairly small number of non-practicing members, about forty now, again double what it was ten years ago.

Right now in our Province, Mr. Speaker, there are about fifty-six Queen's Counsel, and there are about one hundred others who are eligible for such designation. It is felt by government that providing for the appointment of a maximum of only three Queen's Counsel a year is not really adequate. It felt that there are several members of the Bar eligible for Q.C. appointment who have not yet received that designation, and that to try to give that designation to the most deserving of those eligible we really have to increase the quota for each year.

The bill also provides for the appointment of the Deputy Minister of Justice and Deputy Attorney General as Queen's Counsel. That would parallel the current provision with respect to the minister.

MR. BARRY:

It does not matter how long the member is before the Bar.

MS VERGE:

That is right, Mr. Speaker. It is felt that by virtue of holding the important office of Deputy Minister, the incumbent should receive the designation of Queen's Counsel. Presumably, the people who will be appointed Deputy Minister of Justice and Deputy Attorney General, will be experienced, capable, deserving individuals of a Q.C. designation.

Mr. Speaker, The Queen's Counsel Act now provides for Queen's Counsel appointments by the Lieutenant-Governor in Council upon the recommendation to the minister of an advisory committee comprising representatives of the Law Society, so that lawyers have input into the selection of their peers for Queen's Counsel designation.

So, Mr. Speaker, again the two provisions of this bill are, number one, enlarging the quota for Q.C. appointments in any year from three to five, and providing for the automatic appointment as Queen's Counsel of the Deputy Minister of Justice and Deputy Attorney General.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER (Hickey):

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, we on this side are against the principle of this bill and I will explain why. We feel, Mr. Speaker, that the concept of Queen's Counsel has probably outlived its usefulness in this Province, and I say this despite

the fact that I hold that title myself, that honour myself.

MS VERGE:

And you use it.

MR. BARRY:

I have asked my secretary to leave it off my letters in the last little while. When we decided and reviewed our policy, we have looked at just how this is being applied now. It is not correct to say that it is overwhelmingly a partisan appointment. There have been, I think, attempts made just about every year where there are appointments, to have people of different partisan stripes in this Province receive the appointment. Perhaps a larger number of those who belong to the same party as the government then in power making the appointment, I think, end up receiving the appointment. But, by and large, it has not been as blatantly political as perhaps in some other parts of Canada, we have seen, in the experience of the awards.

But one really has to question whether there is much point in keeping it anymore. Even the court is getting away from a practice which until, I think, this year they employed, where motions would be heard on the basis of seniority before the Bar; and if you came in, say, on Motions day, the first Monday in every month, to set down trials, you might find fifty lawyers there waiting to have cases set down. If you were lucky enough to be senior to other lawyers, yours would be called first, despite the order in which it had been filed, and they would be called in order of seniority of the person appearing.

For reasons of efficiency, I

suppose, that practice, I understand now from my colleagues at the Bar, has been stopped and they now call these motions in the order in which they have been filed. Part of it, I suspect, is just the difficulty, when you have such a large number of lawyers, in figuring out who is senior to whom. Where this came from in Great Britain - there was, and there still is, I think, a reason for having it, in that judges were only selected from barristers, they were not selected from the solicitors of the English Bar and that division pertained in the United Kingdom. It has not pertained here for some time in that there are barristers and solicitors. There have been a number of appointments of Queen's Counsel where the individual had not spent any time in court for a decade or longer, and one really had to question whether the appointment of Queen's Counsel was appropriate for one who was, in fact, a solicitor by choice rather than a barrister.

We think that in terms of the legal profession, the same as other professions, and the same with society generally, I think, more emphasis should today be placed upon merit, upon the quality of the work that is being done rather than upon the seniority, the length of time the person had been before the Bar or the recognition he may have received for whatever reason, whether for political reason or for the fact that he or she knew and had developed good working relationship with a sufficient number of his peers or her peers to entitle him or her to the recognition of Queen's Counsel. We feel that it is a distinction between members of the Bar which, at times, may mislead the public.

I can recall being down at the law firm and having a Texas oil man come in to the firm. The receptionist asked him, 'Well, who do you want to deal with?' He said, 'Give me one of them Queen's Counsels - I hear that they are good.' And you get members of the general public feeling that the fact that the two letters are behind someone's name is a recognition of that individual being a better lawyer in court than somebody who does not have that distinction at the end of his name.

I would like to say, Mr. Speaker, that the time has come, I think, for this Queen's Counsel award to be abolished in this Province and I am prepared to say I would offer mine retroactively. I think it should apply in a retroactive fashion, not just that we should cease further appointments of Queen's Counsel, but I submit that we should abolish the award for all those who now hold it, as well. I think it is tending towards a class society. It is not the egalitarian society that I think we are aiming towards in this Province and, while it is not going to be a major plank in our election platform next time round, I think we could do worse than to start recognizing that the time for utilizing the Queen's Counsel is really past in this Province, and we will be proposing an amendment at the Committee stage to change the word 'five' to 'zero.'

MR. FENWICK:
Mr. Speaker.

MR. SPEAKER (Hickey):
The hon. the member for Menihek.

MR. FENWICK:
Just a few words on it to echo

essentially the sentiments of the Leader of the Opposition (Mr. Barry), that there does not seem to be much function for this Queen's Counsel position now, other than a political recognition kind of thing. I am taking the Leader of the Opposition's word that it is not quite as badly abused here as it is in other Provinces. It does seem that there is really not much pointing to the whole institution other than that.

I understand that the provincial government in Ontario has now eliminated the position of Queen's Counsel, and it is obviously an interesting position there, since a Liberal government in Ontario was supported, I would assume, on the issue by the New Democrats in Queen's Park. So it seems like a reasonable thing for us to do in this Province, as well. To go for Queen's Counsel, when it does not seem to make much sense, seems to me almost a backward step, or at least a return to artificial privileges or artificial decorations or artificial recognition rather than recognizing merit and effort and endeavour of all individuals.

Now, I will sit down and allow the Minister of Justice (Ms Verge) to give us the rational arguments for the Queen's Counsel Act and, knowing the Minister of Justice and the fact that she is quite rational, there probably is a rational argument and I am waiting to hear it.

MS VERGE:
Mr. Speaker.

MR. SPEAKER:
If the hon. the minister now speaks she closes the debate.

The hon. the Minister of Justice.

MS VERGE:
Thank you, Mr. Speaker.

Implicit in my remarks introducing the bill, of course, is the position of government in favouring maintaining a tradition that has worked well in the legal profession in England and Canada for decades, that of designating certain members of the legal profession who have distinguished themselves through years in practice, through the attainment of seniority, through achievements in the legal profession and, perhaps most importantly, through service to the public, with the designation of Queen's Counsel or QC. This tradition has proven quite satisfactory for the legal profession throughout Canada and in England, where it was started before our Law Society was founded 152 or 153 years ago. So, Mr. Speaker, in favouring the tradition, government wants to adjust the annual quota to make it accord with the significant increase in the number of members of the Law Society of Newfoundland. As I mentioned, the number is now double what it was ten years ago.

