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VERBATIM REPORT

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SPEAKER: THE HONOURABLE GEORGE W. CLARKE

The House met at 3:00 p.m.

Mr. Speaker in the Chair.

HON. J. R. SMALLWOOD (Premier): Mr. Speaker, I have the great honour today in behalf of the Government to table a White Paper that the Government believe to be the most notable White Paper of its history since the coming of Confederation. This White Paper has been in the making for over a year, in charge of the hon. Minister of Mines, Agriculture and Resources. The hon. minister is today in Ottawa. He has been for some little time conferring with ministers of the Government of Canada who will be concerned with the matters contained in this White Paper.

The White Paper, Mr. Speaker, sets forth a program to cost \$50 to \$60 millions of dollars spread over a number of years in the coast extending approximately from Deer Lake to St. Anthony and across the Strait of Belle Isle in the southern part of Labrador. The program would, of course, take a few years to accomplish - may be six, eight or ten years and it would comprehend among many things, it would comprehend the proposed Gros Morne National Park; the three, at least, three and there may be more, three Eskimo and Indian centres of antiquity known to exist on that coast; the Norse archaeological centre at L'Anse aux Meadows and would include a paved road extending all the way from Deer Lake to St. Anthony. It would include a hotel and tourist accommodation at a number of points along that coast. It would include improved ferry and an entirely new air-passenger service across the Strait of Belle Isle to southern Labrador from Port au Choix at which latter place an efficient airport would have to be built. This program, Sir, would include also a vastly better, though not bigger, Gros Morne National Park. This Government reject outright categorically - we will reject the Canadian Government's present proposal for a park. We will reject it contemptuously. We will have nothing to do with it.

We demand and this White Paper demands that the Gros Morne National Park shall be something far, far greater and far, far better than anything that Ottawa has hitherto proposed for the Gros Morne National Park. The proposal, Sir, in addition to the photographs, striking and dramatic photographs that are here is in four - the White Paper I should say is in four parts. One is called the historic coast, a proposal for integrated development, a proposal for integrated development on the Great Northern Peninsula, centered upon the proposed

Gros Morne National Park. The second section of it is under the title, "Twenty Questions Concerning Gros Morne National Park." The third section is entitled, "The Economic Benefits of National Parks in Canada and Newfoundliand." A comparison of the benefits of parks across Canada and in the National Terra Nova Park and the proposed national park at Gros Mourne. Fourthly, a paper entitled, "Gros Morne National Park History of the Proposal." The complete story, Mr. Speaker, of the Canadian Government's proposal of the Newfoundland Government's counter-proposal set forth in a White Paper which is now in the hands of the Government of Canada who are considering it and who, in my opinion, will consider it very favorably indeed.

I have great pleasure in circulating copies to all hon. members of the House and to the press. You do not need your tray. This is one of the proudest moments of my career as Premier of this Province.

Mr. Speaker, while I am on my feet, I wish...

MR. JOHN C. CROSBIE: Mr. Speaker, on a Point of Order. If the hon. Premier is leaving this ministerial statement, I would like to have a few words..

MR. SMALLWOOD: Not for a minute.

MR. CROSBIE: I submit, Mr. Speaker..

MR. SMALLWOOD: Not for a minute, Mr. Speaker.

MR. CROSBIE: If the hon. Premier is raising a Point of Order, I will speak to it, but in the meantime, Mr. Speaker, I would like to speak to the ministerial statement just made by the hon. minister.

MR. SMALLWOOD: Not permitted, Mr. Speaker.

MR. SPEAKER: We have not been in the habit of permitting comment on ministerial statements. If the hon. member can give me his authority as such, it has not been customary in this legislature, as far back as I can remember, to comment on ministerial statements. If the hon. member has authority for that, he could put it forth.

MR. CROSBIE: Yes, Mr. Speaker, on the Point of Order raised by the hon. Premier, I refer you, Mr. Speaker, to page eighty-four of Beauchense, Parliamentary Rules and Forms Fourth Edition, 1958 where Beauchense states in section (91): "when a minister makes a statement on Government policy or ministerial administration, either under routine proceedings between the orders of the day or shortly before the adjournment of the House, it is now firmly established that the leader of the Opposition or the chiefs of recognized groups are entitled to ask explanation.

and make a few remarks but no debate is then allowed under any Standing Orders." That is my authority, Mr. Speaker. I recognize that this is not the time for a debate but as Beauchense says, we are entitled to ask explanations and make a few remarks.

MR. ROBERTS: Mr. Speaker, may I reiterate that in my brief experience in this House, including the time which the hon. member was a member of an administration, it has never been the practice - I am told, Sir, that in 138 years that Newfoundland has had an elected legislature, it has never been the practice to comment by any member upon a statement by a minister. Further, Sir, with reference to the point about the authority of Beauchense, may I draw your Honour's attention, Sir, to Standing Order (1), "which provides that the usages and customs of the House of Commons apply insofar as they may be applicable to this House only in cases not provided for hereafter or by sessional or other orders."

Mr. Speaker, I submit that the practice in this House has been consistently clear and I think that the hon. gentleman is out of order in attempting to comment upon a ministerial statement.

MR. CROSBIE: Mr. Speaker, before you make your decision, I would like to reply to the comments made by the hon. member. There is not one word mentioned in our Standing Orders, Mr. Speaker, so far as I know, I am subject to correction, about ministerial statements and the hon. member opposite says that for 138 years ⁱⁿ this House there has never been a comment on a ministerial statement. I say, Mr. Speaker, prove it. Where is his evidence for that statement? I submit, Mr. Speaker, even if in the whole 138 years there has been no comment on a ministerial statement, it is time now for us to change the custom of the House, and we have the authority of Beauchense, Mr. Speaker, which we always refer to, which is right on this point.

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MR. SPEAKER: Before we get into a debate on the Point of Order, let me say this, and I am glad that the hon. the member for St. John's West has cited Section (91). I think Section (91) on Page 84 is clear too. Even if our Rules are silent and even if it has been our custom not to permit any debate, I do not see this Citation (91) at variance to that. It only states this: "It is now firmly established that the Leader of the Opposition, or the chiefs of recognized groups are entitled to ask explanation and make a few remarks, but no debate is allowed." The Leader of the Opposition may ask something for purposes of clarification, or the leader of any other party or group within the House, I permit it - to ask and make a few remarks by way of explanation or clarification which he can seek from the person who made the ministerial statement. Therefore, I say that this is not at variance with our practice. If the Leader of the Opposition or the leader of any other party or the chief of any group that exists here wishes to ask any question for purposes of clarification or explanation as stated in Section (91) they are at liberty to do so, and I have not heard any of them ask a question yet. May we move on to the next order please?

MR. CROSBIE: Am I permitted now to go ahead with my few remarks?

I submit Mr. Speaker, that I am the chief if you want to call it that of a recognized group -

MR. SMALLWOOD: He is going to be a leader or bust. He will bust if he does not become a leader.

MR. CROSBIE: The hon. the Premier seems to be pretty worried about that.

MR. SPEAKER: Order, Order please.

MR. CROSBIE: I refuse to take my seat when ordered by any other member of the House.

MR. SPEAKER: Order. I am giving an explanation -

MR. SMALLWOOD: He is still standing up.

MR. CROSBIE: I take no order from the Hon. the Premier Mr. Speaker. None.

MR. SPEAKER: If the hon. member will sit down I will continue my remarks.

As I have already stated from Section (91) "The Leader of the Opposition or the chief of a recognized group in this House," now if somebody will show me the leader of a recognized group in this House, he will be entitled to do this. And I say there is no person as such that this Chair is acquainted

of.

MR. CLYDE WELLS: Mr. Speaker, I will answer Your Honour's question that you put and asked if anybody could show you. It was announced and it was made quite clear by the four members that sit here, that the hon. member for St. John's West is the chief of this group. Chairman of the group. Now that Mr. Speaker, I submit falls clearly in that category and he has been acknowledged as such by the four members who sit as this group. Now that qualifies him surely under that order to make a few remarks. We have had enough to trying to prevent people from expressing their opinion here.

MR. SPEAKER: I have not been advised that there is any leader of any group in this House other than the Leader of the Opposition.

MR. WELLS: Will the hon. the Speaker take my advice that this is so. I can confirm it, the hon. member for St. Barbe South can confirm it.

MR. SPEAKER: For future events, if I am notified officially that there is a leader of a group in this House, I will take cognizance of it when the situation arises. As of now I do not, and I have ruled accordingly, that only the Leader of the Opposition and the Chairman or the Leader of a recognized group can act, and then it is only to ask for an explanation and make some remarks, as I said, a few remarks, by way of explanation, and no debate is permissible. If one person can do it then every single other person in the House can emanate a debate, and it is only the two leaders who may expect to do this.

MR. SMALLWOOD: Mr. Speaker, on this matter, may I be permitted on a Point of Order before anyone appeals Your Honour, before any appeal is heard, I wish to be heard. I wish to make this point to Your Honour, that again and again in this House, the Speaker has ruled again and again and again on numerous occasions, the Speaker has ruled that where our own rules are silent on a matter, and Beauchesne has pronounced on that same matter. The pronouncement of Beauchesne is respected and accepted in this House except where the practices of the House of long and historic duration are at variance with Beauchesne. Now Sir, for the 138 years in this House, that is an awfully long time. For 138 years in this House, the practice has been, notwithstanding the absence of any written rules in our Standing Orders, not the standing precedence cited by Beauchesne. The practice in this House.

MR. SPEAKER: I have to interrupt the hon. the Premier. I have given my ruling, and the ruling has been made. There has been debate on it. I have given my ruling, and said this is what it is supposed to be. I have now said that there is no person other than these two persons I mentioned permitted, two hon. members mentioned and permitted to make explanation or ask for explanations on this point. The ruling has been made. It is not subject to the debate, and now there is only one thing we can do, and that is, the ruling has been challenged ^{is to} ~~is~~ to put the vote on the ruling.

MR. SMALLWOOD: Your Honour, before you put the vote, may I say with great respect, that Your Honour has just made a ruling which contravenes 138 years practice in this House. And I may be obliged with greatest possible respect to challenge Your Honour's ruling. But Your Honour has done his rule that the practice of this House for 138 years shall be superceded by Beauchesne, and I may with the greatest possible respect be obliged to challenge Your Honour's ruling after the challenge of the hon. member opposite has been put, carried or defeated, I may be obliged in behalf of 138 year's practice, actual practice in this House, to challenge Your Honour's ruling. And Your Honour will understand.

MR. CROSSIE: Order. I suggested Mr. Speaker, that your ruling might be challenged, outrageous.

MR. SPEAKER: There is no question whatsoever in the ruling in which I made where this ruling of 138 years ago was challenged. I said that our rules were clear on this point. The rules of the House of Commons apply when they are silent. Even in these circumstances, down through the years there have never been any comments nor any debate on a question such as this before the House. But, I said, even if they did not prevail, there was no reason under these rules where anybody could be permitted other than the Leader of the Opposition and the leader of an ^{organized} ~~organized~~ group to ask a question even in explanation, and no debate was still allowed. There is no variance between what we have done in the past and what is being done in the present.

The ruling is challenged. Here the matter ends, and we will put it to a vote.

MR. WELLS: Your Honour, with respect, that is not the ruling that was challenged. The ruling that was challenged was Your Honour's ruling that the hon. member

for St. John's West was not accepted by Your Honour as the chief of a recognized group. That was the ruling challenged, Not Your Honour's prior ruling.

