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***VERBATIM REPORT***  
***(Hansard)***

***Speaker: Honourable P.J. McNicholas***

Friday

8 July 1988

The House met at 10:00 a.m.

MR. SPEAKER (McNicholas):  
Order, please!

O O O

MR. GULLAGE:  
Mr. Speaker.

MR. SPEAKER:  
The hon. the member for Waterford  
-- Kenmount.

MR. GULLAGE:  
On a point of order, Mr. Speaker, if I might have about thirty seconds of the House's time, many members have been asking me about the St. John's Soiree celebrations, about Soiree hats and pins and so on, so I thought it opportune, if I might just take a minute, to say that I have hats and pins for all members of the House.

SOME HON. MEMBERS:  
Hear, hear!

MR. GULLAGE:  
And His Worship, the Mayor, and City Council are more than happy to provide these to you and we hope you do find time over the Summer to come back and spend some time with our celebrations.

MR. WINDSOR:  
And particularly the Summer Games.

MR. GULLAGE:  
And, of course, as the member for Mount Pearl (Mr. Windsor) has already said many times, take advantage as well of visiting the Summer Games in August. I hope you have a good Summer.

SOME HON. MEMBERS:  
Hear, hear!

MR. WINDSOR:  
Mr. Speaker.

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

MR. WINDSOR:  
Mr. Speaker, I thank the hon. gentleman for his invitation. I have already had the honour, and many of my colleagues, of participating in some of the Soiree '88 events. I also want to invite all hon. colleagues to join in the Summer Games, and I will circulate some Summer Games pins later this morning as well.

SOME HON. MEMBERS:  
Hear, hear!

### Oral Questions

MR. WELLS:  
Mr. Speaker.

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

MR. WELLS:  
I am going to ask the members of the House this morning to share in a little bit of misery that the people of Buchans have been suffering for some time. Mr. Speaker, even since the mine closure, as hon. members will know, some years ago, Buchans has been floundering with an unemployment rate of about 80 per cent. The mine was the only economic engine in that community and efforts have been made to try and attract a federal penitentiary to that community to replace the mine. The community has done a tremendous amount of work toward promoting that. They have received the support of the Minister of Justice (Ms Verge). I

am happy to say, they have also received the support of the City of St. John's, the City of Corner Brook, and of a great number of other communities, but nothing has happened. Now it is suggested, rumoured on the news this morning, that the prison is to be constructed in the Town of Carbonear.

MR. YOUNG:

Carbonear or Harbour Grace.

MR. WELLS:

Now I have nothing against the Town of Carbonear, and I wish them well in every endeavour, but they do have the good fortune to have one of the lower unemployment rates in this Province, whereas Buchans and Central Newfoundland and Western Newfoundland, in general, have been floundering, Buchans in particular, with about 80 per cent. My question is: Does the Minister of Justice know anything about this, and can she confirm that this decision has been made, or that a definite decision has been made not to locate the prison in the Town of Buchans?

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, I know nothing about the federal government having made a decision on either building and operating a federal penitentiary in our Province or choosing a location for a future institution of that nature. This administration has been actively pursuing the need for a federal medium security correctional center in our Province operated by the federal government for the past several years. After considerable study we have taken the position that Buchans is the

best location for such a federal penitentiary.

The reasons we favour Buchans have to do with Buchans' central location and the fact that a center located there would be reasonably equally accessible by relatives and friends of inmates in every part of Newfoundland, Eastern Newfoundland and Western Newfoundland. The very reason that we have been urging the federal government to establish a federal center in our Province is that correctional experts maintain that visits from relatives and friends are key to the rehabilitation of inmates. The fact that Newfoundland inmates have had to be incarcerated in Mainland institutions has effectively denied our inmates of that contact with relatives and friends found so necessary to their chances for rehabilitation. A logical extension of that argument is that the federal penitentiary should be established in a central location in our Province, rather than on the Eastern edge of the Province.

Secondly, the community of Buchans embraces all aspects of having a correctional center. There are a number of other municipalities who might like to have the construction and jobs and economic spinoffs, but would not want to have the inmates. Buchans, as a community, through the leadership of Mayor Sean Power and the Red Indian Lake Development Association, over a period of years have researched this question. They even mounted a television hookup with Springhill, Nova Scotia, so that many citizens of Buchans could talk to people in Springhill about what it really means to have a federal penitentiary in a small town. The

Buchans leaders have planned an economic development strategy with a federal penitentiary as a cornerstone and have laid out ideas for economic development integrating a resource development with rehabilitation programs for offenders, for inmates.

So for all these reasons, Mr. Speaker, the Province has been firm in urging the federal government to establish in our Province a federal penitentiary. There is a social need. We are the only Province of Canada, other than PEI which has easy access to the centers in Nova Scotia and New Brunswick, without a federal penitentiary. We have been owed this service by the federal government since we joined Canada in 1949, and from time to time before promises were made but never delivered upon. Secondly, we have, for valid public policy reasons, preferred Buchans as the location for a federal penitentiary in our Province.

I have made repeated representations to this effect to the present and past Solicitor General and to our representative in the federal Cabinet. I have not gotten any recent response from them about their intentions to deliver. I have no idea where they are in their deliberations. All I know is what other members would have heard through the public news media.

MR. WELLS:

Mr. Speaker,

MR. SPEAKER:

The hon. the Leader of the Opposition,

MR. WELLS:

Mr. Speaker, in view of the fact that the news media is reporting

that there are people in Carbonear doing soil tests to determine the suitability of the location for the federal penitentiary, would the minister now undertake to the House to take immediate steps to enquire into it and give an undertaking that the strongest possible representations be made to the federal government to ensure that the prison is, in fact, built in Buchans, where it ought to be built for every good reason the minister mentioned, as well as the economic ones?

MR. SPEAKER:

The hon. the Minister of Justice,

MS VERGE:

Mr. Speaker, this administration and I, as long as I have been Minister of Justice, have been making the strongest possible representations to get the federal government to establish a federal penitentiary in our Province and locate it in Buchans. This is the first occasion that the Leader of the Opposition has raised the issue in the House of Assembly despite the fact that we have been sitting here since March.

I would like to assure him and the public in the gallery that this administration has been pursuing the goal of the federal penitentiary in Buchans for the past number of years. I sometimes discussed this with the former member for Windsor - Buchans (Mr. Flight) and noted that he could never make up his mind about the best location. But this administration has taken a definite stand in support of Buchans as the best location for the penitentiary.

MR. WELLS:

A final supplementary, Mr. Speaker,

MR. SPEAKER:

A final supplementary, the hon. the Leader of the Opposition.

MR. WELLS:

It is either the second or third time that it has been raised in the House since I have been here. As well, the government has not been at all shy in making strong, forceful statements when it wants to, so would the government take a strong and forceful position publicly now with the federal government and, in particular, with Mr. Crosbie, to ensure that the penitentiary in Newfoundland is located where it ought to be for all the good reasons that have been mentioned?

MR. TULK:

In Buchans.

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, we have made those representations and the leaders and the people of Buchans know that.

MR. SIMMONS:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

Mr. Speaker, I have a question I believe most appropriate to the Minister of Intergovernmental Affairs (Mr. Dawe), the gentleman from St. George's. Yesterday in the Chamber the Deputy Premier (Dr. Collins), the Minister of Health, informed the House that the Governments of Canada and Newfoundland and Labrador had not concluded the 'Memorandum of Understanding regarding the

coordination of industrial and employment benefits' provided for in Clause 53 of the Atlantic Accord. That came as news to us and as a bit of a surprise. Mr. Speaker, I ask the Minister, then, why the failure to conclude that Memorandum, given the impending agreement, we hope, to develop Hibernia, why the failure to have this Memorandum in place? Why the change of tactics? Why was Clause 53 not honoured? In other words, why do we have no Memorandum of Understanding?

MR. SPEAKER:

The hon. the Minister of Intergovernmental Affairs.

MR. DAWE:

That clause, as any other clause, is being honoured. At the time, and at the present time certainly the principles as outlined in that particular clause, and the necessity to make sure that Newfoundland achieves the best possible economic return from oil developments and hydrocarbon developments off our shores is the purpose for the Atlantic Accord. And that principle is outlined, of course, in the Accord. And one of the clauses that re-emphasizes that, of course, is dealing with industrial benefits, which is a very, very important aspect when we get into just how much this Province will realize from industrial benefits and employment opportunities.

The Accord sets out a principle that in itself goes beyond a Memorandum of Understanding, the principle of maximum benefits to this Province for industrial benefits and employment. And that continues to be an objective. It is not relevant - well, it is relevant, but I do not think it is as important to have that, because

a Memorandum of Understanding would only be able to outline the principle. The Accord outlines the principle. This will redefine it somewhat, but it is very difficult, other than the broad principles of maximization, to be able to detail it, if you will, because each individual project, whether it be Hibernia or the Terra Nova field or other fields that will be developed, would depend upon the development proposal and how those proposals translated into potential employment benefits from the project. And then those would have to be treated in the context of the Atlantic Accord to make sure that each project then addressed what the Accord outlined, which was that Newfoundland would receive the maximum amount of industrial benefits and employment opportunities from the hydrocarbon developments developed off our shore.

So, I mean, it is in the process of being done. The specifics of the Hibernia project and others are being discussed now, and the Memorandum, if you will, the outlining principle to expand on the Atlantic Accord will be done in due course. But there is no big haste to have that done immediately.

MR. SIMMONS:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Fortune Hermitage.

MR. SIMMONS:

I thank the minister for his answer, but I ask him to have a look at Clause 53, because I believe even a layman's reading of it and I am not suggesting he is a

layman in the matter, but I will indicate that in order to achieve the objectives outlined in Clauses 50, 51 and 52, this Memorandum is needed before you have an agreement to develop. I ask him, in light of the failure to have that Memorandum in place at this time, although it was specifically provided for in Clause 53, what mechanism does the government propose to use, now that we do not have that Memorandum of Understanding, to determine whether or not the objectives of Clauses 50, 51 and 52, i.e., benefits to Newfoundland, will be properly effective, properly honoured by any agreement to develop Hibernia, for example?

MR. SPEAKER:

The hon. the Minister of Intergovernmental Affairs.

MR. DAWE:

Mr. Speaker, as I indicated, the Atlantic Accord itself in its totality identifies the principles, and that is one of the principles that requires a Memorandum of Understanding. The hon. gentleman will realize that memorandums of understanding, as they relate to a number of things between the federal government and the provincial government, outline a set of principles. In the sense of industrial benefits and employment opportunities, the Memorandum will redefine somewhat the principles set out in the Accord itself.

The specifics of individual projects, as I indicated, will be done in line with not only the principles of the Memorandum but also the principles of the Atlantic Accord. I think the Accord itself is the protection and is certainly a legacy that this administration will be

leaving to the people of Newfoundland far into the future.

MR. SIMMONS:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for Fortune-Hermitage.

MR. SIMMONS:

The minister will be aware that the federal Energy Minister, Mr. Masse, has said that a major unresolved issue in the negotiations is the matter of spinoff benefits and their distribution among the interested parties, Newfoundland, Quebec, Canada as a whole, and so on.

I ask the minister will he now, then, assure the House that the lion's share of the spinoff benefits, including job opportunities, will not go to the Province of Quebec but indeed will come to the Province of Newfoundland? Is that an assurance, in light of his knowledge of the state of negotiations now, he can give the House, that the lion's share of spinoff and job benefits will not go to the Province of Quebec but will redound to the benefit of Newfoundlanders directly?

MR. SPEAKER:

The hon. the Minister of Intergovernmental Affairs.

MR. DAWE:

Mr. Speaker, as memorandums of understanding are not specifically clear, certainly the term lion's share is not specifically the clearest either. But I can assure the House, and it has been assured this House and the people of this Province, that whatever is possible - there are some things that are not possible - with

regard to the development of hydrocarbons off our coast, whatever can be squeezed, cajoled, argued, forced - and any other way you want to put it, into this Province for industrial benefits, for spinoff benefits, for employment opportunities, is going to be done. This particular project has been identified from the beginning as having certain components that cannot be done in Canada. There are aspects of this particular proposal, in its \$4 billion to \$5 billion totality, that cannot be done and will not be done in Canada, just because of the very nature of the development. There will probably be developments that will occur once we make sure in this particular one that infrastructure, base industries, base employment opportunities to build on the whole industry of offshore oil development, once we make sure of that, in that context a lion's share, whatever a lion's share means, the maximum -

MR. SIMMONS:

Half or more.

MR. DAWE:

Well, now, I do not know if that is a definition of lion's share.

Mr. Speaker, if in the case of this development or another development it is possible to do all the development, 100 per cent of the development, in this Province, that is what will occur. If 100 per cent is possible to be done in this Province, through the workers of this Province, through the industrial infrastructure in this Province or infrastructure that is developed because of the project, then 100 per cent of it will be done in this Province. Mr. Speaker, in that context, whatever

percentage, whatever amount of the project it is humanly possible and feasible to will be done in this Province, and in that context the lion's share will come to this Province.

MR. GILBERT:  
Mr. Speaker.

MR. SPEAKER:  
The hon. the member for Burgeo - Bay d'Espoir.

MR. GILBERT:  
Mr. Speaker, I have a question for the Minister of Transportation (Mr. Doyle).

The former deputy minister of your department stated in the media that certain discretionary funding for highway projects was made available to Cabinet ministers. On June 13 of this year the Minister of Agriculture (Mr. R. Aylward) announced \$400,000 for highway projects in his district. Was this funding from the discretionary allotment or was it the regular highway upgrading projects approved and prioritized by your department?

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

MR. DOYLE:  
Mr. Speaker, there is no discretionary funding as such. All funding is approved by Cabinet. We listen to representations that are made by various members on this side, and the other side as well, and funding is allocated on that basis and on the basis of need.

MR. GILBERT:  
A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Burgeo - Bay d'Espoir.

MR. GILBERT:  
One of the projects announced by the minister was the paving of the old La Manche road in Tors Cove, a road that has been abandoned for the past thirty years. I wonder what was the rationale and what was the cost of this project?

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

MR. DOYLE:  
Mr. Speaker, obviously I would not have that information immediately available to me. We have many, many hundreds of roads in the Province and all of these are listed with the Department of Transportation. I will simply have to take that matter under advisement and get the information for the hon. gentleman. I am sure there is nothing irregular about it, though.

MR. GILBERT:  
A final supplementary, Mr. Speaker.

MR. SPEAKER:  
A final supplementary, the hon. the member for Burgeo - Bay d'Espoir.

MR. GILBERT:  
Will the minister not admit that the real reason this project was upgraded and approved for paving is that a good friend of the member has built a house on the road, and the paving, of course, on the old La Manche road is a continuation of the wilderness paving program like the Round Pond development?

MR. SPEAKER:  
Order, please!



The hon. the Minister of Transportation.

MR. DOYLE:

Mr. Speaker, that question does not even deserve a response. As I said to the hon. gentleman, I have no particular knowledge of what he is speaking about at the moment. We do have many hundreds of roads in the Province and I will simply have to check that out and get the information for the hon. member.

MR. EFFORD:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Port de Grave.

MR. EFFORD:

Thank you, Mr. Speaker.

My question is to the Minister of Municipal Affairs (Mr. Brett) and it is pertaining to the town council of Bay Roberts. I have to ask the minister to clarify - it is a bit confusing; some statements that have been made - prior to the announcement just recently of capital projects, did his department receive engineering and environmental studies from the community of Bay Roberts when requesting funds for the 1988 season?

MR. SPEAKER:

The hon. the Minister of Municipal Affairs.

MR. BRETT:

I cannot answer that, Mr. Speaker, because I do not know. There are some 300-odd municipal councils in the Province and 150-odd local service districts, so I do not know which ones did or did not have engineering studies in. I really do not. I suppose it would be impossible for me to know each

and every one. There is a good possibility that Bay Roberts did because it is not a new system there and work has been going on there for years. So I would suggest, while I cannot be explicit, it would be strange if they did not have their five year plan in, all their drawings and this sort of thing. I would suggest that they probably did.

MR. EFFORD:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Port de Grave.

MR. EFFORD:

Would the minister explain why, last week when the engineer and four councillors from Bay Roberts sat down at a meeting in a minister's office and went over the plans they had submitted prior to the announcement, the minister said 50 per cent of the blame why Bay Roberts had not received money for 1988 was the fault of the MHA?

MR. SPEAKER:

The hon. the Minister of Municipal Affairs.

MR. BRETT:

I am surprised if I did not say it was 100 per cent the fault of the MHA. If I said 50 per cent then I will have to call the council back again, have another meeting with them and explain that it was all his fault. You asked for this and you are going to get it. They asked about their own MHA, if he had made representation, and I said, no, I had never, ever, seen their MHA on my floor, in my office, anywhere near my office in the six or seven months that I have been minister. Obviously, since he made no representation on behalf of Bay Roberts, a town in

his district, then he has to take some of the blame.

MR. MORGAN:

How do you explain that, John? How do you expect to get your district paved?

MR. BRETT:

Mr. Speaker, a lot of the other members, and I can name some of them but perhaps it is better I do not -

SOME HON. MEMBERS:

Name them!

MR. BRETT:

Okay. The member for Bonavista North (Mr. Lush) came to my office.

SOME HON. MEMBERS:

Hear, hear! -

MR. BRETT:

To the best of my knowledge every single council that came to see me from Bonavista North was accompanied by their member. I never did see the member for Bay Roberts.

SOME HON. MEMBERS:

Hear, hear!

MR. EFFORD:

Mr. Speaker.

MR. SPEAKER:

A final supplementary.

MR. EFFORD:

The Mayor of Bay Roberts was told that he was 50 per cent to the blame, and that the MHA was 50 per cent of the blame.

MR. SPEAKER:

Order, please!

MR. EFFORD:

I ask the minister, now that the water works program is going to be

announced very soon, as he said yesterday, and I have made personal representation to the Minister of Municipal Affairs for the community of Georgestown - I had hand delivered to his office the engineering studies - if that is the reason why we did not receive any money for Bay Roberts, will the minister now tell me and tell this House of Assembly, because I made representation for the community of Georgestown for artesian wells, that they are going to receive money from this year's capital water works grants.

MR. BRETT:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Municipal Affairs.

MR. BRETT:

Mr. Speaker, the hon. member is correct, he did make representation; I think he stopped me here in the House one day in front of his seat.

MR. EFFORD:

I hand delivered it too.

MR. BRETT:

He says he hand delivered the letter. He probably did. There are thousands of letters goes through there every day. He probably did hand deliver the letter. And if he did that is fine, congratulations. You should have been doing it all year. Why did you decide to do it now?

SOME HON. MEMBERS:

Hear, hear!

MR. BRETT:

No, I cannot help the hon. member if that particular community is going to get any money or not. If they are it will be announced

properly, when the time comes.

MR. LONG:  
Mr. Speaker.

MR. SPEAKER:  
The hon. the member for St. John's East.

MR. LONG:  
I have a question for the Minister of Environment and Lands (Mr. Russell). It concerns a report in the last number of days about the storage of PCBs in Argentina. And I would like to ask the minister responsible for protecting the environment, in particular for the monitoring of the disposal of PCBs in this Province, if his department is involved with this project to ship PCBs from a number of unidentified sites around the Province to a bunker in Argentina?

MR. RUSSELL:  
Mr. Speaker.

MR. SPEAKER:  
The hon. the Minister of Environment and Lands.

MR. RUSSELL:  
Mr. Speaker, the project, as I understand it, to store PCBs in Argentina - the Northside of Argentina, I think it is - is completely a federal project. Yesterday afternoon I asked my officials to see if they had contacted us for any kind of co-operation and I am waiting to get a reply back. I will check for the hon. member after question period. I understand the project is totally within federal jurisdiction.

MR. LONG:  
Mr. Speaker.

MR. SPEAKER:  
A supplementary, the hon. member

for St. John's East.

MR. LONG:  
Mr. Speaker, in light of the minister's answer, I ask would he confirm that federal officials are in the process of undertaking to transport PCBs by water from various sites in the Province to Argentina, without the knowledge of the Provincial Department of Environment, and, further, whether they intend to establish a storage site without any environmental assessment process being undertaken by provincial environmental officials?

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

MR. RUSSELL:  
Mr. Speaker, the Federal Environmental people are very capable to inspect sites for storage of PCBs, just as capable - I would not say necessarily more capable - as provincial officials I understand that they have done that and the site at which they are storing the PCBs is quite safe and quite up to standard. As I said to the hon. member's first question, I will check on that after question period and let him know.

MR. LONG:  
Mr. Speaker, a final supplementary.

MR. SPEAKER:  
A final supplementary, the hon. the member for St. John's East.

MR. LONG:  
In view of the answer the minister has given, I ask is he saying to the House today that the Province does not have any authority with respect to the storage of PCBs in this Province, and in particular will not take any responsibility

for the very serious potential hazard of disposing PCBs in Argentia without any clear indication to the people in that community that proper measures have been taken to ensure the safety of the community and its citizens?

MR. SPEAKER:

The hon. the Minister of Environment and Lands.

MR. RUSSELL:

Mr. Speaker, it appears to be, with all due respects, that when it comes to the concerns that people have with regards to PCBs, the hon. member has been somewhat of an alarmist. I understand the site at which the federal people are storing the PCBs is extremely safe, it has been looked at by Environment Canada people. Certainly I will ask my officials to look at it, if they have not done so already, and if there is any problem with it I would be only too happy to make strong representations to Environment Canada and anybody else about the matter.

MR. GULLAGE:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Waterford - Kenmount.

MR. GULLAGE:

Mr. Speaker, my question is to the Minister of Development (Mr. Barrett). Mr. Speaker, the government has been asking for proposals for some weeks now for the sale of Newfoundland Hardwoods operation on Topsail Road. My question is whether in fact a proposal has been accepted, and whether the government has ensured that a severance pay package has been put in place for employees

pertaining to the previous operation, and whether or not that is going to be guaranteed for employees employed in the future operation if a proposal has been accepted?

MR. SPEAKER:

The hon. the Minister of Development and Tourism.

MR. BARRETT:

Mr. Speaker, as I reported to the House some time ago, we had asked for proposals for the disposition of the Newfoundland Hardwoods facility on Topsail Road, and that proposals were being received up to the end of June. So the end of June has now, obviously, come and passed, there were a couple of proposals received, the proposals are presently being evaluated by officials in the Department, so one would assume that we will be making a decision on that in the next number of days.

With respect to the employees, obviously the fate of the employees will be very dependent on the proposals themselves. If an operator is going to go in there and maintain the operation as it is, then obviously they would have successor rights and there would not be any further necessity for government to act. If there will not be a continuation of the plant, then obviously government will then have to undertake a severance arrangement with those people, because they were in fact employed by a Crown corporation of the government.

MR. GULLAGE:

Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Waterford - Kenmount.

MR. GULLAGE:

The minister's answer leads really to my next question. Has government guaranteed that these employees would be maintained in the new operation, or in fact is the proposal call just for the real estate on site and not include employees?

MR. SPEAKER:

The hon. the minister of Development and Tourism.

MR. BARRETT:

Mr. Speaker, the Terms of Reference were really to acquire the entire operation as an operating facility. We have not asked for a proposal at this point in time with respect to selling off the physical assets on a piecemeal basis through an auctioneer or some other fashion; that position has not as yet been taken.

MR. DECKER:

Mr. Speaker.

MR. SPEAKER:

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

MR. DECKER:

Mr. Speaker, my question is for the hon. the Minister of Fisheries (Mr. Rideout).

The minister probably is aware that the inshore fishery so far has been a total failure in much of the Strait of Belle Isle district because there is no fish in the Strait of Belle Isle not at this time. Along the Labrador Coast, because of the ice blockage, there is no fish. In view of the fact that there are hundreds of fishermen who have had no income since May 15, what action has the minister taken to address this very serious

problem? Has he requested his federal counterparts to extend unemployment insurance or address the whole unemployment insurance problem for fishermen which recurs every year where fishermen are left without any income until the fish finally arrives, whether it is late June, or even in late July in some parts of the district? Would the minister tell what action has been taken?

MR. RIDEOUT:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Fisheries.

MR. RIDEOUT:

Mr. Speaker, the government, and myself in particular, have on a number of occasions this year made representation to the Employment and Immigration Canada to have fishermen's unemployment insurance extended, because of ice conditions in some parts of the Province, which are still a problem up in Northern Labrador and Southern Labrador. It was only yesterday, I believe, that I was in touch with or sent a communication to Mrs. McDougall on that particular problem. I have been in touch with Mr. Crosbie about an extension on UI for fishermen in various parts of the Province over the last several days. So that has been done, and we have done that consistently, Mr. Speaker, over the last several years, since I have been in the department.

The other things that has been done by the government, by myself as Minister of Fisheries and by the former Minister of Career Development and Advanced Studies (Mr. Power), was to make some very well thoughtout, detailed proposals to the Government of

Canada about the inadequacy of the Fishermen's Unemployment Insurance Program in general. We do not think the program is working to the best advantage of fishermen. We think that a number of changes ought to be made. In particular, the program ought to be flexible enough to start up and close down without having to cut off at a particular date and be over and done with. But, of course, those decisions can only be made by the federal government, which is responsible for the Commission. But the representation from this Province, Mr. Speaker, has been consistent, has been clear and has been supportive of a better system more in tune to the needs of the fishermen and to the vagaries of the fishery wherever it is in Newfoundland and Labrador.

SOME HON. MEMBERS:

Hear, hear!

MR. DECKER:

Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for the Strait of Belle Isle.

MR. DECKER:

Mr. Speaker, as the minister says, it has been an ongoing thing. Is there any indication that, finally, after the years of representation, the federal government will finally take some action on this matter so that next year the same thing does not happen again, and the year after? What indication is the minister getting? Is there any hope for the fishermen up in the Strait of Belle Isle and Labrador?

MR. SPEAKER:

The hon. the Minister of Fisheries.

MR. RIDEOUT:

Mr. Speaker, there is always hope. One would not be involved in the fishery in Newfoundland and Labrador if you were not always hopeful and optimistic. But I cannot stare into a crystal ball and tell the hon. gentleman that the federal government are about to make major changes or perform major surgery on fishermen's UIC. I do not have that indication one way or another. Obviously it is not a question that I can answer, but I can only report to him the representations that we have made, the ideas that we have put forward for changes. Whether there will be change forthcoming or not is not something that I can predict.

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).

On June 14 of this sitting, the minister will recall that I tabled a letter in the House which showed that Mr. David Buffett, contrary to what he told the minister in his letter to him previously, had acted for ERCO as a solicitor in a matter concerning Workers' Compensation. The minister promised to investigate and to get back. As I said, that was June 14, some three or four weeks ago, and today is July 8. I ask has the minister investigated this matter or is he prepared to let the matter drop with the hope that the House will close down and the whole matter will go away? If he has investigated, will he now give us his report on Mr. Buffett, as

to whether he believes that Mr. Buffett has misled him, as to whether he believes Mr. Buffett is in a conflict of interest position, and what he is going to do to ensure that the people who appear before the Workers' Compensation Appeal Tribunal are assured, and perceive that they are getting a just hearing?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

A multitude of questions rolled into one, Mr. Speaker, but I will do my best to answer them. The answer is, no, I am quite sure Mr. Buffett is not in a conflict of interest; no, he has not tried to mislead me or mislead anybody else into thinking that; and, yes, I took up with Mr. Buffett the letter that the hon. member for Fogo presented in the House on the 13, I think it was. Mr. Buffett wrote to me concerning that particular letter and pointed out that it was not a matter which was appealable to the Appeals Tribunal and therefore there was no conflict of interest.

MR. SPEAKER:

Order, please!

The time for Oral Questions has elapsed.

Answers to Questions  
for which Notice has been Given

MR. MATTHEWS:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Career Development and Advanced Studies.

SOME HON. MEMBERS:

Hear, hear!

MR. MATTHEWS:

Thank you, Mr. Speaker.

I want to respond to a question asked by the member for the Strait of Belle Isle (Mr. Decker) pertaining to the Private Sector Employment Program and, in particular, a project applied for by O'Keefe Trucking Limited.

I want to inform the hon. gentleman and members of the House that I have investigated the matter and the hon. gentleman was correct, the project was approved and the Special Assistant was a shareholder in the company. However, there has been no contract signed between the Department of Career Development and Advanced Studies and the company. There have been no monies dispersed or paid out and, consequently, I have cancelled the project.

SOME HON. MEMBERS:

Hear, hear!

Orders of the Day

MR. SIMMS:

Mr. Speaker, we will do those first few third readings.

Order 3.

On motion, a bill, "An Act To Amend The Nursing Assistants Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 18)

MR. SIMMS:

Order 4.

On motion, a bill, "An Act To Incorporate The City of Mount

Pearl," read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 55)

SOME HON. MEMBERS:  
Hear, hear!

MR. SIMMS:  
Order 5.

On motion, a bill, "An Act To Amend The Legal Aid Act, 1975," read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 23)

MR. SIMMS:  
Order 6.

On motion, a bill, "An Act To Amend The Conveyancing Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 21)

MR. SIMMS:  
Order 7.

On motion, a bill, "An Act Respecting The Public Library Service In The Province," read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 31)

MR. SIMMS:  
Order 8.

On motion, a bill, "An Act To Amend Certain Acts Having Regard To The Canadian Charter Of Rights And Freedoms," read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 33)

MR. SIMMS:  
Mr. Speaker, we move along to second readings now. Order 22, bill No. 43.

DR. COLLINS:  
What about 21?

MR. SIMMS:  
I am sorry! Could we just hang on for a second, Mr. Speaker? Yes, we did Order 7 and 8.

DR. COLLINS:  
Are you not going to finish off physiotherapy one?

MR. SIMMS:  
Oh! I am sorry! Mr. Speaker, if I might just revert for a moment to a second reading. I think I indicated yesterday we would carry on with The Physiotherapy Act. I am sorry about that. So, by leave, I will withdraw that order and call Order 30, Bill No. 64 which was adjourned, I believe, by the member for Port de Grave.

On motion, second reading of a bill, "An Act To Amend The Physiotherapy Act."

MR. SPEAKER:  
Debate on the bill was adjourned by the hon. member for Port de Grave.

The hon. the member for Port de Grave.

MR. EFFORD:  
Mr. Speaker, just a few more brief comments.

In adjourning the debate last night one of the concerns I had, Mr. Speaker, was the fact of what the Minister of Health is doing on one hand and is not doing on the other hand, about the concerns of the people of the Province in bills 63 and 64.

Bills No. 63 and 64 proves exactly what I am saying. We see absolutely no need at all for Bill 63, "An Act Respecting The Registration And Licensing Of Hearing Aid Dealers." It is not an earth shattering bill, and it



is not going to be damaging to the people of this Province if this bill never goes through. Bill No. 64 is a necessary thing. It is a bit of housekeeping but very necessary.