Having made those remarks explaining government's position in supporting the retention of QC, and explaining the reason for the two amendments set out in this bill, Mr. Speaker, I move second reading.

MR. SPEAKER:
Is it the pleasure of the House that this bill be now read a second time? Those in favour 'aye'.

SOME HON. MEMBERS:
Aye.

MR. SPEAKER (McNicholas):

Those against 'nay'.

SOME HON. MEMBERS:

Nay.

MR. SPEAKER (McNicholas):

I declared the motion carried.

MR. BARRY:

Division.

DR. COLLINS:

On division! Here we are. My God! you are going to be heavily outvoted.

MR. SPEAKER:

Call in the members.

Division

MR. SPEAKER (Hickey):

Is it agreed by the House that the Sergeant-at-Arms put the Bar up now and not necessarily await the allotted time.

SOME HON. MEMBERS:

Agreed.

MR. SPEAKER:

Would the Sergeant-at-arms put up the Bar, please?

All those in favour of the motion, please rise.

The hon. the Minister of Justice, (Ms. Verge), the hon. the Minister of Forest Resources and Lands (Mr. Simms), the hon. the Minister of Mines and Energy (Mr. Dinn), the hon. the Minister of Consumer Affairs and Communications (Mr. Russell), the hon. the Minister of Intergovernmental Affairs (Mr. Ottenheimer), the hon. the Minister of Finance (Dr. Collins), the hon. the President of Treasury Board (Mr. Windsor), the hon. the Minister of Public Works and

Services (Mr. Young), the hon. the Minister of Transportation (Mr. Dawe), the hon. the Minister of Labour (Mr. Blanchard), the hon. the Minister of Rural, Agricultural and Northern Development (Mr. R. Aylward), the hon. the Minister of Social Services (Mr. Brett), the hon. the Minister of Development (Mr. Barrett), Mr. Baird, Mr. Greening, Mr. Tobin, the hon. the Minister of Environment (Mr. Butt), Mr. Peach.

MR. SPEAKER:

All those against the motion please rise.

The hon. the Leader of the Opposition, Mr. Decker, Mr. Fenwick.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

I declare the motion carried.

MR. BARRY:

Are you sure, Mr. Speaker?

MR. SPEAKER:

I looked a second time, and I really think it has.

Motion, second reading of a bill, "An Act To Amend The Law Society Act, 1977". (Bill No. 11).

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, this being Law Day in Canada it is probably appropriate that we are dealing with a number of Justice bills. Mr. Speaker, this bill is "An Act To Amend The Law Society Act, 1977", and it sets out provisions which have

been requested by the Law Society of Newfoundland for incorporation in the law which governs that Society.

Mr. Speaker, the explanatory notes that are printed in our bill probably provide as good a summary as any of the contents of the bill. The first clause gives the Law Society the power to grant life membership in addition to honorary membership in the Society. Perhaps some of us will live long enough to earn that designation.

The second clause enables the Benchers of a law society, basically the executive of the Law Society, to enlarge the Discipline Committee from thirteen to twenty-five members.

The third clause provides that a fee as set by order of the Lieutenant-Governor in Council be payable to the Law Society for every writ issued out of the District Court or Trial Division of the Supreme Court, of course, with merger in September, soon to be just the Trial Division of the Supreme Court.

Mr. Speaker, that basically simply provides for an alteration in the fee schedule, since fees have been collected for the Law Society by the courts, as writs are issued, all along.

And finally, clause four repeals a provision respecting the payment of membership fees by new members of the Law Society.

MR. BARRY:

And now a portion of them pay a membership fee for the first year, which they did not do before.

MS VERGE:

Yes, Mr. Speaker. Essentially, the Law Society has requested that new members pay membership fees from the date they are called to the Bar and admitted to the roles of the Law Society, whereas, in the past, new members got a bit of a break in not having to pay a fee until the following year.

Mr. Speaker, these are all changes to the act which govern the Law Society which had been requested by the Law Society itself and which had been endorsed by the government.

MR. DECKER:
Mr. Speaker.

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

MR. DECKER:
Mr. Speaker, since this is Law Day I would like to make some remarks for the Minister of Justice.

As an example, Mr. Speaker, I was at one time involved in some business activity. I was allowed to compete, I was expected to compete and, in order to survive, I had to compete. However, as a member of the general public I find it extremely disturbing when I go to a lawyer to have something done and there is a set of fees laid out and there are only certain very restricted cases where that lawyer can give me a special rate.

I would like to see something done whereby if I go to a lawyer for a divorce that I can shop around for a divorce at the best price. I do not think that is being facetious. I think I should be able to do this, not that I am contemplating a divorce. I think this should be true if I want to

get a company incorporated or whatever the case may be. I would like to see some action taken whereby the lawyers are allowed to compete if I want a mortgage drawn up or if I am buying insurance. I understand the Law Society is aware of this and I understand they possibly will be taking some action but I would like to see it speeded up so that a young family in this Province, who are taking out a mortgage, can shop around to a dozen different lawyers and get the better price. This is competition and I do not see why the Law Society or lawyers should be prevented from taking part in competition. That is what it boils down to. It works against new lawyers trying to break into the system, Mr. Speaker, as well. Thank you, Mr. Speaker.

MR. SPEAKER:
Order, please!

The hon. the Leader of the Opposition.

MR. BARRY:
The member for the Strait of Belle Isle (Mr. Decker) makes a good point. Anybody who has been down South I am sure - nobody down there, no, I can see, including the member for Bonavista South (Mr. Morgan) who has been looking a little darker lately. It is probably just an attack of jaundice. Anybody who has travelled in other countries, particularly to the United States, has probably seen these little television ads that are flicked on between programmes. I must say, as a lawyer, I find it somewhat strange the first time when I go back down and see these things but after a while you look at them and you have to say, "Why not?" Lawyers are realizing more and more that their profession has to

stay up with the modern world and that there are such things as the marketing of products and services that are a very key part to the business community, including the professions.

The concern is that there be a degree of responsibility kept in there where false puffing is not allowed, where people are not permitted to list themselves as specialists in particular areas when they do not have a particular area of expertise and so forth. One would think that the current federal government legislation - I did not renew my active membership in the Law Society this year but I probably will because I am finding that there are a few things that I will continue to want to do as I move along. So I will probably get my membership out this coming month again, although I have not had the occasion to practice very much for the last year and a half.