MR. SPEAKER: If that is the one, then in my comments, I have said that I cannot until I am officially notified that a person is the leader of a group or the chief of a group, in this House recognize him as such. Somebody else could make the claim five minutes after there is another group and then another, while there are members who would care to do it. Until I am advised that there is an organized group in this House and they have selected a leader, I cannot recognize that person as such. If that is the point that has been challenged then let us put it to the vote. The Motion is then, or the question before the House is that the ruling of the Chair be sustained. Those in favour "aye", contrary "nay": It is my opinion that the "ayes" have it.

MR. SMALLWOOD: Mr. Speaker, before Your Honour moves on, I have two other statements to make. In this House last night it was declared by the hon. the member for Burin that the shipyard at Marystown had lost the services of the great Vickers Shipbuilding Company. I was visited today by the head of that company in my office, who left with me a description of their company, which says that they have a body of 200 technical personnel drawn from across Europe and North America on parrallel for size and quality in Canada.

MR. CROSBIE: On a Point of Order Mr. Speaker.

MR. HICKMAN: Is this answering comments of an hon. member during the debate on the Address and Reply.

MR. CROSBIE: This is a debate

MR. HICKMAN: If it is a debate then Mr. Speaker, I submit that it is not permissable at this time.

MR. SMALLWOOD: It is not a debate, Mr. Speaker.

MR. HICKMAN: The hon. gentleman opened his remarks by stating in answer to a statement made by the hon. the member for Burin last evening.

MR. SPEAKER: Is the hon. the Premier making a ministerial statement?

MR. SMALLWOOD: I am making a ministerial statement, and my ministerial statement is that I was visited today by the head of the great Vickers Building Company, who informs me that the shipyard at Marystown continues uninterruptedly to have at its disposal the services of some 200 technical personnel of the Vickers Company drawn from across Europe and North America, and on parrallel

for size and quality in Canada, that this is the group of shipbuilding talents with over fifty years of experience in the design and construction of bulk carriers dry-cargo vessels, tankers, Great Lakes vessels, Container-ships, fishing craft, barges and tugs.

MR. CROSBIE: Point of order! I submit to Your Honour, that it is not a ministerial statement. It is not a statement on government policy, or ministerial administration. This is an attempt of the hon. the Premier to give information to the House that should really be given when the Estimates come or in a debate. He has spoken on the Address in Reply and he is now attempting to speak in it again. I submit Your Honour should rule this out of order.

MR. SMALLWOOD: Mr. Speaker, I am making a ministerial statement. The ministerial statement is with regard ^{to} an economic activity owned by the Government, namely the shipyard

MR. SMALLWOOD (J.R.): The shipyards at Marystown which is the property of this Government, and that in connection with that property, in connection with that shipyard, the shipyard continues uninterruptedly to have at its disposal the services of some 200 ships, marine architects of the Vickers Company in Montreal, without any change or alteration, or rather any interruption. And that the House I am sure will be happy to know, that the shipyard at Marystown, will be happy to know, and that every Newfoundlander I think will be happy to know that the services of this great organization Vickers, are still available to the shipyard in Marystown.

Mr. Speaker, while I am on my feet, not making a ministerial statement Mr. Speaker, but as Premier of this Province I wish to express a word of very cordial welcome to some thirty-one students of grade X, of Laval Regional High School of Placentia. These thirty-one students of grade X, are brought here by their teacher Brother Hall. I understand that it is the first time they have ever visited the House of Assembly. If they remain for a fair portion of the day I am sure they will hear and see various things that will interest them. That will attract them, and perhaps even inform them.

They have come from one of the most historic places in our whole Province. Indeed, I can say Sir, that they have come from one of the most historic places in North America. The ancient French capitol of this Island a place where history has been performed and recorded. I am sure that they are immensely proud of the ancient history of Placentia. I hope that they can spare some pride as well for the historic character of this Chamber. This Chamber has been here with a brief interruption from 1949 to 19 - from 1952 to 1949, with that brief interruption during the time when the Commission of Government were here, and there was no House of Assembly. This Chamber has been here from 1832, and that is 138 years ago which makes the House of Assembly not the oldest, but one of the oldest institutions in our Province today.

And so in visiting the House of Assembly, they are truly visiting a very ancient Newfoundland institution. I do hope that they will enjoy their here, and that they may learn something. One thing they must learn is that they should not, no one should judge the House of Assembly by the occasional cross word that is uttered in it, no one should judge the value or even the efficiency of the House of Assembly by the occasional display of temper. This happens even in families. This happens even among friends. This happens I believe in all organizations in churches, in lodges, and in every other human institution. So do not judge the House of Assembly by the occasional cross

word or outbreak of bad temper. Most of the time in the House from three o'clock until six, and from eight o'clock until eleven the House goes right on getting its duty done, getting its work done, slowly but surely with an occasional outburst of bad temper. Do not judge us by that.

I never forget the famous scene in the House of Commons in London, when the great Churchill, the great Parliamentarian, the greatest Parliamentarian of the present century, when Churchill seized a book off his desk and I fear a much heavier and thicker book than this and hurled it across the floor. Now if he had had the hon. member for St. John's North facing him, I am sure he would have hurled it more than once. Not St. John's North, St. John's East Extern. No one would think of hurling a book at the hon. member for St. John's North. But St. John's East Extern, if he had had him facing him I am afraid that Churchill would have been provoked more than once to fire a book at the head of an hon. member opposite.

But Churchill did that once. The great Parliamentarian, the great champion of Parliamentary democracy actually took a book and hurled it. I saw myself in the House of Assembly the most mild mannered member I suppose that was ever in the House of Assembly W.W. Halfyard seize an inkwell. In those days they did not have fountain pens, or this new type of ball point pen they had old fashioned pens and inkwells, and the inkwells were great, heavy, cutglass inkwells on every members desk. I saw the hon. W.W. Halfyard seize that and he had his arm back like this to throw it across the floor at Sir Alfred Morine, Sir Alfred B. Morine. No excuse me, it was Coaker had it, and Halfyard who sat next to him just seized his wrist in time to prevent him throwing, hurling the inkwell, and what happened was that he stayed the throw, but the ink overflowed and went down Sir William Coaker's sleeve, right up his arm and maybe down his side inside and Coaker kept speaking and took out a handkerchief, while Halfyard was holding his wrist, took out the handkerchief and mopped off the ink while he continued bawling out Sir Alfred Ryan. He could not throw an inkwell at him, but he let him have it from the lips out.

These things do not matter. They are not what matter these things. What matters is the thought we give here in spite of our tempers to the business of our Province, and when men get together, if they feel deeply about things they are going to loose their temper but we should never take that too seriously. Now our friends from Placentia who I know never have an argument, I know that in their school there is never an argument. On the playground when they get out side the school they never fall out, they never quarrel, they never have an

argument I hope that in their success in that regard they will forgive the representatives of the people if in the heat and argument of debate they sometimes loose their temper.

The Leader of the Opposition is not present in the House today, but there must be someone there to represent the Opposition and I now throw out a challenge. I am continually throwing challenges across the floor. They are throwing them at us, or we are throwing them at them, and I am going -to challenge them now to get up and agree with everything I have said. That we welcome these students here, we are delighted they are here this afternoon, we hope they will come back, and we hope that they will enjoy every moment that they are here. Now there is a challenge for the Opposition and I dare them to contradict me.

MR. T. HICKEY: Mr. Speaker, I guess that this is one challenge that we have to accept, and it is certainly not disagreeable, the remarks by the hon. the Premier.

I have great pleasure in welcoming the

welcoming the 31 students from Placentia. I had the pleasure of living in the Town of Placentia for four and a half years and I am sure I know personally some or all of the parents of those students. I think, Sir, judging from what the Premier said it might be wise that we engage in throwing objects across the House rather than some of the words that we have been throwing across from time to time. I hope that the students from Placentia will find the afternoon an interesting one, that they will learn something more than they have already. There might be a speaker from the Opposition side I am sure if that is the case they will certainly learn more than they would if there was some one speaking from the Government side. And so it is with great pleasure that I confer with the remarks of the Premier in welcoming those students.

HON. DR. C. A. FRECKER (Min. of Prov. Affairs): Mr. Speaker I should like to associate myself with the words spoken by the Hon. the Premier and by my friend on the Opposition, the member for St. John's East Extern. I remember when he and I helped to launch the now famous inter-town regatta, I should say not launch really, but the hon. member did play quite a prominent part in that. What I should like to say in my words of welcome, to say how fortunate it is that the regional high school in Placentia should have had selected for it such a famous name as that of Bishop Laval. Bishop Laval Mr. Speaker, hon. members of the House was the first ecclesiastical authority of any note in New France, and New France included the whole of French North America which included Placentia. Now Placentia was founded as we well remember in 1662, when Premier Smallwood saw to it that the occasion was marked in a very notable and historic fashion. Bishop Laval was appointed Prefect Apostolic for New France in 1658. He in turn sent one of his priests to Placentia in the year 1663, in other words, just a year after the founding of Placentia as a French Centre in Newfoundland. In 1774 Bishop Laval became the first Bishop of Quebec and took constant interest in Newfoundland and I would say, Mr. Speaker, that the young men of Placentia and the young ladies of Placentia could do no better when they go to University later on and make it a special hobby of theirs if not a special series of study to trace down the very fine history of that little community known as Placentia. It and Quebec were the bastions of the French Empire in North America and until 1713 at the Treaty of Utrecht it held that very notable position. In 1663 of course, the French lost Placentia through the Treaty of Paris and if I might add that

St. Pierre & Miquelon where I happen to have originated and Placentia have very strong links. When France capitulated, the people of St. Pierre were sent to Placentia and later in 1713 were sent to Louisburg, and I have heard members of the local committee in Placentia Mr. Speaker, claim that the Castle Hill fortifications in Placentia should get the same recognition from Ottawa that Louisburg has received from Ottawa. I would hope, that although the two were not as great in some respects they are as great historically where that Ottawa would give due recognition of the claims of the local inter-town committee which is now working very seriously together as the result of the phase down of the Argenta Naval Station. I do hope that the young men and Brother Hall will enjoy their session with us this afternoon.

Presenting Petitions:

MR. J. MAHONEY: Mr. Speaker, I beg leave to present two petitions the first is signed by some 149 residents of Dawe's Road at Long Pond Manuels, The prayer of the petition is, that the road, which is a gravel road, be upgraded and paved during the coming summer, the construction season, the dust problem in the summer and the mud problem in the spring creates a real hazard to children walking on this road attending school and this is particularly so, by the excess traffic in the summer months, Because Mr. Speaker, this road is used by the Pentecostal Assemblies of Newfoundland as an excess to their quarters which is immediately behind this road.

The prayer of the petition is worthwhile and I would ^{ask} ~~that~~ it be received by the House and referred to the department to which it relates.

The second is signed by some 104 residents, all the residents of Fowler's Road at Chamberlains, in the District of Harbour Main. The prayer of the petition is virtually the same as that of the other but because of the increased vehicular traffic over the past five years it is now increased over that period some 100 per cent, that the road which has a dirt surface is almost impossible to keep in good condition, muddy in spring, dusty in summer and this causes a real problem to the good people who live there and the prayer that during the coming construction season that the road be upgraded and be given a covering of asphalt to keep down the dust and the mud. I ask that this also be received by the House and referred to the department to which it related.

It is ~~is~~ moved and seconded that these petitions be received and referred to the department to which they relate.