It brings me back to exactly what I was saying last evening when it comes to the chiropractors of this Province. The minister is going to have to deal with this and I think this is the best opportunity I am going to get now in this sitting of the House of Assembly. Could the minister explain to the House of Assembly, and to the people of this Province, why you are bringing in acts like Bill No. 63, and completing ignoring the chiropractors of the Province?

I want to repeat and make clear for the minister to understand, and all members of this House of Assembly to understand, we are not as much concerned about the chiropractors as we are about the people of the Province and the way in which they are being treated. If it was a case where there were no chiropractors in the Province and they were not practicing, then there would be a totally different situation. But, it is a clear fact that there is now a number of chiropractors practicing in the Province. However, there is nobody in this Province, no official or nobody can tell us if one of those people are qualified. There are no licence boards set up and nothing set up to govern the chiropractors. Anybody at all can practice chiropractics right now and that is a very dangerous situation.

We are talking about people with back problems who could be critically injured for life by people not able to practice properly. Only professional

people should have having the opportunity to practice. That is a concern. The minister is going to have to deal with this, there is no question about it.

What I do not understand is why the minister is no willing to bring in an act to set up a licencing board. The only clear message we want out of it is the fact that the chiropractors will have to be registered in the Province in order to carry out a practice. That would then ensure the people of the Province they are properly qualified.

We are not talking about numbers of people getting injured or mistreated here. If one person visits a chiropractor who is not qualified and they are damaged, that is enough damage to be done in this Province for legislation, when any one person to be injured. And the minister is totally responsible. He has had requests from a Canadian Chiropractor Association, from many different groups of people in and around the Province of Newfoundland and Labrador; he has received requests from associations across Canada and nobody in the Chiropractor Association, or in the Province of Newfoundland and Labrador can understand why the minister will not legislate. There has got to be something. We just cannot conceive of a reason why an act is not brought in. The minister is going to have to face this some day.

The Premier, himself is involved. I have a letter from the Premier where he acknowledged a letter received from the present Chiropractor Association where he agreed. He apologized I suppose if you want to say it, for the

member for St. John's North (Mr. J. Carter) because of the statements he made, but he agreed the chiropractors should be licenced. There should be legislation brought into the House of Assembly and he said it would be done. This is back three years ago. In 1985 he wrote this letter to the Chiropractor Association in answer to a letter from them.

But the Minister of Health, like the former Minister of Health, totally ignores the situation. If we can bring in an Act respecting the Registration Of Licensing Of Hearing Aid And Dealers, why not one for these people. He said last night it was for the protection of the consumers, although it still passes my understanding why it would be a protection for the consumers because anybody in this Province can now sell hearing aids. He tells us that anybody who has been selling them for the last two years, once this Act is brought in, will automatically become able to register and able to carry on the practice, so we are not saying that there are only qualified people or audiologists who can do this.

Can the minister give us a reason why the chiropractors are not licensed? They should be, for one reason only, for the protection of the people of the Province to ensure, and I repeat very clearly, to ensure that only professional licensed chiropractors would be able to practice in this Province. The only reason we are asking it at this point is to ensure the protection of the people of this Province. Unless he can answer and give a good valid reason for no act, then there is no just reason why immediate legislation should not

be introduced in this House of Assembly and why it has not been in the past, or even in this session. Here we are now, coming down through the Order Paper, and there is nothing on the Order Paper for that group.

The Minister of Health has not answered the question and many, many people in this Province are wondering what is the personal reason. Is it a personal thing with the Minister of Health? Does the member for St. John's North (Mr. Carter) have that much influence on the Cabinet that the ridiculous statements he has made publicly, and in this House of Assembly, against the chiropractors, that the Minister of Health (Dr. Collins), the Minister of Justice (Ms Verge), and the Cabinet actually believe the statements he makes and agree with the statements that he made publicly? This is the question the people of the Province are asking.

We have to face up to the fact that the legislation must be brought in. The Minister of Health can stand up and say they are only interested in the chiropractors and that is all, but that is absolutely not so. To license them would probably exclude four, five, or several; we do not know how many are qualified.

I would like to hear the minister's comments on that and I would like to have the assurance from the minister that definitely legislation will be brought in, the licensing board will be set up, and we have a guarantee the only people who will be allowed to practice chiropractics is this Province, as in every other province in Canada, as in every

state in the United States, and as in many other countries in the world, are those who qualify under a licensing board. As usual, we are behind most everything in the rest of Canada and we are certainly behind in this one. It is the responsibility of the Minister of Health and somewhere down the line, I hope it never happens, but somewhere down the line someone is going to be responsible for somebody possibly being injured and none of us would like to see that. I do not think for one second that the Minister of Health would ever like to see that happen in this Province.

DR. COLLINS:  
Mr. Speaker.

MR. SPEAKER: —  
If the minister speaks now he closes the debate.

The hon. the Minister of Health.

DR. COLLINS:  
I think I just need to respond to one point here and that is the matter just discussed by the hon member for Port de Grave (Mr. Efford). He has made a number of statements there that are not really founded in reality.

Firstly, he did make one statement, I think, that puts the whole question in context and that is that he stated, and I am just reporting what he stated, I do not know if this is true or not, but I certainly take his word on it, that the Premier wrote on this matter in 1985, two and a half, or whatever, years ago, so that is an indication that this is not a matter that you just cure up in a week or two. There are issues that had to be addressed here.

As a matter of fact, I think, the

question of bringing in a chiropractor act goes back well beyond 1985. I am not certain how long, but it is my understanding it even goes back into the days of the late hon. Wallace House. Since I have been in the portfolio, I have pursued this matter to the extent I have had meetings with some of our officials on the matter, I have arranged for some of our officials to travel to other provinces to get certain information we did not have on file and that was necessary information. Incidentally, I had meetings with other interested bodies that had not been met with before on this particular matter. I corresponded with the chiropractors. I have now set up a group to bring together the information we have been compiling over the last number of months and I would anticipate that in the next number of weeks this group will be reporting to me. I likely will be meeting with the group and I look forward when we get their issues straightened out to bringing forward a draft bill to Cabinet and, if Cabinet agrees, subsequently to this House.

The hon. member is suggesting we have not been doing anything on it, that is not a true reflection of the reality. We have been acting on it very diligently; it is not a simple matter, even though you might say, 'Every place else has got it.' Our circumstances here are a bit different in this regard than other places. We cannot just take what they are doing in Ontario and transfer it to here, although we made sure we were well aware of the experiences in Ontario and Alberta and in other places so that we could learn from the way they do things and, even though we

cannot transfer exactly what they are doing to us, we can learn from the way that they have done it and how it might impact upon us.

That is all I can say. We have been working on it. I have told the chiropractor group that when I am in a position to say something meaningful to them, and I have written to them on this and I have spoken to them on the telephone on this, I will set up meetings so they will be fully conversant with the way our thinking is going before we actually get into the drafting of the act. So I hope that does give some assurance to the hon. member and to the members of the House.

With those words, I move second reading.

On motion, a bill, "An Act To Amend The Physiotherapy Act", read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 64).

MR. SIMMS:

Order 22, Bill No. 43.

On motion, second reading of a bill, "An Act Respecting Companies Validation". (Bill No. 43).

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, The Companies Validation Act attempts to cure possible problems that could result from practices under The Companies Act. The Companies Act was replaced by The Corporations Act on January 1, 1987, so the actions that are the subject of this bill occurred in 1986 or before. The amendments were sought by the Law Society of Newfoundland and a legislative committee of the Law Society

actually contributed to the drafting of this bill. As I say, the purpose of it is to eliminate any possible defects that were adherent in the old Companies Act and the regulations under that Act.

There are two issues dealt with. First, provision for the retroactive validation of fees which were collected in good faith by the Registrar of Companies from foreign corporations registering increases in their authorized share capital. Now, evidently there was clear authority for these fees initially but, through an oversight, probably, for a period of time from 1979 through 1986, the regulations dealing with this matter did not clearly provide authority for the collection of fees. Nevertheless, the Registrar, as I say, in good faith, did collect such fees in accordance with a tariff set out and this was brought to the attention of the Justice Department by a member of the Law Society, a private practitioner only within the last year or so. After it was pointed out by this solicitor, we felt and the Law Society recommended that we bring in the legislation set out in the bill to retroactively validate the fees collected by the Registrar from foreign corporations who had their authorized share capital increased.

The second provision, again, recommended by the Law Society, clears up any possible problem which might result from shares having been held in trust where one trustee might have held shares for more than one beneficiary and, of course, the old Companies Act required three incorporators and three shareholders, so some question might arise as to whether some of these trust arrangements

satisfy the requirement for a minimum of three shareholders.

Actually, the practice of the Registrar of Companies changed over time. Towards the end of the Companies Act he insisted clearly upon three different shareholders. But for a period of time the Registrar accepted arrangements where there was a trustee holding shares for more than one beneficiary to satisfy the requirement of the minimum of three shareholders.

That is all I really need to say, Mr. Speaker. These are obviously technical changes recommended by the Law Society to cure any potential problem which might arise, despite the fact the Registrar of Companies and lawyers and their clients all acted in good faith.

MR. WELLS:  
Mr. Speaker.

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

MR. WELLS:  
Thank you, Mr. Speaker.

The minister has explained the purpose of the bill and we have no quarrel with it. Both are entirely appropriate. The second purpose, to ensure that a company that had less than three shareholders but had at least one of them acting in more than one capacity, is quite appropriate and I agree with it, but I think there is a technical change that needs to be made because I think the opposite has been said. I suggest in order to give effect to it, the word 'unless' should be changed to 'if'.

MS VERGE:  
(Inaudible) change.

MR. WELLS:  
Oh, I see.

Thank you.

MS VERGE:  
Mr. Speaker.

MR. SPEAKER:  
If the hon. minister speaks now, she will close the debate.

The hon. the Minister of Justice.

MS VERGE:  
Mr. Speaker, perhaps I should have mentioned in my initial remarks that I intend to propose two amendments to the bill in Committee stage. I understood the Law Clerk had given a copy of the proposed amendments to the Opposition. One of the changes is the one the hon. Leader of the Opposition just mentioned. It is a change to clause 4, subclause (1) substituting 'if' for 'unless'. The other one is an amendment to subclause (2) eliminating the word 'the' in the third line. The changes, I think, become more clear when the written version is read.

Mr. Speaker, I move second reading of this bill, "An Act Respecting Companies Validation."

On motion, a bill, "An Act Respecting Companies Validation," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 43)

MR. SIMMS:  
Order 23, Bill no. 47.

Motion, second reading of a bill, "An Act To Remove Anomalies And

Errors in The Statute Law." (Bill No. 47)

MS VERGE:  
Mr. Speaker.

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

MS VERGE:  
Thank you, Mr. Speaker.

This is our usual, once-a-session bill to remove anomalies and errors in the Statute Law. This particular bill sets out several corrections to our Statute Law which were recommended by Legislative Counsel, who constantly review our legislation. Inevitably, despite the care that is taken by the draftspeople and by members debating legislation, typographical errors appear, gaps are found and it is necessary to bring in these kinds of technical corrections to remove errors and anomalies.

I do not think I need to say any more now. If members opposite have questions about particular amendments; then I will attempt to answer them when I clue up later.

MR. WELLS:  
Mr. Speaker.

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

MR. WELLS:  
Mr. Speaker, there are a couple of things that I would like for the minister to explain. There is not much principle to debate in this bill on second reading. The minister has explained its purpose is to correct anomalies and these things I suppose can be dealt with in detail in Committee, but I

should alert the minister to them now.

One is Clause 6 of this bill: What is the real significance of that? What is the purpose? The municipalities, the City of Corner Brook included, have been collecting interest for many years. How does this change the current situation? What is the real purpose of this change? And that applies to the changes in the other provisions for The Municipalities Act and The City of St. John's Act.

The next one is Clause 14. I have a great aversion to making any law retroactive because people act on the assumption that the law is as it is stated. When you make a law retroactive, you change retroactively rights, positions and the obligations of people. What is the consequence of making this retroactive particularly when you are talking about a right of appeal? When you make this retroactive, is that intended to give a right of appeal to people for a specified number of days following the implementation of the bill or how is that being handled? Exactly what is the purpose of making this retroactive and what are the potential consequences of making it retroactive?

As I say, that is the sort of detail I have. There is no principle involved in this bill, other than correcting statutory anomalies. I just want to raise those questions. The minister may or may not be able to answer them now. If not, then when we get to committee stage, she may.

MS VERGE:  
Mr. Speaker.

MR. SPEAKER:

Is the hon. minister, speaks now she will close the debate.

The hon. the Minister of Justice,

MS VERGE:

Mr. Speaker, the proposed amendments to the municipalities legislation, the cities acts and The Municipalities Act simply confirm the ability of municipalities to charge interest on arrears of taxes. In fact, municipalities have been doing this, but I understand that a recent decision of a Provincial Court cast some doubt upon this and it was felt prudent to clarify it in the legislation. So it simply confirms past practice.

Clause 14, the amendment to the Judicature Act, really clarifies a provision of the new Judicature Act which most of us took for granted or assumed. It says a decision of our Court of Appeal on a reference may be appealed to the Supreme Court of Canada. That provision was inadvertently omitted from the new Judicature Act. It was not picked up until an attempt was made to appeal a Court of Appeal decision on a reference. So there is no intention to depart from the policy which had been intended before. In fact, I think most lawyers would be surprised to find the present Judicature Act failed to make plain that a decision of our Court of Appeal on a reference may be appealed to the Supreme Court of Canada, subject, of course, to leave been given by the Supreme Court of Canada.

With those comments, Mr. Speaker, I move second reading.

MR. WELLS:

Would the minister permit a

question?

MS VERGE:

Yes.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. WELLS:

Perhaps she could tell me that the intention then is to allow that appeal in respect of which a question was raised to go ahead. I have no quarrel, that is the only effect of the retroactive provision.

MS VERGE:

Oh, yes.

On motion, a bill, "An Act To Remove Anomalies And Errors in The Statute Law", read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 47).

MR. STIMMS:

Order 29, Bill No. 58.

Motion, second reading of a bill, "An Act To Amend The Corporations Act." (Bill No. 58)

MS VERGE:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, Bill No. 58 is An Act To Amend The Corporations Act. Mr. Speaker, as I just mentioned, the new Corporations Act came into force on January 1, 1987. The Act requires companies incorporated under the old Companies Act prior to that to apply to the Registrar of Companies for a Certificate of Continuance within two years of the new act coming into force.

The purpose of that is to make plain which companies now on the books of the Registry of Companies are indeed active, functioning companies and to require those companies to confirm that status and intention on their part, but to provide automatically for the many companies that exist in name only on the books of the registry and which have long ceased to be active or used, to be dissolved.

Mr. Speaker, when a corporation is dissolved the property of the corporation is transferred by law to the Crown. Mr. Speaker, so far in the transition from the old act to the new act a significant number of companies on the books of the registry have not applied to be continued and unless there is a flood of applications for continuance in the six months remaining within the two year time frame for applying for continuance, then beginning next January the property of many companies will vest in the Crown.

When that happens now and a company applies later to be reinstated, it is necessary for the Crown to transfer formally title to the former property of the company back to the company, but Mr. Speaker, it is felt that for purposes of the transition there should be special provision to provide that for a year following January 1 of next year, where property vests in the Crown because of failure of a company to apply for continuance, but where that company later within the next year, before January 1 of 1990, becomes reactivated, it will not be necessary for the Crown to transfer formally the property back to the company, and instead, for administrative purposes, provision should be made through these amendments for the property

to revert in the company automatically.

So, Mr. Speaker, this amendment is designed for administrative convenience and for the convenience of companies and shareholders in the Province who are adapting to the requirements of The New Corporations Act.

If you like, it gives everyone a year's further grace so there will still be pressure on companies required to apply to continue to get on with it but, if they have not done that by the start of next year, they will have a further year within which they will have to take a different action to become reactivated, but upon doing that, their former property, which would have vested in the Crown, would revert to those companies automatically.

Mr. Speaker, during Committee stage I will propose a further amendment to this bill. I think a copy of the further proposal has been given to both parties opposite. The proposal says where the property of a body corporate vests in Her Majesty, Her Majesty is not liable in tort by reason only of the property being so vested. But, of course, if the Crown has taken possession of the property, then the Crown would become liable in tort.

That is all I really need to say at this stage, Mr. Speaker, about this bill.

MR. WELLS:  
Mr. Speaker,

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

MR. WELLS:



Mr. Speaker, I do not have much quarrel with the basic approach except I think there are a couple of things in principle not right.

Subclause (2) of the proposed new 353.1 would provide that "Her Majesty may pay to the body corporate out of the Consolidated Revenue Fund an amount equal to money..." In the circumstances outlined in 353.1, subclause (1), where a corporation is reinstated, I do not think that that should be permissive, I think it should be mandatory. Where there is a reinstatement within the period of time stated and Her Majesty has come into possession of money, then there should be a mandatory requirement to pay it because it is not money Her Majesty would have earned or become entitled to by reason of the operations of a taxation statute. It is money which accidentally fell into Her Majesty's hands. It really belongs to somebody else.

In the circumstances, where the government is going to allow a Certificate of Continuance to be issued on an application, then there should be an obligation to repay any money as well as restore any corporate property.

So I do not think there should be any distinction between physical property and cash resources. It is still assets. If Her Majesty is not justified in keeping the hard physical property, she is not justified in keeping the cash either.

Similarly, Mr. Speaker, in subclause (3), where Her Majesty has disposed of property that would otherwise automatically go back to the company in the event of the issuing of a Certificate of Continuance, following an

application made prior to January 1, 1990, if Her Majesty has disposed of property and gained cash from it, then that cash should be paid and the word 'may' should be changed to 'shall'. It should be mandatory that the net proceeds after the cost of sale should be paid to the company which properly owns it. There is no reason for that distinction.

The amendment the minister indicated she would be making is, I agree, an appropriate one. There should be no liability imposed on Her Majesty by reason of the property having vested, but if Her Majesty does something improper with it, well, then that liability will remain and the provision provides for that.

Apart from those comments, Mr. Speaker, I would support the bill.

MS VERGE:  
Mr. Speaker.

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

The hon. the Minister of Justice.

MS VERGE:  
Mr. Speaker, I would like to take the suggestions of the Leader of the Opposition (Mr. Wells) under advisement. There is certainly no intention on the part of the government to profit from these automatic transfer provisions. There is no desire to make money from companies properties vesting in the Crown and then having to be transferred back. His suggestion on the surface makes sense to me, but I would just like to check with the Registrar of Companies and lawyers in the department who drafted this in case there is a reason for having 'may' instead of

'shall' that is not apparent to me. On the surface, what the leader of the Opposition says makes sense to me. I will come back to it in Committee of the Whole stage.

So with those comments, Mr. Speaker, I move second reading of this bill, An Act To Amend The Corporations Act.

On motion, a bill, "An Act To Amend The Corporations Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 58).

MR. SIMMS:

Order 31, Bill No. 62.

Motion, second reading of a bill, "An Act Respecting The Establishment Of Services For Victims Of Crime". (Bill No. 62).

MS VERGE:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, I am very proud and pleased to be able to introduce this bill.

SOME HON. MEMBERS:

Hear, hear!

MS VERGE:

I believe it is one of the most significant legislative initiatives of our government during this session of the House of Assembly. It is an Act Respecting The Establishment Of Services For Victims Of Crime.

Mr. Speaker, it reflects a philosophy on the part of our government that victims of crimes should be treated compassionately

and given every assistance to overcome the injury or loss suffered as a result of crime.

Mr. Speaker, our criminal justice system has evolved over the centuries, beginning in England, and traditionally has been oriented around the rights and interests of accused and convicted people. For the most part the interest of victims were not highlighted in the official proceedings. Victims have been mere witnesses. Victims, consequently, often feel bewildered, frustrated, and unfortunately and sadly, in some cases, feel further victimized by the criminal justice process.

In recent years in the Western World and in our Province, voluntary groups have developed to advocate for victims. Women have been in the forefront of advocacy for victims (I suppose because women are among the most traumatized by crime. They say psychological damage has the most devastating impact on a person, that mental anguish is longer lasting than physical injury. Women are the victims of sexual assault crimes and crimes of family violence which leave that kind of psychological scarring. Children also are among the most devastated by crime.

Historically women and children have not had equal access to services in our society. Women and children have not had the same kind of power as men have in our society. Thankfully that is beginning to change. So women have been in the forefront of seeking legislative reform such as this, as well as improvements of public services for victims.

Mr. Speaker, this bill is actually

just part of an overall program of our government designed to assist victims and help them become survivors.

Mr. Speaker, this bill has three main provisions. In Part I, it enumerates a statement of principles which should govern the treatment of victims of crime by police, by Crown attorneys, by court staff, by judges and by workers outside the legal system, for example, social workers and health care workers who all have an important responsibility to treat victims and assist them.

This statement of principles has been adopted by all the governments of Canada. When the ministers responsible for criminal justice met in Saskatoon in March of this year, this statement of principles was unanimously endorsed by all the ministers on behalf of their respective governments.

The thrust of the statement of principles is to set goals to ensure that every possible effort is made to provide sympathetic and compassionate treatment for victims and to ensure that no effort is spared in seeking compensation for victims so that they can get over their injury or loss.

A second provision of the bill, Mr. Speaker, is to establish within the Department of Justice of our Province a Division of Victims of Crime Services. Aside from the legislative initiatives, Mr. Speaker, complimentary, the government recently made a commitment to hire victim court workers and to have victim court workers in each of the major court centers of our Province.

These victim court workers will be employed by the new Victims of Crimes Services Division of the Department of Justice. There will be close co-operation and consultation with the Department of Social Services. The function of the victim court workers will be to implement the principles in this Bill; to assist victims and guide them through the complexities of a criminal legal proceeding; to ensure they are given adequate information to arrange, if appropriate, for people to accompany the victim to each court appearance, often that kind of support is very important to a victim; and to liaise between the victim and criminal justice system workers, for example, to be an intermediary between the victim and the police, or between the victim and the Crown attorney.

Crown attorneys, in the past, to sustain some prosecutions, have had to bend over backwards to give support to victims. Now, this is not the role of a Crown attorney. Crown attorneys are not trained for this purpose. Most of our Crown attorneys have heavy case loads and the Crown attorneys have identified to me, and to the government, the need for us to supplement the system, to provide new workers whose primary function and orientation will be assisting victims.

A third provision of the Bill, Mr. Speaker, is creating a mechanism for the Province receiving and spending for the benefit of victims of crime revenue that will be derived from the proposed federal fine surcharge, or surtax. Before the House of Commons, and soon, the Senate, there are amendments to the Criminal Code of Canada which will create a surtax on fines imposed

by courts following convictions for federal offenses, Criminal Code of Canada offenses, Narcotic Control Act offenses, as well as Food and Drug Act offenses. There may be a couple of other federal statutes. There is some discretion given to courts. The Criminal Code provides for this fine revenue accruing to the province where the fines were levied and being spent by the provinces, so it is necessary for us to provide a legislative mechanism for receiving and spending for the assistance of victims this new revenue we will derive from the proposed federal fine surcharge.

Mr. Speaker, these are the three main provisions of the Bill. Again, I want to say how pleased I am that our government is taking this initiative as well as the other measures to help victims.

I think it is one of the most worthwhile social measures our government has taken.

MR. BARRY:

Mr. Speaker: --

MR. SPEAKER:

The hon. the member for Mount Scio - Bell Island.

MR. BARRY:

Mr. Speaker, we will be supporting the principle of this Bill but there are a few comments I would like to make to the minister and ask her to consider.

The statement of fine principles reminds me of the fact that the constitution of the Soviet Union has been for many generations and decades as fine a constitution on paper as you could have in terms of the protection of human rights. But the reality of the

situation in the Soviet Union was that human rights were almost completely ignored. The period of glasnost seems to be changing this and there is a greater recognition of the need to protect human rights. I mention this to show that it is not just the writing down of principles on a piece of paper, even if that piece of paper happens to be a bill or legislation of this House, that is really going to change what really happens in practice.

In order to have significant improvements for the position of victims in society, and I hate to bring this to the attention of the present administration, they are going to be shocked, they are going to shutter, they are going to blanch but, you know, money has to be spent. The Minister of Health is quizzically scratching his head because I know spending money on the justice system was the last thing he would approve when he was the Minister of Finance.

There are no votes, Mr. Speaker, there are no votes in spending money on the justice system, on the legal system, on courtroom facilities and so forth. There are very few votes. The minister shakes her head.

MS VERGE:

(Inaudible) the justice system.

MR. BARRY:

I am saying that is the reality of what members opposite seem to respond to. Let me give the minister an example: The Minister has been Justice Minister for how many years now?

MS VERGE:

Three years.

MR. BARRY:

Three years. How many courtrooms, or court houses around the Province have we seen changes made to ensure victims are segregated from those who have assaulted them or done them wrong, while they are awaiting trial.

MS VERGE:

There are two buildings being built right now.

MR. BARRY:

Oh, two building being built right now?. Where is that?

MS VERGE:

Unified Family Court in St. John's at a net -

MR. BARRY:

Which happened to burn down, so it has to be rebuilt. Yes.

MS VERGE:

- it is going to cost over a million dollars in new money. The insurance proceeds only covered a small fraction of the cost of rebuilding and, Grand Falls is getting a new courthouse with special provisions for victims.

MR. BARRY:

Okay, so we have got two. How many court houses are there around the Province?

MS VERGE:

We have seven Supreme Court centres.

MR. BARRY:

Not just Supreme Court, I would say there are more victims go through the Provincial Courts which is the direct responsibility of the Province in terms of courtroom facilities and I have had the opportunity over the last few months to see a couple of those, not too many. But the

couple I have seen, the magistrates, the provincial court judges are up in arms because they have got no facilities, much less the victims.

I will not belabour this this morning, but I will very strongly make the point to the minister, that it is all well and good to talk about treating victims with courtesy, compassion, and with respect for their dignity and privacy, but when the woman who has been sexually assaulted is sitting down outside the courtroom with the accused who is taking a smoke break from the trial, that is not good enough. So there are going to have to be expenditures, and those expenditures have not been made over the last few years.

Now, maybe this is the beginning of a new era, and we will give the minister the benefit of the doubt, and we compliment the minister for being involved in the process which has seen this piece of legislation come before the House because it is a good step and it is, I believe, a revolution that is occurring in Canada and, I think, across North America. I do not know so much about other parts of the world. It is almost like that California referendum against property taxes.

Victims right across Canada are speaking out. I do not know if anybody else receives the newsletter, but I regularly get a newsletter from the national association involved with furthering the rights and conditions of victims, and they are very militant. This has, I think, only occurred in the last couple of years. We have militant victims out there and I think that that is a good sign because psychologically there is a

funny thing that occurs when a person is victimized.

Psychologically there is often a feeling of guilt, so I am told by psychologists and others, a feeling of guilt that is almost as if the individual said, 'It is partly my fault that this happened to me,' even though there was no fault at all on the part of the party who has been assaulted or otherwise victimized.

So it is good to see the militancy that is developing among victims because for a long time it has been realized, I believe, among anybody involved with the legal process, that victims are, in fact, being ignored, have been ignored, have not been treated with courtesy, compassion, or with respect for their dignity or privacy. They have been inconvenienced. They have not always received prompt and fair redress for the harms they have suffered. It is only in recent years we have had this compensation for the victims of crime and even now that legislation, -- I do not think, necessarily goes far enough.

What we should keep in mind is that we are talking about a fairly large percentage of the population who will be affected by improvements in the positions of victims, because statistics show that a very large percentage of the population over their life time will, in fact, be victimized to some degree or other.

I have a couple of points I would like to make to the minister when the leader of the other party is finished with her. I would like to suggest to the minister, in addition to ensuring more expenditures on courtroom

facilities to provide proper places for victims so that they do not have to be there rubbing elbows with the people who have victimized them, that the rules of evidence may have to be modified. This may be a matter for the federal government, but the Minister of Justice for Newfoundland should make representation to the federal government.

I refer to paragraph 8, subsection 2 where it talks about where stolen property is recovered, it should be returned to the victim as soon as possible. That section does not necessarily go far enough because it is not just stolen property which ends up being held by the courts or by the justice system from victims, you also have property that may be evidence in a particular case. You may have a situation where there is a murder and it could be a very valuable piece of property that is in some way evidence linked to that murder.

Well, the usual process is for the police to impound that property and it is impossible for the victim to get the property back, not just before trial but, if there is an appeal filed, you will often see that property tied up during the process of appeal. It could be tied up for years. The victim -- it may be the case of a victim. Usually where there is a murder involved, it is the relative of the victim, but there are other types of serious crimes where the victim's own property may be tied up for years and years, not just while a trial is going on, but pending an appeal.

Now, in many cases the police are, shall we say, erring on the side of caution. They are holding

property which is only indirectly, in a very insignificant way, linked to the circumstances of the offence.

MS VERGE:

That was dealt with by federal amendments in the last few months by providing for photographic evidence, and for the property to be returned to the owner as promptly as possible.

MR. BARRY:

I am glad to hear there have been some steps taken. I will be looking forward to seeing these amendments. I will be looking forward to seeing how far they go.

But I have run into horror stories where individuals have been, not just inconvenienced, but financially disadvantaged in a serious way because their property has been held up for an extremely long time by the police, the courts or the legal system.

We had another horror show just recently where we had Clifford Olsen, the mass murderer in prison in British Columbia, I think — I not sure if he is still in B.C. or if he has been transferred — writing letters to the families of the children whom he had slain. Now, the horror of relatives receiving this sort of garbage from a person who has murdered their children must be just terrible. I do not know if the minister has looked at the rules regulating mail coming out of the penitentiary here in St. John's, but it is something that should be looked at in the context of the horrendous experience these families in Western Canada have experienced.

Mr. Speaker, those were the main points I would like to make. I

would stress again that our judicial system, while good strides have been made in terms of taking the meetings of the Provincial Court over of the taverns and the dance halls where they used to be held, and we now have generally courtroom facilities dedicated to the sitting of the Provincial Court, we still have very inadequate facilities for the Provincial Court judges, in many cases, and definitely for the general public and for the victims who end up in the process in these courts.

So I would ask the minister to look very seriously at emphasizing the need for expenditures. It may be that some federal systems can be obtained in the context of this legislation.

MR. WELLS:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. WELLS:

Mr. Speaker, I want to have a few words to say about this legislation too. I endorse the comments made by the member for Mount Scio — Bell Island (Mr. Barry).

Personally, I would go a bit further. It really is a nothing bill when you stop and think about it. It is a statement of pious hope, nothing of any real consequence. On the so-called statement of principles, I have no objection to stating that in a bill. I doubt that it should be in the form of enumerated sections of the legislation as though they were operative sections. You might incorporate within it a statement of principle that is

adopted by the legislature. That would be fine. But these principles are all very good.