I have to say that one would think that the normal laws with respect to protecting the consumer against false advertising, as we see applied to the supermarkets, one might think that that type of law would be able to apply to the legal community or to other professions in the same way, to control the accuracy of the advertisements. In any event, it is a fairly complicated area. Some allege that it will provide an advantage to the large established firms, for example, in that they will be able to afford to pay for more advertising than a new lawyer just out on the street. Others say, "no, the new lawyer, he will be able to use his ingenuity or her ingenuity to think up new ways of getting their message across" and that, in fact, that will ease their entry into the profession and permit them to

acquire clients more quickly than they otherwise would with the competition that seems to become greater and greater as larger numbers of lawyers come on the streets.

But by and large, Mr. Speaker, I think this is something that the Law Society is working on. I know in the last year they have had a committee looking actively at this. I have not seen any final report. I am not aware whether the Law Society has taken a final decision with respect to permitting advertising.

DR. COLLINS:

Have you decided in your own mind that advertising is appropriate?

MR. BARRY:

Yes, I have always tended to believe that it is appropriate and I expressed that view amongst my colleagues at the Bar at various Law Society meetings. I think probably since my first days at the Bar. There is a certain degree of schizophrenia amongst the Law Society, not just in Newfoundland, but right across Canada.

The Canadian Bar Association publishes in recent years a very interesting monthly or bi-monthly, I am not sure, newspaper called The National. It gives an update of legal matters occurring in provinces right across Canada. One of the more popular articles that has been run in this paper for, I guess, a couple of years, two or three years, maybe longer, is by a classmate of mine from Dalhousie Law School, now practicing in Ontario, on law office management. One of the items that he would regularly discuss with respect to law office management was this concept of

promotion, the concept of the law firm promoting itself and marketing itself in the sense of making oneself known to the public, making the history of the law firm known, making the background of the lawyers known, the areas in which they had particular levels of experience and so forth. He would set out various little techniques which I am sure all of us have seen, for example, the Chartered Accountants use to send out after the minister's budget, there will be, I do not know if they bother with the minister's budget, they do it for the national or federal budget. I think they have written off the minister and his budgets. But the Chartered Accountants, especially national firms, do an analysis of the federal budget and they mail that out, not just to their own clients but to those who they would like to attract as clients. Now, is that advertising? There is an element of promotion in that. It is something which is generally accepted as, I think, reasonable, responsible.

MR. DECKER:

When lawyers appoint a new member they advertise.

MR. BARRY:

Yes, when a new member comes into the law firm, we will put a notice in the paper stating "We are pleased to announce that So and So is now associated with the law firm" or "we are pleased to announce that So and So is now entered into partnership with a law firm." There are all kinds of excuses that firms can find if they want to.

MR. POWER:

They are glad that somebody has left.

MR. BARRY:

Yes, they are glad that somebody has left. "We are happy to announce that So and So is now left the practice." I think my firm did that when I went as counsel. They were extremely happy for some reason.

DR. COLLINS:

They were probably relieved.

MR. BARRY:

Pardon?

DR. COLLINS:

I do not think they were glad, they were relieved.

MR. BARRY:

They were probably relieved, yes. They probably stated in the paper "We are relieved to announce that our former partner is now moved into politics."

If there is a new branch office started by the law firm, which occurs periodically, they will use that as means of getting their name in the newspapers. So it is really, to a certain extent, a bit of a farce in saying that lawyers do not advertise anymore than other professions or other members of the business community. You see lawyers going and joining all sorts of charitable associations, voluntary associations, and they end up having their picture in the paper on the executive at some point in time of such and such an association. Again, is that advertising? It does not hurt them in their practice, let us put it that way.

Getting back to the schizophrenia, the person who wrote this column in The National, the Canadian bar newspaper, would recommend certain techniques like doing an analysis of a particular piece of

legislation and mailing it out to various individuals, firms and so forth who you are interested in dealing with. He himself got into difficulty with the Law Society of Upper Canada. This is public knowledge. It has been carried in the newspapers and so forth. He got into trouble by employing some of these techniques that had been carried in the Canadian Bar Association newspaper without criticism, without question and without letters being written in to condemn them by the ordinary membership of the Canadian Bar Association. The Law Society of Upper Canada stepped in when, I think, he had a brochure in his waiting room. I do not recall whether he mailed it out or not. However, it described his firm and the Law Society of Upper Canada stepped in and suggested that that was going beyond the bounds of the advertising which was traditionally accepted in Ontario by the Law Society of Upper Canada. So, to a certain extent, the membership has moved ahead of the Law Society executives in some cases, in terms of what recognize is accepted across Canada these days in terms of a reasonable exposure of lawyers and law firms to the community. We have, however, the Law Society in this Province, as I have said, recognizing that even the membership is behind the times in terms of where the general community is, where the general public is, in wanting to know, in wanting to have better information than they now have with respect to the fees that may be charged when they go to one firm as opposed to another.

Regularly, when you are at a law firm, you get people calling around. Members of the general public, usually with respect to

real estate, who want to buy a house, they will call you and ask what your fee will be for acting on this transaction. They say, "I am checking around. I will call you back if I want you to act." This is what they have to do now, they have to call around. They are suppose to be told by everybody they call that there is a certain minimum fee, which is what the Law Society right now does. They impose a minimum fee for a real estate transaction, a minimum fee for an incorporation, a minimum fee for a will and so forth, which no lawyer is suppose to charge less than. You can charge more and some lawyers do, depending upon their length of time at the bar, their experience, the degree that they feel they are considered to be particularly specialized, even though they cannot hold themselves out as specialists. This is another thing the Law Society is looking at, as to whether or not to allow particular lawyers to state that they are experts in such and such a particular line of law.

There is another area of controversy that has to do with when should a lawyer speak with the media, when should he not, and how much should he say, how much is he entitled to say when he speaks to the media. For example, with respect to a court case that he is participating in, which might be a case that has a lot of interest as far as the general public is concerned. Is he advertising if he answers questions from the media as to what is happening in his particular case or is he merely meeting the public right to know?

Now, my own personal inclination is that a lawyer should be like any other person whether in public

life or private, that if there is an issue that affects the general public that he is questioned on, he should respond and he should answer openly and fully so that the general public can know. He has to be careful that he does not argue his case in public. He has to be careful that he does not take an unfair advantage of the other side in arguing his case in public. He has to be sensitive to the position of the court and not make the job of the judges and the courts more difficult by what he says before the media. But, by and large, the general public I think has a desire for openness, for being exposed to more knowledge and more information than they often get from the legal community, or than they have often gotten, I should say, in the past from the legal community.

I think the Law Society is moving into the modern world. I think we will see new approaches to many of these items. By and large I think we can support the principle of this bill. There is not a lot here of great significance. Most of it is merely housekeeping and it was an opportunity to discuss some of these issues which periodically become matters of public debate.

DR. COLLINS:

Mr. Speaker.

MR. SPEAKER (Hickey):

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, the matter that the hon. the Leader of the Opposition just discussed is a bit peripheral to the bill, some connection to it but, nevertheless, even though it is a bit peripheral, I would just like to throw in a few remarks.