MR. HICKMANE Mr. Speaker, I have a petition from voters who reside in the

Town of Epworth in the District of Burin. It says we the undersigned representing some of the voting public of Epworth would like to see the cement wall that was built some time ago expended about 200 feet making a road fit for public transportation. The area in question is locally known from Overtt Brewers to Arch Moultons. This area in the winter represents dangerous driving due to the build up of ice and the road has a tendency to lean toward the beach, a drop of twenty to thirty feet. To date no one has been unfortunate to go over it but there have been close calls. The petition is signed by these voters of Epworth the signatures appear to be in order, for those hon. members who are not aware, of the Town of Epworth it is a very prosperous part of the district of Burin, it is an area that at one time used to have a strong inshore fishery. But of latter years the people of Epworth have been working in the main, in the fish plant at Burin and then some of the voters and the residents Mr. Speaker, of Epworth left their jobs in the fish plant in Burin and went to work in the shipyard in Marystown and then they found that because of lack of interest, or lack of something in the shipyard in Marystown that they were then unemployed and they are now back commuting to the Town of Burin but they intend to continue to live in the Town of Epworth, work in the Town of Burin and hopefully if we ever see the shipyard functioning again, some of them will go back to work in the shipyard at Marystown.

I move Mr. Speaker, that this petition be laid on the table of this Hon. House and referred to the department to which it relates.

It is moved and seconded that this

NOTICE OF MOTION

MR. JOHN C. CROSSIE: I would like to move a motion which is pretty well similar to the one I moved yesterday, so instead of reading the preamble, I might just read the last part of the motion, it is being revised in consultation with Your Honour. Be it resolved that, Mr. Speaker, to appoint a select committee of this House to inquire into and report back to the House with respect to status of the said Melville Project, and progress to date including but not to effect the generality of the foregoing to report on the amount of monies guaranteed by the Government in connection with the project, from the feasibilities studies done in connection with the project, and the effect of changes in the method of transporting wood from Labrador to Stephenville for the use of the said Pulp Mill at Stephenville. And arrangements made for marketing of the said production of the said mill, and on the security taken by the Government in connection with Government guarantees, such a select committee to have all necessary power to carry out its duties properly and to have permission to sit during the sitting hours of this House, and report back to this House during the present session.

So I beg leave, Mr. Speaker, to move this motion. Mr. Speaker, I give notice of the motion. And I want to thank the hon. the Premier.

ANSWERS TO QUESTIONS

HON. AIDEN MALONEY (MINISTER OF FISHERIES): Mr. Speaker, I have the answer to Question No. 231 on yesterday's Order Paper asked by the hon. Leader of the Opposition. (1) five; (2) three trawlers made five trips each. One trawler made three trips, and one trawler made one trip, and two trawlers were not in operation, when the plant was taken over. (3) Trawler number one landed 702,472 pounds, for a value of \$26,271. Trawler number two, 769,175 pounds for a value of \$31,844. And trawler number three, 597,042 pounds for a value of \$22,566. Trawler number four, 440,900 for a value of \$17,291. Trawler number five, 30,962 pounds for a value of \$1159.

I have the answer to Question 237 on yesterday's Order Paper asked by the hon. the Leader of the Opposition. The answer to part (1) \$15,000 per month. (2) Management Services.

Question No. 239 asked by the hon. the member for Gander. The answer to part (1) Yes. (2) The building was purchased from Hypro Sea Foods, and the price was \$25,000. (3) The building is not presently being used, it was bought and is intended for the benefit of the fishermen of the St. Mary's Bay

MR. MALONEY:

area.

HON. G.A. FRECKER: (MINISTER OF PROVINCIAL AFFAIRS): Mr. Speaker, I would like to table the answer to Question 261 asked by the hon. member for St. John's West, and appearing on the Order Paper for April 6th. Part (1) The Act has not been proclaimed, and part (2) and (3) dependent on part (1) for necessary action.

MR. CROSBIE: Mr. Speaker, there is an Act in connection with this division which is not proclaimed.

MR. FRECKER: Yes, Mr. Speaker, an Act was passed last year, but it has not been proclaimed to date.

ORDERS OF THE DAY

MR. CROSBIE: Before you proceed on with orders of the day, I would like to rise on a point of privilege, especially with privilege of the House, there is a question on the Order Paper, Question 248 appeared on the Order Paper yesterday which was tabled in the House of Assembly here last Thursday, or left here last Thursday, Thursday of last week, in connection with whether the Government of Newfoundland is now negotiating with a Mr. Ben Center of British Columbia in connection with a possible take over by him of a brewery owned by Atlantic Brewing Company Limited located at Stephenville? The question is a three part question, which asked about that, and where the Government is negotiating with him, and so on. This question has not been answered in this House, it was not answered yesterday, it has not been answered today. The hon. the Premier was once again on the radio station today, radio station, CJON, giving out information requested in this question, which he is refusing to give to the members of this House by not answering the question. Question 248 directed to the hon. the Premier. And I submit, Mr. Speaker, that that is a breach of the privileges of this House, it is contempt for the right of the members of this House. It is contempt for this hon. House of Assembly when there are questions tabled in this hon. House, which the hon. the Premier does not answer, or will not answer, yet he will go on a radio station and broadcast to the world, and give the information requested in a question in this House. I submit, Mr. Speaker, that is a breach of the privileges of the members of this House.

I, therefore, move the following resolution as the Rules require.

Resolve that the House do censor the hon. the Premier for his contempt of the privileges of this House for giving the radio station CJON on April 7th. information

Mr. Crosbie:

requested in Question 248, tabled in this House on April 6th. and not given to the House.

MR. SPEAKER: If the hon. member has concluded, I can only say this and I do not want to be accused of breaking the Rules by needless repetition, I hope. But we have given rulings in this same instance almost parallel each year, citing examples from the rulings in the House of Commons and what the situation was. Now whether it is parliamentary propriety or something else, it has been established beyond any doubt, even in recent rulings (I cannot quote them right now, at this very moment but I can get the authorities for it) that divulging information by a minister, outside the House, has not been looked upon as a breach of privilege, and all the authorities support us on this matter, and I have ruled in a similar manner at least once in this present session.

MR CROSSBIE: In connection with your comments, Sir, on the similar matter you mentioned earlier in this session, Your Honour ruled that since there was a disagreement on facts that Your Honour could not adjudge that this was a prima facie case of breach of privilege for members of this House. And, therefore there been no prima facie breach of privilege, the question was never put to the House. Now this is not applicable to this present session, Your Honour did not rule then, that if a prima facie case has been made there was no disagreement on the facts that that would not be a breach of privilege, he did not rule that way then, he ruled then that the facts were indispute. I do not hear any facts disputed here this afternoon your Honour, and I submit a different case.

MR. SPEAKER: I can only say this; the authorities have it, (even if it is so and it has been done) there is not a prima facie case of a breach of privilege simply because any minister of the Government divulged outside information, other than in connection with the budget and things of that nature, which is an entirely different thing altogether. But to give information to somebody outside the House, while the House is sitting, (and the recent ruling in the House of Commons has substantiated this) does not produce a prima facie case of privilege. That is the ruling I give now, and it is the only ruling that I can give because this is what the authorities say.

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MR. CLYDE WELLS: Could Your Honour advise me whether or not that holds true where the same information was on the day before or even on the same day asked for and not given? Does that still hold true in that situation?

MR. SPEAKER: I would look upon it just simply as information has been withheld, it has been given outside. I said, parliamentary priority and other aspects of it, is not a question for the Chair to decide. But it has been established even under these circumstances there is no prima facie case of breach of privilege. Whatever else a person care to call it, it is not in the opinion of the authorities, in the ruling of the authorities and in the precedents which I have, a prima facie case of breach of privilege.

HON. E. M. ROBERTS: (MINISTER OF HEALTH): Mr. Speaker, may I have leave of the House to

HON. E.M. ROBERTS (Minister of Health): Revert to tabling of motions and regulations.

MR. SPEAKER: It is agreed

MR. ROBERTS: Mr. Speaker, I thank Your Honour, may I table some regulations made by me on the second of April on the Food and Drug Act chapter 56, of the Royal Statutes 1952. Sir, these would be of particular interest to the hon. member for the district of Furtune because they affect his district. We have extended the area within the purview of the Health Inspection Division.

MR. SPEAKER: Motions 3 to 8:

On motion of the Hon. the Minister of Finance a Bill, "An Act Further To Amend The Alcoholic Liquors Act." (No. 35).

On motion Bill read a first time, ordered read a second time on tomorrow:

On motion of the Hon. the President of the Council a Bill, "An Act Futher To Amend The Local Government Act of 1966." (No. 44).

On motion Bill read a first time, ordered read a second time on tomorrow:

On motion of the Hon. the President of the Council a Bill, "An Act Further To Amend The Community Councils Act, 1962." (No.45).

On motion Bill read a first time, ordered read a second time on tomorrow:

On motion of the Hon. the President of the Council a Bill, "An Act Further to Amend The Crown Lands (Mines and Quarries) Act, 1961." (No. 47)

On motion Bill read a first time, ordered read a second time on tomorrow:

On motion of the Hon. the Minister of Public Welfare a Bill, "An Act Respecting The Administration-Of Certain Special Services By The Department Of Social Services And Rehabilitation To The Residents Of Northern Labrador." (No.41).

On motion Bill read a first time, ordered read a second time on tomorrow:

On motion of the Hon. the Minister of Labour a Bill, "An Act Further To Amend The Minimum Wage Act." (No. 46).

On motion Bill read a first time, ordered read a second time on tomorrow:

The adjourned debate on the Address and Reply; the hon. the member for St. John's East Extern:

MR. T. HICKEY: Mr. Speaker, I think Sir before I get too far in my speech the Premier will have his answers to how my throat is.

Sir I would first of all associate myself with the remarks by other hon. members in extending congratulations to the mover and the seconder. I am not sure if it too late to do that, it has been so long since the gracious speech was read. I had a few notes made but I lost them. I am not sure if it was in London or Paris or somewhere in between.

I am sorry to hear Mr. Speaker, that the hon. member for Trinity North is hospitalized and I hope that he makes a speedy recovery and is back in the House before too long.

Mr. Speaker, going through the Throne Speech one has to agree with certain remarks made by humble members on this side in agreeing that it was a short, possibly one of the shortest speeches, and that there was possibly good reason for it, in view of the present economic conditions and the financial conditions of the Province.

In connection with the conference which is proposed I would hope Sir, that it will serve a worthwhile purpose. I do not wish to criticize it in any other than a constructive way. I would hope that it is not a launch pad for an election, a gathering of the forces for an election. I see nothing wrong with the development of a platform for an election and I would hope Sir that something worthwhile will come from it, and that it does not become too partisan at least with respect to those who are invited. There is a lot to be said for such conferences, and I think Mr. Speaker this Province would be better off today if we had had more public gatherings and more important than that, if we had heeded the advice coming from such gatherings.

I think Sir for too long we have sort of taken the bull by the horns, and followed a course not always the proper one. And while admitting that every Government will make mistakes, I am sure that a lot of the mistakes that this Government has made could well have been avoided if they had sought the advice of the people. It is my hope that this Conference will provide some guidelines for the present Government and hopefully for a new Government. It goes without saying Mr. Speaker, what party I mean when I refer to that new Government.

In connection with the salt fish corporation Sir, I would just like to say that it is my hope that the fishermen will finally find themselves in a position where they will know in advance what kind of prices they can expect before they go to the expense of preparing for the fishery. Our fishermen

have always suffered in this Province the good years with the bad, and whatever good years there were Sir, usually the fishermen were dealing with merchants and were in debt to them. Debts incurred during the more lean years. I am not sure that it is true, but the merchants have always fleeced the fishermen. I cannot say that I agree with that. I think really the problem of our fishermen lies in the manner in which the policies pertaining to the fishery. It is an easy thing to blame the merchants and leave it at that.....