Just by way of example, look at No. 4. "The hardships created by an offense against the laws of society should be shared by society as a whole, and victims should be assisted in addressing their particular needs and concerns." Now, who can argue with that? Nobody in the world can argue with that, and that is as it should be.

Then you go down to No. 5: "It is recognized that victims, their dependents, guardians and spouses should have access to social, legal, medical and mental health services that respond to their needs." Nobody can argue with that.

Does that mean that from here on in every victim of crime is going to have legal services made available to them at government expense? That is really what you are saying. If you are saying society, as a whole, should share the burden created by an offense against the laws of society, which you are saying in item 4, and then you go on and you recognize that the victim should have this assistance, what are you going to do about it?

It does not matter about means. It is not a legal aid situation. The millionaire who is put upon by a victim is equally a victim of society as is the pauper. The fortunate difference from the millionaire's point of view is he can afford to go and hire a lawyer out of his other resources, but he has, nevertheless, been victimized by an offence against the laws of society.

If you are going to adopt these pious statements of principles, you ought to be prepared to put your money where your mouth is. I think it is wrong, in fact, to adopt this kind of a statement of principle and then do nothing about it. You tell people, 'This is what you should have; this is what you should be entitled to. You, the victim of crime, who has had your car stolen or your other goods of items stolen, you have no insurance, it is stolen, it is the lost, it is gone forever, you are the victim of a crime, an offence against society and that burden should be borne by society, not by you. But we are not going to do anything about it.'

It is almost better not to even say it, if you are not prepared to do something about it. It is only taunting or teasing people really. All these statements of principles are good and fine but, as the member for Mount Scio - Bell Island says, 'If you are going to make it effective, it is going to cost money. You have got to be prepared to put up the money to do it.'

If the minister is not prepared to bring in additional operative parts of this legislation and provide the funds to provide it, then she should not state these principles and get people all worked up about what we are going to do for them or what should be done for people, and not do it.

When you look at the first ten sections or the statements of principles - they are from three to ten - they are statements of pious principles. What is in the operative part of the legislation? The fact is, virtually nothing.



"11. (1) There is established a division known as Victims of Crime Services Division.

" (2) The Victims of Crime Services Division shall form part of the Department of Justice or other department that may be designated by the Lieutenant-Governor in Council."

But what are they going to do? There is nothing then that says what they shall or must do. You cannot leave that to the regulations. That is not to be left. That is a matter of policy that this House should decide as to what is going to be the expenditures and what the people of this Province, as a whole, are going to take responsibility for and require of a government department in terms of providing services. That is all that is in it.

I do not think the regulations provided for could go further than that and provide that they do anything. So it looks like it is just a sham! It really does not achieve anything, except to state generally accepted principles no reasonable person would argue against. But there is nothing consequent upon it; nothing follows it.

The other other operative sections are these:

"12. All proceeds resulting from a victim fine surcharge imposed under section 655.9 of the Criminal Code shall be used for the purposes of this act."

Now, what are the purposes of this act? There are none stated except to pay the salaries of the Victims of Crime Services Division which we have created. There is no

other identifiable purpose because the rest is just statements of what should or should not be, but nothing about what must or shall be. That is what is wrong with the thing basically.

Section 13 says, "This act does not create a civil cause of action, right to damages, or a right of appeal on behalf of a person."

Well, the civil law takes care of the civil law. It is not the right way to alter the civil law, so I do not quarrel with the section, but it does nothing for anybody.

The next section, then, gives the Lieutenant-Governor in Council authority to make regulations prescribing anything required by this act to be prescribed.

Well, the fact is nothing is required by this act to be prescribed. "(b) Prescribing how a victim fine surcharge imposed under federal legislation shall be used." Well, that is all right. I have no problem with their prescribing that. But, what benefit is that going to be to all of the people who are going to be genuine victims of crime, unless the minister can also tell the House that these victim fine surcharges are expected to generate enough revenue to compensate everybody who is damaged or injured as a result of crime? I have no indication that that is the case. I would be most surprised to find that it is likely to be so.

"(c) Prescribing the guidelines for training of criminal justice personnel in connection with the needs and concerns of victims."

Well, there is nothing wrong with that, but that is hardly going to solve the problems victims of crime will encounter. (d) 'And generally carrying out the purposes of this Act.', well there are no stated purposes of the Act. There are statements of principles and pious hopes of what should or should not be, but there is nothing really operative in the Act.

So, as the hon. the member for Mount Scio - Bell Island says, you support the principle and these statements of principle and I do not think there is a member of this House who would object to any of that, but there is really nothing of benefit going to flow out of this Act unless and until something further is done.

I suggest to the minister that perhaps it is not the wisest thing to do, to make these kinds of statements and to create hopes in people that they are entitled to things, or they should have something, or they should have consideration, and make no provision for it.

Thank you, Mr. Speaker.

MS VERGE:

Mr. Speaker:

MR. SPEAKER:

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

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, I am really quite surprised at the lack of knowledge of members opposite about what is now being provided by the provincial government, and other public agencies for victims of crime and about the lack of

awareness of our recent commitment to hire victim court workers, and to have these court workers at each of the major court centres of the Province.

Just recently I conducted a news conference which was well covered by the public media, covering a number of measures the government has been taking and is now adding to provide assistance and support to victims of crime. I pointed out then that the victims we are most concerned about are people who have been sexually assaulted, women and children, and people who have been traumatized in their home, victims of family violence, in other words.

I can tell members opposite that when I was home in Corner Brook on the weekend, I had a gratuitous telephone call which took me quite by surprise from a woman who had been working at the Transition House in Corner Brook for several years, who wanted to tell me how delighted she is at these measures. She called me just after having dealt with one of the many very difficult cases that present themselves to the Transition House. The commitment for improvement of services to victims on the part of the provincial government was readily welcomed by her. She told me that it will result in meaningful benefits to the victims she is assisting at the Transition House.

A lot was said by the two members opposite about words being meaningless and actions being needed to give meaning to words. I could not agree more. But nevertheless it is important to have a written formal statement of ideals for public officials who are responsible for dealing with victims and treating and assisting

victims.

The merit of this kind of legislative statement of principle has been endorsed by several people working with victims I have talked to. They all feel it is important to have this kind of statement in legislative form. Now, those are words. What are we doing? What are the actions?

Well, Mr. Speaker, I mentioned the new measure of adding to our staff compliment, of employing new workers who will be victim court workers who will staff the new Division of Victims of Crime Services in the Department of Justice. These victim court workers will be recruited and hired in the usual way, through the Public Service Commission. We expect them to be in place early in the New Year, following a period of training. They will work out of each of the major court centres of the Province.

There job will be try to see that the statement of principles is achieved, to assist victims, particularly victims I mentioned, people who have been sexually assaulted and beaten up and abused in their homes. In doing that they would liaise with existing victim support groups, the transition houses, the sexual assault centre, and women's centres. They will liaise with social workers with the Department of Social Services, with educational therapists and other teachers in the schools, with child psychologists, other psychologists, counsellors, and psychiatrists. They will also liaise between victims and police, Crown attorneys and other workers within the criminal justice system.

Now, Mr. Speaker, please court

workers are not going to be hired and employed for nothing. It is estimated that the annual cost of employing these new workers and providing for their office accommodations and operating expenses will be in the order of \$400,000 in the first full year. And, of course, that is an annual, recurring operating expense and government has made a commitment to take on the addition of that new service and that additional expense.

Mr. Speaker, we have had for about twenty years a Financial Compensation Program for personally injured victims of crime. In the last couple of years I have taken efforts to publicize the program better and to try to ensure that the program is indeed accessed by all eligible victims.

The program is administered by a board appointed by the Province. The board operates independently from the Cabinet. The board is empowered under the act to deal with applications for assistance from victims who have been either psychologically or physically damaged as a result of crime or, in the case of a murder, from the surviving dependents of the deceased. They have the ability to make awards of public funds to compensate people for out-of-pocket expenses, for the loss of wages, and also to give them what are called general damages for pain and suffering and there are precedents in the law for putting a monetary sticker on pain and suffering, even though nobody maintains that money makes up for personal injury. So we have the Financial Compensation Program.

We also have the services that I

mentioned earlier, namely, transition houses, sexual assault centre and women's centres in the Province. These are all funded publicly by both the Federal government and in some cases by the Province. The transition houses are fully funded by the Provincial Department of Social Services.

These are providing real benefits to victims and the government is committed to continuing to expand these services.

In terms of court facilities, we are making major strides to upgrade our court facilities. Right now in our Province we have under construction two new major court houses. When before in our history have we seen this kind of commitment from a government to the quality of the administration of justice? We are having constructed in Grand Falls a new court house which will house both the Provincial Court and the Supreme Court Trial Division. That building has been designed to assure reasonable and comfortable accommodation-- for witnesses and there is included in the design an office for a victim court worker. The design, we hope, will be used for other major court centres in the Province.

The Senior Expenditure Review Committee is now studying a proposal for upgrading both Provincial and Supreme Court Trial Division facilities throughout the Province. The government intends to approach that task on a priority basis.

So, Mr. Speaker, far from this being 'a nothing bill, a statement of pious principle or a sham,' let me assure members opposite that victims and their advocates,

including the woman in the transition house in Corner Brook who called me last weekend, have great faith in the commitment of this government to bring about real and meaningful improvements in the provision of services for victims, to assist victims to get over the loss or injury they sustained which resulted from crime.

With those comments, Mr. Speaker, I move second reading of this bill, "An Act Respecting The Establishment Of Services For Victims Of Crime."

On motion, a bill, "An Act Respecting The Establishment Of Services For Victims Of Crime," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill No. 62).

MR. SIMMS:

Order 32, Bill No. 65.

Motion, second reading of a bill, "An Act To Amend The Provincial Court Act, 1974". (Bill No. 65).

MR. SPEAKER (Greening):

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, I am pleased to introduce these amendments to The Provincial Court Act, 1974. Most of the amendments, Mr. Speaker, are designed to make the legislation accord with current practice and are necessitated by a judgment of Mr. Justice Goodridge when he was a member of the Child Division of the Supreme Court in the Flemming case.

The judgment of makes plain that there should be certain separations of the provincial court and the judges of the court

from the executive branch of the government. Basically, the requirement is that once the Lieutenant-Governor in Council appoints judges for a particular Provincial Court District, then it is up to the Chief Provincial Court Judge to administer work assignments, case assignments and it is a sole prerogative of the Chief Provincial Court Judge to transfer judges. That certainly has been the practice in recent years and we want to formalize that now through these amendments to the legislation.

There are a couple of other changes, Mr. Speaker, which will bring in line arrangements for the provincial court judges with provisions in The Judicature Act for federally appointed judges, mainly the judges of the Supreme Court Trial Division

One of these, Mr. Speaker, is in Clause 1, subclause (2) of the bill. It is a provision that, where a vacancy arises in any of the Provincial Court Districts, then the Lieutenant-Governor in Council may, subject to other provisions of the act, appoint a new provincial court judge to that particular court district.

And the second, Mr. Speaker, is found in Clause 3, which provides that a provincial judge shall maintain his or her principal residence within a fifty kilometer radius of the municipality in which the court of a Provincial Court District to which that judge has been appointed is located.

Mr. Speaker, I think I have covered the main provisions of the bill. I await any questions from members opposite.

Thank you.

MR. BARRY:  
Mr. Speaker,

MR. SPEAKER (McNicholas):  
The hon. the member for Mount Scio - Bell Island.

MR. BARRY:  
Mr. Speaker, generally the principle of this bill is acceptable. What is being done here, as the minister said, is to attempt to insulate the provincial court more than it is presently from the whim of the executive. This is in line with the concept of the independence of the judiciary which is an essential part of maintaining a judicial system in which the general public will have respect and confidence. If the general public feels decisions of the provincial court may be influenced by the government or the administration in power, at any particular point in time, this can cause a lack of respect and a lack of confidence in the judicial system.

The problem does not arise with respect to the superior courts as far as the provincial administration is concerned, for the Supreme Court or the Court of Appeal because we have there the federal government being responsible for the appointment of judges. But even there, because the Province makes available courtroom facilities and so forth, there is still some ability on the part of the provincial administration to punish or reward judges from time to time. I think this is something we have to be very alert to.

I do not think even today we have a system where the Supreme Court Trial Division or the Supreme Court of Appeal is completely insulated from the executive, from

the provincial administration as much as we would like to see. I would just refer to the difficulties in having a proper Law Library made available to judges. The provincial administration can drag its heels, and the minister is not listening, so what is the point of going through this.

MS VERGE:

I have two ears.

MR. BARRY:

But do you have one brain?

MS VERGE:

Ah!

MR. BARRY:

Well, there could be one or two. I am just wondering. The minister should not jump to the conclusion that I was questioning whether she had either. I said, 'Do you have one brain?'

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

We have a system now in the Supreme Court where the Law Library is totally inadequate. Judges cannot do any research they might want to do; lawyers cannot do research to help the judges in particular cases because you are almost taking your life in your hands when you walk through that Law Library now to avoid being crushed by a pile of books which might fall off a particular table where they are piled up. You have to wear your coveralls in order to go in because of the dust that is built up and the books that are disintegrating because there is not enough money to keep them properly bound. You try and take a book off the shelf and you are not sure whether you are going to

take the full book or you are just going to take the binding of the book.

We have got, regrettably, a very nice library with a lot of historical volumes down there, and, Mr. Speaker, we are going to lose them. We are going to lose what is a very important asset to the Province. Some of these volumes, I would say, are irreplaceable. You cannot find them anywhere to buy them again. They are stacked up, they are in cartons, they are in cupboards, they are crushing each other from their own weight because they are in big piles, they are not under proper conditions in terms of humidity and so forth to preserve the books, and it is a terrible shame.

I get a chuckle, Mr. Speaker, when I hear members opposite standing up and talking about developing centers of excellence, whether it be in terms of the oceans or whether it be in terms of marine or vocational training. Centers of excellence! We are not preserving, I think, the excellent centers that we have had in this Province for many years! We are falling behind other provinces and other parts of the world. A Third World country would at least have a Carnegie Foundation or something to come in and preserve a law library. Mr. Speaker, it is a crime what is happening.

The reason I mention this in the context of this legislation is that that is an example of where the provincial administration can punish or reward the Judges of the Supreme Court Trial Division and Appeal Division. So let us not fool ourselves into thinking the judicial system is going to be completely insulated from the

executive if this piece of legislation passes. It does not go far enough.

But, insofar as it does take certain steps in the direction of taking away from the provincial administration a discretion over, for example, the transfer of provincial court judges, I know over the years that if a particular judge - I have to be careful here because I do not want to be in contempt of court, or hauled before the Bar of the House for attacking Her Majesty's judges. Let me just say that transfers to some of the more remote provincial court postings I am sure has occurred from time to time over the decades and not on a completely impartial basis.

MR. FENWICK:

To the courthouse in the Funks.

MR. BARRY:

The courthouse in the Funks, yes, I could see the minister having one of her new court buildings put out there if this legislation were not changed so that she could keep the whip hand over provincial court judges. I am only being somewhat facetious here now.

This taking away of the power of transfer and giving it to the Chief Provincial Court Judge is an important step in insulating the judiciary from the provincial Minister of Justice and the provincial administration.

Now, you may still have a situation existing where a Chief Provincial Court Judge becomes a tyrant and runs roughshod over the bench. I, in no way, say that the present Chief Judge would do that, but we have had personnel problems amongst the judiciary in the past. They are human like the

rest of us. They are not infallible because they are judges, although as someone said of the Supreme Court of Canada, 'they are not final because they are infallible, but they are infallible because they are final.' You do not get another crack at their decision and what they say goes. Well, that is not true in the case of provincial court judges. They are fallible, like all humans, and I wonder if there should be some sort of grievance procedure for provincial court judges if they happen to run afoul on a personality basis of the Chief Provincial Court Judge. Maybe there should be some internal mechanism for letting their peers decide whether they are being treated fairly. I ask the minister, - she is now speaking to two people, and unless she has three ears she will have a problem hearing me.

AN HON. MEMBER:

(Inaudible).

MR. BARRY:

I ask the minister to consider whether, and maybe in consultation with the Chief Provincial Court Judge and the provincial court judges, whether some sort of grievance procedure should be put in place to ensure that provincial court judges are not completely at the whim of the Chief Provincial Judge now. I suppose their organization, to a certain extent, which they have, might intervene. Does the Judicial Council have as a mandate an involvement? It did not formerly.

MS. UERGE:

Yes, it does and it is clarified in (inaudible).

MR. BARRY:

I see where the Judicial Council

has an input now into appointments.

MR. WELLS:

It is a general, supervisory one.

MS VERGE:

Before, but now it will be mandatory.

MR. BARRY:

On appointments?

MS VERGE:

Yes.

MR. BARRY:

What about transfers and other dealings?

MS VERGE:

Wait now, I will see.

MR. BARRY:

Anyhow, we can get into that in Committee. I do not see it with respect to anything other than transfer, but I may have missed it.

I will just say, Mr. Speaker, that this is a step forward as is the doing away with the probationary period for provincial court judges. It was very hard to say that the provincial court judge was not under the control of the administration if the administration had the ability to dismiss that provincial court judge because of the probationary period of one year. The case that the minister referred to, I assume this is the one where they challenged whether the provincial court judge was independent. Was that the one that the minister referred to? Yes, I thought so. These are items, that presumably in the provincial court legislation, were pointed out as showing there was not independence of the provincial court from the provincial administration.

Some of these matters we will deal with in Committee stage but generally, Mr. Speaker, the principle of the Bill is progressive, but as I point out, it does not necessarily go far enough in ensuring the the needs of the judicial system, whether it be provincial court or the Supreme Court, are dealt with. I refer again to the urgent need for attention of the minister to the Law Library problem and to see that we get a law library that is going to be available to judges, to the bar, and indeed to the general public of the Province.

MR. WELLS:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. WELLS:

The comment I wished to make is that the hon. the member for Mount Scio - Bell Island (Mr. Barry) has said essentially what needs to be said about this legislation.

MR. YOUNG:

It is a bit late anyway.

MR. WELLS:

Late or early, if it is appropriate.

Mr. Speaker, this is the first time I have spoken in this House on the Provincial Courts since I spoke here twenty-odd years ago. At that time we had real problems and I guess I got myself in a bit of hot water with some of the judges when I identified some of the problems.

We had a court system that was not at all appropriate for the twentieth century or perhaps even the seventeenth century, for that



matter, at the time where all of the Magistrates, as they were then, were lay Magistrates and had no training in the law. The policemen did the investigation, collared the individual who is accused, kept him custody, made the arrangements with the court, went in and sat down and saw the judge and told the judge what the situation was all about; Appeared in at the day of trial; Ushered the fellow into court, and then went and stood at his desk as the chief prosecutor. After he opened the trial as the chief prosecutor, the same policeman then went and stood in the witness box and gave the evidence in the case and then the same policeman got back down as a prosecutor asked for the sentence and commented on what the sentence should be and, in the end, the policeman then took the poor victim away and put him in jail. Now, that is the system we did had.

My primary purpose at the moment is to offer our commendation to our Ministers of Justice over recent years, starting with the hon. Mr. Hickman, when he was first a Liberal Minister of Justice. He started this revision of our court system as a result of comments and that speech I made in the House twenty-odd years ago. I want to give due credit to the Ministers of Justice over the years for the tremendous strides they have made in improving the structure, organization, general competence and performance of what is now called the Provincial Courts, then it used to be called the Magistrates Court.

This bill is one more step in the right direction and I have no doubt in a few years time we will be bringing in another piece of legislation that will add some

further benefit.

But I give the minister and her predecessors due credit for the improvements which have been made slowly over a period of time so we can now have a fairly and properly administered justice system.

At the same time I say that, I do not want this to be in any way a criticism of those Magistrates who performed yeoman and services for this Province, ill-equipped, in poor accommodation, with poor facilities and no prosecutors; in a very difficult circumstances, without any legal training, they were plucked from being a Social Services Officer or a retired teacher, in some case, even a retired policeman, and stuck up on the bench and told, 'You are the Magistrate.' And that was it.

When you bear in mind those circumstances in which they were expected to work, we must also acknowledge the contribution they as individuals made. It was not there fault they were not trained and they were appointed to this position, or the courts were not properly equipped.

I just wanted to endorse what the member for Mount Scio - Bell Island (Mr. Barry) has said but, at the same time, Mr. Speaker, sort of say now, at long last, the comments I made twenty-odd years ago fortunately are no longer applicable and the various numbers of Ministers of Justice in between deserve varying degrees of credit for their achievements. I accord it to them.

Thank you, Mr. Speaker.

MS VERGE:  
Mr. Speaker.

MR. SPEAKER:

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

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, to sum up: These amendments are designed to reinforce the separation of the Provincial Court and the Provincial Court judges of the Province from the executive branch of the government, as is needed in the interest of justice. Several of these changes actually accord with the practice of recent years, but it is important to clean up the act so that there is no longer a theoretical possibility for the intrusion of the Minister of Justice or the executive branch of government into the domain of the judges.

I am pleased members opposite agree with the principle of the bill and, with those comments, I move second reading of the bill, "An Act To Amend The Provincial Court Act, 1974."

On motion, a bill, "An Act To Amend The Provincial Court Act, 1974," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 65)

MR. STIMMS:

Order 24, bill No. 52

Motion, second reading of a bill, "An Act Respecting The Enforcement Of Support Orders." (Bill No. 52)

MS VERGE:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, this bill, "An Act Respecting The Enforcement Of Support Orders," is the first in a series of four family law bills which are extremely progressive and will bring about a major reform and consolidation of important areas of family law.

The only legislative reform of family law in our Province in recent years was the passage of The Matrimonial Property Act in the first months of the Peckford Administration back in 1979. The Matrimonial Property Act came into force in the Summer of the following year, 1980, and has been very well received.

This bill, Mr. Speaker, deals with the enforcement of court orders for family support. Typically, these orders are for the benefit of women and children, although occasionally are for the benefit of separated men.

Mr. Speaker, unfortunately, the reality throughout North American has been that court orders for family support are more often than not ignored and go unenforced when the beneficiaries are left in the usual position of a judgement creditor and face with the responsibility for collecting the court ordered payments and enforcing the orders.

Manitoba was the first jurisdiction in Canada to take some government initiative to turn the situation around.

MR. LONG:

Hear, hear!

MS VERGE:

Before my friends representing the NDP get too enthusiastic, this was a measure initiated by the hon. Sterling-Lyon, the Progressive

Conservative Premier, and it was a measure which, I am told by officials of the Manitoba Justice Department, Mr. Lyon led himself when he was Premier. At any rate, Manitoba led the country.

Manitoba did some research into the default problem and quantified it. They found about 85 per cent of court orders for family support were not being enforced and only 15 per cent were being honoured.

We have no reason to think that the experience here in Newfoundland and Labrador is any better. Manitoba led the way and a number of other provinces in the past two years have followed suit. In addressing our legislation we have had the benefit of those other provinces. We have also had financial assistance from the federal government.

The thrust of this bill, Mr. Speaker, is to tackle the family support order default problem by creating through legislation an office of the Department of Justice which will enforce court orders automatically. Essentially it will set up a government collection agency and routinely orders made by courts for family support will be referred to that office and the director of the office will be able to use powers conferred the office by this legislation to take collection action, if there is default.

What we have seen elsewhere in the country where these kind of enforcement agencies have been established is that voluntary compliance improves greatly when judgement debtors are faced with the threat of collection action, swift and certain by an empowered government agency. Then generally,

people pay up voluntarily.

Mr. Speaker, I suppose we should pause and question: Why is it important to see court orders for family support are honoured? Well, first of all, the orders direct financial support for dependent family members who need that money for their existence. More often than not, the money is needed for the necessities of life, for food, clothing and education for children. If the beneficiaries do not get the court ordered support, quite often they have no alternative but to turn to social assistance for survival.

Secondly, when judgement creditors, the beneficiaries of the orders, are left in the position of a usual creditor and have the whole burden of chasing the debtor after default, there is a greatly aggravated financial and emotional burden put upon those people.

After a marriage breakdown, there is always trauma for both the separated spouses and the children. If there are financial problems, which often result from one household being divided and the former partners having to maintain two households, and the more vulnerable party, usually the woman with the care and custody of the children, is not getting support which has been ordered by the court after an assessment of the respective positions of the parties, then those dependent family members are very hard off indeed.

Traditional enforcement requires the judgement creditor to go back to court after each default. Usually there is a requirement for a lawyer. Now, even with the

provision of legal aid, which has not been universally available to people with maintenance problems - that is something that we are continuing to try to address - there is a financial burden which is often intolerable.

It is just not worth the effort, the expense and the hassle for judgement creditors in this situation to chase the defaulter and enforce the orders. Consequently, what we have seen happen is that most of these orders for family support, after a while, are not honoured.

A third reason why it is important to have government intervention to see that orders for family support are complied with is to maximize opportunities for children to have a good relationship with both parents. If the burden falls on the dependent parent to chase the other parent for maintenance, often access of the defaulting parent is lessened. It is only natural, I suppose, for the custodial parent who is being denied maintenance needed to care for the children to withhold access of the children from the other parent.

Finally, Mr. Speaker, as I have mentioned, as a result of default there are additional demands placed on the public purse since beneficiaries of court orders not getting the maintenance they are owed often have to turn to social services. We may ask, why should the taxpayers and citizens of the Province generally assume the financial obligations of the defaulting spouses and parents to provide adequately for their families?

For all these reasons, for the sake of families and for reasons

of public economy, it is necessary for our government now to proceed with the measures set out in this legislation so that the government will assume responsibility for enforcing court orders for family support and seeing the money is paid where it is owed.

Mr. Speaker, our Department of Justice has had a senior administrator working full time on designing a maintenance enforcement program since last September. Before that there was considerable effort put into gearing up for an enforcement program in our Province. As I mentioned, some other provinces have been slightly ahead of us. Manitoba was first and in the last two years a number of other provinces have set up enforcement programs. Some of these programs have had some difficulties.

We have had our people visit the other jurisdictions and meet with and spend considerable time with the officials administering those programs. We think we have been able to learn from both their successes and from their problems. We have taken care in drafting our legislation to benefit from that experience.

AN HON. MEMBER:

What about a national hookup?

MS VERGE:

Mr. Speaker, I am being asked about a national hookup. The next bill deals with reciprocal enforcement of maintenance orders. It is the uniform act that is now in force in eight other provinces. It is mirroring legislation I will come to that when that bill is called.

Also the federal Parliament and federal government have taken some

steps in the last year or so to assist provincial collection agencies. Two measures I will mention are: Allowing provincial agencies to access federal data banks for purposes of locating defaulters who are missing; and another measure is to allow attachment of unemployment insurance payments and income tax payments.

Mr. Speaker, the enforcement powers given the Director of Support Enforcement and family support order creditors are new collection remedies. Our law in the area of enforcement of court orders was somewhat deficient relative to other jurisdictions. In this bill we have provided for garnishments of payments owing a judgment debtor, whether wages or other payments, both for a satisfaction of arrears under a court order and for future payments, as they become due.

So, in summary, Mr. Speaker, this legislation is very progressive. It will have meaningful social benefits for families, for parents and children, as well as alleviating unreasonable pressure on social services now to pick up the slack from defaulting parents and spouses, and it creates a Director of Support Enforcement of the Department of Justice who will operate a public collection agency for these court orders and it provides meaningful enforcement powers for the director.

Thank you, Mr. Speaker.

MR. WELLS:

Mr. Speaker,

MR. SPEAKER:

The hon. the Leader of the Opposition,

MR. WELLS:

Mr. Speaker, this is one of four pieces of legislation. Each of the four of them, I believe, has the same problems and they are technical problems in real sense. There is no problem with the general purpose of this legislation. The principle of this legislation we support fully and totally.

One of the, I suppose, tragedies of our recent changes in our divorce law in the last fifteen or twenty years is that women, in particular, who have found themselves in circumstances where they have been divorced have frequently been unable to enforce maintenance orders made by the court. They have had great difficulty enforcing maintenance orders and, as a result, those women and children who were in their custody have suffered severely and suffered great hardships. So these efforts at enhancing or improving our means of enforcement of support orders are laudible and we should all support those efforts.

However, these four pieces of legislation, this Bill No. 52, relating to the enforcement of support orders; Bill No. 51, relating to the reciprocal enforcement of support orders; and Bill No. 50, An Act Respecting The Law Of The Family and Bill No. 49, An Act Respecting The Law Of Children, all are doing something we have not done in this Province before. For the purposes of these four statutes, they are largely equating the Provincial Court with the Supreme Court.

I do not want to get bogged down into a technical commentary on the Supreme Court and the Provincial Court, but the comments I made

last evening in this House on another bill, The Child Welfare Act, apply here as well. The Supreme Court and the Supreme Court judges have, while they are created by a statute - The Judicature Act is what governs and regulates the operation of the courts at the moment - those are judges that by tradition and long practice in the British, Canadian and Newfoundland systems of justice have inherent jurisdiction, essentially to do that which is necessary to administer justice.

DR. COLLINS:

I would say (inaudible) is outmoded.

MR. WELLS:

Well, it is not at all outmoded. It is essential if our justice system is to work at all properly, it is essential. But the Provincial Court judges, which I have just gotten finished saying have improved a great deal from what it was twenty years ago, are creatures of statute and they have only the powers that are afforded to them by the statute. Not only that, they are subject to supervision in the performance of their judicial duties by a Judge of the Supreme Court by way of an application for review by way of a writ of certiorari. A Supreme Court Judge, a judge of the Trial Division of the Supreme Court, can be asked by anybody who feels that a Provincial Court Judge is not performing his or her responsibilities properly or is exceeding the jurisdiction, to review the actions of the Provincial Court Judge and assess it and the Trial Division Judge can give direction as to the extent to which the duties are being performed properly or are not being performed properly.

So it is a different court and the court also performs a different function. It is the workhorse of our criminal justice system. The Provincial Court is the court where I do not know what percentage of criminal offences - but probably 85 per cent of the criminal offenses are adjudicated. They do a great job. So most of them are under a good deal of pressure and are primarily concerned with adjudicating criminal offenses.

What we are doing by these four pieces of legislation is giving the Provincial Court concurrent jurisdiction with the Supreme Court, with the exception of certain circumstances outlined in some of the bills, but basically giving them concurrent jurisdiction with the Supreme Court.

That, I say to the Minister of Justice and to the members of the House, is likely to result in a good deal of conflict and difficulty in the overall administration of justice in the Province in the future, if we go through with this legislation.

MS VERGE:

It has already been adjudicated by the Supreme Court of Canada.

MR. WELLS:

What is in this bill has not already been adjudicated by the Supreme Court of Canada.

MS VERGE:

(Inaudible) legislation.