I do not think this matter where the lawyers advertise is a matter that really grabs the public in any way. I do not think it really is a terribly important issue in its own right. I think, nevertheless, it is a very important index of what is happening in society really. I think it is an index that society is changing. I am not saying that is good, bad or indifferent but I am just saying that society is changing. I presume the reason why lawyers did not advertise, or it was not seen to be seemly if lawyers advertised in the past was much like the situation in the medical profession. You are not supposed to advertise in the medical profession. The reason for that is that it was said to be unethical. Now, what does that mean? Why do the professions claim that they need to be ethical?

I think that it really stems from the fact that the professions are given certain exclusivity rights or privileges or whatever you want to call them, in society and therefore society asks them to give up certain things in exchange for that. It seemed to be a reasonably good saw off. Just to pursue that a little further though, I think also it said something about advertising itself. If it is unethical to advertise, that does not say something just about professions, it says that there is something that is not quite right about advertising. I think we all recognize that. I think that in the normal type of advertising, we do not expect to find truth, we expect to find advocacy, we expect to find a slanting of the facts, perhaps not an outright distortion of the facts, but a slanting of the facts in one direction. So I

think that if one says that advertising is a bit unethical, I think there is a certain recognition that advertising itself is a little bit suspect.

Just to pursue the giving up of certain things that others can engage in without being criticized, by the professions giving up those, that was in recognition that the professionals themselves were given certain privileges. For instance, on entry into the professions, there were certain artificial barriers by and large, around the professions which society condoned and that had to be compensated in some way by professions not being as free to do certain things as people who did not have these barriers put around their particular way of earning their living.

Now, as we know, those barriers are coming down. For instance, in the health professions, at one time, except for the nursing profession, which is an honoured and long standing profession in its own right but, strictly speaking, in what we call the medical professions anyway, only certified or qualified positions, using that word broadly to include surgeons, of course, we are permitted to practice the health profession but that is not so any longer now.

We have other groups such as denturists, well, they are in the dental field but they are close and in many jurisdictions, chiropractors and homoeopaths and so on and so forth are allowed in now. Society has decided to expand the number of people who can go into these professions. Now, at the same time that society is expanding that, they do have to

recognize that the traditional professions are no longer held to the ethical bounds that they were originally in. Society cannot have it one way and not the other. I am not sure which way I prefer it. I suppose, being a bit of a traditionalist, I think the old way worked pretty well but I think we do have to recognize that society has every right to change itself but I think that it is not always appreciated.

As we expand, such as the law profession or the teaching profession or whatever, as long as we expand that and allow other individuals to partake in this, society also has to recognize that there is going to be a change in what were called ethical standards. Perhaps that change should occur but I am just saying that it is not often in people's minds that when they say, "Sure, so and so has a right to come on in. Oh, by the way, it is also right for a lawyer or a doctor or whatever to be less ethical," i.e., not to live up to the traditional views that people had of those people in the past. That connection is not always made.

I think that it is useful in a forum like this, in the House of Assembly, for us to just bring out these points every once in a while. It is not to criticize one or the other but it is just to round out the picture so that in time all of us can understand the full implications of our actions. We all tend to, if we want to achieve a certain goal, say "My actions are totally pure." Without saying "well, there is probably certain consequences of those actions which are not quite as desirable as the goal you are promoting." I think it is often salutary for us to recognize this

sort of thing.

I would say that if lawyers get to advertise in the full way, like a hardware dealer can advertise, I think that there is going to be some implications which many people will look upon as negative for the legal profession and for those who require the services of the legal profession. As long as we understand that that is going on and continue to support the whole trust, fair enough, but if we say, "No, lawyers have every right as individuals to advertise just like everyone else but they must be just like I always considered my own family lawyer who was perfectly ethical and perfectly confidential about my affairs and so on and so forth. He was the grand daddy to me when I was in trouble." If they are expecting that, then that is really whistling Dixie. The lawyer is going to change as he becomes an advertiser. I am using that in sort of bald terms I do not mean that advertising is going to destroy the moral fiber of a lawyer. I am just using that as an example. We will not have the same lawyer we do now or traditionally had if we allow our lawyers to advertise just like we allow grocery stores to advertise.

MR. SPEAKER:
Order, please!

MR. FENWICK:
Mr. Speaker.

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

MR. FENWICK:
Mr. Speaker, there is one particular section of this that I would like to pay attention to. I would like to ask the minister, when she makes her closing

remarks, to address it. That is Clause 3 and I will read the explanation. It says, "This amendment would provide that a fee as set by order of the Lieutenant-Governor in Council would be payable to the Law Society for every writ issued out of the District Court or a Trial Division of the Supreme Court."

Then it goes on to say, "Section 82 now reads," and it has a list of, "The following fees are payable to the Registrar of the Supreme Court for the Society: On filing articles, \$10.00; Every assignment, \$5.00; Every affidavit, \$1.00; Every certificate, \$5.00; Every fiat for admission, \$10.00; Every writ, weather mesne or final issued by solicitor out of any of the District Courts in the Province or out of the Supreme Court in St. John's, \$2.00." Now I was curious about this because it seems sort of interesting that what we are doing is setting up legislation here where we become, it seems to be, a collector of fees for the Law Society. This seemed to me an unusual situation for us to caught or involved in.

I had a chance to ask the Minister for Intergovernmental Affairs (Mr. Ottenheimer), since the Minister of Justice was busy listening to the debate, what was the argument behind this particular clause. He now informs me that this is money that is collected on the paper work that goes through the courts, so to speak. It is collected by the government and it is turned over to the Law Society and it seems that the Law Society uses this money to pay for the cost of running the law library in the Courthouse. Is that correct essentially?

AN HON. MEMBER:

Yes it is.

MR. FENWICK:

I want to make some observations on this because I have some serious questions about it. "Every writ issued by a District Court or Trial Division of the Supreme Court." The first question is, does this mean that every writ in the entire Province that is issued, like if there are writs issued out of courts in Corner Brook, would these also have to pay these fees. This is correct? Okay. The minister nods her head so I would assume that that is correct.

Is there a law library in Corner Brook as well? Does this mean that writs issued out of the court in Stephenville would also have to pay these fees? Is there a law library in Stephenville? There is a law library in every single courthouse in the entire Province?

MS VERGE:

Yes.

MR. FENWICK:

Okay. Well, that removes, at least, one part of the possible objection to that particular thing.

One of the things that I want to indicate here and it is an important point because what we have here is a situation where, for these legal practitioners to do their job, they have to pay these fees and have to pay them whether they want to or not. They are not being paid to support the provincial government. They are not paid to support the court system. They are paid to support a library system for themselves, for the Law Society.

MS VERGE:

Partly for the judges as well.

MR. FENWICK:

This is partly for the judges as well. Well, it indicates in Clause 3 that this is turned over to the Law Society. So I assume that the Law Society is not paying the judges' salaries so that it is actually money being used for that. I am just reading the explanation here. You can get into it.