MR. T. HICKEY: What I think, Sir, the real problem lies in the lack of proper planning for the fishery by this Government and I do not think, Sir, that I am being unfair when I state that, "Up to the present time this Government down through the years have not been too sure as to what course they were following in connection with the fishery." Granted they have made certain improvements but to my mind, Sir, to a great extent the present Government have not been too sure as to what they should do with the fishing industry. We have heard statements wherein it was suggested to the fishermen that they forget about the industry and that they look for, look to, jobs on land and all but leave the fishery entirely. We heard suggestions that there will be no wooden boats used anymore, it will be steel boats. We heard suggestions that the inshore fishery was lost, was a thing of the past.

Mr. Speaker, it is difficult, rather difficult to understand why any Government would make such a suggestion, certainly in this Province, Sir, where the fishery has been the mainstay of the economy for so long and while we might bring in new industry, we might be industrialized, we certainly will not be industrialized to the extent where we can forget the inshore fishery. It is my opinion, Sir, that the inshore fishery plays a very important role in the economy of the Province and it will continue to do so. For that reason I think that any suggestion from anyone that we confine ourselves to the new modern techniques and the sophisticated equipment and fish plants, the heavy draggers and trawlers and forget the small boat fisherman I think, Sir, is a great mistake.

Sir, we also heard in the speech about the Come by Chance refinery. I would say, Sir, on this matter that there is not much point in delving into something on which one has so little information. There has been several attempts by hon. members on this side to get information but for some reason or other this information does not seem to be forthcoming. The only thing, Mr. Speaker, one can suggest or the only hope one can expect is that the Government has made the best deal for the people of this Province and to express the hope, without being at all partisan, that this project gets off the ground and provides the kind of jobs for all people that were told it is going to provide.

It goes without saying, Sir, how members of my party feels about this project or any other project which will provide jobs for Newfoundlanders.

MR. T. HICKEY:

It is quite unfair for any hon. member on the other side to suggest the fact it is taking unfair advantage to suggest that members on this side of the House are against this project or any other project just because they raise questions. Surely it is the role of an Opposition to raise questions on any and all matters no matter what they pertain too, all matters that are debated or discussed in this hon. House. The Opposition is referred to from time to time as the watch dog of the people. Mr. Speaker, I would suggest if that is correct, and I think to some extent it is, to a great extent it is, how can one perform their if they do not question, if they do not ask questions. Sir, when questions are asked the answers are not provided. I would term that an obstruction of duty by the Government. When a question is asked in this hon. House by an hon. member from whatever side, whatever party or whatever group I think, Sir, it must be generally accepted and in asking that question that hon. member represent a section of this Province, a number of our people. I think, Sir, that such questions should be considered along those lines and where ever possible the answers should be given.

It is with regret that I have to come to the conclusion that this has not been the case and too often I found, especially in this session, where questions are just shrugged off and not answered. I fully realize, Mr. Speaker, that it is the prerogative of an hon. minister or the Government as to whether or not they wish to answer a question. I would suggest, Sir, that it would be the Government who can well be accused of obstruction rather than the Opposition when those questions are not answered. I think sometimes we become too partisan and because a question is asked from this side whether it is an embarrassing question or not or whether the answer would be embarrassing I do not think that should be the criterion. I think hon. members have a right to ask questions and I think the people through their members have a right to the answers.

Mr. Speaker, we have seen tempers flare in this hon. House recently especially pertaining to such projects as the Come by Chance Oil Refinery and the Liner Board Mill. One wonders as to whether or not the Government has the best interest of the people at heart when they refuse in an arrogant way to provide the information that is requested, but how can an Opposition judge a project if they are not given the information, how

How can they really, intelligently comment, if they are not given the information. It can never be said, Sir, that any of my colleagues or myself have ever during the present term voted against a project which had, as its aims; to provide jobs for Newfoundlanders. There might have been parts, sections of agreements that we disagreed and voted against. We have always approved in principle any project which was to provide new jobs to our people. So with this in mind, Sir, it is my hope that the Come-by-Chance project will be a success and as I have said earlier that the jobs we are promised will become a reality.

There has been a lot of promises, Mr. Speaker, of jobs over the years.

MR. SMALLWOOD: Speak up.

MR. HICKEY: It is not without - the Premier cannot hear me. Mr. Speaker, they do not know what they are missing.

MR. SMALLWOOD: That is what I am afraid of - that is the whole point.

MR. HICKEY: Mr. Speaker, what I was saying before I was interrupted - I will not say rudely interrupted, was that it is our hope that the jobs that are promised from the Come-by-Chance project, that the entire project and the hopes of the Government become a reality. Sir, we have good reason for saying this, because there have been many promises of jobs in the past that have not come to reality. There have been false hopes raised of jobs. I think, Sir, that our people are at the stage now where they can do without any promises whether they be political or otherwise. They need jobs and they need improvements in their standard of living.

The Speech, Mr. Speaker, also refers to the appointment of an ombudsman. I would just like to briefly comment on this. I had the privilege of being a member of the select committee investigating this matter. I certainly agree with the appointment. In saying this, I should not run the risk of anyone thinking I speak for my party. I speak for myself in this connection. I agree in principle on the appointment of an ombudsman. I believe there is a great need for the establishment of such a post. I agree, Sir, only if this individual who ever it might be is given every opportunity and if he is not prevented in anyway from checking any files of any minister of the crown, including the Premier.

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MR. HICKEY:

clean air. We can all get excited about pollution and I hope we know where to start when we go to work on it. Sir, I would like to make a few comments on the Metropolitan Area Board. I believe there is a legislation to be introduced and I run the risk of being repetitious but I feel obligated to cover it again. I believe last session I discussed this matter and I again bring it to the attention of the Government. The people of the Metropolitan Board are quite reasonable and I think I was misquoted last year by somebody, I was quoted as having attacked the Metropolitan Board and the people at Metropolitan Board. This is certainly furthest from my mind because I have had every kind of co-operation from those people as far as they can go under the regulations that they have to

MR. T. HICKEY: That they have to operate under. The fault I find is with those regulations. I think Sir, something has to be done about communities which are left out of the metropolitan area. I think that the restrictions in regards to building have to be relaxed somewhat because at the present time it is so difficult to get a building permit in certain sections along highways and it forces people into a community which is already heavily populated, or in some cases overly populated.

In areas where there are already an acute pollution problem. I am sure His Honour the Deputy Speaker could agree, because, right in his own district he has some areas I am sure which have the same problem. I think this problem is being further aggravated by our policy with regards to permits along the highway, and along the general area bounding on those communities. I feel that something has to be done and done quickly. Supposing we find additional space, or we drag a road up from the main highway to provide space, to provide Crown Lands for people who cannot get permits on their own land.

I recall a couple of year ago in this House, I raised this same matter and the then Minister of Municipal Affairs in answer to a question told me that where a permit is refused by the Metropolitan Board, or lies under the protective roads regulations, and a suitable building lot would be offered or would be found for that person.

Now Mr. Speaker, I have had numerous cases where people have been refused, and where they have no other land to build on. I cannot honestly say that each and every one of them enquired about an alternate site, but I do know that some of them did, and I do know that I did on their behalf. I have yet in all of those cases to find one who have had their problem settled or solved by being granted an alternate site on which to build a home. And Sir, when we talk of an acute shortage of housing, surely we can take a second look at regulations which prevent people from building their home and shelter for their family on the only piece of land that they have when they cannot afford to purchase an alternate site. We are doing very little to help the housing shortage when we carry on like that. And so Sir, I look forward to some changes, some proposals for change in the regulations pertaining to the Metropolitan Area Board. I would again like to say that those people working there have a very difficult job to do and any connection that I have had with them I received every cooperation, and sometimes they are very much blamed in the wrong.

I think too Sir, something has to be done with regards to the cleaning

up of certain areas, and I cannot quote the regulations that cover this particular problem, but if there is not enough teeth in the regulations then there should be some put in there, because some of our countryside is being desecrated. It would appear that those people who desperately try to improve the situation by pleading with the owners of those properties, whatever attempts they make, their suggestions, their requests, just seem to fall on deaf ears. I have some in my own constituency, I realize fully that I tread on very thin ice, and I make some bad friends in saying so, but, I think the general appearance of our countryside is more important and I am prepared to certainly state that something should be done forthwith.

Mr. Speaker, I would like to cover a couple of problems in my district before closing. Sir, on a couple of occasions I brought up a matter of permits in the Pippy Park. Permits to extend the existing wealth, improve or extend. Mr. Speaker, somebody has his wires crossed. I have had the unfortunate experience of having three days off for using a certain word in this House. I certainly do not care to look for another three days, but, there is something wrong. I have been told right in this Chamber that while at one time it was the policy of the Government that no permits would be given to extend or improve homes in the park area (I believe that is it now, I stand to be corrected) but one answer I certainly recall, I am not sure if it came from the hon. minister or the Premier. I know the Premier gave me one particular answer on one occasion, and that was that I was complaining about some people, certain people living in that area who could not get a permit to install services in their homes, while on the other hand they could not get the Government to purchase their homes. They were willing to sell and move out, and barring that they wanted to improve their homes if they were going to have to stay.

Now surely that is a reasonable as people can be, either one thing or the other. If we are not going to let them improve their homes, in some cases install bathroom facilities. Then surely goodness we can find the money to purchase that property and let them get out. I know of a case right now and I am sure there are others probably, that have not been brought to my attention they just consider it a waste of time to try to fight the Government on this matter anyway. I know of one particular case right now where the property will not be purchased, for obvious reasons, I do not agree with this. I am sure the Government realizes, knows what they are doing as to

what properties they want to purchase, and what properties they can purchase. Those people, this particular family requested a permit to extend their home. They need an extension, apparently because of the size of their family. They were refused. Now the question I would like to raise is, just what does the Government wish to do? Surely you cannot place people in a situation where they have to live in quarters which are too small when they are financially capable of improving it, when the Government will not purchase their property.

Now I would say that it is reasonable that if the Government does not want to purchase at this time, then let them extend or let them improve. Always with the understanding of course, that they will get back at least the cost of any extension or improvement. I would be the last to agree with improving their property to fake money, to hold the Government up for a large sum.

HON. J.R. CHALKER (Minister of Public Works): Would the hon. member permit a question?

MR. HICKEY: Yes, certainly

MR. CHALKER: The places you are referring to, the hon. gentleman is speaking about Mr. Speaker, are they on the perimeter of the park, or are they well within the park? The reason I state that Mr. Speaker is because of the fact that I know in areas on the perimeter of the park we have allowed them to extend their houses and put in facilities. It was run by a commission by the way.

MR. HICKEY: Mr. Speaker, in answer to the hon. minister's question, the family that I am referring to at the moment are certainly within the park. They are not on the boundary. Now that is as I understand it. I am not told that they are, they are right in the park, but I can certainly determine this. I am sure that he is as anxious to solve this problem as I am. I will be glad to get additional information and pass it on to him. I would sincerely ask him to do what he can to help this particular family.

Mr. Speaker, the roads in that area are becoming a constant source of complaint with me. I was hoping that something would be done with those roads. They are so near the city, and being in a park I would think, or would have hoped that they would have been paved or something would have been done with them. They are in a very poor condition and I think it would not hurt if we ran a grader over them a little more often. If we can.....