MR. WELLS:

Yes, well, the minister had undertaken last night, Mr. Speaker, when I met with her and her officials, to provide me with a copy. I thought I would have a

copy of the Supreme Court judgement last night to review but I did not get it until I was here in the House this morning. As Your Honour knows, I have been busy in the House this morning with all of the other legislation that has been put through the House and paying attention to that. So I have not had time to properly read the decision. All I have had time to read is the first six or seven pages of Chief Justice Laskin's decision and he was one of the two dissenting judges on the point.

MS VERGE:

Read pages 109 and 113 of the majority decision.

MR. WELLS:

Well, I will read those as soon as I get a chance to do it. Unless the minister suggests, and it may save some time, that we can adjourn this debate now and go on to something else in the meantime, I will read this over the lunch hour and fully inform myself. It may well be that it may shorten the time I will have to spend on this, both address this issue and read those pages of the judgment at the same time. So if the Government House Leader and the minister is prepared, I am quite willing to move the adjournment of the debate on this, and we can go on to another matter, and I will read this judgment and it may well shorten the debate. But as I see it now, on the basis of the information that is available to me at the moment, I still have to draw this House's attention to what I think are significant problems associated with the manner in which the minister proposes that the laudible purposes of this legislation be carried out. It is not the purposes of the legislation or the

principle of the bill that I take any exception to, I am a strong supporter of the principle and the purposes in all of this legislation, but I object at the moment to the manner in which they propose to carry it out and I think the objections are well founded. It is going to take me some considerable time to state them in the case of each bill, because there are some differences, so I ask the minister if she is prepared to have the debate on this adjourned now. I am prepared to do it, and I will go over this case at lunch time and that may well shorten it. If the minister is prepared to indicate that, I am prepared to do it.

MR. SIMMS:

Perhaps the hon. member could repeat his suggestion?

MR. WELLS:

The minister has suggested that I should read a particular decision as this may affect my position on these bills, and it may well. I thought I would have this decision last night but, for whatever reason, it was not provided until this morning and I did not have immediate access to it. As everybody knows, I have been otherwise engaged in this House this morning, so I have not had time to read it. But if the minister feels it would be beneficial, I would be happy to move the adjournment of the debate on this bill now and over the lunch hour I undertake to review this decision. We can go on and do something else in the meantime and come back at the next adjournment, whenever that may be, if it is at 3:00 o'clock this afternoon or if it is Tuesday. Whenever it is, I am prepared to do it.

MR. SIMMS:

Mr. Speaker, I presume he is referring to all four of those bills?

MR. WELLS:

Yes.

MR. SIMMS:

Well, we do have The Human Rights Bill. We could carry on with second reading and have that done.

MR. TULK:

Why do you not do some Committee and third readings now?

MR. SIMMS:

We could do that. We could go into Committee for awhile and at one o'clock adjourn and not pass the motion, then come back at three o'clock. That would be my preference, to come back at three o'clock and see how far we can get.

MR. WELLS:

Rather than Tuesday?

MR. SIMMS:

Yes, rather than Tuesday, come back at three o'clock. So we will have a full session this afternoon, from three o'clock to six o'clock. It will be all business, and maybe we will make a bit of progress. So that is what I would propose at 1:00 o'clock.

AN HON. MEMBER:

How about two o'clock to five o'clock.

MR. SIMMS:

Well, the normal hour is 3:00 o'clock to 6:00 o'clock, according to the Standing Orders. You need two hours, and that would give the hon. the leader of the Opposition time to do the reading and research he wishes to do. That is quite acceptable to us. We would be quite acceptable to that

proposal.

MR. WELLS:

In that case, Mr. Speaker, I move the adjournment of the debate.

MR. SPEAKER:

Is it agreed that we will move the adjournment of this bill?

SOME HON. MEMBERS:

Agreed.

MR. SPEAKER:

Agreed.

MR. SIMMS:

In that case, then, Mr. Speaker, since we have some time we will move into Committee of the Whole and begin some of the Committee debate, starting with Order 10.

On motion, that the House resolve itself into Committee of the Whole on said bills, Mr. Speaker left the Chair.

### Committee of the Whole

MR. TULK:

What about Order 9?

MR. SIMMS:

Order 9 is the other one Clyde had a problem with, I think.

MR. CHAIRMAN (Parsons):

Order!

DR. COLLINS:

Order 10, Bill No. 29.

A Bill, "An Act To Amend The Alcohol And Drug Dependency Commission Act". (Bill No. 29).

On motion clauses 1 through 3, carried.

MR. CHAIRMAN (Parsons):



Shall clause 4 carry?

MR. EFFORD:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the member for Port de Grave.

MR. EFFORD:  
Just a couple of words on this particular bill. Clause 4 (1) (g), "One member chosen as a representative of the youth of the Province and nominated by the Minister." I expressed my concern a short time ago that there was only one member chosen as a representative of the youth, and last night my colleague, the member for Fogo, spoke about the importance of what is taking place in the Alcohol and Drug Commission as it relates to the Department of Education and the students of the Province. I believe, and we believe, that there should be more than one member from the youth of the Province on this particular Commission, because it is with our youth that the alcohol and drug related problems begin; it is very evident in all our schools around the Province. And these problems begin not only in the schools, but during vacations. We have commented several times on graduations and the way in which they were handled this year. I think the youth of our Province showed a very mature attitude in recognizing the problem when they agreed to have alcohol-free graduations this year in many areas of the Province and really publicized it, and their responsibility has to be recognized.

I do not think one person, one member of the youth of the Province is enough, and possibly the minister would recognize

that. It is not a big change.

DR. COLLINS:  
Mr. Chairman.

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

DR. COLLINS:  
Mr. Chairman, the proposed amendment guarantees that there would be a youth membership, but it is by no means exclusive to that. The hon. member will notice that there are five regional representatives that would be designated by the minister: There is an Education representative by the Minister of Education, and one from Social Services if my memory serves me right, and so on, but there is nothing to exclude those being youths. And I can certainly assure the hon. member that in my role, in terms of the regional people I have to designate, I will make sure that there are a suitable number of youths on it. So it will not be confined just to the one that is obligatory. It is obligatory to have one, but it is certainly discretionary to have the others. I cannot speak for the hon. the Minister of Education (Mr. Hearn) or the Minister Social Services (Mr. Brett), obviously, but from my point of view, I will make sure that there is a suitable age complexion in this arrangement.

On motion, clauses 4 through 8, carried.

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

DR. COLLINS:  
Order 11, Bill No. 36.

A bill, "An Act To Amend The Newfoundland Medical Care Insurance Act". (Bill No. 36).

On motion, clauses 1 through 5, carried.

MR. CHAIRMAN:  
Shall clause 6 carry?

MR. FFFORD:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the member for Port de Grave.

I want to bring Clause 6 to the attention of the Minister of Health (Dr. Collins), and I brought this up last night, to get some assurance that what happened in the past will not happen again in the future to the optometrists and the ophthalmologists of this Province. Now I cannot accept the reasoning the minister gave, and that the people still cannot avail of the service. They can avail of the service in a roundabout way and I agree with that, but I think the minister should agree before any changes are made in the future that at least the professional medical people who are affected by the change and the representatives of the people of this Province should at least be able to have the opportunity to put their ideas forth to the minister, or to his officials of the department, before the decision becomes law and becomes a final decision. At least then their ideas can be listened to. Once the legislation is brought before the House and is enacted, it is too late then to change it. That is what happened with the budget. So we have to get some kind of an assurance from the minister, because we are not just talking about one particular group. We can make reference to that group, but it has happened in many, many other instances. That is the only flaw I see that the minister could possibly comment

on. While he did say that his officials did speak to people concerned, the optometrists and the ophthalmologists in the Province say no, they did not have an opportunity to put anything into this decision before it was brought in in the budget.

DR. COLLINS:  
Mr. Chairman.

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

DR. COLLINS:  
Well, Mr. Chairman, I agree with the general point that the hon. member is making. I think it is a general rule that unless there is, shall we say, something that would interfere with the confidentially of budget making, or something like that, I am sure all departments and all ministers do discuss matters with groups that are particularly affected.

For instance, in the labour area now, anything that is brought into labour is discussed with labour, and the same thing happens in the health field. It is our general practice to do that. Whether someone perceives there was not enough done in the optometry one, I guess that may be a bit arguable. If there was an argument the other side could make stick, I suppose you would even have to fall back. That was in a period when the portfolio was changing hands and perhaps there was a bit of a slip there. I am not saying there was, but you could recognize that they might bring forward an argument on that line. But I can assure the hon. member that any substantial changes made to legislation that involve particular groups, it is by far the rule rather than the exception for that to be discussed

with them in total, and I certainly can assure the hon. member that this was discussed with the dentists, because this section deals with the dentists. And I can assure the hon. member that I will certainly keep to that policy of discussing to the extent one possibly can any significant change that affects particular groups.

MR. CHAIRMAN:  
Shall Clause 5 carry?

On motion, clauses 5 and 6 carried.

MR. WELLS:  
Clause 7, Mr. Chairman.

MR. CHAIRMAN:  
The hon. the leader of the Opposition.

MR. WELLS:  
With respect to Clause (7) there just appears to be a minor problem with the introductory part of that. I think subclause (2) was really intended to say 'such an agreement shall provide that'. Something similar to what subclause (3)-- says, "an agreement referred to in subsections (1) and (2) may provide that..."

The way it is written I think is just inappropriate: "Under an agreement referred to in subsection (1), claims for out of Province will be sent..." It is the operative clause of the agreement. It is not just an oversight. I think what really is intended by it is 'an agreement referred to in subsection (1), shall provide that...'

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

DR. COLLINS:  
Mr. Chairman, I so move that

amendment to the wording, in that way.

On motion, amendment carried.

On motion, clause 7 as amended, carried.

On motion, clause 8, carried.

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

DR. COLLINS:  
Order 12, Bill No. 39.

A bill, "An Act To Amend The Insurance Companies Act". (Bill No. 39).

MR. CHAIRMAN:  
Shall clause 1 carry?

MR. GULLAGE:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. member for Waterford -  
Kammount.

MR. GULLAGE:  
Mr. Chairman, there are several points about this particular bill that I would like to speak to. Firstly, Clause (87) and Clause (94) both say that the bill applies to all classes of insurance except life, accident, sickness insurance and guarantee insurance, so that really we are left with automobile, fire and liability insurance. What does not seem to be clear is whether this allows self-insurance. I wonder if we can have that point cleared up. I would hate to see legislation being put in place that would allow other than an insurance company to assume a particular risk, and that appears to be what the bill is intending, whether it be fire, automobile or

liability. The wording is such that if you have the required amount of people insured for, say, fire insurance, as an example, and you have the amount of funding as prescribed by the bill, then you can, in fact, set up an insurance fund and cover the risk for a particular group of people, whether it be an association, or whether it be a company, or an institution, or whatever. If that is the case, it seems to me that we are getting involved, by way of introducing this legislation, with interference with the free market system and, in fact, allowing self-insurance -- when I say self-insurance, I do not mean the true sense of self-insurance -- because the way the bill reads there would be a structured insurance scheme set up whereby you would have dollars available in a fund, and you would have the number of people required as prescribed by the act.

It appears to be leading towards setting up an insurance company without actually incorporating the company and that is interference, to a large degree, with the free market system, with the fact that we have general insurance companies operating in the Province which are represented by local agents. The risk of fire, automobile, or liability is being managed by people who understand insurance risk, whether it be fire, automobile or liability, and I fail to see why we would introduce legislation that would allow a group of people, whether it be, as I said, an institution, such as a hospital or a university, or whether it would be a private group or otherwise, to become involved in the insurance business, in a field about which they would probably know very little, and it clearly seems to be

the intent of the Bill to do just that. I have great problems with that, in that I am not sure that the operation of the proposed insurance exchange, or inter-insurance exchanges would be in the best interests of those people who might subsequently be insured, because the administration would not be by the general insurance community per se.

MR. CHAIRMAN:

The hon. the Minister of Consumer Affairs.

MR. YOUNG:

It is my understanding that they will be able to sell insurance, except life, accident, sickness and guarantee insurance, and sell other insurances.

MR. GULLAGE:

Mr. Chairman, I cannot hear the hon. minister.

MR. YOUNG:

I will try again. This section says that these exchanges will be able to sell insurance, other than life, accident, sickness and guarantee insurance. So they will sell all those types of insurances. And it is not companies, it is organizations such as exist in all other provinces of Canada except this one. We have had requests for insurance exchanges from Memorial University, the Canadian Lawyers Insurance Association, and I understand there are some other organizations looking for this type of insurance.

MR. GULLAGE:

So you confirm what I just said.

Mr. Chairman, it is one o'clock. I adjourn the debate.

On motion, that the Committee

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

MR. SPEAKER:  
Order, please!

Is it agreed to stop the clock?

SOME HON. MEMBERS:  
Agreed.

MR. SPEAKER:  
Agreed.

The hon. the member for St. John's East Extern.

MR. PARSONS:  
Mr. Speaker, the Committee of the Whole has considered the matters to it referred and has directed me to report having passed Bill No. 29 without amendment and Bill No. 36 with amendment and asks leave to sit again.

On motion, report received and adopted, amendments ordered read a first and second time now, by leave, bills ordered read a third time presently, by leave, Committee ordered to sit again presently, by leave.

On motion, amendments read a first and second time.

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

MR. SIMMS:  
Mr. Speaker, just to re-emphasize the earlier discussion we had, Your Honour may wish to call the vote for adjournment but it will be the intention of the government not to pass the vote to adjourn so that we can come back and sit from three o'clock until six o'clock.

MR. WELLS:

We will do it by agreement.

MR. SPEAKER:  
We will resume at 3:00 o'clock.

The House resumed at 3:00 p.m.

MR. SPEAKER (McNicholas):  
Order, please!

MR. SIMMS:  
Mr. Speaker.

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

MR. SIMMS:  
I am just waiting for your Deputy to come so we can go back into Committee.

We were on Order 12, Committee of the Whole.

On motion, that the House resolve itself into a Committee of the Whole on certain bills, Mr. Speaker left the Chair.

### Committee of the Whole

MR. CHAIRMAN:  
Order!

The hon. the Minister of Consumer Affairs and Communications.

MR. YOUNG:  
Yes, Mr. Chairman, we were answering some questions of the hon. the member for Waterford - Kenmount. As I said this will include all insurances except life, accident, sickness and guarantee insurance. We have had some inquiries from exchanges wishing to operate in the Province, including the Canadian University Insurance Exchange and the Canadian Lawyers Insurance Exchange. That is why we are asking for permission to be able to licence these people.

MR. CHAIRMAN:

The hon. the member for Waterford - Kenmount.

MR. GULLAGE:  
Mr. Chairman, now it is relatively clear what the minister is saying, although I must admit that the first time this bill was debated a lot of us thought reciprocal insurance exchanges meant an entirely different thing. Now we know such groups as the Universities Group and the Law Association and so on want to operate in the Province, but I still have the same concerns I expressed this morning. Upon checking with a couple of people in the general insurance industry, they seem to know nothing about what is happening, which makes my concern even greater. Although we in the Opposition cannot do much about this bill today, I wonder would the minister assure the House that he will check a little further to see if in fact the concerns that I am expressing are legitimate before this bill takes final affect after it indeed passes? Because I do have some concerns with the fact that we are going outside normal licencing procedures in allowing groups of people who are not operating as insurance companies, but strictly as bodies to carry on the business of providing insurance coverage in a manner that is outside of the normal. It may be acceptable in other provinces, in fact, may be the practices in all provinces for all I know, but I would just like the minister to check that point a little further with the general insurance community just to be assured that, in fact, what government is doing with this particular legislation is falling in line with other provinces and possibly just completing a national program, which it sounds like, and if that is so it is

probably in order. But I would like the minister to consider pursuing that after the bill has become legislation.

MR. CHAIRMAN:

The hon. the Minister of Consumer Affairs and Communications.

MR. YOUNG:

Yes, Mr. Chairman, I will.

It is my understanding, Mr. Chairman, that Memorial University now offers policies of property and liability insurance to its subscribers, so I think it is in practice in the Province now. The only thing we are going to do is license these exchanges.

On motion, clauses 1 and 2, carried.

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

MR. SIMMS:

Order 13, Bill No. 42.

MR. CHAIRMAN:

Shall clause 1 carry?

MR. WELLS:

Mr. Chairman, we could carry clauses 1 through 18 if you correct the misspelling in clause 7.

MR. SIMMS:

Clauses 1 to 18, correct the misspelling in clause 7, whatever it is.

MR. WELLS:

It reads department of Lines Act in my copy -

On motion, clauses 1 through 18, carried.

MR. CHAIRMAN:

Shall clause 19 carry?

MR. WELLS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

Just for the Law Clerks benefit. Under clause 7, **Control Over Certain Lands** in the third line, The Department Of Lines Act or I-i-n-e-s Act? There is no 'm' there.

Now, clause 19, Mr. Chairman. Before this session started we had a couple of changes in ministries that were not provided for in legislation and certain ministers were appointed without adequate provision being made for those ministers in legislation, notably the Minister responsible for Housing and the Minister responsible for Northern Development. This clause 19 deals with the Department of Rural, Agricultural and Northern Development, and I still see no specific provision for the Minister responsible for Northern Development, and we still have not been advised of exactly what his status is. No Department of Northern Development has been created. The item, Northern Development, is still part of the Department of Rural, Agricultural and Northern Development.

Is he a junior minister in that department? Is he the minister referred to here as the additional minister who is going to be appointed, and is this part of the provision for him? I would have thought there would have been something specific, so I raise the question here, Mr. Chairman.

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

MR. SIMMS:  
Mr. Chairman, we are well aware of the matter the hon. member raises with respect to the Minister responsible for Northern Development. That matter will be addressed in due course. It does not necessarily have to be done right here and now in this bill. That matter will be addressed in due course.

With respect to the Housing Minister, the Housing legislation already provides for a minister to be appointed.

On motion, clause 19 carried.

MR. CHAIRMAN:  
Shall clause 20 carry?

MR. EFFORD:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the member for Port de Grave.

MR. EFFORD:  
Just a few brief words, Mr. Chairman. The President of the Council could probably answer the questions or make a comment on what I have to say.

Right now the Department of Social Services annually spends some \$16 million province-wide on administration, not taking into consideration the social workers of the Province. This bill provides for appointing three Assistant Deputy Ministers of Social Services and, naturally, they all have a duty to perform. My concern, Mr. Chairman, lies with the amount of money now being spent by the Department of Social

Services to have a consultant group, Clarkson-Gordon, evaluate and assess the department.

Now, the taxpayers of this Province are paying out millions of dollars on Administration in the Department of Social Services, yet we have to pay a consulting firm some \$400,000, plus expenses, to assess the department, and by the time we include an assessment of the Department of Public Works we are talking about close to \$1 million.

With the economic situation in the Province of Newfoundland and Labrador today, this has to be a concern of every taxpayer in the Province. They started off with the Department of Public Works and the Department of Social Services, but I tell you if ever a department had need of an assessment, I suggest it would be the Department of Health more so than any other. So, what is the point in paying out these salaries on administration in Social Services and bringing in legislation to allow for three Assistant Deputy Ministers, and hiring consultants, when in effect you are saying the people who are already there now, the minister, the deputy minister, the assistant deputy minister and all the officials, cannot efficiently run the department? We are going to allow this legislation to go through because it is only housekeeping legislation and because the ADMs are already appointed. But to spend \$400,000 plus expenses on consultants to tell them how to do their job, if that is going to apply to all other departments, the amount of money that is going to be paid out will be huge. Why are we paying big salaries in the Department of Social Services, what is the



purpose of it all if we are saying the staff of the department cannot run it? If so, why are they are getting paid?

MR. CHAIRMAN:

The hon. the President of the Council.

MR. SIMMS:

Mr. Chairman, I do not need to spend a lot of time on this because this has been raised several times and answered several times. I am sure the hon. member has a perception or conception of what is being talked about here. It is an independent efficiency study being done on the two departments government chose to begin with. The intent is to train people within the public service who work with these consultants, so that further independent evaluations and efficiency studies can be done for other government departments. That is the purpose, that is the intent.

On motion, clauses 20 through 24, carried.

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

MR. SIMMS:

Order 14, Bill No. 44.

A bill, "An Act To Revise And Consolidate The Law Respecting Tenancies Of Residential Premises".

MR. CHAIRMAN:

Shall clauses 2 through 20 carry?

MR. FENWICK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

Mr. Chairman, we do not mind you passing any other clause, but when you get to clause 4, we wish to propose an amendment.

On motion, clauses 1 through 3, carried.

MR. CHAIRMAN:

Shall clause 4 carry?

MR. FENWICK:

Mr. Chairman, clause 4.

MR. CHAIRMAN:

Mr. Fenwick.

MR. FENWICK:

Mr. Chairman, our proposal, if you are looking at page six of the bill, at clause 4, is to delete everything, the entire section, except for the very first part that says, 4, subsection (1), "The Crown is bound by this Act." The numbering would also have to be changed.

We wish to delete the section starting at subsection (2) which says, "Notwithstanding subsection (1), this Act does not apply with respect to", and they have two categories there of individuals for whom the Landlord Tenancies Board does not have the powers to intervene in landlord/tenants disputes.

The first section, if you look at it, I am convinced is unconstitutional. I think that the government would be well-advised to go along with it, if you look at it. I will read it to you because it is very important to see it. These are people now that the bill does not apply to. It says, (a) "residential premises owned or administered by or for the Government of Canada or the

province or a municipality, or an agency thereof and occupied by social assistance recipients". So what we are saying here is this legislation applies to you, to me and to everybody else in this Chamber and everybody else in this Province, except if you are receiving money from Social Assistance and Social Assistance, in fact, will be the people who will be actually paying your rent as well.

What that says is your source of income is a grounds under which you are being discriminated against. Quite frankly, we would prefer to see the Human Rights Code changed to add this as another grounds under which you cannot be discriminated against.

I see the shaking of heads over there, because the argument coming forward from the government is that this is the Landlord Tenancies Board of which the major function of is to set rents between landlords and tenants. The argument they will put forward is the Housing Corporation or federal or -- municipal housing, which is paid for by the Department of Social Assistance, should be no concern whatsoever of the people who are on social assistance. If that was the only function it had, then the argument would have a degree of credibility.

But, as we know, the Landlord Tenancies Board, especially with these revisions that are coming in this particular piece of legislation, has a much wider function than that; it has a mediation function between landlord and tenants, an obligation to try and get them together to work out their disputes. It has a whole other

mandate in terms of expulsion orders, of being evicted from housing.

As a matter of fact, Mr. Chairman, we have a situation today with an individual who came to us this week being evicted from Newfoundland and Labrador Housing in this city with no right whatsoever to appeal his eviction to the Landlord Tenancies Board. Under those circumstances, we think that that is not an appropriate restriction for unbinding the Crown, so to speak, from this particular legislation. That is the first part.

The second part, which is (b), we also propose to delete. It says, "residential premises the rental of which is directly subsidized by the Government of Canada or the province where the residential premises are owned or administered by or for the Government of Canada or the province or a municipality, or an agency thereof." That applies to subsidized housing for people who are not on social assistance. That would be people who are low wage earners, this would be pensioners, and this would be anybody else who is in -- it is too bad the minister is not here -- any of the 5,000 or 6,000 units in this province in socialized or subsidized housing.

Again, Mr. Chairman, especially with the changes going on here, as we know, subsidized housing costs are fixed at something between 16 per cent and 25 per cent of the gross income of individuals concerned. In that respect, that is a given.

We will know that it will be between 16 and 25 per cent, or whatever the formula will be, and there is no problem there, but

again there is an expanded mandate for the Landlord Tenancies Board. The fact is these individuals can be evicted from their apartments and we have examples of that. These people can have a dispute with their landlord over the maintenance of the building itself. There could be an argument that the Housing Corporation is not even keeping up one of its units. I am not suggesting that it does that as a general rule but the people who work for the Housing Corporation are only human and they may be instances where the housing is not up to standard. There may be a complaint the individual tenant wishes to lodge, and the Landlord Tenants Board, which is there to provide that for everybody else in this Province, is not there for those people in subsidized housing.

In the course of our research on this, Mr. Chairman, we have talked to the people involved with the Legal Aid Commission, the fourteen lawyers who work there, and we have found that this particular clause gives them more concern than any other in the housing field because they find it very difficult to act on behalf of the poorer people in our society who are in a difficult situation vis-a-vis the Housing Corporation and other public housing because this particular piece of legislation denies them the ability to go to the Tenancies Board in order to get redress for their grievances there.

What we have done is we are proposing this amendment to Bill 44. I believe there is a copy up there. If not, I can give the Chairman a copy: Moved by the member for Menihek, and seconded by the member for St. John's East,

that clause 4, subsection (2), all of it, be deleted. Essentially, subsection (1) would have to be then renumbered, if that was all that was left there.

It is really a straightforward amendment. I think it is quite clear to all members of the House what it does and it is up to you now to decide whether this is a legitimate thing to be done.

The other part of it I referred to twice already. What is the power of the Landlord Tenancies Board? In the past the Landlord Tenancies Board has been quite restricted because of the Supreme Court decision back in 1981 which meant it did not have any power over evictions; it did not have any power over the enforcement of maintenance orders, and so on, but in this situation now we are correcting that. The Landlord Tenancies Board does have additional powers now. It has a larger scope for its operations.

On that basis it seems to us entirely unfair that the poorest of our society, the most underprivileged in our society, the weakest in our society, are the people who do not have the protection of this piece of legislation.

We urge all members in the House to speak in favour of this amendment and also to vote for it when it is called.

MR. LONG:  
Hear, hear!

MR. CHAIRMAN:  
The amendment is in order.

The hon. the Leader of the Opposition.

MR. WELLS:

Mr. Chairman, I had a note to address this particular section, but not in the manner that the Leader of the NDP suggests.

The Crown should be bound by this Act, the Crown in right of the Province. We cannot do anything to bind the Crown in right of Canada, so what the amendment should be is to replace the present Section 4 with an amendment which would simply say the Crown in right of the Province, all agencies thereof, and municipalities are bound by this Act.

The key question is, if you put in the exceptions that are in Section 2, then what is the point of binding the Crown? In what other respect are they going to be bound? There is really no other way in which there is any benefit to binding the Crown if you put in the exemptions in Section 2. There is nothing left of any real value because that is the extent to which the Crown is involved in the provision of housing, through these agencies, or possibly through a municipality in some cases, certainly, in the case of St. John's and maybe in some other municipalities. Unless you make a change of this nature, there is not much point in Subsection (1) being there at all in having the Crown bound by it. We cannot, of course, bind the Crown in right of Canada so we should simply say that the Crown in right of the Province, all agencies thereof and all municipalities are bound by this act.

MR. CHAIRMAN:

Shall the amendment carry?

MR. LONG:

Mr. Chairman,

MR. CHAIRMAN:

The hon. the member for St. John's East.

MR. LONG:

Mr. Chairman, just a few brief words. I thought the Minister of Mines was going to speak, but just to respond briefly to what the Leader of the Opposition has said, I think the point is well taken about this clause.

But on the issue of whether there is anything left to be bound by the act, if we delete 2. (a) and (b), as the amendment calls for, well indeed the provincial Housing Corporation has market rental units which would still be bound by the act. So there is some reason or rationale behind the amendment as we have it.

It is also interesting, I think, that that illustrates the point we are making. People who are in the market rental units of NLHC do have protection by this act, and so they should, but others, who cannot afford to be in the market rental units, have no protection. I think that illustrates well the intent and the spirit of our amendment which is to protect the disadvantaged, people who do not have income to compete in the market in securing housing and people who are, for various reasons, dependent on social assistance or subsidy in the Housing Corporation, or even the city.

So, although we believe the act, as a whole, is an important initiative which we have been asking for, this clause represents a very fundamental problem and that is the intention behind our amendment.

MR. SIMMS:

A very brief comment, Mr. Chairman.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. SIMMS:

The hon. the member for Menihek has already indicated what our position is on it, so we do not see much necessity to beat it to death. We certainly take the points you made under advisement for future considerations, but we do not intend to support the amendment.

MR. CHAIRMAN:

Shall the amendment carry?

MR. K. AYLWARD:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Stephenville.

MR. K. AYLWARD:

Mr. Chairman, as the Leader of the Opposition has pointed out, I think it is very important that the rights of people in social housing be protected and they have the right to appeal. The problems we have experienced with some evictions taking place in social housing have been what you would call horror stories, as far as I am concerned. I think that under certain circumstances the person in social housing should have the right to appeal and be protected under The Landlord and Tenancies Act. I think it is very important that that be taken under consideration by the government, especially in this legislation.

So, as the Leader of the Opposition points out, the amendment would bind the Province's Housing Corporation and municipalities within the

Province. We support that. We would like to see it implemented and brought forward. There have been many occasions when people in social housing have had eviction notices and have had also the legal fees involved with those eviction notices tacked onto their rental bill. That is a really atrocious story that should never occur in this Province and something that should never happen again. Hopefully this bill will help do that, if this amendment is carried forward.

So I would speak in full support of this amendment, as also proposed by the Leader of the Opposition.

MR. CHAIRMAN:

Shall the amendment carry?

MR. WELLS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

With respect, the government cannot just sit there and stonewall this.

MR. SIMMS:

We are not stonewalling this. We can sit here and vote.

MR. WELLS:

I know you can sit here and vote. This is fairly serious for the people who are affected. While this Legislature cannot agree to change the legislation or do anything that will bind the Crown in right of Canada, it can agree to bind the Crown in right of Newfoundland. Already, in circumstances where you have market rental situations, the Crown in right of Newfoundland is

bound by it.

AN HON. MEMBER:  
We own them.

MR. WELLS:  
You own them! They may be financed by CMHC or financed by anybody. You cannot bind the Crown in right of Canada. But in cases where there are subsidized rentals, you own some of those too. The Province owns some of those too. All we are saying --

AN HON. MEMBER:  
Twenty-five per cent.

MR. WELLS:  
Well, you may own 25 per cent of them or you may own 100 per cent of some of it. All we are saying is in situations where the Crown in right of the Province can be bound, this should be changed to specifically provide that the Crown in right of the Province, its agencies and municipalities, are bound by this, so as to accord to the people, who had the misfortune to have to have their rentals subsidized, the same basic rights the people who are paying market rentals had.

MR. WINDSOR:  
Do you realize what you are saying?

MR. WELLS:  
Yes, I do.

MR. WINDSOR:  
They are treated much more fairly than the Residential Tenancies would treat them. What you are trying to get in now would mean they would be treated a heck of a lot more harshly than they are now treated. You do not know what you are talking about.

MR. TULK:  
No true, that is not true at all.

SOME HON. MEMBERS:  
Oh, oh!

MR. WELLS:  
The minister may take some peculiar gratification out of saying a silly thing like that, but anybody who has any sense knows it is stupid.

MR. TULK:  
Foolishness.