The point I want to make is this: there may be a lot of lawyers who have an adequate law library themselves in their own law firm, who may use that exclusively, who may, in fact, never use the library that is set up in the courthouse. I do not know, I am not a lawyer and I am not in a position to be able to say whether they do or not. The point is, Mr. Speaker, that there could be a considerable number of lawyers who have no use whatsoever for this particular law library and who are supporting it, not only as a result of, probably, their Law Society being in favour of it, and I assume the Law Society is in favour of it since they have not yelled and screamed and objected to this, but paying it because we have established legislation that makes them pay for it, whether they wish to or not, whether they want to or not. It puts us in the position of forcing people to pay a tax to a private organization, which obviously the Law Society is, using the force of government to collect it. Now I want to bring that up because I am going to ask the minister later on how she feels about this particular kind of situation, and obviously I have an ulterior motive in bringing it up or I would have brought it up to start it. Because we heard from the Premier

yesterday, when we talked about The Elections Act, how he objected to the idea that trade unions would be able to donate money to political parties because their members were forced to pay the money in order to have their job.

What I am saying to you is the situation with regard to The Elections Act, which I find very regrettable because obviously it will be an attack upon the funds used to finance my party, it that the argument being used for it could also be used against this particular section of this particular bill. I want to know if there is any degree of consistency from the government in saying that you cannot force people to pay money to a particular organization as a right of doing business, because obviously that is what you are doing in this particular instance.

I, on the other hand, am not going to push that as an argument, because I believe that there are organizations, such as the Law Society, which have legitimate objectives to meet. For example, providing law libraries and courthouses is an legitimate objective for them to meet. This probably turns out to be one of the most administratively efficient ways of collecting the money required in order to pay for the cost of operating the library, for buying new books, and getting them rebound and all the various things that have to be done. It is a legitimate reasonable thing to do, and obviously endorsed by the Law Society. It then seems analogous to me that if a trade union in its convention, which is the ultimate authority it has, votes to donate money to a political party and then takes it out of their membership fees that

it is directly analogous to this particular situation we have here. I see nothing wrong with it in the case of a trade union. And in this particular instance I see it as being the same kind of administrative structure that has been put in place, and I obviously do not object to it for that reason.

But if the government wishes to be consistent, and wishes to say that you cannot have that in terms of a trade union donating money to a political party, then I would say in order to be consistent you will have to strike out Clause 3 and tell the Law Society, I am sorry, you are going to have to find another way to get the money in order to support your libraries.

So, Mr. Speaker, that is the only comment I have on it. It is just that particular article and I am sure the Minister of Justice will have some rejoinder to it. But I suggest that the government, in a desire to be consistent would obviously have to look at other principles similar to this as well.

MR. SPEAKER:

If the hon. minister speaks now she will close the debate.

The hon. the Minister of Justice.

MS VERGE:

Thank you, Mr. Speaker.

I reiterate that the provisions of this bill have been sought by the Law Society. I will deal with some of the questions raised by the member for Menihok (Mr. Fenwick) about the provisions in Clause 3. Clause 3 provides for the Lieutenant-Governor in Council to establish the fee for issuance of writs by the Supreme Court Trial Division to the Law

Society. The Law Society has collected such revenue for years and years and has applied the revenue for the law libraries which are used by judges throughout the Province as well as by lawyers themselves, libraries which are accessible to students and members of the general public who wish to use the books and carry out legal research.

Mr. Speaker, the main law library in the Province for many, many years, in fact perhaps the only collection of books could have been called a law library until recently, is the one at the Court House on Duckworth Street in St. John's. A few years ago a second major library for legal books was established in the Sir Richard Squires Building in Corner Brook which is called the West Coast Law Library. In addition, Mr. Speaker, attached to all judges offices, provincial court judges and district court judges throughout the Province, and there are provincial court judges in about twenty locations and six or seven district court judges, I think, outside of St. John's, are small law libraries with essential volumes for day to day work. Mr. Speaker, the cost of legal books has escalated rapidly. It is not uncommon any more for a law book to cost \$100. It is not realistic to expect lawyers engaged in private practice in small groupings and new practitioners to be able to afford a substantial law library, to be able to purchase personally all the books which they need to refer to from time to time to research thoroughly and provide to their clients quality advice and opinions. So, Mr. Speaker, by having libraries funded in part by the Law Society as well as by the government, established in court

houses available to the public and available to all lawyers and judges, a service is being rendered to the citizens of the Province.

Mr. Speaker, I do not think there is any need for me to comment any more on the other provisions of the bill since it seems that the members opposite support the principle of the other provisions. With those remarks I move second reading of this bill, Mr. Speaker.

On motion, a bill, "An Act To Amend The Law Society Act, 1977," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 11).

Motion, second reading of a bill, "An Act To Amend The Department of Justice Act." (Bill No. 7).

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, this bill is a housekeeping measure in the true sense of that word. The principle of it is, as stated in the bill document itself, to correct an anomaly and to establish firmly that the Department of Justice and the Minister of Justice may enter into contracts and agreements on behalf the Department and the government. I do not think, Mr. Speaker, there is any need for me to elaborate on that.

MR. DECKER:

Mr. Speaker.

MR. SPEAKER:

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

MR. DECKER:

It is refreshing to see the hon. the Minister of Justice is also able to dabble in housekeeping along with her many other abilities, I am sure.

Mr. Speaker, in addressing this bill I want to follow along with some of the remarks that the hon. the Minister of Finance (Dr. Collins) was making about it, but I do not exactly feel the same way he does. He seems to be speaking, of course, from the platform of the aristocracy, from the arrogance of the aristocracy which seems to insinuate that 'we keep those commoners out of the law profession, we will be very careful who we allow in because we have to maintain the status quo.' But the suggestions that I want to steal from the Minister of Finance is where he is suggesting that we maintain some sort of dignity among lawyers. Now I am not hung up particularly on whether a lawyer wishes to advertise or not advertise, neither do I agree with the minister when he says that all advertising is - he did not use the word deceptive but he insinuated that it was deceptive and it was somehow shady, it was not the proper thing for lawyers to be involved in but it is okay for shopkeepers, it is okay for the commoners, the ordinary people; the aristocracy would say it is okay for the ordinary people. But I do believe, Mr. Speaker, that even as a great member of the commoners, which I am, an ordinary man, I do believe that there is a place for us to have some dignity attached to the law, Mr. Speaker. I believe that there is a place for some dignity to be attached to justice, because the justice, law and order, these concepts, Mr. Speaker, are bigger than the Minister of Justice, and I am not talking figuratively, I

am talking about the position. These concepts are much larger than, I suppose, even this House of Assembly. There is a place where we have to maintain some dignity for the law.