MR. THOMAS HICKEY: Before I get off the parks, Mr. Speaker, I would like to, again for about the twentieth time I think in this House, suggest to the Government to do the most sensible thing they've ever done in the twenty-one years they have been in office, that they give consideration to a provincial park in the east end, along the Marine Drive. One of the most scenic spots I say in the Province, there might have been some places I have not seen, I will have to take my chances on that, but I have seen a fair amount of our problem. I have seen a fair amount of beautiful spots, scenic spots, maybe I am a little prejudice, Sir. I do not think any one can deny that one of the most scenic sections of our Province is the Marine Drive. And I think, Sir, it is ashame that something is not being done to cater to tourist traffic in that area. I would say, Sir, that it is easy to count the number of people who visit St. John's or the east coast, who do not see the Marine Drive. The area of Logy Bay, well the whole area, quite a wide area could be included, I would commence at a point in Logy Bay, and the road to Cape St. Francis. What would prevent this area being included in ^a provincial park?

MR. CHALKER: Very scenic.

MR. HICKEY: Pardon?

MR. CHALKER: I say it is a very scenic place.

MR. HICKEY: Yes. Well, Mr. Speaker, not only would it be advisable to embark upon a project such as this, but again it would solve one of the problems that I mentioned earlier, and that is the way our countryside is being descrated with old cars, garbage and rubbish and everything of that type.

MR. CHALKER: Unfortunately, that is prevalent right throughout the Province.

MR. HICKEY: I am sure it is. But, I think, Sir, that it is even more unfortunate when you find in an area such as the Marine Drive, where tourists are attracted to, that we more or less tell them really how we live and how we tear up the countryside, and how we have such little appreciation for it. There is a section in Logy Bay where I am sure is a great percentage of tourist would go, and it is a complete disgrace with old cars and junk, everything under the sun. Mr. Speaker, I do not think there is even as much as a picnic table in that area. There is another area, Middle Cove Beach, which is a great attraction during the summer months, and it attracts thousands of people during the week.

MR. CHALKER: During the caplin school.

MR. HICKEY: Right. There is not as much as a place there to cook up or to have

a lunch or a snack. There is a particular section of land, that they call "Mokion", I guess beyond Middle Cove Beach, which stretches right down to the sea, and that too, Sir, attracts thousands of people in the summer. But, if one is to travel this entire area, there is not one spot that a car can pull in, and find a picnic table and enjoy the afternoon, or take it easy or have a lunch/^{or}whatever they want to do.

I would suggest, Mr. Speaker, that the Government could do much worse, and look into this matter. I am told that there has been a survey. The Premier Mr. Speaker, he should be listening.

MR. SMALLWOOD: I told the hon. gentleman, Mr. Speaker, I would not need to listen, I could read it. But I cannot hear.

MR. HICKEY: Unfortunately, Mr. Speaker, I do not write speeches. That is the reason why I am not so good at it. I do not, this is why my speeches are boring, you see.

MR. SMALLWOOD: Now, the hon. gentleman is getting interested. The minute he begins to get angry, he gets interesting.

MR. HICKEY: Mr. Speaker, I do not mind going over it again, if he can tell me he can do something about it.

MR. SMALLWOOD: Well, what is it first?

MR. HICKEY: Would you agree to do what I asked?

MR. SMALLWOOD: The word "you" is unparliamentary.

MR. HICKEY: I am sorry, Mr. Speaker,

MR. SMALLWOOD: Would the Premier agree.

MR. HICKEY: Will the Premier agree to do what I asked?

MR. SMALLWOOD: Well, tell me first what it is?

MR. HICKEY: Will he agree first.

MR. SMALLWOOD: Well tell me first what it is, no pig in a poke.

MR. HICKEY: I would like to have a provincial park on the Marine Drive.

MR. SMALLWOOD: I am all for it.

MR. HICKEY: The Premier is all for it.

MR. SMALLWOOD: I am all for it.

MR. HICKEY: My goodness, Mr. Speaker.

MR. SMALLWOOD: Now no big national park now.

MR. HICKEY: No, no, no, no. We do not have any big ideas like that. We will settle for less than that.

MR. SMALLWOOD: Is the hon. gentleman thinking just of a moderate wilderness park?

MR. HICKEY: A provincial type.

MR. SMALLWOOD: A provincial wilderness park, not a big sophisticated park. Camping sites and so on.

MR. HICKEY: If there is money to be had, and we are to refuse it.

MR. SMALLWOOD: Like most of our provincial wilderness parks, we have about thirty-eight of them.

MR. HICKEY: Mr. Speaker; there is a lot to be said for it, and the previous Minister of Mines, Agriculture and Resources, the hon. gentleman who is presently hospitalized, certainly had this in mind, and I believe had some work done on it. But for some reason or other, he did not manage to get it done. Maybe someone found out he was going to put a park there, and they change him and gave him another portfolio.

But seriously, Mr. Speaker, I would suggest

MR. SMALLWOOD: If the hon. gentleman drew a line from say Topsail to the Battery, is there no park north of that?

MR. HICKEY: Nothing.

MR. SMALLWOOD: There is not.

MR. HICKEY: There is not even a picnic table.

MR. SMALLWOOD: And it would be very good for St. John's, you have a big population, and it would be a nearby park. It sounds pretty sensible to me.

MR. HICKEY: Mr. Speaker, there is no doubt about it, it is a prime area for a park.

MR. SMALLWOOD: I will ask my colleague, when he gets back from Ottawa to take a look at it. The Minister of Mines.

MR. HICKEY: Mr. Speaker, I am sure the people in that area will appreciate it very much.

MR. SMALLWOOD: I only said, take a look at it.

MR. HICKEY: We would appreciate it, if he would take a look at it because we are confident and we know it would follow through, if he looked at it. What I am complaining about is that somebody has not looked at this.

MR. SMALLWOOD: There is a little thing known as a "budget".

HON. L. R. CURTIS: (MINISTER OF JUSTICE): With no crown land there, there is not much.

MR. SMALLWOOD: Is there much crown land in that area?

MR. HICKEY: I do not think so, Mr. Speaker, there is some.

MR. SMALLWOOD: But it is wild and unimproved, and it should not cost too much.

MR. HICKEY: I would not think so.

HON. JOHN A. NOLAN: (MINISTER OF SUPPLY): Would the hon. gentleman permit a question? You may recall Sir sometime ago, when I was speaking in the House I mentioned it might be advisable to have a lake that would be stocked with trout for elderly people, and properly supervised, I maintained at that time, if you will recall,

MR. SMALLWOOD: And school children.

MR. NOLAN: and school children principally, and those in the Rehabilitation Centre, those in the old age home, the Hoyles Home and so on, might have a place to go. I was wondering if the hon. member would consider this an appropriate type of thing, just within a park such as he envisages perhaps?

MR. HICKEY: It would be an excellent thing, Mr. Speaker.

MR. SMALLWOOD: Now she is starting to pay.

MR. HICKEY: There are several small lakes, small ponds, in this general area, and certainly could be utilized for this purpose.

MR. HICKEY: Mr. Speaker, I am now coming to something that I am sure the Premier will want to hear.

MR. SMALLWOOD: It sounds ominous.

MR. HICKEY: I am sure he will. Just a friendly reminder of a promise he made to me and the people of Harbour View Avenue along the Torbay Road.

MR. SMALLWOOD: Harbour View Avenue.

MR. HICKEY: A small bit of pavement would do their hearts good.

MR. SMALLWOOD: And their feet too I guess. When I die you are going to find graved on my heart. Someone will find it.

MR. HICKEY: There are only a few roads Mr. Speaker, in this general area that need paving, and it goes without saying Sir, that those roads are important, very important. The Major's Path is one, I am sure the Minister of Highways is quite familiar with that. The last time I heard there were about twenty women taking turns phoning the department trying to get something done. But this road Sir is a very important road, there is a lot of traffic on it. It is the main access of the St. John's Airport, and certainly the Government would be well advised to pave that road. We would not complain about it, we would be delighted to have it done. But the people of Harbour View Avenue really expected to have that little bit of pavement, I am sure is not longer than two-tenths of a mile maybe, three-tenths of a mile. And a petition was presented in this hon. House I believe about two years ago, and were promised that something would be done. But the potholes are still there. I hope the Premier heard that bit about Harbour View Avenue.

I am coming to the best part of my speech. Mr. Speaker, I could not finish speaking without saying something about the Battery. People of the Battery were very disappointed to find that there were no plans, at least no immediate plans to do anything for them. I am not to suggest Sir, that Corner Brook and Mundy Pond, do not deserve the improvements that they are going to get, and indeed Blackhead Road. All of those areas are in need of services, and they have as much right to them as the people in my district.

But for the longest time Sir, there have been studies gone on and studies made, surveys made. There has been promises, and indeed commitments from the local government, the municipal government, the Federal Government, and Provincial Government, that something would be done. Now approximately

two years ago, a concerted effort was made to bring all parties together, in an effort to iron out some of the problems that were keeping them apart, keeping them from reaching some kind of agreement. And there was a firm commitment at that time, that that big problem would be tackled and would be solved. Sir, it seems all of this is gone by the wayside.

HON. J. R. CHALKER (Minister of Public Works): I wonder if the hon. gentleman would permit a question? Is it not a fact that the National Harbour Board are more or less controlling that entire area, and that no building or no construction can go on except on a part-time or a short-time basis?

MR. HICKEY: Mr. Speaker, if that is the case, it is very very recent. The National Harbour's Board, as far as I can learn, are naturally interested in the coastline around the Battery area, but does certainly not control building in the Battery or near the Battery, or anything of that nature. As a matter of fact, the chairman of the Board was very much involved in the meetings and talks that went on in connection with the Battery. And the only federal authority that I know of who has some plans for the Battery, or who would like to do something with the Battery is the Parks, the National Parks. When a survey or study was done, I believe it was an urban renewal study of the over-all general area of the East End. Some years ago, '61 or '62, they suggested that possibly the Battery might be vacated included in the National Park. They suggested I believe, Sir, that the inner section or the section closest to the City might be used for a high-rise parking building or something of that nature. And that the outer section of the Battery be just included and maintained as evidence of an old fishing community. Now over and above that I do not think anyone has control of building except the municipal people.

The only thing Mr. Speaker, I can say. I realize that there is three levels of government involved here, but Sir, it is high time that somebody took the initiative on the Battery question, because those people as I have said so many times, live under most extreme conditions in winter. There will be landslides again, just as sure as I stand here.

MR. CHALKER: Is it a fact that I am familiar with the Battery? Is it a fact that where the fishermen are located now, that is Ray Riche and the rest of those boys, that it is not a suitable place for fishing due to any wind, I think it is northeast or the southwest wind to be havoc down in that area? And would it not be better for them, Mr. Speaker, to try and relocate

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somewhere, where the water is calmer and better to service their boats? I believe if they decided to move, or the majority decided to move out of the Battery where there is landslides and snowslide area is always happening about every three or four years.

MR. HICKEY: Now MR. Speaker, to the first part of the question asked by the hon. Minister. It is a very difficult area to fish from, and the amount of damage to boats, equipment and nets, and whatnot, certainly is indicative of that. They want any kind of development at the Battery would include a breakwater of some type, and I understand that there has been some surveys done on that, and it is feasible, it can be done. It is a difficult one, but it can be put there. And I am told fairly reliable resources

except for the fact that there was a change of Government in Ottawa at a certain point, there would have been a breakwater go there. Now those plans, I am sure, are still available and whether or not this is true is something else, but my information comes from - my source is fairly reliable and this is the information that I have. The people of the Battery supported it.

With regard to the other part of the question about moving, the section the hon. minister refers to is called, "Outer Battery", the main fishing community and all but one family agreed to move, as a result of the survey I made personally. All but one and that one was just sort of undecided. It could be said that all of them would.