MR. WELLS:  
Mr. Chairman, the reality of it is there ought to be an amendment, not the one proposed by the hon. member but an amendment that has the affect of binding the Crown in right of the Province. That is the amendment which ought to be made because we cannot obviously bind the Crown in right of Canada.

AN HON. MEMBER:  
It is bound.

MR. WELLS:  
It is not bound as far as subsidized housing is concerned. This exception ought not to be there. That is what is wrong with it. It does not matter that it --

MR. YOUNG:  
(Inaudible) good reason.

MR. WELLS:  
Well I have not heard it. If the minister has a good reason then tell me and I will say go ahead with it as is proposed. Tell me what the good reason is.

DR. COLLINS:  
It is not necessary. They already have the protection that they are trying to give them.

MR. CHAIRMAN:  
The hon. the Minister of Mines.

MR. DINN:

As I understand it, we looked at this for a long period of time. The Crown is bound by this act except where there is a 75/25 cost-sharing of the rents. Now, we have been looking at it with respect to breaking that out so that the Residential Tenancies Board has an effect in other areas outside of rent. But in just one case that went to the Supreme Court of Canada on rent where it was subsidized rental, whether it be low income or social assistance - that is why the clause was put in there - it was shot down by the Supreme Court of Canada because the Province could not bind the Crown in right of Canada. That is why it was shot down. So we are looking at the possibility of, and we have in all market rentals and we have in all those units that are owned by the Newfoundland and Labrador Housing Corporation. But in those that are subsidized on a 75/25 basis, we do not have the authority to do it and that is why those clauses were put in there, as I understand it.

MR. LONG:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the member for St. John's East.

MR. LONG:  
Mr. Chairman, I have to say to the former Minister of Housing, the issue he refers to was taken to the Supreme Court of the Province and not of Canada. The ruling of the court in that case on exactly this issue had nothing to do with the question of binding the Crown or jurisdiction.

It was simply an opinion that the legislation and the law was being applied fairly or accordingly. I mean, what they were saying was it

was an opinion of the court that the corporation was within its rights because of the legislation to do what it was doing. So the implicit suggestion was, if the tenant was to have any rights in such a case, the legislation would have to be changed. It is, in fact, because of that judgment, partly, but also because we have had a number of incidents brought to our attention, including another this week, that we have brought forward this amendment.

MR. FENWICK:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. member for Menihek.

MR. FENWICK:  
Yes, Mr. Chairman, I want to address an argument that was thrown in as an excuse for not including this that was put forward by the Minister of Finance (Mr. Windsor) in his seat, so it where. What he said was the landlord, when it is the Crown, is much more generous than the Landlord Tenancies Board would be.

Well, Mr. Chairman, nothing will prevent the landlord from continuing to be generous. If the landlord is generous, gives more time notice than required under statutes, if the landlord puts up with more noise, if that is what the problem is, if the landlord has a more generous nature, there is no problem! It is when the landlord is arbitrary that the Landlord Tenancies Board would be seized of it if it is push there by the actual tenant themselves. It is only in those circumstances that the generosity, if that is the problem, or the fair-mindedness would be reviewed by this particular independent board. On that basis, I cannot

see what the problem is.

IF Newfoundland and Labrador Housing, under its current minister, is everything the government says it is, it will never appear before this board as a result of the tenants, will it. And at the same time, what it does give is the Housing Corporation another avenue in order to maintain its rights as the landlord in this particular situation. So I do not understand that as the argument. It just does not make a lot of sense.

The other thing is why is there section (a), social assistance recipients? Why are we saying, just because you are unfortunate enough to be on social assistance and in a shelter or an apartment or a house that is owned by the government, provincial or municipal, why does that make you less of a human being with less rights? I do not understand that. Because that is exactly what you are doing with this particular piece of legislation.

AN HON. MEMBER:  
(Inaudible).

MR. FENWICK:  
No, that is what you are doing! I can show you a line-up of Legal Aid lawyers who have spent months working with this thing and are totally frustrated because they have one of the major avenues for which to redress these kinds of grievances gone to them. They just do not have any access for it.

MR. WINDSOR:  
How can they complain about the rent when they are not paying any of it?

MR. FENWICK:  
But that is not the only thing you

can complain about. If you think that this is all this legislation is about, you have not read it. You are like John Crosbie, who has not read the free trade deal. You have not read this legislation because we are just putting in there a whole bunch of new powers for the Landlord Tenants Boards in order to be involved with maintenance order, in order to be involved with evictions. All of those are other things that should be done.

SOME HON. MEMBERS:  
Oh, oh!

MR. LONG:  
You have no sympathy for the tenants, do you?

MR. FENWICK:  
I do not understand why we have a bunch of ministers sitting there like bumps on a log not standing up and defending it, other than the factitious comments we got out of the Minister of Finance. You are not defending it! If there is another reason for it, tell me, because the only reason you can have is you want to act in an arbitrary manner with your tenants. That is the only reason we can possibly see for not putting that in there. Because there just has not been anything else develop for it.

The other argument, I should suggest to the Leader of the Official Opposition (Mr. Wells), although I see his point, we can only bind the Crown in the right of a province and through the legislation, municipalities, I would suggest to him that there is not much point in changing the wording of the first section, "The Crown is bound by this Act," because, of course, binding the federal government is impossible



and there would be an ultra vires interpretation of this legislation to even assume it would bind the federal government.

So, on that basis, Mr. Chairman, I think that it is important for the government to get up and defend this particular clause. If you think it is right, get up there and tell us why it is right. We have not seen a reason here that is any good at all.

MR. SIMMS:  
Mr. Chairman.

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

MR. SIMMS:  
Mr. Chairman, again just briefly, our position is known on the issue. As a matter of fact, the hon. member for Menihek outlined it himself when he spoke to introduce his amendment. That is point number one.

Point number two: We have indicated that we do not support the amendment as put forth by the hon. member. We have indicated that quite clearly. We obviously considered the same kind of points he is making now but, with the advice we have, there is no difficulty with this particular section being in there. There is no problem, no real serious situation, based on the advice we had. It is drafted by people here at the Table who were trained to do these things. They do not identify a significant problem associated with it.

I do not know what the hon. member is screaming and bawling about. He proposed his amendment. The members opposite spoke to the amendment and expressed their

views. Already we see a difference of viewpoints between the two leaders in the approach. Surely we are not going to just automatically accept this amendment considering the fact that there is a divergence of views on the matter.

I can say this to the hon. member, that the bill provides for the act to come into force on a day or days to be proclaimed by the Lieutenant-Governor in Council. I can give him the assurance that the matters he has raised we will again take up with the legal advisors, with not only the Legislative Council, but the Law Clerks, the Housing Corporation people and so on. If there is something seriously wrong with this or a serious flawed with this, then I can give him that assure, we will not proceed it. I mean, quite clearly it is a simple matter, as clear as that. That is about the only assurance I can give him.

Otherwise, if the hon. members want to continue to debate it, that is fine to. But I cannot make the position of the government any clearer. It is a government initiative and hon. members have the right and freedom to express their views against it and they may do so. But I can only outline to him what I have already just said, and I do not intend to repeat myself as others have.

MR. LONG:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the member for St. John's East.

MR. LONG:  
Just a brief response. We are all

interested, I think, in allowing the business to proceed and we understand the process is one that we propose an amendment and if it is not supported by the government, then that is all we can really do. But we are here to make a strong representation on this issue, which is a political issue. It is just unfortunate that what the member for Menihek was asking for was some justification by the government, by ministers, for this particular clause.

The House Leader just make a reference to the advice from the Table. This is not a technical issue we are raising here. This is fundamentally a political decision. Unfortunately the Housing Minister is not here, but we still have yet not had a clear articulation of why the government is insisting on maintaining the inability of the Tenancies Board to represent social assistance recipients. So what we have raised is a political issue and we have not had a political response to it. I think it is simply not good enough to say that what you are doing is based on advice from the Table.

Further, we have already said and would say again, that if you do consult with people in the field who are dealing with this issue, especially Legal Aid people, you will find out that this is the most difficult problem that legal aid lawyers face on housing issues, the fact that people in public housing and social assistance recipients are not covered under the Tenancies Board.

MR. CHAIRMAN:  
Shall the amendment carry?

SOME HON. MEMBERS:

No!

On motion, the amendment is defeated.

MR. LONG:  
Division.

MR. YOUNG:  
You have to have three for a standing vote.

MR. SIMMS:  
Those in favor, Mr. Chairman, come on.

MR. CHAIRMAN:  
Shall clause 4 carry?

MR. WELLS:  
Mr. Chairman.

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

MR. WELLS:  
I move, seconded by the member for Waterford - Kenmount (Mr. Gullage), that all the words after the word 'Canada' on the second line or each of paragraphs (a) and (b) of subsection (2) of section 4 be deleted.

That has the effect, Mr. Chairman, of exempting from this residential premises owned or administered by or for the Government of Canada, the rental of which is directly subsidized by the Government of Canada. They are not affected by this, but if the government is serious in their proposition that they want this to apply fairly to all people without regard to the source of their income so that everybody has fair access, then this would achieve it. So the Crown in right of the Province would be bound where it is not a federally owned or administered housing project, or where the

rental is not subsidized by the Government of Canada. And if what the Minister of Mines (Mr. Dinn) and the Minister of Health and the President of Council have said is correct, then I cannot see that they would have any objection whatsoever to this amendment.

MR. CHAIRMAN:

Shall the amendment carry?

SOME HON. MEMBERS:

'Aye'.

SOME HON. MEMBERS:

'Nay'.

MR. WELLS:

Division, Mr. Chairman.

### Division

MR. CHAIRMAN:

All those in favour of the amendment, please rise:

The hon. the Leader of the Opposition (Mr. Wells), Mr. Tulk, Mr. Efford, Mr. Walter Carter, Mr. Gilbert, Mr. Kevin Aylward, Mr. Lush, Mr. Decker, Mr. Gullage, Mr. Fenwick, Mr. Long.

MR. CHAIRMAN:

All those against the amendment, please rise:

The hon. the Minister of Finance and Minister Responsible for Newfoundland and Labrador Hydro (Mr. Windsor), the hon. the Minister of Fisheries (Mr. Rideout), the hon. the Minister of Justice (Ms. Verge), the hon. the Minister of Municipal Affairs (Mr. Brett), the hon. the Minister of Rural, Agricultural and Northern Development (Mr. Power), the hon. the Minister of Intergovernmental Affairs (Mr. Dawe), the hon. the

President of Treasury Board and President of the Council (Mr. Simms), the hon. the Minister of Health (Dr. Collins), the hon. the Minister of Career Development and Advanced Studies (Mr. Matthews), the hon. Minister of Culture, Recreation and Youth (Mr. Butt), the hon. the Minister of Environment and Lands (Mr. Russell), the hon. the Minister of Labour (Mr. Blanchard), the hon. the Minister of Development and Tourism (Mr. Barrett), the hon. the Minister Responsible for Northern Development (Mr. Warren), the hon. the Minister of Consumer Affairs and Communications (Mr. Young), the hon. the Minister of Mines (Mr. Dinn), Mr. Parsons, Mr. Reid, Mr. John Carter, Mr. Baird, Mr. Woodford.

MR. CHAIRMAN:

The amendment is defeated; eleven for twenty-one against.

On motion, clauses 4 and 5 carried.

MR. CHAIRMAN:

Shall clause 6 carry?

MR. WELLS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

Just as a matter of interest, what about existing leases where there is a requirement to make a copy of this act available to the tenant? The prohibition is, "No landlord shall enter into a lease or grant possession or occupancy of residential premises to a tenant unless the landlord has provided the tenant with a copy or reproduction of this Act without cost..." Now this is going to come into force, and there are all

kinds of leases in effect now that will be continuing perhaps for many years to come. What about those situations? Was there any provision, or does the government intend any provision to require that existing tenants be provided with copies of it? I do not see any there in subsection 6.

MR. FENWICK:  
Mr. Chairman.

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

MR. FENWICK:  
(Inaudible) comments of the Leader of the Official Opposition. In fact, that is not a new provision. The current act now has the same thing in it, that you have to provide a copy of the Landlord Tenants Act with the lease. The question I think is most appropriate is will they get an updated copy of it? Is that the question you are asking?

MR. WELLS:  
Yes, it is that.

MR. FENWICK:  
Yes. I think that is a legitimate question. Although it sounds to me like what will happen is that as the new leases come in they will get copies of it, but I guess the minister is probably the best one to answer that.

MR. WELLS:  
It may be ten years.

MR. FENWICK:  
Well, let us hope it is quick. The minister really should answer that.

On motion clauses 6 and 7, carried.

MR. CHAIRMAN:  
Shall clause 8 carry?

MR. WELLS:  
Mr. Chairman.

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

MR. WELLS:  
Mr. Chairman, somebody has to think about the interests of the people of this Province instead of worrying about rushing legislation through.

SOME HON. MEMBERS:  
Hear, hear!

MR. WELLS:  
Now, Mr. Chairman, there are three possible leases: "No person may enter into a lease in relation to residential premises in the Province unless the residential premises are let (a) from week to week; (b) from month to month; or (c) for a year." Now why can there not be a three month lease or a two month lease? What is the objective that limits it to those leases? Why not provide for leases that may be specific leases, say, in the case of students attending university who may want to enter into a lease for a specific three month term or something? What is the objective? There may well be good reason for this and I am not aware of it. If there is, I would just like to know. Otherwise, I think it is unrealistic because of the consequences.

AN HON. MEMBER:  
Why do you want a three month lease?

MR. WELLS:  
There are rights that are consequent upon it in terms of notice.

On motion, clause 8, carried.

MR. CHAIRMAN:  
Shall clause 9 carry?

MR. WELLS:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the leader of the Opposition.

MR. WELLS:  
Mr. Chairman, does no minister over there know anything about this? Is nobody aware? Nobody cares? Why prohibit the entry into a three month lease? Why? Why a two month lease? If it is more than a weekly lease, then a month to month requires, I believe it is, two months notice to terminate. Why? It is unbelievable! Nobody over there knows anything about it, or can stand up and say anything about it.

MR. SIMMS:  
Because you are missing the point.

SOME HON. MEMBERS:  
Oh, oh!

MR. DINN:  
It covers it week to week, it covers it month to month, it covers it year to year.

MR. PEACH:  
You are making a fool of yourself again.

MR. WELLS:  
You can say what you like.

Mr. Chairman, until we get this resolved, if nobody else is prepared to explain it, maybe the law Clerk might be able to provide me with the justification for it. I have no objection to it if it is justified.

MR. SIMMS:  
Why did you not ask him a month

ago, when you got the bill?

MR. WELLS:  
I had a few other things to do.

MR. CHAIRMAN:  
The hon. the Minister of Consumer Affairs and Communications.

MR. YOUNG:  
Why is this clause in here? This is a new part of the act. Week to week, month to month, year to year was not defined in the legislation. You can now enter into a lease on a week to week, month to month, or year to year basis and we have legislation covering it. That is all it is. We have it for a three month period, or a five week period, or whatever.

On motion, clause 9 carried.

Shall clause 10 carry?

MR. WELLS:  
Mr. Chairman.

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

MR. WELLS:  
Notice to Quit, clause 10 (1): "Except where the landlord and tenant agree in writing upon a longer period of notice, notice to quit residential premises shall be given." And then it provides, "(a) if the residential premises are let from month to month, (i) by the landlord at least three months." Now there is the notice that requires three months notice. So you cannot enter into a two month lease. That was the point of the question earlier. When you combine this with clause 8, you require a landlord to give a three month notice. This is unrealistic, Mr. Chairman, and that is the point of the comment.

MR. CHAIRMAN:  
Shall clauses 10 through 17, carry?

MR. FENWICK:  
On a point of order, Mr. Chairman.

MR. CHAIRMAN:  
A point of order, the hon. the member for Menihek.

MR. FENWICK:  
From our perspective we have no more objections to it. Maybe it would be better to ask if any other members wish to address a particular article, and then you could just run right through it without going through them individually like that. I am not sure which sections the Official Opposition may want to speak to, but we are happy to go through the rest in this bill right now.

MR. WELLS:  
I would have no more objections. I would make a suggestion that in clause 18 you should provide for post-date cheque or cheques so that it is not limited to one.

MR. CHAIRMAN:  
Shall clauses 17 through 44 carry?

MR. WELLS:  
In clause 18, it is a suggestion that the Law Clerk might look at in order to prevent the right from being limited to one cheque.

MR. YOUNG:  
Clause 18. I will take that -

MR. WELLS:  
A post-dated cheque or cheques.

MR. YOUNG:  
Post-dated cheque or cheques.

On motion, clause 18 carried.

On motion, clauses 19 through 44 carried.

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

MR. SIMMS:  
Order 15, bill No. 46.

A bill, "An Act To Amend The Child Welfare Act, 1972." (Bill No. 46)

MR. CHAIRMAN:  
Shall clause 1 carry?

MR. WELLS:  
Mr. Chairman.

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

MR. WELLS:  
Just to see what clause 1 entails. Mr. Chairman, this is again a clause that gives me a problem, as I was talking about this morning, with respect to this legislation that seeks to give the Provincial Court concurrent jurisdiction with the Supreme Court, as it does in this particular case.

I suggest, Mr. Chairman, in this particular case, that this is a case where the Supreme Court of Canada decision in the B.C. case would not allow the kind of jurisdiction that is intended to be given here, because that is really the kind of inherent jurisdiction, or parens patriae jurisdiction, that is inherent in the Supreme Court and would amount to conferring on the Provincial Court the kind of jurisdiction that has been exercised only by the Supreme Court from 1867. The thing can be cured simply by deleting three words and then, if in the future the minister or the House is satisfied, 'the Provincial Court' can be added to it. It can be done, but I would

suggest that in this particular case subsection (3) of section 12 be amended by deleting the three words in the second line, 'the Provincial Court', and I do not think any other amendment is necessary.

When you look at the Supreme Court decision, as I did over the lunch hour, it is not at all a situation comparable to the situation that the minister is proposing with the five pieces of legislation she has here. This was a piece of legislation that sought to give the provincial court in British Columbia jurisdiction over a number of items, and it listed those items as Guardianship of the person of the child; custody of or access to a child; maintenance, including the enforcement of maintenance orders; occupancy of the family residence and the use of its contents; and the making of orders that a person shall not enter into premises while they are occupied by a spouse, parent or child.

Now, what the Supreme Court of Canada did was find that in respect of the first two items only, the Supreme Court did have jurisdiction. The third item was not referred to them for obvious reasons. Of the remaining two items they said it would be ultra vires the legislature to attempt to confer such jurisdiction on the Provincial Court in B.C.

There was also none of the kinds of provisions, as are found in this case in section 4, which seeks to apply the rules of the Supreme Court, or to allow the judges of the Provincial Court to exercise the rights and authorities conferred upon judges of the Supreme Court under the rules of the Supreme Court.

There was no such comparable provision considered in the B.C. case, all it did was give the Provincial Court the jurisdiction with respect to custody and guardianship, and the Supreme Court of Canada found that that was in order. But that is not what the minister is seeking to do by this legislation; it is going a great deal further and I will deal with that when the other legislation comes up for second reading.

As far as this bill is concerned, the only thing of concern here are the three words in subsection 3 of section 12.

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

Chairperson, with respect, I believe the Leader of the Opposition is wrong in law and I will deal with that at some length. What worries me more, though, is that he is not even addressing the public policy issues having to do with services for looking after medical needs of children. I will start with the legal question.

The lawyers of the Department of Justice, who have assisted the Department of Social Services in preparing this legislation which is in response to a recent judgement of the Trial Division of the Supreme Court of Newfoundland, have researched the jurisdictional question extensively and have found many authorities for the correctness of conferring concurrent jurisdiction to the Provincial Court as well as the Trial Division of the Supreme Court.

The Leader of the Opposition

mentions one Supreme Court of Canada judgement, which we gave him earlier today. There are other Supreme Court of Canada judgements, chiefly the 1938 adoption reference, which makes it plain that provincial legislatures' actions in conferring concurrent jurisdiction on Provincial or Magistrates courts, as well as Superior Courts in matters of child welfare, are, indeed, quite proper constitutionally. Historically, Provincial Courts or Magistrates Courts have had and exercised powers in matters of child protection having to do with children in need of protection, having to do with wardships, having to do with adoption, which is a quite significant alteration of family relationships.

Other provinces of Canada have legislation in the child welfare field giving this kind of concurrent jurisdiction. Since the Supreme Court of Canada decisions which have been mentioned, the 1982 BC Family Relations Act reference and the 1930s Adoption Act decision, there have not been challenges of provincial legislation giving concurrent jurisdiction in these child welfare matters, so, legally, I think the authorities are quite clear in upholding the validity of the bill before us.

What I think is more significant, however, is the practical concerns for children in need of protection. After all, that is the purpose of this legislation. What we are dealing with are children declared to be in need of protection and therefore placed under the care and control of the Director of Child Welfare, who, in the view of the child welfare authorities, need medical services

for which the parents or guardians of the child are withholding consent. Now, these situations can involve medical emergencies; time will often be of the essence. It is a fact of life in our Province, even after the progressive move of our administration in merging the District Court with Supreme Court Trial Division and creating seven judicial centres of the Supreme Court. There are seven centres in our Province where Supreme Court judges are now resident, and that is a big improvement over the past, when the only Supreme Court judges lived in St. John's and only occasionally went on circuit outside St. John's. Even with that improvement, there are a lot of people in this Province who are far away from those Supreme Court centres, and many of those areas are represented by members opposite. I wonder if the member for the Strait of Belle Isle (Mr. Decker), who is so engrossed in the **Evening Telegram**, has considered what might happen to a family in his area where there is a child in need of protection? What about if there is a child in St. Anthony, or on the Coast of Labrador, who has been made a ward of the Director of Child Welfare for whom the child welfare officials believe there is a need for medical attention that the parents are refusing permission for? Should it not be possible for the Director of Child Welfare to go to the court which is most easily accessed? In that area, chances are the Provincial Court will be more easily accessed in terms of time and money than the Supreme Court. Concurrent jurisdiction means that there will be a choice. And for matters of looking after the interest of the children, this legislation is designed to protect. The child



welfare authorities should have that choice and should be able to go to the court which is more easily accessed.

As I say, time is of the essence. If there is a medical emergency for a child, the child welfare authorities may not have the luxury of taking the extra time that may be required to get to a Supreme Court judge and get an order from a Supreme Court judge. So, number one, Chairperson, in my view, backed up by the Supreme Court of Canada in a couple of decisions, there is no legal problem with conferring concurrent jurisdiction and, number two, it is in the interest of the welfare of children of our Province to have concurrent jurisdiction and to give the child welfare authorities a choice of courts when there is a need to get court approval for medical treatment of a child that the child's parents are refusing consent for.

By definition, these applications will almost always be made in a time-pressured situation, where there may not be the luxury of waiting the necessary time to access a Supreme Court Judge. As one of the lawyers in our department advising me commented, what would happen if a child died while the child welfare officer was waiting to get an order from a Supreme Court Judge when it would have been possible to get an order from a Provincial Court judge, quicker?

MR. WELLS:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the leader of the Opposition.

MR. WELLS:

Mr. Chairman, to carry that logic so far, you would have to have a Supreme Court Judge in every community in the Province. I mean, it is silly to take that position. The minister knows that you can get the order in anywhere; you can do it and you can introduce evidence by telephone, as is necessary. That is provided for, and that is good, and that is the way it should be to meet the emergency. The emergency can be as readily met, and I do not think there is any particular event that would make it more difficult. Perhaps it would be even more difficult, for other reasons, to get it from a Provincial Court.

MS VERGE:  
What about (inaudible)?

MR. WELLS:  
The choice is there, I agree.

I agree the choice is there, and you do not have to go to one or the other. All I am saying to the minister is I do not see, in the case that she gave me, the legal authority for the constitutional propriety of this. Now maybe the minister has another case that says there is, but I do not see it here, and that is what I draw to the attention of the minister. I am not going to vote against the thing, I draw it to the attention of the minister, I make the suggestion to the minister that she delete the reference to the Provincial Court to allow the bill to function fully, without jeopardy, and, in the meantime, if she wants to test it with an opinion to the Court of Appeal, she can do so.

On motion, clauses 1 through clause 4, carried.

Motion, that the Committee report

having passed Bill No. 44 without amendment, carried.

MR. SIMMS:

Order 16, Bill No. 57.

A bill, "An Act To Amend The Municipalities Act." (Bill No. 57).

MR. CHAIRMAN:

Shall clause 1 carry?

MR. GULLAGE:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Waterford - Kenmount.

MR. GULLAGE:

Mr. Chairman, I think we are generally in favour of this bill. The only comment I would like to make is that I think it is long overdue. I certainly can recall some situations with the St. John's Council where this very question was asked about the liability for damages that result from a member exercising his or her lawful powers, in fact exercising a vote. Many times, Mr. Chairman, these votes are on matters that involve significant sums of money, sometimes \$20 million, \$30 million, \$40 million, depending on the size of a given project, and depending on a legal challenge on a decision which from time to time does happen.

It is good to see that councils in the future, including councils that deal with major decisions as well as the community council, are all going to have protection in legislation in that they will not be liable for damages that would result from their actions or decisions which leaves them, I would think, in great measure, to be able to carry on their duties

on a more favourable basis, without that very great threat hanging over their heads, as had been so in the past. I really see nothing wrong with this particular piece of legislation and would welcome it.

MR. FENWICK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

Just a short, little question. By passing this legislation, does that mean that the taxi drivers in St. John's would not be able to sue Andy Wells for comments he made at a council meeting? Is this what we are talking about when we are looking at this legislation? I just thought I would throw that in in case, maybe, the member for Waterford - Kenmount might have an opinion on that.

MR. CHAIRMAN:

The hon. the member for Waterford - Kenmount.

MR. GULLAGE:

I think it is a legal matter. I think it is entirely outside the question. This deals with decisions that are certainly made within council chambers, and anything that would happen to an individual outside, I would think would be entirely separate. But it is a legal question and I certainly cannot answer it.

On motion, clause 1 carried.

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

MR. SIMMS:

Order 17, Bill No. 61.

A bill, "An Act To Amend The City Of Corner Brook Act, 1985, The City Of St. John's Act And The Municipalities Act". (Bill No. 61)

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

MR. SIMMS:  
Order 18, Bill No. 54.

A bill, "An Act To Incorporate The Association Of Professional Engineers And Geoscientists Of Newfoundland". (Bill No. 54)

On motion, clause 1 carried.

MR. CHAIRMAN:  
Shall clause 2 carry?

MR. GULLAGE:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the member for Waterford - Kenmount.

MR. GULLAGE:  
Yesterday when I spoke to section 2 I suggested perhaps an error, in that 'excluding those practicing as natural scientists' did not appear after section (k) and the Law Clerks indicated they might look at that. Is that going to be added?

MR. WINDSOR:  
Mr. Chairman.

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

MR. WINDSOR:  
Just to speak to that, Mr. Chairman, since it obviously involves my profession. This has been something that has been debated by the engineering profession for about four years now in negotiating with people in

the geoscientific field, primarily related to the protection of the employment for Newfoundlanders as it relates to offshore oil and gas developments which are about to take place in our Province, to ensure that people who come in here practicing geosciences are part of the engineering profession, as they really should be.

There is a big difference between a geoscientist and a natural scientist. You are getting involved there in the design and the engineering of structures and of earth foundation systems and so forth, so there is a big difference in the two professions. This is as a result of many years of negotiation and discussion, and debate by the engineering profession. I recall that four years ago, I think it was, at the annual meeting in Gander, it was a major issue that actually took up a whole session in the morning, as to whether or not the engineers wanted to allow the geoscientists to be part of them; there was a great debate on how far they go, and this has been the result of that discussion and negotiation.

MR. CHAIRMAN:  
Shall clause 2 carry?

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

MR. WELLS:  
Some people teaching at the university in the field of natural sciences are concerned about this and they called, and that is where the concern comes from.

Where you have excluded them in practicing as natural scientists, you have included geoscientists

"providing educational instruction on matters contained in this paragraph to a student at an educational institution." That is the thing that necessitates this amendment we have suggested, because there is no reason why somebody who is doing nothing more than teaching at the university, and not practicing for a fee in any manner, should have to belong to the Association of Professional Engineers and Geoscientists. That is where the concern comes from. So it is not a matter of exempting people who might class themselves as natural scientists and then practice and invade the engineering field. I have some sympathy for the hon. member's comments in that regard. The concern here is as a result of at least one call - I do not know if there were others. The hon. member for Waterford - Kenmount spoke to them too - from people teaching at the university. In that situation, I do not see why we should require that people who are doing nothing more than teaching at the university, on a fixed salary, and are not in any way engaged in the professional practice, and you could make that clear, that anybody who is teaching but also engaged in professional practice should belong to the Association, as I would agree with the hon. member, but anybody who is solely teaching should not belong to the association.

MR. CHAIRMAN:

The hon. the Minister of Finance.

MR. WINDSOR:

Mr. Chairman, I really do not think this Clause is meant to preclude people who are teaching at universities. We have lots of people now who are not registered professional engineers who are

teaching engineers: There are mathematicians, there are english teachers, there are chemistry teachers, there are physics teachers, there are all kinds of teachers who are teaching engineers. What this certainly is restricting, though, is the education of engineers by persons in these particular areas and disciplines, by those who are not fully qualified, graduated and registered engineers or geoscientists, in the full meaning of that term. And I would think it is important that it be that way, the same as, I am sure, the hon. gentleman would not want somebody who is not a lawyer teaching somebody law in a university.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

Not really. It does not matter that much to me whether somebody is a lawyer or not a lawyer who is teaching in a law school, depending on what he is teaching. I would not imagine that a law school would have much of a reputation if it had no lawyers teaching there. There might be somebody who might teach legal writing, for example, who may well not be a lawyer admitted to practice.

AN HON. MEMBER:

Not teaching law, but teaching legal writing.

MR. WELLS:

That is right.

MR. WINDSOR:

There is no problem with a mathematician teaching mathematics either, or teaching natural sciences.

MR. WELLS:

This is what I am concerned about, because this is what it says: "practice of geoscience" means reporting on, advising on, evaluating, interpreting, processing, geological and geophysical surveying, exploring, classifying reserves or examining activities related to the earth sciences or engineering-geology. (ii) that requires in the reporting, advising, evaluating, processing, geoscientific surveying, exploring, reserve classifying, or examining the professional application of mathematics...' So that is included. And it goes on to say --

MR. WINDSOR:

The professional application of mathematics. --

MR. WELLS:

Yes. 'the professional application of mathematics, chemistry or physics through the application of the principles of geoscience.'

MR. WINDSOR:

The professional application of mathematics -- is basically engineering. That is basically what it is.

MR. WELLS:

Okay. So '...the professional application of mathematics, chemistry' -- not just mathematics -- 'or physics through the application of the principles of geoscience' -- and here is the offending part -- 'and includes providing educational instruction...' So somebody cannot teach mathematics in the Engineering Department of the University unless he pays a membership fee to the Association of Professional Engineers.