Now I am sure the Tory attitude would be that this law is really the people, we are talking about lawyers are the law. If I could give an example, Mr. Speaker, as a clergyman, an individual tends to get a certain amount of respect and the temptation is always there to believe that that respect is for the individual, for me personally. Now clergymen learn quite swiftly that the respect is not for the person, it is not for the individual, rather it is for the whole concept of the clergy, and it is bigger than any individual. Likewise, Mr. Speaker, the law does not belong simply to the Minister of Justice as a person, the law does not belong to the Minister of Finance, nor is the law any given lawyer or any group of lawyers. The law is something which is bigger than people. The law is something which we must respect and we must see to it that all the dignity that the law deserves the law is allowed to have granted onto it, Mr. Speaker. And I do not think these statements are startling or radical. I am sure that if we were to go back through generations these statements have been made in this hon. establishment before. I think all reasonable, sane people would accept that there is this concept of justice, this concept of law, which is bigger than human beings, and we have to maintain some dignity, we have to maintain some status for the law.

If I could use an illustration, Mr. Speaker, some years ago in

Roddickton there was no courthouse. This was before the word 'Judge' referred to presiding officers and magistrates used to come into Roddickton to administer the law. I remember sitting in court once. As a matter of fact, Mr. Speaker, I was subpoenaed as a witness, but that is another story.

MR. BARRY:

Are you sure you were not charged?

MR. DECKER:

Not at that particular time, Mr. Speaker, but I was subpoenaed as a witness that time. The court was held in a restaurant. You see, the restaurant was only open nighttime and daytime the restaurant was free. There was not another single establishment in that great town of Roddickton where court could be held.

Now, if Your Honour will picture this: The magistrate sitting behind the counter in the restaurant, and behind him on one side was the cigarette dispensing machine, and on the other side, Mr. Speaker, a little to his right, was a soft drink dispensing machine. It was there dispensing Coca-Cola, Seven-Up, Diet Pepsi - no, Diet Pepsi was not on that particular one. You could take your choice of the soft drink that you wanted. There was no hard liquor in the restaurant, it was not licensed.

The general public had to sit in restaurant booths. There were twelve booths in this particular establishment. I do not think it is unfair to say that there was no great amount of excitement in Roddickton. The World Olympics were not meeting there. There were no international hockey teams playing in Roddickton at the time. There was not a great lot

of attractions in Roddickton at that time for people to attend. But when the magistrate came to court, Mr. Speaker, there was something to do. So most of the town turned out to listen to the court cases as they were being presided over by the magistrate.

Then, to compound matters, this was in the days when the RCMP could act as prosecutor. So in came those very flashy gentlemen dressed in their red uniforms with their guns strung on their sides, Mr. Speaker, in their Smokey the Bear hats. They would get up and prosecute.

The particular case I am thinking about, Mr. Speaker, the man they were prosecuting was accused of having in his possession a part of a still. Now, Mr. Speaker, I would imagine this particular law still stands. You are not allowed to have in your possession a still or a part of a still.

MR. BARRY:

Or a worm. Do you know what a worm is?

MR. DECKER:

Yes I do. You are not allowed to have the worm. But this was a still or a part of a still. I pitied the magistrate as much as I pitied the accused in this particular case. What the accused had was a piece of copper tubing. It was a coil of copper tubing. The RCMP had gotten complaints from Conche that there was moonshine being run off. So they went down and they grabbed this piece of copper pipe from this poor old gentleman who had it hung up on a stage on the wharf and they brought him into court.

Now here we were in a restaurant, with the Coke machine, the soft

drink machine, some chocolate bars. Some of the normal users of the restaurant, seeing the doors were open, decided to drop in anyway, not realizing that a court was in session, Mr. Speaker, and here in all of this was the poor magistrate trying to maintain some semblance of dignity, Mr. Speaker. The gentleman who was accused was probably the most honest out of us all, including myself and the magistrate, because all he had to say was, and the magistrate tried to get him to say it, "what I have is a piece of copper tubing." But the poor old gentleman was too honest to say that. He said, "Look, Your Honour," - he had to be told how to address the magistrate the poor fellow, he did not understand, it was his first time in court. He said, "Your Honour, I have to tell the truth, that piece of copper piping indeed was a part of a still." Now, he said "the still had been thrown out probably twenty-five years ago. But I just could not bring myself to throw out what I considered to be a perfectly valuable piece of copper tubing."

The prosecutor gets up, this great defender of the people and the court system and law and order, "But, Your Honour, I ask the gentleman, is this a part of a still or is it not a part of a still?"

MR. BARRY:

Is it still a still?

MR. DECKER:

The accused said, "Your Honour, I have to be truthful, I am under oath, it was and is indeed a part of a still." And the magistrate, try as he could, could not get the poor old gentleman to plead not guilty. Now this is back in the

1970's. So he had to fine him, and the minimum fine was \$500. The magistrate was grieved. He even said, "Sir, if you want to pay this out I am sure" - he tried every means under his disposal. First he wanted the accused to say, "no, it is not a still, it is a piece of copper tubing." I am sure he would have dismissed him. But, no, the gentleman was too honest. So he had to fine him \$500.

This showed the respect, the esteem that this man from Conche held for the concept of law, Mr. Speaker. This furthermore shows the esteem and a respect that Newfoundlanders, in general, have for the law. This shows the respect, Mr. Speaker, and esteem that all people under this realm should have for the law. It is incumbent upon us to maintain the dignity of the courts.

On the Roddickton case, just to finish off, the Town Council became so concerned with the lack of dignity that convening court in a restaurant was giving that the Town Council went after a Winter Works programme and built a new Town Council office, and in that building they set aside a room twenty by thirty which they made into a courthouse, they put in the Bench for the magistrate, they put in a witness box and all this sort of thing, Mr. Speaker, and then, just an aside, the Department of Justice came back and said they were not satisfied with the rent. They said "if you do not give us a better rate of rent," which was only \$25 a month or per case or whatever it was, for time, "we will move the court to Bide Arm because there is a restaurant out there we can get whenever we want it." But anyway, Mr. Speaker, that is an aside. The dignity of

the courts must be maintained.

Now, Mr. Speaker, I am going to come to the crux of why I stand and am speaking to this. We saw very recently in this Province a vicious attempt on the part of the Minister of Justice (Ms Verge) and the Premier to attack the dignity of the courts in a far worse way than ever it was attacked by Cec Fillier's Restaurant in Roddickton. It was attacked because this court injunction was used. The courts, Mr. Speaker, were used and they were abused. They were used for a selfish political attempt on the part of a corrupt administration who will stoop to any measure to have its own way, who will even go far enough, Mr. Speaker, to attack the dignity of justice and the dignity of the courts.