Now, Mr. Speaker, they have definite plans as to what they want to do or where they want to go. They want to move for obvious reasons because of the snow slide. They want one of two things, if they move. They want their community preserved and improved as a fishing community or if this cannot be done, then they want an alternate site somewhere between Outer Battery and Temperance Street, in other words, in that section. They did have a particular spot in mind. I do not know if it is available now or not. Certainly they are very, very determined and they know exactly what they want. One would hope, Mr. Speaker, that sooner or later they will get what they want, because these people are a very industrious and hard working people. They are certainly not dependent on anybody for a livelihood. They are very productive. The fishery of the Battery runs something like 7 million pounds annually.

I do not think that this is just something that we can close our eyes to in terms of wiping it out as a fishing community. I would like to see something done about that area and when one goes back over all the talking that has gone on, all the surveying and studying that has gone on and the promises that have been made to these people, one begins to wonder where they get the courage to carry on, to continue - where they get the courage to produce, if they are produced.

Mr. Speaker, while I am speaking about the Battery and the fishery in that area, I would also like to mention the Act that has been so widely discussed by some of the people from the Battery, "The Fish Inspections Act", which

we are told will prevent the fisherman from selling their fish from the coves and the wharves and what not. One can agree, Sir, that there is a need for improvement in the sale of fish in those areas.

MR. SPEAKER: I have to advise the hon. member that time is up.

MR. SMALLWOOD: Can the hon. gentleman finish by 6:00 p.m.

MR. HICKEY: Yes, Mr. Speaker, that will just do it.

MR. SMALLWOOD: I am sure that the House would like to hear him.

MR. HICKEY: Thank you, Sir. I would suggest, Mr. Speaker, that while it is necessary that something be done about the sale of fish in Steers Cove and those areas. Yet it is not really fair to prevent those people from selling their fish until we have some kind of alternate plan, until we have some other way for them to sell it. Quite a number of fishermen are involved in this, not hundreds or anything like that. There are a number of people involved in it. They depend on it and this gets back to the old problem of the fish market for St. John's. I think that the municipal people are, at least, seeming to be dragging their heels on this matter, because with the amount of fish that is landed and with the population that we have in the Metropolitan and the City area, it is difficult to understand why a fish market or why anyone would suggest that a fish market or a produce market would not be a profitable venture. I feel sure that it would be. I feel sure that given half a chance, it would prosper.

A category, Mr. Speaker, which deserves some comment is the village - the community of Quidi Vidi. People of this area have for years and years been without services. They are now part of the city of St. John's and have been for a number of years. As far as I can determine, they have received little or no benefit from the part of the city except for whatever taxes might be collected in that area. The road there, Sir, is in a ridiculous state. There is little or no water services. There is a hydrant, I believe, in one section, no paving, no water, no sewerage and yet it is part of the city and bordering on the national park that we boast about. We boast about an increase in the number of people who visit that park during the past year.

Mr. Speaker, I would be certainly less than honest, Sir, if I did not express my feeling on this park admitting that it is a wonderful thing to have. It is wonderful to see that very expensive and attractive looking visitors' centre

on Signal Hill. Admitting all of that, Sir, I would also say that it is a disgrace and certainly very difficult to understand why the authorities would develop this area in such a way. The city watching all of this go on and apparently let it go on without too much involvement, without too much improvement in the two areas that border on it; namely the Battery and Quidi Vidi.

MR. SMALLWOOD: "Kiddy Viddy."

MR. HICKEY: Mr. Speaker, two years ago the Premier tried to convince me that it was "Kiddy Viddy."

MR. SMALLWOOD: The hon. gentleman should not violate the historic verities or the historic proprieties. "K i d d y , Kiddy and V . i d d y , Viddy", is the pronunciation not the spelling. "Kiddy Viddy."

MR. HICKEY: Mr. Speaker, there has just been an extension to the rules.

MR. SMALLWOOD: "Kiddy Viddy."

MR. HICKEY: When I get stuck in future, I will know what to stand up for. At any rate, Mr. Speaker, if the Premier would do what he promised to do this afternoon, I will say "Kiddy Viddy."

MR. SMALLWOOD: Is that a promise? That is a deal? The hon. gentleman will call it "Kiddy Viddy."

MR. HICKEY: I told him, Sir, if he looks, he will do what I asked. That is fair enough. Mr. Speaker, it is time that something was done for those two areas. While we are advertising Signal Hill and everything that is historic about it and certainly we can all be proud of it. We are also advertising two areas which, I would say, are possibly the most lacking in vital services of possibly any part of the Province. Right

on the edge of the Capital City. I would just like to say Sir, that while we all can get excited about visitors centres and city halls and everything else we can also, we would also get very excited if we lived at the Battery or Quidi Vidi or any other place which lacks the services that those places lack. I will hope Mr. Speaker, that someone, some area, some level of authority would see the light and find it profitable for the city of St. John's as well as the Province to do something about those two problems, to attend those two areas because it would seem to me that when our tourists go Signal Hill they must obviously look down from both sides and wonder just who is running this city, who is running this province, who is permitting this kind of thing to go on. I know for a fact that tourists have gone to the Battery taken pictures of some of the worst homes that are there, taken pictures of housewives carrying a bucket of water or getting a bucket of water from the hydrant. What a comparison it must be when those people return to wherever they come from and they show the pictures, the glamorous visitors centre on the one hand, and in a year or so now our new city hall. They show the pictures of the services that we have at the Battery, it makes us wonder.

Mr. Speaker, some other things that I had to cover but I will do so when we take part in the budget debate. I would just like to say in conclusion I would hope that hon. members would try and hold their tempers as I hold mine instead of getting excited, using language that they should not use, I certainly do not, I use some and I found out what happens when one uses this kind of language. I tried very hard to make certain other people remember that. I would say that politics, and political parties are important Mr. Speaker, but as individual members and Newfoundlanders we are bigger than any political party, we are bigger than any rift or dividing line and usually when tempers flare, words are uttered that I feel at least that if they were back they would not have been uttered, and so I would end on that note Sir, and I would hope that may be we can get back to the rules of the House because we have strayed along way. We have strayed more from the rules in this session than in any session that I have taken part in. Thank you.

MR.SPEAKER: It is moved and seconded that this debate be adjourned.

It being now 6 o'clock, I do now leave the Chair until 8 o'clock.



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VERBATIM REPORT

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SPEAKER: THE HONOURABLE GEORGE W. CLARKE

The House resumed at 8:00 P.M.

MR. SMALLEWOOD: Mr. Speaker, before Your Honour calls for the debate to be resumed, I wonder if I could have your indulgence, and the indulgence of the House to express in behalf of the House a word of warm welcome to some 25 beautiful young ladies from Wesley United Church, C.G.I.T. (Canadian Girls In Training) a group of 25 of C.G.I.T. Girls from Wesley United Church in charge of Miss Margaret King. They have come here tonight to check up on us and see if we are passing good laws for the Province, and see if we are conducting ourselves properly. They have no doubt heard on the radio, that we are a very rowdy crowd here in the House and they cannot understand why people elected to make laws should be rowing or fighting. And so they have come I think I suppose Mr. Speaker, to check on that and see just how rowdy we are, in fact. And then Mr. Speaker, I suppose they have come also to see how we function here, how the House of Assembly actually operates and how laws are made. I have to disappoint them. I do not think they will see any laws made here tonight. They may see some laws passed here tonight. What is going to happen at first is that there will be a couple of hon. members or one for sure who is going to make a speech. It will be a good speech on the Address in Reply and then that probably will be all of that kind of speaking for tonight.

Then we will start passing laws and then you should see us, you should see us passing laws here in this House. We will be passing them through, the Opposition will be urging us to make it faster, they will not be criticizing anything. They will not see anything wrong with any of these laws that we will bring in and everybody will be surprised by the beautiful amity the ecumenical spirit (emphasizing this Chamber, all except one, and they will go away with a very fine impression. I am sure that the Opposition - the hon. gentleman who will speak for the Opposition - the Leader of the Opposition is absent from the Chamber today, but someone will speak for him and join agree with me in every word that I have said, that these ladies are intelligent they are beautiful, they are wonderful Newfoundland citizens and they are going to be deeply impressed by the House. Now I dare the Opposition to disagree with me, I dare them not to get up and agree with every word I have said.

MR. COLLINS: Mr. Speaker, I would like to join in echoing the Premier's remarks in welcoming the Wesley United Church C.G.I.T. Group. Miss Margaret King being in charge of the group. We would like to welcome them to the People's House

MR. COLLINS:

I hope that they did not come tonight with the understanding that this might be the last night session. We are hopeful that they will be able to come tonight, tomorrow night and every other night as long as this House is in session and I mean Sir, come at night, not in the morning, not in the afternoon but be able to come in the night. I hope that what they will see here tonight will be enlightening to them and that they will have the opportunity to come back and visit with us again.

MR. CROSBIE: Mr. Speaker, since I have become a chief today I would like to say a few words of welcome to Miss King and the C.G.I.T. delegation. We are very sorry on this side of the House that we cannot see the delegation but we will accept the Premier's word that they are a very attractive group, I am sure they are. If they stay for the next hour or so, I believe they are going to hear a continuation of that great song that they call "The Wind 'Uriah." because the hon. member for Trinity South is speaking here tonight. I hope it is as sweet as that song, although the indication the hon. member gives is, that that might not be so. In any event, we on this side, in this group Mr. Speaker are glad to welcome these ladies, and we hope that they will continue to visit the House from time to time.

MR. CROSBIE: Mr. Speaker, with your indulgence the Evening Telegram of today reports that, on page 1, that Mr. Crosbie charged that Opposition motions were censored while Government motions were allowed through unaltered, with reference to Your Honour. Now, Your Honour I do not remember whether I said those exact words last night in a heated moment but it may be that I said something like that in any event I would like to clear the record. I do not think that Your Honour censors our motions and not those of the Government. Perhaps there should be more co-operation between us and you and our motions also but I would like to, if I said something like that I would like to correct it, because it would appear that you were being grossly unfair of that exact quotation of mine, so if it was I would withdraw. I would say I do not think Your Honour censors our motions and not those of the other side, and in future motions the practise would be to clear them first, go over them first with Your Honour and that is what I will do in the future. I would like to correct that impression.

MR. SPEAKER: I would like to thank the hon. member for his explanation.

Adjourned Debate:

MR. U. STRICKLAND: Mr. Speaker, fourteen years ago, with two or three other members that I see sitting in this House Your humble Servant was given the

passport to the honour as well as to the responsibilities that are attached to memberships in this House. I say that for the simple reason that I want to pay a great tribute to the hon. gentleman who happened to be the mover and the seconder of the motion that permits me as well as others speak at this time in this House. The two hon. gentlemen were given their passport in the same general election. And all of us have watched them operate. They have participated in many of the debates in this House and while it is customary for every member speaking in a debate of this kind to congratulate the hon. members who are given the job of moving and seconding this motion, I do not want to associate myself with it only because it is customary. I would like to think that the hon. gentleman made such a contribution that they deserve my congratulations. Not because it is something customary, that is done in this House. The two hon. gentlemen in question, they have given most of the adult years of their lives to the people of Newfoundland. I believe I am safe on saying, first of all in the professional field, later on in the civil service, then as elected members of this House and then later on as members of Her Majesty's Government.

And if we had heard anything less from the hon. gentlemen on opening day then I personally would have been disappointed in the two men. But believe me they lived up to their reputation and they convinced me that they are mature politicians. Politicians who do not get scared when contrary winds assail the ship of state. Politicians who do not run away when the going gets a little bit tough. Politicians who do not wear themselves out at imaginary pumps when the bilge keel is dry, when the plank is sound. And when the ship has good stability and when she is really seaworthy they prove that they are not politicians of that kind, they do not lose their sea legs. But they dedicated their lives, I believe, in the interest of the people of Newfoundland. And they know and they have known through the years that the man who plots the course of this ship of state he has one undying interest. And I believe every man in this House, no matter where he sits will agree with me that the interest of the man who plots the course of the ship of state is the betterment of the people of Newfoundland.