MR. WINDSOR:

That is not what it says. 'The professional application' is pure engineering courses. If you are teaching an engineering course, then you must be an engineer and be a member of the Engineering Association, and there is a whole range of good reasons for that.

MR. WELLS:

Mr. Chairman, I suggest that is unduly forcing people who are teaching mathematics at the university, even mathematics to engineers, to become and be members of the Association of Professional Engineers.

MR. WINDSOR:

That is not what it says.

MR. WELLS:

That is, in fact, what it says.

MR. WINDSOR:

No, it is not.

MR. WELLS:

It says 'including providing educational instructions on the matters contained in this paragraph to a student at an educational institution...'

MR. WINDSOR:

But it does not say mathematics in that paragraph, it says 'professional application.'

MR. WELLS:

But the mathematics is in the paragraph before and it is the same thing 'that requires in the reporting, advising, evaluating, interpreting, processing, geoscientific surveying, exploring, reserve classifying, or examining the professional application of mathematics...'

MR. WINDSOR:

The 'professional' application of mathematics. That is different

than mathematics.

MR. WELLS:

'...the professional application of mathematics, chemistry or physics through the application of the principles of geoscience, and includes -

MR. WINDSOR:

The hon. gentleman is missing the point. The professional application of those disciplines is basically engineering. There is nothing stopping anybody from teaching physics or chemistry at the university.

MR. WELLS:

I understand that.

MR. WINDSOR:

But a professional application of that is different.

MR. WELLS:

But somebody teaching the professional application of this, why do they have to be a member of the Association of Professional Engineers? You do not have to be a member of the Law Society to teach law.

MR. WINDSOR:

Are you sure of that?

MR. WELLS:

I am absolutely sure of that.

MR. WINDSOR:

I find that amazing.

MR. WELLS:

It is not at all amazing.

MR. WINDSOR:

For the Law Society it is different.

MR. WELLS:

That is right.

MR. WINDSOR:

You have to be a fully qualified and registered lawyer, a member of the Bar.

MR. WELLS:

The university sets your qualifications. I do not think they have anybody teaching law who does not have not a degree in law, but they have many people teaching law who are not members of the Law Society.

MR. WINDSOR:

The Law Society is only a society.

MR. WELLS:

No, no!

MR. WINDSOR:

What about members of the Bar? Can anybody who is not a member of the Bar?

MR. WELLS:

Members of the Bar. That is right. That is what the Law Society means.

MR. WINDSOR:

It is nothing but a social club.

MR. WELLS:

It is not just only the Law Society, it is the professional organization. The Professional Governing Body is the Law Society. And what I am saying to you is that the representation we had from a natural scientist teaching in -

MR. WINDSOR:

I have a copy of the letter here.

MR. WELLS:

- the Engineering School at the university puts this proposition and I share his view.

I do not see why they should pay the professional fees to the

Association of Professional Engineers of Newfoundland in order to qualify them to teach in the Engineering School at the university. There is no need for it.

MR. WINDSOR:

The Association is empowered under their Act to regulate such matters and to control the professional standards of the profession.

MR. WELLS:

Lawyers are the same way. The same principle applies.

MR. WINDSOR:

That is what happened to lawyers.

On motion, clause 3, carried.

MR. SPEAKER: . . .

Shall clause 4 carry?

The hon. the Minister of Consumer Affairs.

MR. YOUNG:

I would like to make an amendment to subclause 2 of clause 4 of the bill. It is amended by deleting the words 'as defined in' and by substituting the words 'pursuant to'. This amendment, Mr. Speaker, would ensure that clause 4 is consistent with The Land Surveyors Act, because there is no definition of land surveying in that Act.

On motion, amendment carried.

On motion, clause 4 as amended, carried.

On motion, clauses 5 through 67, carried.

Motion, that the Committee report having passed Bill No. 54 with amendment, carried.

MR. SIMMS:

Order No. 19, Bill No. 66.

A bill, "An Act To Amend The Fishing Industry (Collective Bargaining) Act, 1971 And The Labour Relations Act, 1977".

On motion, clauses 1 and 2 carried.

MR. CHAIRMAN:

Shall Clause 3 carry?

The hon. the member for Fogo.

MR. TULK:

I do not believe that the labour critic on this side has seen a copy of the amendment,

MR. K. AYLWARD:

I do not have a copy, but I have seen it.

MR. TULK:

You have seen it?

MR. K. AYLWARD:

Yes.

MR. TULK:

I am sorry.

MR. CHAIRMAN:

Shall Clause 3 carry?

The hon. the Minister of Labour.

MR. BLANCHARD:

I wish to amend the bill by adding a clause 4, which would clarify that the discretion given to the Labour Relations Board when it receives a request for a hearing applies to a request for a hearing made before the date on which the Act comes into force as well as one after.

Shall the amendment carry?

The hon. the member for Stephenville.

MR. K. AYLRWARD:

I discussed this yesterday with the minister. We looked at the amendment he has, and we have no problem with it. It is more a technical matter than anything else, so we have no problem with the bill.

On motion, amendment carried.

On motion, clauses 3 and 4 carried.

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

MR. SIMMS:

Order 20, Bill No. 60.

A bill, "An Act To Amend The Financial Administration Act, 1973". (Bill No. 60)

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

MR. SIMMS:

Order 21, Bill No. 63.

A bill, "An Act Respecting The Registration And Licensing Of Hearing Aid Dealers". (Bill No. 63)

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

MR. SIMMS:

Order 22, Bill No. 43.

A bill, "An Act Respecting Companies Validation." (Bill No. 43)

MR. WELLS:

Do you want to go on by leave and do Committee on what we did second reading on this morning?

MR. SIMMS:

I am sorry! I do apologize.

Mr. Chairman, I wonder would there be leave to proceed?

MR. TULK:

Yes, of course.

MR. SIMMS:

Thank you.

Bill No. 43.

On motion, clauses 1 through 3, carried.

MR. CHAIRMAN:

Shall clause 4 carry?

MS VERGE:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

The amendments, which I went through this morning, are to clause 4.

MR. SIMMS:

That has been circulated?

MS VERGE:

Yes.

On motion, clause 4 carried.

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

MR. SIMMS:

Order 23, Bill No. 47.

A bill, "An Act To Remove Anomalies And Errors In The Statute Law." (Bill No. 47)

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



MR. SIMMS:

We will move down further, to Order 29, Bill No. 58.

A bill, "An Act To Amend The Corporations Act." (Bill No. 58)

MR. CHAIRMAN:

Shall clause 1 carry?

MS VERGE:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

I move an amendment to clause 1. I went through it when I spoke this morning and the Opposition agreed with it. There is a written version of the amendment on the table now. It provides that where the property of a body corporate vests in Her Majesty, Her Majesty is not liable in tort by reason only of the property being so vested. But this subsection does not affect the liability of Her Majesty in respect of a period after Her Majesty, or a person acting for Her Majesty, -- has in fact taken possession or control of the property.

On motion, amendment carried.

On motion, clause 1 as amended, carried.

MR. WELLS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

The minister was going to take a look at two other points that I raised. In subclause 2 of this clause she said she agreed with it

generally but she was going to check to see if the Law Officers had any strong objection to it.

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

Mr. Chairperson, I just got the nod from the law Clerk so I move, as suggested by the Leader of the Opposition, that in -

MR. WELLS:

Subparagraph 2 of the new section.

MS VERGE:

- subparagraphs 2 and 3 of the new section "may" be removed and "shall" be substituted in each case.

On motion, amendment, carried.

On motion, clause 1 as amended, carried.

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

MR. SIMMS:

Order 30, Bill No. 64.

A bill, "An Act To Amend The Physiotherapy Act". (Bill No. 64).

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

MR. SIMMS:

Order 31, Bill No. 62.

A bill, "An Act Respecting The Establishment Of Services For Victims Of Crime". (Bill No. 62).

On motion clauses 1 and 2, carried.

MR. CHAIRMAN:

Shall clause 3 carry?

MR. WELLS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

Mr. Chairman, I just want to elaborate for a moment on what I said this morning. There was one more point I had to make, and I had to leave this morning and I did not have an opportunity to do it. When we look at subsection 3 of section 3 it says, "Victims should receive prompt and fair redress for the harm which they have suffered." That is a declaration this House is making.

4 (1) "The hardships created by an offense against the laws of society should be shared by society as a whole, and victims should be assisted in addressing their particular needs and concerns."

(5) "It is recognized that victims, their dependents, guardians and spouses should have access to social, legal, medical and mental health services that respond to their needs."

Mr. Chairman, unless we are going to do something specific to follow up those declarations that we are making, everybody agrees with that. Sure it is of value to say it. Anybody who says it perhaps helps the cause a little, but we are promptly denying what we say, because we are declaring in this House that victims should receive prompt and fair redress for the harm which they have suffered.

If we really mean that, if we are sincere when we say that, we are going to have to provide financial redress for people who suffer.

For everybody who suffers as a result of a crime, we are going to have to provide financial redress - for those who suffer as a result of theft, for example - because we are making the declaration that society as a whole should accept the responsibility and not the individual victim. What I am saying to the minister is we are being real hypocrites in this House if we declare this position and we do not back it up. Now, I do not mean to suggest that we can afford to do it or that we ought to implement it immediately in this Province without looking at what the cost is likely to be, but we should not be making that kind of declaration and then blindly ignoring it. That is the point I want to make.

It is almost better to take it out and not say it at all than to put that flowery declaration out and say, here is what we in the House of Assembly feel about it, that it is a society responsibility and society has a responsibility to redress the individual who suffers, but we are the body which acts for the society in this Province; we are the ones who have control of the purse and we are the ones who act when society as a whole must act, this is the body that determines the extent and nature of the action. If we are declaring that we should be acting, then we should be making provisions for it or we should not be declaring it.

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Chairperson, as I said when I spoke this morning, it is important to have a statement of ideals, a statement of principles, to guide the response of public

officials to victims of crime. Words are important. It is significant to have a proclamation of goals that we all strive towards. A lot is being done now by our society, and by governments at every level, to assist victims. Victim services have grown and improved over the past few years, mainly in response to advocates for victims.

As I mentioned this morning, I think the women's movement has been a chief mover in achieving progress. This government has committed ourselves to making significant further improvements. We have undertaken to hire victim court workers to be placed in each of our court centres. There is no need for me to repeat everything I said this morning; I enumerated several other services which are being publicly funded for the assistance of victims. There is much more we can do, and I believe it is incumbent upon us to set a goal for ourselves so that we will continue to strive for greater services and supports for victims so that they will indeed receive prompt and fair redress for the harm which they have suffered.

Chairperson, I have to disagree with the Leader of the Opposition. It is important to have a statement of ideals, and it is only fair to recognize what is being done now and what will be done over the next year within our own Province to provide assistance, support and redress for victims of crime.

On motion, clauses 3 through 5, carried.

On motion, clause 6 through 15, carried.

Motion, that the Committee report

having passed Bill No. 62 without amendment, carried.

MR. SIMMS:

Order 32, Bill No. 65.

A bill, "An Act To Amend The Provincial Court Act, 1974". (Bill No. 65)

On motion, clauses 1 and 2, carried.

MR. CHAIRMAN:

Shall clause 3 carry?

MR. FENWICK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

Clause 3 (2) as I read it says, "A Provincial Court judge shall maintain his or her principal residence within an area of fifty kilometers by road from the city or municipality in which the court of the Provincial Court District to which the Provincial Court judge has been appointed is located."

I am not a lawyer so I am really not an expert on it, but is that consistent with things such as the Charter of Rights nationally, which says that you have the right to virtually live and work wherever you wish in this country? It seems to me that you are starting to say to a person not only that you have an obligation to show up for work when work is called, and so on, but that you have an obligation to live in a certain area. I am not sure whether the Minister of Justice has gotten some sort of an opinion as to whether or not that would hold up if some judge said, 'To heck with you! I am going to

live sixty kilometers away or 100 kilometers away, and as long as I show up for when I am supposed to work, that is it.' Maybe the minister might have some comments on that. I do not intend to change it, I am just wondering if it would hold up.

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

Chairperson, there is an equivalent residency provision in our provincial Adjudicator Act respecting federally appointed judges, judges of the Supreme Court Trial Division. This amendment to The Provincial Court Act was actually recommended to me by, among other people, judges of our Supreme Court, so there does not seem to be any reason to think that there is a constitutional problem.

There is a practical concern that if a judge is appointed and accepts an appointment for a particular provincial court district, then to properly exercise his-- or her duties and responsibilities as a judge it is necessary for the incumbent to maintain a principal residence within that district. If, on the other hand, a judge primarily resides outside the district, when emergency matters occur outside of normal court hours the public of that district will be inconvenienced.

MS VERGE:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

I have just gotten notice that we need to amend subclause (1) of

clause 1 of this bill by inserting after the word 'judge' the words "after this subsection comes into force"

On motion, amendment carried.

On motion, clause 1 as amended, carried.

On motion, clauses 2 through 15 carried.

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

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

MR. SPEAKER:

Order, please!

The hon. the member for Terra Nova.

MR. GREENING:

Mr. Speaker, the Committee of the Whole has considered the matters to it referred and has directed me to report bills Nos. 39, 42, 44, 46, 57, 61, 60, 63, 47, 64 and 62 without amendment, and bills Nos. 54, 66, 43, 58, and 65 with amendments and ask leave to sit again.

On motion, report received and adopted, amendments ordered read a first and second time, bills ordered read a third time now, by leave.

On motion, amendments read a first and second time.

On motion, the following bills were read a third time, ordered passed and their titles be as on the Order Paper.

A bill, "An Act To Amend The

Alcohol And Drug Dependency Commission". (Bill No. 29).

A bill, "An Act To Amend The Newfoundland Medical Care Insurance Act". (Bill No. 36).

A bill, "An Act To Amend The Insurance Companies Act". (Bill No. 39).

A bill, "An Act Respecting The Reorganization Of Certain Government Departments And Matters Related Or Incidental Thereto". (Bill No. 42).

A bill, "An Act To Revise And Consolidate The Law Respecting Tenancies Of Residential Premises". (Bill No. 44).

A bill, "An Act To Amend The Child Welfare Act, 1972". (Bill No. 46).

A bill, "An Act To Amend The Municipalities Act". (Bill No. 57).

A bill, "An Act To Amend The City Of Corner Brook Act, 1985, The City Of St. John's Act And The Municipalities Act". (Bill No. 61).

A bill, "An Act To Incorporate The Association Of Professional Engineers And Geoscientists Of Newfoundland". (Bill No. 54).

A bill, "An Act To Amend The Fishing Industry (Collective Bargaining) Act, 1971 And The Labour Relations Act, 1977". (Bill No. 66).

A bill, "An Act To Amend The Financial Administration Act, 1973". (Bill No. 60).

A bill, "An Act Respecting The Registration And Licensing Of Hearing Aid Dealers". (Bill No.

63).

A bill, "An Act Respecting Companies Validation". (Bill No. 43).

A bill, "An Act To Remove Anomalies And Errors In The Statute Law". (Bill No. 47).

A bill, "An Act To Amend The Corporations Act". (Bill No. 58).

A bill, "An Act To Amend The Physiotherapy Act". (Bill No. 64).

A bill, "An Act Respecting The Establishment Of Services For Victims Of Crime". (Bill No. 62).

A bill, "An Act To Amend The Provincial Court Act, 1974". (Bill No. 65).

MR. SPEAKER:

The hon. the President of the Council.

MR. SIMMS:

Mr. Speaker, there are five orders remaining on the Order Paper and we are at the stage where we agreed earlier, this morning, that we would come back to those and the next order to be called would be the one the leader of the Opposition adjourned debate on.

I understand the minister has talked to the leader of the Opposition and the leader of the NDP on the matter. Because these four, Orders 24 through 27, are related, part of a package or whatever way you wish to put it, involve similar issues and problems, so there is some kind of understanding that debate would be on all four basically at the same time. Obviously you would have, therefore, latitude to debate all four, and you would also have latitude in time, of course, since

we recognize you would have a lot more time speaking to all four at the same time.

So on that understanding, I call Order 24 through Order 27, in that sense, only so that we and, the Speaker, understand what is going on.

So the Leader of the Opposition, I think, adjourned the debate earlier today, Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. WELLS:

Thank you, Mr. Speaker.

Mr. Speaker, I am quite happy to do this because my concern about these four pieces of legislation is the same in each case, so there is no need to repeat the same concerns and the same matters four times, and I had no intention of doing so in any event.

I want, first, because of a comment made earlier this afternoon by The hon. the Minister of Justice about her surprise that I had not been supporting the principle of The Child Welfare Act, to make clear again, as I thought I had done earlier, that I support whole-heartedly the principles of these bills: it is the method of carrying them out that I question. And the same thing applied to The Child Welfare Act.

It is of vital importance, I suggest, that the amendments that are reflected in that bill be made consequent upon the recent decision of Mr. Justice Riche of the Supreme Court in the Little case. So these amendments are necessary and I supported every

one of them. The concern that I had is what is being done with respect to the Supreme Court and the Provincial Court in this Province, and the effect on them.

Now I have practiced law in this Province for twenty-five years, and I have a fair amount of familiarity with the courts and the way that they work and the way that do not work, and the difficulty they have in operating, and the background and experience and competence and ability of both the Provincial Court and the Supreme Court, as well as at least some kind of a knowledge - I do not suggest that it is an expert or perfect knowledge - on the nature of the courts and the way that they should operate and the general principles under which they operate and the reasons for that. So I do not make these comments lightly or to cause any difficulty or cause any delay. It is not my purpose today to delay any of this legislation or I would not have agreed to the kind of discussion that we are having now. I hold those concerns sincerely and they reflect also the sincere concerns of a number of other lawyers whom I have spoken to about these matters. These are not easy matters, and I realize as well that the Minister of Justice and her advisors have had similar concerns. They are of the opinion that they have addressed the concerns to an extent that is necessary to get it by a constitutional challenge. I think that is correct. They view it in that way based on the decision of the Supreme Court of Canada in the reference by the Government of British Columbia to the B.C. Court of Appeal, which was subsequently appealed to the Supreme Court of Canada, which decision was handed down in 1982.

Now over the noon hour I reviewed that decision. And while I do not have the total British Columbia statute that was concerned here, the decision does have excerpts from the statute that were considered by the court, in particular sections 25 and 35 and sections 5 and 6 are quoted in the decision of Mr. Justice Estes. What the legislature was doing in the British Columbia case was something significantly different than we are doing. What we are doing in this case is going, I believe, much further than the British Columbia legislature went. At least there is nothing in the decision of the Supreme Court of Canada to indicate that the legislature in B.C. was going nearly as far as we are going. And all this case is authority for is for the proposition that you can confer on a provincially appointed court jurisdiction in matters of guardianship of the person of a child and custody of or access to a child. This case is not authority for any more jurisdiction being granted by a legislature to a Provincial Court than that. And they specifically say you cannot confer on a provincial court jurisdiction relating to the occupancy of the family residence and the use of its contents and the making of orders that a person shall not enter premises while they are occupied by a spouse, parent or child. They specifically say you cannot do that.

So that is all that the case is really authority for. It is not an authority for the proposition that it is proper to give the Provincial Court of this Province in the enactment of this jurisdiction the powers that the Supreme Court has under the rules that the Supreme Court. Because

we have to remember those rules of the Supreme Court, as the minister well knows, are not just procedural rules that say what time the court sits and what time it closes. They are substantive rules where substantive rights exist, and they provide for substantive rights. And we are, by some of the provisions of this legislation, conferring those substantive powers on the Provincial Court, and I think a court will take a look at it and find that aspect of it is unconstitutional.

I also have the concern that I expressed just a few moments ago with respect to The Child Welfare Act. There is a latin phrase that describes the right or power of a court to take over and make decisions for a child who is incompetent to do it and that is the power in *parens patriae*, which is the Latin phrase used to describe it, where essentially the country or the state becomes the parent of the child, and the court exercises that jurisdiction. Now, that is a jurisdiction that has been exercised by courts of chancery and superior courts in this Province from the beginning. The principle enunciated by the Supreme Court of Canada in this decision is: legislatures cannot confer on provincial courts powers that were exercised exclusively by superior courts. That power of *patres patriae* was exercised exclusively and has up until now been exercised exclusively by the Supreme Court or superior courts as they are sometimes referred to.

As a matter of fact, one of these bills - maybe the Minister of Justice can help me, I do not know where it is immediately - specifically says that nothing in the legislation is intended to

displace the patres parens jurisdiction of the Supreme Court. If I recall correctly I saw that in one of them.

MS. VERGE:  
Bill No. 49.

MR. WELLS:  
In Bill No. 49.

Then I would say to the minister that that is exactly what was done this afternoon in the case of Bill No. 46, the one relating to child welfare. That is exactly what we did in that case. I believe we conferred the parens patriae jurisdiction, that had been traditionally exercised by the superior courts, onto provincial courts this afternoon. I think that that will be challenged constitutionally, so I do not think it will work in that sense.

Mr. Speaker, I might just go through some of them to show some examples of what I am talking about. In the case of Bill No. 49, I do not think there will be any problem with certain parts of it.

Section 37, the mediation power to appoint and direct a mediator, I think that that may get the Provincial Court in trouble, but that is more on the borderline.

Section 38 provides 'Where a court is of the opinion that it is necessary to receive further evidence from a place outside the province before making a decision, the court may send to the Attorney General, Minister of Justice or similar officer of the place outside the province the supporting material that may be necessary together with a request' that certain steps be taken before a proper tribunal in that

jurisdiction. That action, that is of the nature of letters rogatory, or a roving commission to go to another country and have evidence taken before a tribunal in that other country, that is a jurisdiction that is normally in the Supreme Court, and I do not think that the courts are going to allow that to stand.

There are other examples, Mr. Speaker, again on 'Extra-Provincial Matters,' section 47, and in section 48, 'Enforcement of Foreign Orders,' this is giving the provincial court the kind of inherent jurisdiction that the Supreme Court has always exercised to determine the propriety of performance in another tribunal or another jurisdiction for purposes of determining how the court will act here.

I do not see the clause immediately in front of me, but there is a provision in some of this legislation requiring our court to take judicial notice of the law of another place, another jurisdiction. The significance of that is our judges are trained and experienced in our law, so they can look at a statute and know what the law is and know what are the limitations of that law. But they are not trained and knowledgeable and experienced in the law of another land, so they cannot simply look at a statute from another land and say, 'Well, that is the law of that land,' because they are not trained and knowledgeable and there may be other aspects of it that they are not aware of. So if they just take some stated piece of law and read it that is taking judicial notice of it, but our practice has always been that when you are dealing with the law of another



land, you have an expert, a judge or a lawyer from that country, come and give direct evidence as to what the law is.

Now I think that is going to create difficulty where you are allowing here a Provincial Court, as well, of course, as a Supreme Court, to take judicial notice of the law of another land. That is Section 52 in this particular statute.

Mr. Speaker, the two particular sections where I think we will get into difficulty judicially with this particular bill, which is 49 - are Sections 73 and 74. Now Section 73 says 'Except as otherwise provided, where an application is made to a court under this Act, no person who is a party to the proceeding shall make an application under this Act to another court in respect of a matter in issue in the proceeding' - I am sorry, that is not the one that it was. Section 74 was the one that I particularly wanted to refer to, not 73. "The procedure in the Provincial Court shall be governed by The Summary Proceedings Act and where that Act is silent, the Rules of the Supreme Court, 1986 shall govern, where applicable."

Now the effect of this is to confer on the Provincial Court judges the substantive powers and rights that are exclusive and have, since the inception of these courts, been exclusive to the jurisdiction of the Supreme Courts under our rules. I suggest, Mr. Speaker, there is no expression of approval of that kind of action in the B.C. case which I have read.

Now, Mr. Speaker, there are some other examples I will refer to in Bill No. 50. The first couple of

parts of Bill 50 are all right, because it confines it to the Trial Division of the Supreme Court and the Unified Family Court, which, of course, is also a Supreme Court judge. There is a saving clause in subsection (2) of Section 40, which prevents a provincial court from making an order under paragraphs (d) and (m) of subsection (1). So that says that they cannot make a declaration with respect to the right of possession under section (d) and (m). Section (m) deals with securing the payment under an order by a charge on property or otherwise. The Provincial Court cannot do that because that is a power of the Supreme Court.

I refer the minister as well to item (c), and there is a reference in subsection 2 to item (c) too, I believe. A provincial court shall only make an order under paragraphs (b), (c), (j) and (k) of subsection 1 if the dependent does not have the necessities of life or to prevent the dependent from becoming a public charge. In those circumstances they can make an order under clause (c) which is 'a specified property to be transferred to or in trust for or vested in the dependent, whether absolutely, for life or for a term of years.' Now, this purports to give the Provincial Court the power to make a declaration of trust with respect to a specified property, and it may be a residence. It may be a residential property, and it purports to give the Provincial Court authority to do that. I think that also will run into difficulty in a constitutional sense.

There are three others, (i) (j) and (k) that I have doubt about, Mr. Speaker. (i) That the

obligation and liability for support continuing after the death of the respondent and be a debt of his her estate for the period that fixed in the order.' The liabilities and rights of estates have been something that have been the inherent jurisdiction of the Supreme Court ever since its beginning. This would be a fettering of that jurisdiction because it would allow a provincial court to make an order with respect to binding the estate to pay a certain sum for a certain purpose. So I have doubt that the Supreme Court will approve of that either.

The next two deal with life insurance. I have doubts about that. That is a property interest that is not directly in issue in the sense that it is not an order that a sum of cash be paid in support or for maintenance or something of that nature. But it is directing and requiring an individual to do something that heretofore only the Supreme Court could have required him to do. So I have doubts about that as well.

The breadth of subsection 6 of section 40 is extremely broad. It allows a court, which may well be a provincial court, to make such interim order as it considers appropriate. That could be in relation to anything. It is not made subject to the limitations that are set out in section 40, subsection (1) or the other subsections of section 40, and it ought to be made subject to those limitations. It is so broad as to allow a provincial court to make an order on an interim basis that it could not make on a permanent basis or with respect to a matter that it could not make on a permanent basis, so I do not think

that that will stand either, Mr. Speaker.

Section 42 is another potential problem. This provides for the filing, in the Trial Division or the Unified Family Court, of an agreement entered into between two parties with respect to a domestic contract.

It also provides specifically that a provision for support or maintenance contained in a contract or agreement that is filed in that manner may be varied under section 47 or increased under this act.

Now you have a situation where this is an agreement that can only be filed in the Trial Division or the Unified Family Court, the Supreme Court, and the effect of it by filing it there basically gives it a certain effect under the rules of that court. This section, combined with section 47, subsection 2, would allow a provincial court to make an order varying that, and this is another area where I would foresee difficulty.

Again, Mr. Speaker, section 78, provides that 'procedure in the Provincial Court shall be governed by **The Summary Proceedings Act** and where that Act is silent, the Rules of the Supreme Court, 1986 shall govern, where applicable.' What is being said is that any powers of the Supreme Court, under the Rules of the Supreme Court, and there are many, that are usable by the court under the matters that are provided for in this statute, can be exercised by the Provincial Court and frankly, Mr. Speaker, I do not think the courts are going to find that acceptable constitutionally, and there is nothing that I read in

the B.C. decision that does anything comparable to that or considers that point in any manner whatsoever.

There are a few specifics in Bill 51 where there are similar concerns, and there are a few other remarks I would like to make with respect to Bill 52 before I get back to the generalities.

When you look at section 13, Bill 52, "The Director or a creditor may file with the Trial Division a support order made by the Provincial Court and, on being filed, the parts of the support order that relate to support are considered to be a judgement of the Trial Division."

Now when you do that you take an order that a judge in the Provincial Court has made, file in the Registry of the Supreme Court, and then it has the force and effect of an order of the Supreme Court, and that enables a Provincial Court judge to act as a Supreme Court Judge and, frankly, I think the Supreme Court is not going to accept that as an acceptable proposition.

A similar thing arises out of subsection 6 of section 17 with respect to giving the sheriff the power to enforce orders of the Provincial Court as though they were orders under the Rules of the Supreme Court.

Look at section 25: On application by the debtor a judge may, where satisfied that it would be grossly unfair and inequitable to do otherwise, make an order specifying the amount that is exempt from garnishment.

Now, Mr. Speaker, I am not sure that there is anything in this

bill, I did not see it going through it quickly today, that would confine that to a provincial court judge only making an order where it was made by him or another Provincial Court judge so that he was not in effect altering an order previously made by a Supreme Court judge. There may be a clause in this statute, there is one I saw in one of the others, but I do not know if there is in this one or not, if so I did not have time to find it quickly after I got back, but the one that concerns me most about this one, Mr. Speaker, Clause 28, which provides specifically that: 'Notwithstanding another Act' - and I assume is the same as saying any other act, including The Judicature Act - 'a notice of garnishment or garnishment order served under this Act has priority over an assignment made after the date of service of that notice or an execution or attachment made under (a) the Rules of the Supreme Court, 1986; (b) or The Judicature Act.' Now this specifically enables a Provincial Court order to supercede a Supreme Court order and specifically says that a Supreme Court order shall not vary a Provincial Court order made under this Act in that way, and, frankly, I do not think that is going to be found to be acceptable and there is nothing in the British Columbia case that would say that that is an acceptable process either.

Members may be interested in knowing that we have restored debtor's prison under this statute and it may give rise to a new Charles Dickens at some time in the future. I do not know what other alternative there is, I would like to think that we had some other alternative to it, but people who have responsibilities

under maintenance orders must carry them out. Their assets must be available to ensure that their duties in terms of families maintenance orders are carried out. I am not sure that taking them and putting them in prison is any different in character than taking the fellow who was ordinarily indebted for his rent or his food or whatever he became indebted for in the days of Charles Dickens and casting him in prison. I do not think we are here doing anything much different than was done in Dickens day when you did have debtor's prison.

MR. J. CARTER:

What about transportation?

MR. WELLS:

Well, that may be. On the hon. gentleman's savory farm, we could transport unsavory characters up there to see if they could get savored a bit.

Mr. Speaker, I have every sympathy with the Minister of Justice and those responsible for enforcing maintenance orders. We must find a means to ensure that people who take on family responsibilities continue to discharge those responsibilities fully, and that children and wives in particular although this is a two-way street but 99 percent of the time it is women who suffer rather than men - do not suffer hardship because some individual becomes intransigent and just refuses to carry out the maintenance orders.