What did we have in this Province five or six weeks ago when my friend was out on the picket line? We had a dispute between two groups, between the Government of Newfoundland and the members of a collective bargaining group. The law already acknowledges that these two groups are allowed to exist in their own right. They are allowed to negotiate for rates of pay. There is nothing illegal about NAPE being allowed to exist. There is nothing illegal about this. Surely there is nothing illegal about the government of a Province being allowed to exist, is there? There is nothing illegal about these two groups negotiating. One is the payer and the other is the payee, one has a service to offer and the other has a service to buy. There is nothing illegal about these two groups negotiating.

The two parties negotiated and they negotiated hard and with

difficulty. It was antagonistic, it was antagonism, they were not in there into a love in. When a union comes up to negotiate a contract they do not come up for a love in, nor should a government be expected to go out for a love in when they negotiate, of course not. You would negotiate hard and you would negotiate long and in the end we hope an agreement is reached where everybody is satisfied but what happened in this case is, Mr. Speaker, the government chose to go and bring in an outsider. They chose to abuse their position and to go after the courts and force an injunction. This is what the government chose to do, Mr. Speaker.

In doing that I am suggesting that they lowered the dignity of the concept of law. They tried to use it for their own selfish needs.

AN HON. MEMBER:

Who?

MR. DECKER:

The government did.

In doing that, Mr. Speaker, here is what we saw happen: We saw the Newfoundland Constabulary forced, against their better judgement, against their better wishes to attack, to brutally attack - no, I will withdraw brutally - they were probably being expected to brutally attack and if they had kept in touch with what this government would probably have wanted, it would have been a brutal attack with truncheons and rubber hoses and what have you. That is what it would have been but because of the sensibleness of the Royal Newfoundland Constabulary, Mr. Speaker, which I would hope, Mr. Speaker, could be extended, because, Mr. Speaker,

the Newfoundland Constabulary had exercised its discretion and against all its orders and with its own better judgement, did not go in and beat up the members of NAPE with rubber hoses and truncheons, Mr. Speaker, that was not done.

I would suggest that there are members in this House, on the other side, who would like to have seen the Newfoundland Constabulary do that. They forced them in, Mr. Speaker. They did not have on their hobnail boot I am sure, Mr. Speaker, that if there were only some way that this government could force hobnail boots in there, this would have been done. They did not wear the SS on their shoulder straps, Mr. Speaker, that was not done. What led us into this? What led us into all this, Mr. Speaker, was a corrupt government.

SOME HON. MEMBERS:

Oh, oh!

MR. DECKER:

Mr. Speaker, could you ask my colleagues to be quite and also the Minister of Forestry (Mr. Simms) to be quite? I am losing my train of thought.

MR. SPEAKER:

Order, please!

MR. MARSHALL:

Particularly his colleague.

MR. DECKER:

Mr. Speaker, this all began when the Premier and his government somehow came to the belief that they are above the law. This is how this all began. This is why the Newfoundland Constabulary were sent in there, because we have a government who believes they are above the law and they can do what

they like. This is how this all started.

I said earlier in my illustration that it is quite possible for a clergyman when he is being given all this respect to mistake it as being for him as a person, likewise it is possible for the Premier and the Minister of Justice (Ms. Verge) to believe that the esteem that people naturally give them is because it is for people in their own right, but it is not because the Minister of Justice is a nice and decent person. I believe she is and I respect her for that, but she is respected for being a Minister of Justice because of the position, because the position is more than she.

The Premier is being respected, the office of Premier, even I as a Liberal, I know the man who sits in the Premier's seat is a Tory but I respect the seat, I respect the position. I am saying, Mr. Speaker, that it is only right and proper that the Premier, the Minister of Justice, the member for the Strait of Belle Isle and all of us would respect the concept of law for what it is, not for the people. The Premier chose to overstep his position and he deliberately interfered in this dispute with NAPE. He, with the full co-operation of the Minister of Justice, stepped in and they made the law cheap. It was an attack, they cheapened the law which every single Newfoundlander holds so much esteem for. They abused the law and that is why we saw our fellow Newfoundlanders, members of the Royal Newfoundland Constabulary, being forced - and forced they were, Mr. Speaker. I know some of those men because I am still a common man and I still talk to members of the Royal

Newfoundland Constabulary, I still talk to people who are out policing our streets, and their stomachs were turned but they had to do their duty. When they were called on to go in, they had to go in. I do not know if the government had forced them to wear hobnail boots, to arm themselves or to start beating people over the head with truncheons, I do not think they would have done it. They felt that it was their duty to go in and arrest those people who were out trying to achieve parity. That cheapened and lessened the dignity of the law and that is a crime. It might not be a legal crime but it is a moral crime.

The Premier of this Province, I am sure, in twenty years time, when he is writing his memoirs after he has spent twenty years teaching at Memorial University or whatever the case might be, when he is writing his memoirs, if he has any conscience left, he is going to realize just what he did to the law of this Province and how he abused it and how he tried to cheapen something which is sacrosanct, which Newfoundlanders hold as sacred, above the Brian Peckfords and above the Lynn Verges and Chris Deckers of this Province, something bigger.

Mr. Speaker, I am saying that above all we must maintain some dignity of law and order. I am saying we saw an attack on this dignity with what happened with NAPE. Not only, Mr. Speaker, not only did we see an attack on the dignity of law and order with NAPE, I am going to draw back on my attack a little bit now because the Minister of Justice (Ms. Verge) accused me of probably being a little too - I am going to be more gentle.

Since I have been here and I am a very new member, mind you I am going to be here a lot longer if my life is spared, but I am a very new member. I have seen some very silly laws already enacted, laws which are so silly that they attack the dignity of the concept of law. For example, Mr. Speaker, this Act to Amend the Tobacco Act which went through just before the House closed.

AN HON. MEMBER:
(Inaudible).

MR. DECKER:
If you give me leave I will talk forever.

Under the law now, Mr. Speaker, I who am a non-smoker totally, an anti-smoker, a convicted non-smoker, my father, my grandfather, my brothers, none of us ever smoked. As I understand the law now, Mr. Speaker, I, such an avid non-smoker, can be stopped anywhere in this Province and my car can be searched -

MR. WARREN:
Why not?

MR. DECKER:
- to see if I happen to have 201 cigarettes in my possession without valid proof that I bought those cigarettes in Newfoundland. The member for Torngat Mountains (Mr. Warren) asks "why not." There is a gross misunderstanding of the concept of law.

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

MR. SPEAKER:
A point of order, the hon. member for Fogo.

MR. TULK:
The hon. member for the Strait of

Belle Isle (Mr. Decker) is making an excellent speech. He is, of course, pointing out to the government their attack on the dignity of the law and now we see the member for Torngat Mountains (Mr. Warren) and to some extent the member for Carbonear (Mr. Peach) coming and attacking the dignity of this House as well. I wonder if they could be straightened up over there. We do not need the goon squads in here like we had last night in the Estimates Committee meeting.

MR. SPEAKER:
To that point of order, that point is well taken. I would ask hon. members on the left to please refrain from interrupting.

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

MR. DECKER:
Thank you, Mr. Speaker.