I think his dedication is beyond compare. And all that the skipper needs, men who will not run away when adversity comes but men who will give of themselves for the betterment of the hold not merely for personal ambition and gain. We want men who have confidence in the future of our Province and I am sure that

all of us, on opening day, we were somewhat saddened when we heard that two hon. gentlemen, the hon. member for Trinity North and the hon. member for St. Mary's declare that after the thirty-fourth General Assembly has expired they will no longer be seeking re-election to this Hon. House.

MR. URIAH STRICKLAND: We can only wish them well on behalf of the people of Newfoundland, we thank them sincerely for their contribution, and we hope that the future will provide something wonderful for them. We regret that they are not as well as they would like to be physically, especially the hon. member for Trinity North. We do hope that a stay in hospital is of short duration, and that he will soon be able to come back to this hon. House.

Now Mr. Speaker, I am not going to get critical just for the sake of being critical. I am not going to do that. But when I take up a daily newspaper as I did on February 17, and I read the following words, I have to reply to it. Not on behalf of the Government, because I do not speak for the Government, but I speak as an elected representative of this House, and I have to reply to it for myself. My conscience will not allow me to do otherwise.

In the "Evening Telegram" Tuesday, February 17, I read the following words, and I copied them carefully. "Although critical of Premier Smallwood and his Liberal administration, the two former Cabinet Ministers", and the Paper was meaning the hon. gentleman from Fortune Bay and the hon. member for Burin district, "stated yesterday that there are decent men sitting on the Government side of the Legislature". We agree with that and we add to it, that we know there are decent men sitting on the opposite side of the House as well.

But the thing that seemed to stir me up, the hon. member for Burin said, and remember he was speaking about the members on this side of the House. He said, "they find themselves for personal reasons, trapped in the tentacles of this octopus of fear and frustration". I never thought the hon. gentleman would ever say it, because I want to tell this House right now, that the only fear that I have is the fear of my God. I have never met the man yet that I am afraid of. I have never backed up from a man in my life, and a lot of them could have pounded me to pieces. But I have yet to meet the man that I would back up from. And I have no fear, I am not frustrated, not a little bit in this world. I know where I stand, and I know what my conscience dictates to me. And I suggest Sir, that no sincere man will allow himself to be trapped in any tentacle of any octopus that will

MR. STRICKLAND: eventually destroy that man himself, whether it is ambition to become the leader of a party, whether it is the ambition to become Premier of the Province, no matter what it is, no sincere man will allow himself to be trapped in the tentacles of this octopus. It is a wonderful thing to have ambition, and I admire a man who has it, and I congratulate any man who has any ambition in political, professional life, or any other life. And I do not think very much of a man who does not have ambition, especially when that man is educated. But I cannot see for the life of me, a sincere man allowing himself to be trapped in the tentacles of any octopus of fear.

I cannot swallow that one at all. I assure this House that I am not. I stand tonight a free man, and I have given a good many testimonies in my Church, and I am prepared to give one now, but years ago I was a slave, the worst kind of a one. But thank God that day is passed, and tonight I am free, and I have yet to meet the man that I am afraid of, whether he is inside politics or outside politics. And I have not any fear.

The hon. gentleman said that "House members must not become simple slaves to party politics" and I agree with that. But I am not a slave, and I speak for myself and every other gentleman in this House. I imagine he has God-given brains to speak for himself. I am not a slave to party politics. But I have a conscience. And by the way, I looked up the meaning of the word "conscience" and this is what one dictionary says, "The sense of the moral goodness or blameworthiness of one's own conduct, intentions or character, together with a feeling of obligation to do right or to be good." And Mr. Speaker, I have one desire in this world, and that is to do right. And my conscience is not for sale at any price, and no man can buy it.

Politicians, and I think I said this before. Politicians and legislators are not isolationists living away from the main stream of humanity, but rather as politicians we are stewards of many of the requirements of human beings. I suppose Sir, that I see as many people here in this building, who come in from own district, the district which I have the honour to represent, as any other member in this House. As high this year already as twenty-five in one day. Not a day passes, but what somebody comes to see me. And I am

conscious in every case that I am somewhat responsible for many of the requirements, or at least to attempt to meet the requirements of the people who have elected me to this high honour.

I do not believe, and I have never been able to subscribe to this theory, and I hope and pray God that I will never live long enough to subscribe to it. If we cannot have one quality of justice for the rich and the powerful, and another quality for the poor and the weak, and the same courtesy I would extend to the man with the million dollars, I will extend to a man who is on relief.

And people, let us get this clear Mr. Speaker, that people who live in the outports of this Province, they are not straw, they are human beings. And those of us they have sent to this House - they have sent us here to represent them in this House. And as an elected representative of this House, I fully conscious of what my responsibilities are, and I want to live up to my responsibilities. I am deeply conscious Sir, that public opinion will not tolerate hypocrisy. And if we forget our greatest commodity, which are human beings, we are hypocrites of the greatest magnitude. And let me remind this House Sir, that it is not what we say no matter if we are on this side of the House, or the other side. It is not what we say not matter whether we are on this side of the House, or the other side. It is not what we say as politicians, but it is what we do. And let me remind the House that actions always speak louder than words.

Somebody suggested this year already, I believe I am safe in saying, that it was the hon. member for Gander, I hope I quote him correctly. He suggested that possibly the Government has run out of their greatest commodity, words. Now I hope I am quoting the hon. gentleman right. But if that is so, then I am delighted, because I would rather be a government with action and less words, than in an Opposition who are full of nothing else only words.

We want to be known for action with a minimum of words. I think it was Sir Winston Churchill that said, "any clever person can make plans for winning a war if that person has no responsibility for carrying them out."

And I suggest that we have people in this House that can make plans, they are a great crowd of planners, but if they were given the responsibilities that the Premier of this Province has, then I think it would be a different quintal of fish altogether.

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Let me say a word about the Premier. Somebody is going to say the "wind of Urian," again. All right, if it is wind, accept it. You have to have wind to sail. If you not got wind, you are stagnant. Perhaps that is what is wrong with the Opposition, they have not wind enough. I am doubtful if the hon. gentleman would know a bilge if he saw one. The hon. gentleman is a good lawyer, but when it comes to a seaman he has a lot to learn, and I can educate him. Dedication, the Premier beyond comparison or parallel in the interest of Newfoundland and her people. In assuming office twenty years ago, more than twenty years ago, the Premier of this Province knew that the greatest of all the challenges that confronted him, was to lift the living standards of our people. And with his burning desire for industry, to bring industry here, he made mistakes and we would be absolute fools to say otherwise. He made mistakes, but I suggest to this House Sir, that in the same set of circumstances every other human being would have made mistakes.

And some of them would have made greater mistakes than he has ever made. And the man who thinks otherwise is vain, stupid, or full of cancerous ego, which is highly malignant. And we all know what can happen to anything that is malignant, and he who thinks otherwise is right full of this kind of ego. I do not think there is a sincere person in this Province who doubts the dedication and sincerity of the Premier of this Province. And what I cannot understand, I have never been able to understand it, that only now, since the leadership convention everything is wrong with the Government. Whereas two or three years ago, there was nothing wrong, everything was right. And it has not gone wrong, it has not gotten sour as quickly as that. If it is wrong now, it was wrong years ago. And why did we not hear more about it?

MR. STRICKLAND: and if there is one thing that I would like to see in this Province more than anything else, if the people of Newfoundland want to erect a monument to this great little man when he is gone, that is all right. But, I would rather remember the Premier of this Province, by a movement rather than by a monument. And I suggest to this House, Sir, that the movement is already started.

The movement that will take the people out of the hell of poverty, that they lived in so long, the poor, the maim, the halt, the blind, the people who had no clothing, only flour sacks years ago. The people who had no shoes, the movement of our people, towards a better way of life. With this man leading the movement. That is how I would like to remember him, the man who led the people of Newfoundland out of poverty into a fairly decent standard of living. I congratulate him sincerely from the bottom of my heart for what he has done, and I hope and and pray, that if it be in the will of Divine Providence, that he will be spared for quite sometime to come.

Now, then Sir, this is a Throne Speech debate, I want to get into the Throne Speech for a few minutes. First of all, it is only going to be a running comment, Paragraph three, what are Newfoundland's chances and our opportunities? Given courage, intelligence and patriotism, making full use of our resources of men and materials. What are Newfoundland's chances? What are her opportunities? How do we make full use. Sir, of our great resource of men? Certainly by not keeping them on relief. That is not the right way to make full use of the resources of the men of this Province. Well how can we stop them from living on relief? There is only one answer to that, and that is gain full employment for the people of this Province. This Government is faced with one or two alternatives, maybe the third one. But, we have got to find jobs for the people of Newfoundland, no matter the cost, we got to find jobs for the people of this Province, or we have got to find them money to feed them on relief. One or the other. And if we feed them so long on relief, if they can borrow passage enough and money enough to get out of the Province, this is the third one we will have a lot of people leaving the Province. We cannot make full use of our resources only by development, and development means jobs. And jobs mean a good way of life for our people. And the opposite to that is poverty and hardship. And God knows, we had far too many years of that without going back to it. Nobody wants to go back to that.

In Paragraph five, we must hold our population and establish the conditions for steady even rapid increase of our numbers. How do we hold our population, to repeat what I said a moment ago, we find jobs, and jobs and more jobs for the people of Newfoundland, if not we will lose them to the Mainland of Canada or elsewhere. I warn this House, Sir, that unless employment keeps pace with the natural growth of our labour force, Newfoundland can never be the province that all of us, I would think, would like for it to be. And no matter what is said to the contrary, or who says it, the whole truth is and nothing but the truth, our economic success in Newfoundland will depend on productive industry.

Now, Sir, having said that I am going to say something else, and a lot of people are not going to like it. And productive industry is a two-way street, maybe a three-way, first of all, there must be Government involvement. There must be involvement by the capitalist of the Province or of the country. And there must be involvement by the labour force of the country and this is the thing that irks me, Sir. I cannot for the life of me, see a man, or any group of people who will pay a minimum wage rate, take advantage of the man's necessity because he is poor, and pay out a minimum wage rate and then at the end of the year declare dividends or profits in the hundreds or thousands of dollars or maybe in the millions. I think there is something wrong with the company who would do this, they owe their workers something of the profits that they make.

Now having said that let me get right back to labour, the same is equally true of a man who will accept a good rate of wages and then will not give his employer good honest hours work for a good honest hours pay. It is a two-way street, let Newfoundland be the Province we want it to be, let us pay our men what we can afford to pay them and then for goodness sake let our men give something back in return, as most of them do, and I am happy to say that, most of them do. But it is a two or three-way street, and our capitalist who invest and I am the first to say that they should realize a fair profit on their investment, and we should have labour working to producing quality and quantity, to ensure proper production in this way, will save guard, and a good way of life for the people of this Province.

Prosperity is a good thing Sir, it is too bad it is so expensive, and somebody must pay of it. And I fear in most cases, that the taxpayer pays for everything.