Where there is an ability to pay there probably ought to be an offence for refusal or failure to carry out a maintenance order - where there is an ability to pay. But I cannot see that we should be empowering in this day and age, a court to imprison somebody for

arrears of payment. It smacks too much of debtor's prison. Maybe an offence ought to be created that is really a euphemism for the same thing for failure to maintain or discharge the family obligation when the person has the ability to do so. Where the person does not have the ability to do so and he is in arrears, we should not be casting that person into prison. I do not think that in this day and age, when we consider ourselves to be enlightened, we ought to be doing that. Particularly when you consider Section 46 of this Statute which follows and states: 'In proceedings brought under this Act, the debtor is presumed to have the ability to pay the arrears and to make subsequent payments.' As that stands, for that purpose he cannot even lead evidence to show that he does not have the ability, he is presumed as a matter of law to have it, and into debtor's prison he goes.

Now, the minister will refer back to Section 37: 'At a default hearing the court shall enquire into (a) the resources of the debtor; (b) the debtor's means and ability to comply with the support order; (c) the disposal the debtor has made of property since the support order was made; (d) any and all debts that are owing to or by the debtor; and so on.

Now, Subsection (2). At the default hearing, unless the contrary is shown, the debtor shall be presumed to have the ability to pay the arrears and to make subsequent payments under the order.' Now that is at the default hearing, but then you get over to the general section in part 6, and it specifically provides that in proceedings brought under this Act, the debtor

is presumed to have the ability to pay the arrears. Maybe it is there and I would like to think that it is, but I am concerned that we not create again something that may be seen as a debtor's prison, even though we have the constitutional ability to do so. Although I am not sure; on reflection the Charter of Rights may have something to say about that to.

Mr. Speaker, those are the kinds of particulars that give rise to the general concern that I have about these four pieces of legislation specifically.

Now to get back to the general aspects of it. Those are the purely legal bases for the arguments, but in addition to that, Mr. Speaker, there is the matter of maintaining, assuming always that it is appropriate to maintain it, the relatively smooth working of the system of justice that we have. The minister has spoken about the great forward thinking of this administration that brought in the merger of the Supreme Court and the District Court. What she has not acknowledge is whose great forward thinking it was that prompted it in the first place. She has not acknowledged that it was because of speeches and positions that I took in the House twenty-odd years ago to get a Supreme Court Judge sitting permanently in Corner Brook, whether by merger of the District and Supreme Court, or by specific appointment, by changing The Judicature Act and that is where the original forward thinking came from. So while she is talking about forward thinking, we might as well get the full story out on the record. I agree with her that the move to merge the courts was a good one, there

was no valid reason for maintaining the distinction any more between the Supreme Court and District Court, and I believe we now have a better functioning system where we have seven judicial centres in this Province. It may be that sometime in the future we may have to take a further look at the location of those judicial centres and do some rearranging or perhaps add another one to it.

But, Mr. Speaker, that system provides reasonably good access, but what the minister is talking about here will not provide much more ready access, if any at all, to people in need of what is provided for in these four pieces of legislation, apart from The Child Welfare Act, which was the emergency one, to obtain medical attention for a child in need where it has been refused by the parents. That is done and past, that does not arise in these four pieces of legislation, so the emergency that has been talked about does not arise. What does arise is the convenience argument, but that is only convenience for the thirty or so communities where there are resident Provincial Court judges, that convenience only applies to those. But there are 800 other communities in Newfoundland that will have varying degrees of inconvenience. So it is not markedly different, it is not as though it was going to provide conveniently available services for everybody in the Province. So that argument I suggest, Mr. Speaker, really does not have significant merit.

The thing that I wanted to mention further before I sit down on this matter, is that over the years we have developed a relatively efficient and smooth working relationship between the Supreme

Court and the Provincial Court, and I believe that this interweaving of the jurisdiction in the manner that is being provided for, and the conferring on the Provincial Court of the kind of jurisdiction that is being done here will make that more difficult and will cause difficulties in the workings of the courts rather than enhance them the application can frequently be frustrated. A respondent in a Provincial Court affected by an application being made, who wants to have it in the Supreme Court, can immediately cause a divorce action to be taken and that will move the action into the Supreme Court in any event, automatically, by operation of the law. So the issue can be frustrated by that means in any event.

Mr. Speaker, on the whole I would suggest to the minister that while the general principles and provisions of this legislation are highly desirable in order to provide more effectively for the law of the family, it is the means of carrying it into effect only that I question. And I suggest to the minister that it is going to create more difficulty than it is going to solve. And I would suggest to her that the appropriate and best thing to do with these bills now is to withhold them and give them further public consideration because this matter has not received public consideration and in fact, has not had any input from the people who have had to work with it.

MS. VERGE:

Yes it has.

MR. WELLS:

Well, some private input, but not

in the public sense. It has not been done publicly. It has not been publicly known that this was being proposed until these bills were tabled in the legislature. Most lawyers are not familiar with what is being proposed here. So I would suggest to the minister that the best way to deal with it would be to withhold these bills for the time being until the matter could receive further consideration, or make the necessary amendments to eliminate the Provincial Court from having that jurisdiction, change the definitions that would give the Provincial Court the jurisdiction, and pass the bills with those changes, or, at the very least, if the bills are passed, to ensure that there is a more adequate consideration of the potential consequences of what is being proposed in this legislation before this legislation is implemented.

Thank you, Mr. Speaker.

MR. SPEAKER:

The hon. the member for Menihek.

MR. FENWICK:

Mr. Speaker, I would like to address the grouping of bills very briefly for probably five or ten minutes at the very most, and just by almost reversing the procedure argue strenuously against what the Leader of the Official Opposition is suggesting, that there be any delay in implementing this legislation. If it is flawed, if it can be constitutionally challenged, that is fine. But the legislation is necessary, especially the enforcement of support orders, and we would have violent exception to any delay whatsoever in the implementing of it. That is, quite frankly, the one that I wish to address my comments to since, although the

others have changes in them the changes are more of a consolidation nature rather than major new initiatives on the part of the government, and it is on that basis that I would like to confine my comments to the enforcement of court orders and, I would assume, the reciprocal enforcement of them which is part and parcel of it.

We live, Mr. Speaker, in a changing environment. That is confirmed by looking at some of the statistics as encapsulated in the Historical statistics of Newfoundland and Labrador, so capably put out by the President of Treasury Board, who, by the way, after his recent introduction of progressive legislation and innovations, we are now debating whether he should be called 'Lefty Len', as an indication of his bias in a political spectrum, or perhaps 'Red Simus' as another sobriquet that may be appropriate to the individual himself. And we do that not as an insult but as a compliment for a series of innovations over the last couple of months - which we consider progressive. We also consider it a response to the kinds of issues we have been raising here over the last three and a half years. And on that basis we appreciate the fact that has been some progress there; more we would like, but nonetheless there has been some.

If we look at the situation, Mr. Speaker, what we find is that the nuclear family, the family we have traditionally looked on as the model, is a husband and wife and a varying number of children, from as many, I think, as four and a half back in the mid 1960s down to something like one or two now, is really becoming less the norm and more the exception. Although in

our Province it is perhaps more the norm than it is in other Provinces, the Historical Statistics show that in 1976, say, ten years ago, less than 10 per cent of the families, and in our Province were single parent families. Now it is 11.1 per cent and climbing at a substantial rate.

As a matter of fact, in our Province in 1986, 12,640 families were headed by a single woman or a female parent - lone parent families I think is the classification for it. Now not all of those, obviously, are the result of divorces, but a considerable number were. In 1986, there were I think something like 6,195 people in our Province who were divorced and, assuming that to have a divorce you had to have one male and one female, that would mean there are in excess of 3,000 divorced women in the Province, and a considerable number of them, I would suggest, since divorce is a recent innovation in our Province, are the heads of families. Therefore, when we are talking about perhaps 3,000 families that would be benefitted by the particular enforcement legislation, we feel that it is extremely important that that legislation be put into law today or as quickly as it possibly can so that the unconscionable situation that currently exists could be overcome. As the minister has said in the past, we have a very low percentage of these particular maintenance orders being enforced on a voluntarily basis. I think she indicated that we do not have a lot of experience for our own Province, but other provinces have indicated that a very low number of individual male divorced members of families are really not living up to the obligations. I

think we should be fair about it and say that the situation we are talking about is primarily about males, because women are to a large part the individuals who are in receipt of maintenance orders where the payments have to be made to them.

I remember in my own district, Mr. Speaker, just in the last month or so, a woman calling me complaining that she had no resources, she had no money, the husband who divorced or separated from her had not paid the maintenance required for the last several months, that Social Services were by way of lending her money, which was not an acceptable situation and, as a result, she was in desperate circumstances. She also, of course, did not have the money to hire one of the local lawyers in Labrador West, in Lab City, and as a result was depending on the Legal Aid Society for legal help. And, unfortunately, as everybody must know by now, Labrador West is one of the few areas in the Province that does not have access to a Legal Aid lawyer other than one from Happy Valley - Goose Bay, which means the individual must fly in, it is extremely inconvenient, and very often it means waiting several weeks before a lawyer can be available to help move the proceedings along.

I am asking the minister here again, as I always have, to put more pressure on the Legal Aid Society to address that situation, because really we would like to see a Legal Aid lawyer in Labrador West. But the particular package of legislation we are looking at today, the mandatory enforcement of support orders, at least will go a certain way towards making that less of a problem in that under this regime, as outlined in

the legislation, Bill 52 and I think Bill 51 as well, at least then the government will take its responsibility in assisting in the enforcing of maintenance orders when the individual has shown some behavior that will indicate to us that that individual will not continue to make the payments voluntarily. As I understand the way that it is written, and looking at it, what would happen is once the maintenance order is made, if the husband or the former husband continues making the payments on a regular basis then none of this legislation is necessary. Once there has been a default, then the provisions of this legislation would come into effect and essentially government employees would be paid for doing the court work and doing the garnisheeing action and whatever else was required in order to make sure that the money is forthcoming to the spouse in order to support the spouse and the children involved.

In talking to the government of Manitoba over the last couple of years, when we have been in correspondence with officials there who have been working with the system for a number of years, it is our understanding that the payment regime or the percentage of money that is actually paid on a regular basis approaches 100 percent when you have system like this, whereas without a system like this the percentages paid is in the low 10 percent - 20 percent range, and sometimes we have a situation where it just does not work at all.

Mr. Speaker, we would like to go on record as supportive of this legislative initiative, we think in principle that it is a fine piece of legislation, that it is



the kind of thing that will make the situation better for perhaps as many as 3,000 women in the Province who are heading part of a divorced family and, on that basis, it should go into effect immediately. If there are constitutional problems with the jurisdiction between the various levels of the courts, then let them be challenged along the line, and if a problem arises then let us fix it some other time. But we certainly as a caucus are not at all interested in seeing any delay whatsoever with this legislation.

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Thank you, Mr. Speaker.

I am very gratified to hear the support for the family law bills from the member for Mendhek. This government certainly has no intention of delaying passage of this substantial family law reform.

There is real change and improvement contained in the bill as well as a consolidation and tidying up of previous family legislation. The first bill sets up the government collection agencies for court orders for family support and empowers the agency to take effective collection action when there has been default. I spoke to that earlier.

The second bill is one respecting reciprocal enforcement of support orders. This is The Uniform Canadian Act that is now in force in eight other provinces of the country. We have mirrored that legislation so that there is reciprocity in every sense. Quebec is the odd one out but does have similar reciprocal

enforcement legislation.

Bill 50, "An Act Respecting The Law Of The Family", consolidates the present Matrimonial Property Act but sets out new provisions for maintenance before divorce which make dependency the sole criterion for support orders, and detailed criteria comparable to those in The Divorce Act for orders of support with divorces, and makes clear that a fault or uncondoned adultery are no longer valid factors to be weighed by courts.

The fourth bill is 'An Act Respecting The Law of Children,' and that contains very substantial reforms in our family law, reforms, I should say, that are long overdue. The Act, for a start, eliminates the distinction between children born and outside of marriage and within marriage. Of course, that would be required now by The Charter of Rights, and it is something that our government would want to do in any case. The Act further provides for enhancement of the status of children in other ways by codifying the concept that the interests of children are paramount in court actions involving them. An innovation is setting out proper procedures for a court adjudication of access and custody matters. Our Province has long suffered without appropriate legislative provision for resolving custody and access disputes, and we have had to resort to other inappropriate remedies which were never conceived for children. There are a number of other innovations in the area of the law respecting children. So I am pleased that members opposite agree with the principles of the bills.

I would now like to turn to the comments made by the leader of the Official Opposition about the bills conferring concurrent jurisdiction on a Provincial Court with the Supreme Court Trial Division in the areas of maintenance and also custody and access. He is a lawyer with considerable experience in the constitutional field and he has given what I have no doubt is an honestly and sincerely held belief that these bills are flawed in extending concurrent jurisdiction on the Provincial Court.

MR. WELLS:

Not with respect to custody or guardianship.

MS. VERGE:

I have a different opinion. Based on advice I have been given by family law specialists within the Department of Justice, based on advice given them when they conferred about these bills with about six leading family law practitioners in the Province, members of the private Bar who practice in St. John's and in Corner Brook, based on advice given the department lawyers by judges of the Supreme Court and the Provincial Court, and none of these people in their consultations raised any question about a constitutional or a legal difficulty with extending concurrent jurisdiction.

This advice is based on, among other things, judgments of the Supreme Court of Canada. The main reference is the one that we have discussed, the B.C. Family Relations Act reference, which was decided by the Supreme Court of Canada in 1982. And I would just like to read from the conclusion of the majority decision written

by Mr. Justice Estey, where it says, 'In the field of family relations we have seen the adoption processes administered through the summary procedure courts.' That would be the equivalent in our case, the Provincial Court.

'The consequences of adoption in the life of the child and in his former and new family are of the utmost significance. Indeed, any other mechanisms for change of status are of much lesser significance. In light of the assignment of adoption to inferior courts, it is natural to find as illustrated above a practice in legal history of according powers to the summary tribunals in related but less significant fields in family relations such as guardianship and custody. Indeed, in essence, guardianship and custody are subsumed by adoption in the classification of family relations.'

And then the concluding statement: 'It is therefore not surprising to find an increasing legislative practice of assigning the resolution of problems in these areas to the expeditious and highly accessible summary procedures in the provincially organized and appointed courts.'

Earlier in the judgment, Mr. Speaker, Mr. Justice Estey says that the *parens patriae* powers of the Superior Court were never exclusive and were always shared by the lower courts and mention is made of the Poor Laws of England and the jurisdiction of the inferior courts there over the Poor Laws.

Mr. Speaker, I am as confident as any Minister of Justice can be that the concurrent jurisdiction

given the Provincial Court of Newfoundland in these bills is constitutionally and legally correct and will not be struck down by court tests. I will undertake to review the matter and consider the points made by the leader of the Opposition, but I do not believe that his objections are justified amending or delaying the passage of this legislation now.

Having dealt with the legal questions, Mr. Speaker, I would like to go on and talk about public policy. Why would government want to confer concurrent jurisdiction on the Provincial Court with the Supreme Court? Put simply, Mr. Speaker, to provide better service to the people of the Province and to ensure that people in every part of the Province who have family problems, relating to children, that require court adjudication will be able to choose between the Provincial Court or the Supreme Court so that people in centres that are far distant from Supreme Court centres will have the option of going to the Provincial Court.

It may well be, as Mr. Justice Ives suggests in that Supreme Court of Canada decision, that it will be faster and less expensive for people to have their problems adjudicated by the Provincial Court than by the Superior Court. We believe that they should have that option. If for any reason they prefer to go to the Supreme Court, fine, the choice is certainly left there.

We were thinking particularly of the interests of people in rural and remote parts of the Province in proposing this extension of jurisdiction for the Provincial Court.

Mr. Speaker, all along the Provincial Court of Newfoundland, before that known as Magistrate's Court, dealt with several critical family law matters. Adoption, for example, is the matter referred to in the Supreme Court of Canada decision, child protection applications, maintenance before divorce and criminal matters involving family violence. These are all important family law matters that the Provincial Court exercises jurisdiction over without any question. Is it not logical to extend that jurisdiction to cover the areas of custody and access? In the case of the Supreme Court Trial Division, clearly that level of court will continue to have sole and exclusive jurisdiction over divorce and over matrimonial property matters. This legislation extends jurisdiction to the Supreme Court to do maintenance before divorce. In that way it is possible for people with more than one family problem to have them adjudicated by the one court.

It is not a complete provision of unity, that has only been done in our Province so far for the St. John's area through the Unified Family Court in St. John's, and our administration is committed to extending the Unified Family Court arrangement for other parts of the Province, but still there will be many areas which will not have that benefit and, therefore, we believe it is important to have this concurrent jurisdiction arrangement.

The Leader of the Opposition referred to a number of specific sections, and there is one which I would like to refer to and I suggest that we amend in conformity to his suggestion. It

is Bill No. 50, section 40 on page 21. It is to clarify the original intention to indicate a qualification of the power of the court.

In general, given the legal authority that we find in the Supreme Court of Canada decisions, given the fact, which I have not mentioned so far in my comments, that several other provinces of Canada have very similar family legislation which is operating satisfactorily and which has not been subject to challenge since that R.C. reference was decided, given the interests of people in rural and remote parts of the Province, we think it is desirable to extend the concurrent jurisdiction rather than simply upholding tradition for the sake of upholding tradition.

So with those comments, Mr. Speaker, I move second reading of these four family law bills, Bills Nos. 49 through 52.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

I understand we are taking these four orders together, Bill Nos. 49, 50, 51 and 52.

On motion, the following bills read a second time, ordered referred to a Committee of the Whole House presently by leave.

A bill, "An Act Respecting The Enforcement Of Support Orders." (Bill No. 52)

A bill, "An Act Respecting The Reciprocal Enforcement Of Support Orders." (Bill No. 51)

A bill, "An Act Respecting The Law Of The Family." (Bill No. 50)

A bill, "An Act Respecting The Law Of Children." (Bill No. 49)

MR. SIMMS:

Before we call the next order, perhaps we could get some kind of an understanding since the members are here in the House right now. There is one more bill that we need to do some debate on with respect to second reading. It would be my intention to request leave or agreement to stop the clock at six o'clock if it becomes necessary. So I just make that observation. Somebody may wish to comment at this stage rather than do it at six o'clock.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. WELLS:

Does the minister propose to do Committee and third readings of those four bills and second reading of, I think, The Human Rights Act?

MR. SIMMS:

The Human Rights Act. Yes. That is the intention.

MR. WELLS:

I would remind the minister - maybe he does not know - that we had arranged with the greatest of difficulty a tour of the Sprung greenhouse for the remainder of our members who have not seen it, and tonight is the only night they would agree to it, if you can believe that, Friday night!

MR. SIMMS:

Who are they? Sprung?

MR. WELLS:

Yes. Well, whoever. The negotiations were conducted at various times with people at the Sprung greenhouse and Mr. Petten

in the Premier's office. They kept insisting that eight o'clock on Friday night is the only night we could do it, and if we could not do it this Friday night, it had to be eight o'clock next Friday night. So they seem determined to make it as inconvenient as possible, so this is the only time we can do it. We have been at this all day, so if the minister intends to call second reading on the other bills -

MR. SIMMS:

Can we see where we are at eight o'clock, a quarter to eight, or seven-thirty?

MR. WELLS:

Oh, no!

MR. SIMMS:

No?

MR. WELLS:

No. You cannot very well do that. If the minister was going to do Committee of the Whole on those four bills we just did, and that would take us beyond six o'clock for awhile, I do not mind doing that and third reading and getting that cleared. I do not mind doing that, but he has to give us some reasonable time to change and eat and go to this other engagement. We have been at this all day.

SOME HON. MEMBERS:

We have, too.

MR. WINDSOR:

We too had to cancel things to be here this afternoon.

MR. WELLS:

Let us come back on Tuesday.

MR. SPEAKER:

Order, please!

MR. SIMMS:

We will go into Committee on those four, that is no problem, and then, if everybody is in the mood, we will carry on with the bills left on the Order Paper, if we have time, and if I can make an alternate arrangement for hon. members opposite to do the tour, I shall see if I can do that, too, during the next half hour or so.

One of the difficulties we have, Mr. Speaker, because of the way the parliamentary system is, is we have to call upon the Lieutenant-Governor, and we have to give him some notice. In the past we have had no difficulty arranging that, but right now we are not quite certain what we should do. We have to put him on alert, because normally he comes in to give proclamation to the bills.

In any event, that is all said and done. I have indicated what we would like to ask, so we will move, at the request of the Leader of the Opposition, into Committee. I have no problem with that, therefore, I move orders 24, 25, 26 and 27 into Committee of the Whole, Mr. Speaker.

On motion, that the House resolve itself into Committee of the Whole on said bills, Mr. Speaker left the Chair.

MR. CHAIRMAN:

Order!

Order 24, Bill No. 52.

A bill, "An Act Respecting The Enforcement Of Support Orders. (Bill No. 52).

On motion, clauses 1 through 9, carried.

MR. CHAIRMAN:  
Shall clause 10 carry?

MS VERGE:  
Chairperson.

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

MS VERGE:  
The Law Clerk just gave me some technical amendments to this bill, starting with an amendment to clause 10, subclause 3. I think he just gave copies to members opposite, so perhaps we could follow along this sheet as we go through.

The first amendment is to clause 10 subclause 3, as well as Clause 32 (1) and 40, which are amended by deleting the word 'court' wherever it appears.

MR. SIMMS:  
Lynn, those amendments were distributed last night.

MS VERGE:  
Oh, good!

and substituting the words 'trial division' or 'the Unified Family Court'.

On motion, amendment carried.

On motion, clause 10 as amended, carried.

On motion, clauses 11 through 13, carried.

MR. CHAIRMAN:  
Shall clause 14 carry?

MS VERGE:  
Chairperson, clause 14 should be amended. As indicated on this sheet, clause 14 (4) is amended by deleting the words 'an order' and substituting 'a notice'.

On motion, amendment carried.

On motion, clause 14 as amended, carried.

On motion, clauses 15 through 17, carried.

MS VERGE:  
Can we go up to 31?

On motion, clauses 18 through 31, carried.

MR. CHAIRMAN:  
Shall clause 32 carry?

MS VERGE:  
Clause 32 should be amended, as I indicated earlier, to substitute 'Trial Division' or 'the Unified Family Court'.

On motion, amendment carried.

On motion, clause 32 as amended, carried.

On motion, clauses 33 through 40, carried.

MR. CHAIRMAN:  
Shall clause 41 carry?

MS VERGE:  
Again, clause 41 should be amended by substituting 'Trial Division' or 'the Unified Family Court'.

On motion, amendment carried.

On motion, clause 40 as amended, carried.

On motion, clauses 41 through 44, carried.

On motion, clauses 45 through 56, carried.

MR. CHAIRMAN:  
Shall clause 57 carry?

Clause 57, Chairperson, should be struck out and the following substituted: "Enforcement proceedings under this Act shall be brought in a court in which the original support order was obtained, where, on the balance of convenience, it is appropriate to do so, unless some other court is specifically designated by this Act."

On motion, amendment carried.

On motion, clause 57 as amended, carried.

On motion, clauses 58 through 63, carried.

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

MR. SIMMS:

Order 25, Bill No. 51.

A bill, "An Act Respecting The Reciprocal Enforcement Of Support Orders". (Bill No. 51).

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

MR. SIMMS:

Order 26, Bill No. 50.

A bill, "An Act Respecting The Law Of The Family". (Bill No. 50).

On motion, clauses 1 through 62, carried.

MR. CHAIRMAN:

Shall clause 63 carry?

MS VERGE:

Clause 63, Chairperson, should be amended by adding immediately after subclause 2 the following subclause 3:

"A cohabitation agreement may adopt the provisions of this Act and upon the adoption of this Act applies to the man and woman."

On motion, amendment carried.

On motion, clause 63 as amended, carried.

On motion, clause 64 carried.

MR. CHAIRMAN:

Shall clause 65 carry?

MS VERGE:

Clause 65, Chairperson, should be amended by renumbering subclause 4 and subclause 5 and adding immediately after subclause 3 the following: "Subclause 4. Where the guardian is the spouse of a mentally incompetent person, the Registrar of the Supreme Court shall act in the place of the guardian under subsection 1."

On motion, amendment, carried.

On motion, clause 65 as amended, carried.

On motion, clauses 66 through 69, carried.

MR. CHAIRMAN:

Shall clause 70 carry?

Chairperson, after clause 70 the amendment as circulated should be added.

On motion, amendment carried.

On motion, clause 70 as amended, carried.

On motion, clauses 71 through 85, carried.

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

MR. SIMMS:

Order 27, Bill No. 49.

A bill, 'An Act Respecting The Law Of Children". (Bill No. 49).

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

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

MR. SPEAKER:

Order, please!

The hon. the member for Terra Nova.

MR. CHAIRMAN:

Mr. Speaker, the Committee of the Whole has consider the matters to it referred and has directed me to report having passed Bills No. 51 and 49 without amendment, and Bills Nos. 52 and 50 with amendment, and ask leave to sit again.

On motion, report received and adopted, amendments ordered read a first and second time, bills ordered read a third time now, by leave, Committee ordered to sit again presently, by leave.

On motion, the following bills were read a third time, ordered passed and their titles be as on the Order Paper:

A bill, "An Act Respecting The Enforcement Of Support Orders". (Bill No. 52).

A bill, "An Act Respecting The Reciprocal Enforcement Of Support Orders". (bill No. 51).

A bill, "An Act Respecting The Law Of The Family". (Bill No. 50).

A bill, "An Act Respecting The Law Of Children". (Bill No. 49).

MR. SIMMS:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. SIMMS:

I will call the final order on the Order Paper now, Order 28, Bill No. 59.

Motion, second reading of a bill, "An Act Respecting The Protection Of Human Rights". (Bill No. 59).

MS VERGE:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Thank you, Mr. Speaker.

I am very pleased to introduce this bill, "An Act Respecting The Protection Of Human Rights". Since the hour is late, my remarks will be brief. There is a lot more I could say.

In a nutshell, government has been addressing the need to improve and strengthen our Human Rights Code. We have consulted a number of groups who are advocate for the protection of human rights, and we have decided to approach the task in two phases. This is phase one: Improvements to the procedures and the administrative structure.

The bill actually sets out a complete new code, repeating the present substantive provisions, but setting out new procedural provision to ensure that the human rights commission is more



autonomous and exercises its adjudicative function independent from the Minister of Justice and the executive branch of the government. Now, technically, when a human rights commission set up to adjudicate makes an order, it is simply a recommendation to the minister and does not become an order until made one by the minister. This bill will make plain that a decision of a human rights commission following an adjudication will constitute an order.

Secondly, the procedural changes are designed to ensure that our code complies with the Charter of Rights and Freedoms. We will continue to address the need for substantive changes and improvements.

Mr. Speaker, I know the member for Menihek (Mr. Fenwick) and his colleague, the member for St. John's East (Mr. Long), will propose some strengthening of the substance of the code. They have discussed it with me privately, and I would like to undertake that. We will carefully consider the requests as we continue to look at various proposals for strengthening the protections afforded by the code.

MR. WELLS:  
Mr. Speaker.

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

MR. WELLS:  
Thank you, Mr. Speaker.

Mr. Speaker, the Human Rights Code is a highly desirable piece of legislation. Our fundamental protection is in the Charter of Rights and Freedoms. That is

where we find, basically, our fundamental rights in this country, so that when you look at, for example, subsection 2 of section 42, it really does not add a lot, because those rights are secured by the Constitution in any event.

The worst feature of this legislation is section 6. Section 6 really undoes whatever good this legislation might otherwise do as far as governmental practice is concerned. This legislation provides for fair treatment and human rights as between individuals in their relationships between themselves. But it specifically says, "Subject to section 34, nothing in this Act shall be construed as enlarging or restricting, or otherwise altering the force and effect of, any provision of another Act." So that means, whatever is provided in any other Act that offends what we set out in this as human rights is paramount to this Act and supercedes any of the provisions of this Act. Now, I consider that basically the same kind of flaw as was in Mr. Diefenbaker's original Bill of Rights that he made a great fuss about. I think that was enacted in 1959.

MR. FENWICK:  
This is worse. At least Diefenbaker's act was on a par with other legislation, but this is subservient.

MR. WELLS:  
I suppose you could say that, yes, but it is essentially of the same nature.

MS VERGE:  
That has been changed into a clause saying that the Human Rights Code is paramount and supercedes any other act of the

Legislature.

MR. WELLS:

So you agree to change clause 6.

SOME HON. MEMBERS:

Hear, hear!

MR. WELLS:

Hear, hear! It was not a wasted effort after all.

Mr. Speaker, I have some question marks alongside some individual things that only raise minor questions, nothing of great consequence. I am not sure how we can prohibit anybody from publishing or displaying or cause to be published or displayed; or permit to be published or displayed a notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against a person or a class of persons for any purpose because of their, amongst other things, political opinion. Most political parties discriminate, in the sense that they preclude members of other parties from actively participating in a particular political party, as is understandable; it is a subversion of the system to do otherwise. So I am not quite sure that we can enforce that one. If we did, it would be an interesting development.

Generally speaking, Mr. Speaker, the bill is a fair and reasonable one, and will make a contribution, now that the minister has agreed to amend section 6. I am happy to support it.

MR. FENWICK:

Mr. Speaker,

MR. SPEAKER:

The hon. the member for Manihak.

MR. FENWICK:

Thank you very much, Mr. Speaker.

The minister is right that there were obviously a lot of things wrong with the particular piece of legislation and it was appropriate to redraft it. It is unfortunate that the procedural ones were redrafted first and proposed to this Legislature rather than the substantive ones, because it is the substantive ones where the real work must be done, or should be done.

There is a long list of things we wish to see in this legislation. For example, just this afternoon there was the problem of an individual on social assistance being discriminated against in a piece of legislation called the Landlord Tenancies Act. Clearly, the source of revenue, the source of income of an individual should not be grounds for discrimination, and that should be in the Human Rights Code.

There are a number of other areas that are not addressed as well. For example, whether an individual is pregnant or not should not be a basis for discrimination, other than that which is legitimate, considering the circumstances of the case. That is not provided for in it, as well.

Mr. Speaker, we were faced with several options when we realized that the Human Rights Code amendments, which the Human Rights Association and others have been working for, were not in this bill, one of which was to introduce them all and then try to get them all through. The other was to select those which we considered to be the most important, most critical, propose those three as amendments and see

what we could do. We have chosen this course, Mr. Speaker, because we do not wish to dock the very important issues which have to be addressed here. So we give notice, in speaking on second reading, that we will propose three amendments, one of which the minister has already agreed to, and that is that section 6 will be modified.

Is the wording of our amendment acceptable?

MS VERGE:  
Yes.

MR. FFNWICK:  
I will read it to you: That section 6 of bill 59 be replaced with 'The Newfoundland Human Rights Code shall take precedence over other legislation where other legislation conflicts with the Code.' Is that acceptable?

MS VERGE:  
Yes.

MR. FFNWICK:  
In which case we will be glad to move the amendment when we get to it.