Before my train of thought was so brutally interrupted, I was trying to say that if this corrupt government continues to introduce silly laws, then that is an attack on the dignity of the concept of law.

AN HON. MEMBER:
You are not above the law.

MR. DECKER:
Of course I am not above the law, nor is your Premier above the law, but what he did with NAPE was proof that he thought he was above the law. The hon. minister would be much better advised if he now were to go and find the Premier. I am admitting that I am not above the law, let him go and find the Premier wherever he is, and advise the Premier that he too is not above the law. That is exactly what I am saying. If the hon.

member would do that he does not have to tell me any more because I am admitting that I am not above the law. I am not above the law, therefore, Mr. Speaker, I am subjected to a silly law - this is what I am saying, I am subjected to a silly law because I can be searched - a non-smoker, my car can be searched to see if I have 201 cigarettes.

Mr. Speaker, the intent of the law, I understand, is to stop smuggling. That is another story. The whole tax rate has been forced on this Province by some other corrupt laws and mistakes, \$5.75 million mistakes - I suppose they were mistakes. I have heard the statement made, 'If that was not a broker's fee, if that was not a payoff.' Maybe it was a payoff, but I will not suggest that it was a payoff, it was a bribe to someone who put the deal together in the first place. That has been suggested, but I am not suggesting it, Mr. Speaker. I am not suggesting that maybe this is the way some stupid, naive apprentices, who went over looking for money in the European market, ended up paying a bribe to the people who put the act together. I am not suggesting this for one minute. But because of mistakes like that, and I will concede it was a mistake, because of the Confederation Building Extension which we do not need at this particular time, which is a nice luxury to have, our tax rate has gone so high that people have to start smuggling, if it can be called smuggling, bringing an item in from Nova Scotia to Newfoundland.

I would challenge the Minister of Finance or the member for St. John's East to tell me if that is smuggling. I know the hon.

gentlemen were against the concept of Confederation in the first place, they wanted us to remain as we were, a little, quaint colony with a group of quaint people living in quaint villages. I know that is what they wanted. I know they wanted to maintain their aristocracy just so they all could be all knighted, if political interference could have done it. I mean the Minister of Finance gave quite clear evidence that that is what he wanted. He wanted to retain the titles and the old stuff that the aristocracy has been carrying on, and try to keep the commoners out of this as much as possible. I know that.

MR. SPEAKER:

Order, please!

The hon. member is straying from the subject that is being debated.

MR. DECKER:

Thank you, Mr. Speaker. I will try to return. Like the lost sheep who strayed, I will try to come back, Mr. Speaker. When those hon. gentleman interfere with my train of thought and try to suggest that bringing a cigarette from Nova Scotia into Newfoundland is smuggling, I get so distraught, Mr. Speaker, I get so beside myself that I cannot help but wander. But I will come back to what I was trying to say.

SOME HON. MEMBERS:

You are a non-smoker

MR. TULK:

Mr. Speaker, could we have some quiet over there?

MR. SPEAKER:

Order, please!

MR. DECKER:

Mr. Speaker, the next silly law

that I am expecting to see go through is that members of this House of Assembly will not be allowed to speak. That is coming, if they happen to be Liberal, if they happen to sit on this side of the House. We saw evidence of that last night.

I am saying, Mr. Speaker, that when you see silly laws enacted, you are attacking the dignity of the law. Now, if we were to go through the books, I am sure we would see laws which are so silly that they should be wiped completely from the face of the earth. They should be wiped out. I could use Bill 59 as an example of a law which should be totally eradicated. I would go as far as to say, Mr. Speaker, that that law is so ridiculous and so silly that it, too, was an attack on the concept of law, it was an attack on dignity, Mr. Speaker.

SOME HON. MEMBERS:

Oh, oh!

If I am still allowed to speak, Mr. Speaker, I am saying that the concept of law must be protected at all costs, especially from a corrupt administration. If we were to put on that side of the House, and I will be gentle, Mr. Speaker, I will not say Tories, thirty-five members of the Rhinoceros party - I will not attack people. There are members over there who should be members of the Rhinoceros party, but that is an aside, their philosophy would probably fit in a lot better with the Rhinoceros party - surely goodness -

MR. SIMMS:

What would that make you, the rump of the Rhinoceros?

MR. DECKER:

Mr. Speaker, I did not suggest that a campaign for the Rhinoceros party would be started in this House, even if we do have members of the Rhinoceros party over there. If they want to campaign for the Rhinoceros party, let us wait until the next election and you can campaign for that. If we had thirty-five members of the Rhinoceros party over there, Mr. Speaker, and if that is being offensive I will give you another name. Let us take the NDP party. If I am treading on somebody's corns because I am talking about the Rhinoceros party, I apologize. I did not mean to offend anybody by referring to the Rhinoceros party, so I will not say Rhinoceros, I will say Social Credit. Am I offending anybody now?

AN HON. MEMBER:

Yes.

MR. DECKER:

You suggest one.

MR. SIMMS:

NDP.

MR. DECKER:

I will go all the way and throw in some more anticipated eschatology; we will put the Liberals over there. It is only a matter of a few more years, anyway. If the Liberal party were over there, we should not be allowed to go beyond the law, we should not be allowed to go above the law. And this is what I am saying.

On that, Mr. Speaker, although members want me to continue, I will adjourn the debate.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

We will wait in anxious anticipation for that, Mr. Speaker. In the meantime, before I move the adjournment of the House until Tuesday, I believe, -

AN HON. MEMBER:

What is Monday?

MR. YOUNG:

St. George's Day.

MR. MARSHALL:

April 22 at 7:30 the Estimates of the Department of Rural, Agricultural and Northern Development will be considered by the Resource Committee. There is none for Tuesday morning, I do not believe. Is there one for Tuesday morning?

MR. DINN:

Yes, Government Services.

MR. MARSHALL:

We want to make sure the press are there, so that they can see what a disgraceful Opposition we have in this Province, as they saw last night.

On Tuesday the Government Services Committee will meet in the House at 9:30 a.m. to consider the estimates of the Department of Public Works and Services; in the evening the Resource Committee will meet in the House to consider Rural, Agricultural and Northern Development; and Tuesday evening, at the Colonial Building, the Social Services Committee will consider the Department of Health.

Mr. Speaker, I should also advise the House, as well, that next Tuesday we will be considering the Budget Debate. John, is there

something wrong?

MR. J. CARTER:

When?

MR. MARSHALL:

Are you objecting?

MR. SIMMS:

We did not hear what you said.

MR. MARSHALL:

On Tuesday, Mr. Speaker, we will be going into the Budget Debate, on Wednesday we will go back into Private Members' Day, and on Thursday and Friday we will get back into legislation, at which time we can be treated to the member for the Strait of Belle Isle for another half hour.

MR. OTTENHEIMER:

We will have a week anyway.

MR. MARSHALL:

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

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