The other two amendments we propose, and I will just give advance notice of them here and then sit down so that we can get to it, have to do with article 4, subsection 2. Article 4 is the one which says, "This Act shall be construed and interpreted so as to ensure that no provisions of it shall prejudicially affect a right or privilege with respect to denominational schools, common (amalgamated) schools, or denominational colleges, that a class of persons had by law in the province at the date of Union of Newfoundland with Canada, or any such right or privilege hereafter

by law acquired by the Pentecostal Assemblies of Newfoundland."

This is an important amendment, because currently there has been an attempt by school boards, primarily, to interpret this legislation to say that the Human Rights Code holus-bolus does not apply to any of their employees, or any of their actions, and this, clearly, is not something we can accept.

By deleting this, by the way, we do not make a major change in the rights of the denominational system, since that, as the leader of the official Opposition has indicated, is a constitutional right which would have primacy over this legislation anyway, but we feel that deleting that would make this a piece of legislation, the Human Rights Code, much more applicable to the school system, which includes perhaps 9,000 or 10,000 employees in our Province, all of whom should be protected by the Human Rights Code, and it should be clear that they are protected by it to as great an extent as possible. That is the second amendment, Mr. Speaker.

The third and final one has to do with the problem of sexual orientation and protection in the particular Human Rights Code. This is an extremely important one. It is very easy to protect the rights of individuals when there is a majority of the people of the Province who manifest that. It is easy, for example, to protect the rights of white people, to protect the rights of males, to protect the rights of women - well, it is not quite as easy, but we are working at it, and we are making progress.

It is much more difficult for us

to recognize that people who have a different sexual orientation from the majority do have rights and should not, because they are different, be discriminated against as a result of that. For example, they should not be able to use that as an excuse for throwing them out of housing arbitrarily, they should not be able to use that for dismissing them from employment. We believe that amendment should be made now rather than waiting another year, because clearly there is a crying need for that protection for this small but very important element of our society that right now has no protection under a general number. So our third amendment will be to include sexual orientation in twelve different articles of the code, where there are grounds for discrimination being laid out. That, Mr. Speaker, are my comments on it.

I appreciate that there are improvements with the changes administratively. I am very disappointed we did not do all the substantive ones, because those were the more important amendments.

MS VERGE:  
Mr. Speaker.

MR. SPEAKER:  
If the minister speaks now, she will close the debate.

MS VERGE:  
I appreciate the suggestions and comments made by members opposite. As I indicated, the government side will agree with the first suggestion, that we change clause 6 and substitute the amendment proposed by the member for Menihek.

As to the other suggestions for change, we will consider looking

at them as we complete our task of looking at the need for substantive changes. On the denominational education question, I will simply point out that the Charter of Rights and Freedoms, in section 29, supercedes all the legislative measures of this Chamber. It provides that nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.

In fact, the courts in our Province have adjudicated questions of allegations of discrimination in contravention of the Human Rights Code by school boards and have established that the code indeed does cover school boards, subject to what is in the Constitution, giving rights and privileges to the denominations which are operating schools and which have constitutional powers. Thank you, Mr. Speaker. With those comments, I move second reading of this bill.

On motion, a bill, "An Act Respecting The Protection Of Human Rights", read a second time, ordered referred to a Committee of the Whole House, now, by leave.

On motion, that the House resolve itself into a Committee of the Whole on said bill, Mr. Speaker left the Chair.

MR. CHAIRMAN:  
Order!

A bill, "An Act Respecting The Protection Of Human Rights". (Bill No. 59).

On motion, clauses 1 though 3, carried.

MR. CHAIRMAN:  
Shall clause 4 carry?

MR. FENWICK:  
Mr. Chairman.

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

MR. FENWICK:  
Article 4, Mr. Chairman, or Mr. Chairperson. I approve! That is the proper terminology.

AN HON. MEMBER:  
No, it is not.

MR. FENWICK:  
It is. I think it is important that all of us use non-sexist language, and I think the Minister of Justice (Ms Verge) is setting a good example by using that language.

Mr. Chairperson, I would move, seconded by the member for St. John's East, that article 4, subsection 2 be deleted and subsequent paragraphs be renumbered accordingly.

Article 4, subsection 2 on page 6. I have a copy of it here, actually, and also a copy of the subsequent amendment we are going to move after that.

I have already given the argument for it, Mr. Chairperson. It is just to try to make sure that it is clear to everybody in the entire Province that the Human Rights Code applies to teachers and applies to school boards. That is the major purpose of it.

On motion, amendment to article 4, subsection 2, defeated.

On motion, clause 5, carried.

MR. CHAIRMAN:

Shall clause 6 carry?

MR. FENWICK:  
Mr. Chairperson.

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

MR. FENWICK:  
This is the one we have agreement for, Mr. Chairperson, that section 6 of Bill No. 59 be replaced with 'The Newfoundland Human Rights Code shall take precedence over other legislation where other legislation conflicts with the code.' I so move, seconded by the member for St. John's East.

On motion, amendment carried.

MR. CHAIRMAN:  
Shall clause 7 carry?

MR. FENWICK:  
Mr. Chairperson, I would move amendments to the following articles, and this is the final one: Article 7, subsection (1), article 8, subsection (1), article 9, article 10 subsections (1)(a), (2), (3)(a), (4)(a), article 13, article 15 subsection (1)(b), article 19, subsections (a) and (c), and article 20 subsection (1). The reason I do this is if you look at the Human Rights Code, you will see a whole list of ground under which discrimination cannot occur. Currently, it is sex, colour, religion and a whole bunch of other things. The intention is to have one amendment for each of these articles, to have added to each of them the words 'sexual orientation' after the word 'sex'. Would you accept that as a reasonable way of dealing with all of it?

MR. SIMMS:  
We will accept that as a reasonable way to deal with them

all, but we certainly will not be accepting the amendments. We make that clear at this stage.

On motion, amendment defeated.

On motion, clauses 7 through 41, carried.

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

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

MR. SPEAKER:

The hon. the member for St. John's East Extern.

MR. PARSONS:

Mr. Speaker,—the Committee of the Whole has considered the matter to it referred and has directed me to report having passed Bill No. 59 with amendment, and ask leave to sit again.

On motion, report received and adopted, amendments ordered read a first and second time, bill ordered read a third time.

On motion, amendment read a first and second time.

A bill, "An Act Respecting The Protection of Human Rights, read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 59).

MR. SIMMS:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. SIMMS:

I will not say anything until we move the adjournment a little

later on, but His Honour has been requested to attend at about a quarter to seven, so we have fifteen minutes to have a coffee. I would, on behalf of my colleagues here, welcome any member over on that side who would like to drop into the common room for a coffee. You are more than welcome to do that.

While we are waiting, the Clerk would like to get the House set for His Honour's presence, and I guess Your Honour will have a Page or somebody ring the bells as soon as His Honour arrives so we can prepare ourselves. Perhaps we could recess until that time, for ten or fifteen minutes.

#### Recess

SERGEANT-AT-ARMS:

Mr. Speaker, His Honour the Lieutenant-Governor has arrived.

MR. SPEAKER:

Admit His Honour the Lieutenant-Governor.

SERGEANT-AT-ARMS:

It is the wish of His Honour that all present be seated. Thank you.

MR. SPEAKER:

It is my agreeable duty on behalf of Her Majesty's dutiful and loyal subjects, Her Faithful Commons in Newfoundland, to present to Your Honour Bills for the appropriation of Supplementary Supply granted in the present session.

A bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending The Thirty-First Day Of March One Thousand Nine Hundred And

Eighty-Eight And For Other Purposes Relating To The Public Service". (Bill No. 41).

A bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Additional Expenses Of The Public Service For The Financial Year Ending The Thirty-First Day Of March One Thousand Nine Hundred and Eighty Nine and For Other Purposes Relating To The Public Service". (Bill No. 67).

HON. J. A. McGRATH  
Lieutenant-Governor:

In Her Majesty's Name, I thank Her Loyal Subjects, I accept their benevolence, and I assent to these bills.

MR. SPEAKER:

May it please Your Honour, the General Assembly of the Province has at its present Session passed certain bills, to which, in the name and on behalf of the General Assembly, I respectfully request Your Honour's Assent.

A bill, "An Act Respecting The Observance Of Remembrance Day". (Bill No. 1).

A bill, "An Act To Amend The Internal Economy Commission Act". (Bill No. 16).

A bill, "An Act To Amend The Trustee Act". (Bill No. 3).

A bill, "An Act Respecting Judgement Recovery (Nfld.) Ltd.". (Bill No. 37).

A bill, "An Act To Amend The Consumer Reporting Agencies Act". (Bill No. 5).

A bill, "An Act To Amend The Fisheries Loan Act". (Bill No. 13).

A bill, "An Act To Amend The Schools Act". (Bill No. 7).

A bill, "An Act To Amend The Education (Teachers' Pensions) Act". (Bill No. 8).

A bill, "An Act Respecting Stock Savings Plan Tax Credits". (Bill No. 34).

A bill, "An Act Respecting Venture Capital Tax Credits". (Bill No. 35).

A bill, "An Act Respecting The Regulation Of Private Training Institutions". (Bill No. 2).

A bill, "An Act To Amend The Hospitals Act, 1971". (Bill No. 19).

A bill, "An Act To Amend The Public Utilities Act". (Bill No. 25).

A bill, "An Act To Amend The Newfoundland And Labrador Hydro Act, 1975". (Bill No. 24).

A bill, "An Act To Amend The Retail Sales Tax Act, 1978". (Bill No. 10).

A bill, "An Act To Amend The Insurance Companies Tax Act". (Bill No. 11).

A bill, "An Act To Amend The Mineral Holdings Impost Act". (Bill No. 12).

A bill, "An Act To Amend The Newfoundland And Labrador Housing Corporation Act And To Repeal The Harmon Corporation Act, 1966-67". (Bill No. 6).

A bill, "An Act To Amend The Fish Inspection Act". (Bill No. 15).

A bill, "An Act To Amend The Fatal

Accidents Act". (Bill No. 22).

A bill, "An Act Respecting The Newfoundland Hospital And Nursing Home Association". (Bill No. 20).

A bill, "An Act Respecting An Increase Of Certain Pensions". (Bill No. 28).

A bill, "An Act To Incorporate The Newfoundland And Labrador School Trustees' Association". (Bill No. 9).

A bill, "An Act To Amend The Newfoundland Teacher (Collective Bargaining) Act, 1973". (Bill No. 27).

A bill, "An Act Respecting The Newfoundland Institute Of Agrologists". (Bill No. 38).

A bill, "An Act To Authorize The Raising Of Money By Way Of Loan By The Province". (Bill No. 45).

A bill, "An Act To Amend The Retail Sales Tax Act, 1978 (No. 2)". (Bill No. 48).

A bill, "An Act To Amend And Consolidate The Law Relating To The Use And Operation Of Vehicles". (Bill No. 14).

A bill, "An Act To Amend The Nursing Assistants Act". (Bill No. 18).

A bill, "An Act To Incorporate The City Of Mount Pearl". (Bill No. 55).

A bill, "An Act To Amend The Legal Aid Act, 1975". (Bill No. 23).

A bill, "An Act To Amend The Conveyancing Act". (Bill No. 21).

A bill, "An Act Respecting The Public Library Service In The

Province". (Bill No. 31).

A bill, "An Act To Amend Certain Acts Having Regard To The Canadian Charter Of Rights And Freedoms". (Bill No. 33).

A bill, "An Act To Amend The Alcohol And Drug Dependency Commission Act". (Bill No. 29).

A bill, "An Act To Amend The Newfoundland Medical Care Insurance Act". (Bill No. 36).

A bill, "An Act To Amend The Insurance Companies Act". (Bill No. 39).

A bill, "An Act Respecting The Reorganization Of Certain Government Departments And Matters Related Or Incidental Thereto". (Bill No. 42).

A bill, "An Act To Revise And Consolidate The Law Respecting Tenancies Of Residential Premises". (Bill No. 44).

A bill, "An Act To Amend The Child Welfare Act, 1972". (Bill No. 46).

A bill, "An Act To Amend The Municipalities Act". (Bill No. 57).

A bill, "An Act To Amend The City Of Corner Brook Act, 1985, The City Of St. John's Act And The Municipalities Act" (Bill No. 61).

A bill, "An Act To Incorporate The Association Of Professional Engineers And Geoscientists Of Newfoundland". (Bill No. 54).

A bill, "An Act To Amend The Fishing Industry (Collective Bargaining) Act, 1971 And The Labour Relations Act, 1977". (Bill No. 66).



A bill, "An Act To Amend The Financial Administration Act, 1973". (Bill No. 60).

A bill, "An Act Respecting The Registration And Licensing Of Hearing Aid Dealers". (Bill No. 63).

A bill, "An Act To Amend The Physiotherapy Act". (Bill No. 64).

A bill, "An Act Respecting Companies Validation". (Bill No. 43).

A bill, "An Act To Remove Anomalies And Errors In The Statute Law". (Bill No. 47).

A bill, "An Act To Amend The Corporations Act" (Bill No. 58).

A bill, "An Act Respecting The Establishment Of Services For Victims Of Crime". (Bill No. 62).

A bill, "An Act To Amend The Provincial Court Act, 1974". (Bill No. 65).

A bill, "An Act Respecting The Enforcement Of Support Orders". (Bill No. 52).

A bill, "An Act Respecting The Reciprocal Enforcement Of Support Orders". (Bill No. 51).

A bill, "An Act Respecting The Law Of The Family". (Bill No. 50).

A bill, "An Act Respecting The Law Of Children". (Bill No. 49).

A bill, "An Act Respecting The Protection Of Human Rights" (Bill No. 59).

HON. J. A. McGRATH

Lieutenant-Governor:

In Her Majesty's Name, I Assent to these Bills.

MR. SIMMS:  
Mr. Speaker.

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

SOME HON. MEMBERS:  
Hear, hear!

Good job! Good job!

MR. SIMMS:  
Mr. Speaker, before I move the motion to adjourn I would, of course, like to thank a number of people who have served us ably over the last several months. I was tempted by my colleagues to call motion 4 on the Order Paper, which is still sitting there, but I decided to let that slide for the time being.

It was mentioned to me that the member for Bonavista South (Mr. Morgan) has indicated that he will not be seeking re-election in Bonavista South, at least, as I understand it, and if there were to be any intervening matter occur before the next session of the House, then, of course, this would indeed be his last sitting day. And then, of course, I was reminded that it could be the last sitting day for many members over on that side, so I decided I would not make any particular reference to it.

Mr. Speaker, there are many we should thank, considering this was such a lengthy session, the longest session, by the way, that we have had in at least five years, the longest number of sitting days, certainly longer than any of the Atlantic Province over the last three years; all of those legislatures, I think, closed several weeks ago.

We gave Royal Assent to some sixty-five pieces of legislation, and that is the largest legislative package that we have dealt with in over five years.

I want to thank you, Your Honour, of course, and the other presiding Officers who share the Chair with you from time to time, I want to thank the Clerk of the House and the office staff of both the Clerk and Your Honour. I want to thank the other Officers at the Table, the Sergeant-at-Arms who, from time to time, complains about the sun shining through the light but, nevertheless, does a magnificent job as Sergeant-at-Arms. We thank him and those who work closely with him, such as the Commissioners, in particular. We thank the Legislative Librarian and her staff for their dutiful work. We thank the Editor of Hansard and, of course, the Hansard staff in particular, for what must be a pretty difficult job for them, even at the best of times.

SOME HON. MEMBERS:

Hear, hear!

MR. SIMMS:

We thank the Constable who assists the Sergeant-at-Arms, we want to thank the Pages, fine young Newfoundlanders who performed their duties very well over the past number of months, all of whom have been very helpful to us over that period of time.

SOME HON. MEMBERS:

Hear, hear!

MR. SIMMS:

I want to thank the press for their dutiful attendance in the Legislature, and I wish to thank the Opposition, both parties. Particularly I thank the member

opposite with whom I have had the most contact over the last several months, the member for Fogo, my counterpart, the Opposition House Leader, and also the Leader of the Opposition and the Leader of the New Democratic Party with whom I have dealt. And I should not forget to thank the Queen's Printer, because from time to time they have some difficulty printing the Order Papers.

Mr. Speaker, it is my first session as Government House Leader, or as a House leader, and I have to say that I enjoyed the session very much, despite the fact that from time to time, which you will find, obviously, in a forum such as this, there are pretty strong political views held. You expect to play that kind of adversarial role from time to time, but in the end you always make some kind of agreement and arrangement.

Before I move the motion to adjourn, may I personally apologize to any member if I have said anything offensive to them throughout the course of the last several months. It was not intended to be personal.

Mr. Speaker, I move that when this House adjourns today it will stand adjourned to the call of the Chair. It shall be understood that the call of the Chair shall be conclusively evident when it appears to the satisfaction of Mr. Speaker, or in the case of his absence, the Chairman of Committees, after consultation with Her Majesty's Government that the House shall meet, the Speaker, or in his absence the Chairman of Committees, may give notice that he is so satisfied and there upon the House shall meet at the time stated by this notice. I move

that this House do now adjourn. Essentially, it is a motion to adjourn at the call of the Chair.

MR. TULK:  
Mr. Speaker.

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

MR. TULK:  
Before Your Honour puts the motion, let me take up where the hon. gentleman started, and let me say to him that motion 4 would have been welcomed by this side, as well. As a matter of fact, we were somewhat tempted to, perhaps, try to get into Tuesday so that the hon. gentleman would have time next week to call it.

Mr. Speaker, I will not run through the names the government House Leader ran through but, on behalf of this side, we certainly want to thank all the people who were in any way connected with this session. As I said, I will not name them, but we do want to express our thank to you, Your Honour, and everybody else who has been associated with the legislature.

It is strange that myself and the Government House Leader would have the same premonitions sometimes. The member for Bonavista South has announced that he will not be running in Bonavista South in the next election. I suspect that there will be a great change in this House when next it meets. I suspect the member for Bonavista South has read the writing on the wall in relation to some of the members opposite, and he has decided to gracefully get out of politics rather than follow some of my good, personal friends on the other side who, perhaps, will not be around for the next sitting

of the House.

I suspect that there will be great changes: The leader of the Opposition will be Premier by the time we next meet, and many of the people who are now sitting on the other side will no longer be with us. All on this side, I suspect, with the exception of the two gentlemen down in the corner, will be back.

On that basis, Your Honour, I would like to wish all the people here on a personal level, and on behalf of the Liberal Party and the Liberal Opposition, a good Summer, a safe Summer, and a happy vacation. Thank you very much.

SOME HON. MEMBERS:

Hear, hear!

MR. FENWICK:  
Mr. Speaker.

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

MR. FENWICK:  
Thank you, Mr. Speaker.

In accordance with the mood that has been set by the previous two speakers, we would like to add our thanks to the people who have helped expedite the matters of the House over the last four or five months.

Quite frankly, I find this a very unusual situation. I think all members do. Because there is a feeling that these are our friends, these are our colleagues, these are people we may argue with and yell at and scream at, and then go and have a beer with some other time. Later we will go out and line up people to try to get their seats from them even, but, at the same time, I think the

collegiality of the House really transcends a lot of the partisanship. On that basis I have enjoyed all the time I have spent in the House, and I am looking forward to at least another decade or so, along with my colleague and legions of other socialists we will bring into this House in order to stir things up in the future. Thank you very much, Mr. Speaker.

SOME HON. MEMBERS:  
Hear, hear!

MR. SPEAKER:  
Order, please!

Before putting the motion, I want to be associated with the vote of thanks to all the staff who have been such a help to all of us during the session.

I also want to thank all hon. members for their co-operation and help and understanding as far as I, myself, am concerned. I want to wish you all a very happy Summer, and I hope to see you in the Fall, or maybe in the Spring, or whenever. ☺

SOME HON. MEMBERS:  
Hear, hear!

On motion, the House at its rising adjourned to the call of the Chair.

HOUSE OF ASSEMBLY  
FOURTH SESSION, FORTIETH GENERAL ASSEMBLY  
PROVINCE OF NEWFOUNDLAND:

Hon. P.J. McNicholas.....Speaker  
 Mr. Glenn Greening.....Deputy Speaker  
 Chairman of Committees  
 Mr. Kevin Parsons.....Deputy Chairman of Committees

MEMBERS

NAME	AFFILIATION	DISTRICT
Mr. K. Alyward.....	Lib.....	Stephenville
Mr. R. Alyward.....	PC.....	Kilbride
Mr. Baird.....	PC.....	Humber West
Mr. Baker.....	Lib.....	Gander
Mr. Barrett.....	PC.....	St. John's West
Mr. Barry.....	Lib.....	Mount Scio-Bell Island
Mr. Blanchard.....	PC.....	Bay of Islands
Mr. Brett.....	PC.....	Trinity North
Mr. Butt.....	PC.....	Conception Bay South
Mr. Callan.....	PC.....	Bellevue
Mr. J. Carter.....	PC.....	St. John's North
Mr. W. Carter.....	Lib.....	Twillingate
Dr. Collins.....	PC.....	St. John's South
Mr. Dawe.....	PC.....	St. George's
Mr. Decker.....	Lib.....	Strait of Belle Isle
Mr. Dinn.....	PC.....	Pleasantville
Mr. Doyle.....	PC.....	Harbour Main
Mr. Efford.....	Lib.....	Port de Grave
Mr. Fenwick.....	NDP.....	Menihek
Mr. Furey.....	Lib.....	St. Barbe
Mr. Gilbert.....	Lib.....	Burgeo-Bay d'Espoir
Mr. Greening.....	PC.....	Terra Nova
Mr. Gullage.....	Lib.....	Waterford-Kenmount
Mr. Hearn.....	PC.....	St. Mary's-The Capes
Mr. Hiscock.....	Lib.....	Eagle River
Mr. Hodder.....	PC.....	Port au Port
Mr. Kelland.....	Lib.....	Nascopie
Mr. Long.....	NDP.....	St. John's East
Mr. Lush.....	Lib.....	Bonavista North
Mr. Matthews.....	PC.....	Grand Bank
Dr. McNicholas.....	PC.....	St. John's Centre
Mr. Mitchell.....	PC.....	LaPoile
Mr. Morgan.....	PC.....	Bonavista South
Mr. Parsons.....	PC.....	St. John's East Extern
Mr. Patterson.....	PC.....	Placentia
Mr. Peach.....	PC.....	Carbonear

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Premier Peckford.....	PC.....	Green Bay
Mr. Power.....	PC.....	Ferryland
Mr. Reid.....	PC.....	Trinity-Bay de Verde
Mr. Rideout.....	PC.....	Baie Verte-White Bay
Mr. Russell.....	PC.....	Lewisporte
Hon. Mr. Simmons.....	Lib.....	Fortune-Hermitage
Mr. Simms.....	PC.....	Grand Falls
Mr. Tobin.....	PC.....	Burin-Placentia West
Mr. Tulk.....	Lib.....	Fogo
Dr. Twomey.....	PC.....	Exploits
Ms. Verge.....	PC.....	Humber East
Mr. Warren.....	PC.....	Torngat Mountains
Mr. Wells.....	Lib.....	Windsor-Buchans
Mr. Windsor.....	PC.....	Mount Pearl
Mr. Woodford.....	PC.....	Humber Valley
Mr. Young.....	PC.....	Harbour Grace

THE MINISTRY:

Premier A. Brian Peckford.....	Energy
Mr. R. Alyward.....	Forest Resources
Mr. Barrett.....	Development and Tourism
Mr. Blanchard.....	Labour
Mr. Brett.....	Municipal Affairs
Mr. Butt.....	Culture, Recreation and Youth
Dr. Collins.....	Health and Deputy Premier
Mr. Dawe.....	Intergovernmental Affairs
Mr. Dinn.....	Mines
Mr. Doyle.....	Transportation
Mr. Matthews.....	Career Development and Advanced Studies
Mr. Peach.....	Minister Responsible for Housing
Mr. Power.....	Rural, Agricultural and Northern Development
Mr. Rideout.....	Fisheries
Mr. Russell.....	Environment and Lands
Mr. Simms.....	President of the Executive Council President of Treasury Board Government House Leader
Mr. Tobin.....	Social Services
Dr. Twomey.....	Public Works and Services
Ms. Verge.....	Justice
Mr. Warren.....	Minister Responsible for Northern Development
Mr. Windsor.....	Finance Minister Responsible for Newfoundland and Labrador Hydro
Mr. Young.....	Consumer Affairs and Communications

## CONTENTS

FRIDAY, 8 JULY, 1988.

### Soiree and Summer Games Data:

Mr. Gullage, Mr. Windsor.....4122

### Oral Questions

#### Location of New Penitentiary:

Has a decision been made on a site.

Mr. Wells, Ms Verge.....4122

Urges Minister to make strongest possible representation to Ottawa that Buchans be the site. Mr. Wells, Ms Verge.....4124

Urges Government of Newfoundland to take a strong and public position. Mr. Wells,

Ms Verge.....4125

#### Atlantic Accord:

Why a Memorandum of Understanding, as called for in the Atlantic Accord, not in place when Hibernia deal struck. Mr. Simmons, Mr. Dawe.....4125

What mechanism does Government propose to use, lacking a Memorandum of Understanding, to determine Newfoundland is benefitting as the Accord stipulates. Mr. Simmons, Mr. Dawe.....4126

Assurance sought the lion's share of spinoff benefits will come to Newfoundland.

Mr. Simmons, Mr. Dawe.....4127

Paving in Ferryland District:

Was discretionary funding used by the Minister of Rural, Agricultural and Northern Development for paving in the District.

Mr. Gilbert, Mr. Doyle.....4128

Rationale for paving road in Tors Cove.

Mr. Gilbert, Mr. Doyle.....4128

Claims road was paved because a friend of the RAND Minister lives on it. Mr. Gilbert,

Mr. Doyle.....4128

Municipal Affairs: Bay Roberts:

Was the town's request for Capital funds supported by proper documentation.

Mr. Efford, Mr. Brett.....4129

Why did the Minister say the MHA was 50% to blame for the town not receiving funds.

Mr. Efford, Mr. Brett.....4129

Since the Minister claims lack of representation by the MHA was the reason, since the MHA made representation to the Minister on behalf of Georgetown, will that community be funded. Mr. Efford,

Mr. Brett.....4130

PCBs Storage: Argentia:

Departmental involvement. Mr. Long,

Mr. Russell.....4131

Suggest Ottawa is establishing a storage site without an environmental assessment.

Mr. Long, Mr. Russell.....4131

Suggests the department is ducking its responsibility. Mr. Long, Mr. Russell.....4131



Newfoundland Hardwoods:

Has an offer to sell been accepted: If so, have employees been protected. Mr. Gullage, Mr. Barrett.....4132

Does the proposal call just for the sale of equipment or for the sale of the operation as a going concern. Mr. Gullage, Mr. Barrett.....4133

Fishermen's UIC:

Since benefits ended May 15 and ice conditions still prevent some inshore fishermen from setting gear, what action has minister taken. Mr. Decker, Mr. Rideout.....4133

Is there any hope Ottawa will resolve the on-going problem. Mr. Decker, Mr. Rideout.....4134

Workers' Compensation Appeal Tribunal:

Requests report on allegations made against the Chairman. Mr. Tulk, Mr. Blanchard.....4134

**Answers to Questions  
for which Notice has been Given**

Employment Project Cancelled:

Mr. Matthews.....4135

**Orders of the Day**

Third Readings:

Bills Nos. 18, 55, 23, 21, 31, 33, passed.....4135

Second Reading:

Bill No. 64:

Mr. Efford, continues debate.....4136  
Dr. Collins, closing debate.....4139

On motion, Bill No. 64, carried.....4140

Bill No. 43:

Ms Verge, moves Second Reading.....4140  
Mr. Wells.....4141  
Ms Verge, closing debate.....4141

On motion, Bill No. 43, carried.....4141

Bill No. 47:

Ms Verge, moves Second Reading.....4142  
Mr. Wells.....4142  
Ms Verge, closing debate.....4143

On motion, Bill No. 47.....4143

Bill No. 58:

Ms Verge, moves Second Reading.....4143  
Mr. Wells.....4145  
Ms Verge, closing debate.....4146

On motion, Bill No. 58, carried.....4146

Bill No. 62:

Ms Verge, moves Second Reading.....4146  
Mr. Barry.....4148  
Mr. Wells.....4151  
Ms Verge, closing debate.....4154

On motion, Bill No. 62, carried.....4156

Bill No. 65:

Ms Uerge, moves Second Reading.....	4156
Mr. Barry.....	4157
Mr. Wells.....	4160
Ms Uerge, closing debate.....	4162
On motion, Bill No. 65, carried.....	4162

Bill No. 52:

Ms Uerge, moves Second Reading.....	4162
Mr. Wells, adjourns debate.....	4165

**Committee of the Whole**

Debate begins.....	4168
Debate ends.....	4172
Mr. Parsons reports Committee passed Bill No. 29 without amendment and Bill No. 36 with amendment.....	4173
Adjournment until three o'clock.....	4173
The House resumed.....	4174

**Committee of the Whole**

Debate begins.....	4174
Mr. Greening, reports Bills 39, 42, 44, 46, 57, 61, 60, 63, 47, 64 and 62 without amendment and Bills 54, 66, 43, 58, and 65 with amendment, passed....	4204
Third Readings of the above.....	4204

<u>Bills Nos. 52, 51, 50, 49, Second Reading, by leave:</u>	
Mr. Wells, continues debate.....	4206
Mr. Fenwick.....	4214
Ms Verge, closing debate.....	4217
 Bills Nos. 52, 51, 50, 49, passed.....	 4220

**Committee of the Whole**

Debate begins.....	4221
Debate closes.....	4223

Mr. Greening, reports Bills 51 and 49 passed without amendment and Bills 52 and 50 passed with amendment.....	4224
---	------

Third Readings of the above.....	4224
----------------------------------	------

Bill No. 59:

Ms Verge, moves Second Reading.....	4224
Mr. Wells.....	4225
Mr. Fenwick.....	4226
Ms Verge, closing debate.....	4228

On motion, Bill No. 59, passed.....	4228
-------------------------------------	------

**Committee of the Whole**

Debate begins on Bill No. 59.....	4228
-----------------------------------	------

Mr. Parsons, reports Bill 59 passed with amendment.....	4230
--	------

Third Reading.....	4230
--------------------	------

**Recess**

Royal Assent:

Bills Nos. 1, 16, 3, 37, 5, 13, 7,  
8, 34, 35, 2, 19, 25, 24, 10, 11, 12, 6, 15, 22,  
20, 28, 9, 27, 38, 45, 48, 14, 18, 55, 23, 21, 31,  
33, 29, 36, 39, 42, 44, 46, 57, 61, 54, 66, 60, 63,  
64, 43, 47, 58, 62, 65, 52, 51, 49, 59.....4231

Mr. Sinms.....4233  
Mr. Tulk.....4235  
Mr. Fenwick.....4235

Adjournment Motion.....4236