Paragraph eight, we were told on opening day, I think it was, that we have

MR. STRICKLAND: a great T.V. extravaganza coming up. A conference of persons and organizations to whom the economic future of our Province is of particular concern and still it is to be a T.V. extravaganza. Let me name some of the great groups that will be invited to this extravaganza; Representatives of Local Boards, Committees or Associations that have sprung up around the Province in recent years; representatives of Boards of Trade, Chambers of Commerce, Manufacturers Associations, City and Town Councils; Newfoundland Federation of Labour; Newfoundland Federation of Fishermen; Agriculture Bodies and other producers and organizations; representatives of the Mining and Fishing, manufacturing industries, banks and other financial authorities, and representatives also of various bodies that could be expected to be particularly concerned with the matters to be considered. The Government of Canada and the various departments of the Newfoundland Government, will be asked to attend and assist. ^{are} And these /such a group of men, who have a big stake in the future of this Province, I cannot for the life of me, see how anybody could tag it, as a T.V. extravaganza, if so, I hope we will have more of them.

Paragraph ten, We have the story of the organization of a salt codfish marketing board. I think the hon. the member for St. John's East Extern, this evening, I am sorry that he is not in his seat, made this statement. He said, the present Government are not too sure, what to do with our Newfoundland fishery. I suggest, Sir, that we have not a man in this Province today, and I am quite sincere in making this suggestion, who has more knowledge of our Newfoundland fishery than our present Minister of Fisheries. And the things that he has been recommending down through the years, I am glad that at long last, as well as the Premier and the Government, and my two hon. friends, three, on the other side, four of them on the other side of the House possibly were in Cabinet when the recommendations were made to the Salt Fish Organization Board. If so, I congratulate them as the best thing that has happened. And I am glad, at last the Government of Canada is going to get around to it, to setup this Board. It is long, long, overdue. But here is where the mistake was made and possibly I am the only one in this House, that will stand up and say this, the mistake was made that somebody tried to curcify NAFEL before this was brought into being.

I worked for years taking fish to the West Indies. I know the market, as possibly as anyone here. NAFEL in my books did a good job. And before anything else came into being, the Tory Government of Ottawa under Mr. Diefenbaker that was the man who killed NAFEL. And we all know that to be true.

I know that to be true. No sir, he was the man to put the last knife in it. The last man to put the knife in was the Tory Government out of Ottawa under the Right Honourable John Diefenbaker. No sir, the last man I said. I did not say the first one. I said the last one. He was in at the burial of it. That is where the mistake was made. I am glad that in spite of this great mistake, the Federal Government has come around to creating this salt cod fish marketing board.

Now I want to say this that personnel will be all important on this board, and I hope and pray that we do not get the wrong men on it, because, if we do that will be disastrous to the Newfoundland Fisheries. I hope that the Minister of Fisheries in Ottawa or the Government of Canada will have the sense to make sure the right men are appointed to this salt cod fish marketing board.

Paragraph (12), we have a reference to the grave matter of pollution. Now, Sir, it was my privilege this year to go to Corner Brook to speak to the annual meeting of the Wildlife Federation. I am going to read some of the things and I am sticking strictly to the script. Some of the things that I said at that gathering. "Let me make it perfectly clear that industry is far from being the only serious contaminator of our environment in Newfoundland and Labrador. The average citizen is pretty, heavily involved too, both collectively and individually. Collectively because many municipalities have been too slow in installing sewage treatment plants and modern water distribution systems. Some people say that we cannot afford such luxuries in thinly, scattered, rural communities. My reply is we cannot afford ^{not} to have them from the standpoint of good health for our people. We have to face it, Sir, that all pollution controlled cost money and in one way or another they inevitably mean higher taxes and higher prices, if we want better and higher standards of living. We are going to have to pay for the privilege. The average citizen is individually implicated in our pollution problems too. What do we find? Massive discharges of a combination of fish offal and raw sewage into coastal waters around Newfoundland. Derelict automobiles in the hundreds by our roadsides and around many houses. Garbage disposal areas not properly covered with no burning of waster materials. Beautiful, small streams and we can see this

anywhere in Newfoundland almost, beautiful, small streams choked with every kind of refuse, broken bottles, empty tins scattered hither and yon and all tend to implicate us to a greater or less degree.

True industrial management is somewhat to blame for some pollution, but I suggest, Sir, that we all have a look at ourselves in the glass of good health standards and find out once and for all, if we are 100-per-cent innocent in this respect. Remember our environment is what surrounds us, what we create and we can never escape this fact. I suggest that in Newfoundland today we have, and I repeat, we have dedicated men, some experts, some not so much so, but all dedicated to the great task of beating this terrible problem of pollution. At our University, Sir, we have professional men and women who are training many of our young people in the field of research, and I would like to think that their progress might indeed be thought of as a fitting, living memorial to those other Newfoundlanders who in two World Wars gave their lives to preserve and conserve the things that we should value so highly.

I would think that the Government of this Province yea the Government of Canada yea the Governments of North America are having to acquaint one value against another. Losses in environmental quality must be weighed against gains in economic prosperity. Studies which will have clear and immediate applications to current and future Provincial problems must be made as fast as possible. I know it with pleasure that at least one of our paper companies will spend many, many dollars in this area. I do hope that others will follow this lead. May be somebody will say that we have budgetary problems in this field, but they must be tackled and solved for we must have money to purchase and install and maintain proper pollution control devices, if we are going to beat this terrible scourge.

Obviously, Sir, when pressed, industry will find the money needed by raising the price of their product. Municipalities can partially offset part of the cost by increasing waterside real estates values. The great portion of the monies needed must come from governments and in Canada we think cheaply of the Government at Ottawa. I understand from one or two of our professors at the University, and I am thinking especially of

Dr. Laird. He said, " that our University is ready and anxious to embark upon an intensive program of pollution related studies but more money is desperately needed for the support of students and staff and the purchase of equipment."

I believe, Sir, that the time has come for the governments, the University and industries to work and plan together in the interest of finding effective and practical ways of controlling, if not altogether averting our deterioration problems and in this way we can assure for the future an environment that will increasingly be the envy of our neighbours world-wide. "

Paragraph (14) speaks about a road building program. We need highways. The time has come, Sir, when we cannot afford anymore to build gravel roads, because the maintenance of gravel roads is going to drain us practically dry and the quicker we adopt a policy of paving every mile of road that we build, the quicker we will start to save money in the road building industry in this Province. We need highways. I am just going to drop into my district for a minute. There is a stretch of road from New Harbour to Islington, fourteen miles. The Minister of Highways is not here. I hope that the Government can find the money to pave that. That will give us seventy miles of paved road then from Whitbourne down the shore, which takes us right down to Winterton. Highways, yes; secondary roads, yes; local roads, yes, but, Mr. Speaker, I think that time has come when we should give great consideration to roads to resources, access roads. I think it was the hon. member for Bay de Verde that made much of this, in his recent speech to this House. I suggest that over in that whole area, as well as other places in Newfoundland, there are thousands upon thousands of dollars to be made from the berry picking industry, if only a few miles of access roads were made to the barrens so that men and women and boys and girls could get to the barrens. In this way, they could earn, I would suggest, thousands of dollars during the berry picking season. I would think that in the consideration of roads that time has come for us to give a little more thought possibly to roads to resources.

Paragraph (15) and (16) very important, the development of hydro-electric power in the Province. The expansion of the iron-ore producing industry in Western Labrador and this all spells out employment with a capital "E." This same capital "E" could spell the end for Government critics who make little of Government efforts to find work for our Newfoundland men and women.

Paragraph (20) the efforts of the Government to improve the efficiency and stability of the Civil Service long overdue.

Paragraph (23), very, very important paragraph. The election, when it is prepared will provide or the legislation, when it is prepared will provide that at least one-third, I believe - I want to make sure of this now. One-third of the members of all school boards and the holding of certain school board meetings which will be open to the general public. I agree with this. This is something else which is long, long overdue. But, Mr. Speaker, there is something bothering me, and I cannot close my eyes to it. It is happening in our educational system in Newfoundland and I would not be true to myself, if I did not say what I am going to say now. I am deeply concerned about what is happening to education in this Province. I suggest, Sir, that if we circularized an educational system - I want for somebody to tell me, if we do that, what sort of a crusade can we offer the students? If our educational system is shorn of the Christian ideal, then humanism becomes an arrant gospel. Religion offers a crusade because it is creative and without a unifying purpose, creativity becomes glorious confusion. Everyone expressing his originality by ignoring all of the rules, but creativity brings order out of chaos.

Rules regarding the values of life must be voluntarily accepted and not imposed by authority. Youth needs purpose. The youth of this Province needs purpose. It is our responsibility to see that they are trained to serve in the field in which they can best serve humanity. If a person plants hatred, seeds of hatred, lust and jealousy in his life, he cannot produce love, patience, kindness and goodness from those seeds. If a person breaks all of the laws of right living, neglects and abuses his body, he cannot expect to be as healthy and strong as someone who obeyed the rules governing proper living. The rules cannot be imposed by any

external standard or code of regulations, but by implanting the law of love, the rule of love within the centre of our conscience and that is what I am afraid

MR. STRICKLAND:

within the centre of our conscience. That is what I am afraid of is going to happen with our educational system in Newfoundland. We cannot divorce Christianity from our educational system, God forgive us if we do, because physical, mental, intellectual and spiritual training all go together and if you have not got all of them you only have a part of a man. This means that the parent, teacher and the preacher all must work together with one common objective and that is the full development of every human being. If we neglect to do this, if we neglect to instill into the hearts of our young people the rule of love, without it we have absolutely nothing and we are heading for a tremendous fall.

Paragraph twenty-six speaks about the minimum-wage being removed from the fish processing plants. I agree that the workers in our fish plants are not making one cent too much, I hope that they make more, but Mr. Speaker I hope that we do not make the mistake of giving the men who work in the plants everything at the expense of the men who are in the boats because if we are going to pass along this extra load to the men who catch the fish then I think we are on the wrong course. It is a good. Our men who work in the plant work long hours, I hope they make more money but I also hope that the men who go down to the sea to catch the fish that when the season is wound up at the end of the year that they will not be forced to go on relief. I hope this never happens.

Paragraph twenty-eight - we have changes in the machinery for regulation and control of house rents, goodness knows this is long overdue. There is something else that is long overdue, not only the control of house rents, but I believe that price control is long overdue. Now people are not going to like me for saying this but I am going to give one example of what I mean - I went into a drug store in the city not too long ago and I bought one hundred insulin needles, it cost me four dollars for the hundred. I went into another drug store and it cost me seven dollars a hundred for the same needle. There is something radically wrong and it is time that somebody had a good hard look at some of the prices that we have in the Province of Newfoundland today.

That winds up, Sir, what I have to say about the budget, not the budget but the throne speech.

Let me, for a few moments Sir, take you right over into the District of Trinity South again. There are a few things, it is not Utopia over there yet, that I recall saying in this House some years ago. We are no longer in Egypt,

MR. STRICKLAND:

we are on the road up out of Egypt going towards the Promise Land. I do not know how long it is going to take us to get there but I am sure we are not under the task masters of Egypt anymore. Now anybody can put what interpretation they like on that statement - the task masters of Egypt - as far as Newfoundland is concerned. I am delighted that so many things are happening in the district of Trinity South. We have two young men over there, I will call them young men as they are much younger than what I am, in Hants Harbour who has wrought wonders in that area. I took it upon myself to ask the Department of Welfare to supply me with figures regarding the distribution of able-bodied relief in that area and because of the fish plant in Hants Harbour it is practically nil. Two young men with the assistance of this Government who does not know what to do for the fishery, oh now they do not know what to do with it, but because the Government have these two young men this year in Hants Harbour they will need 200 people working in that plant to keep the plant in operation and that means that they got to go to Winterton, got to go to Chelsea, they have got to go to Melbourne with the people of Hants Harbour and maybe further afield than that to get the men and women to work in the fish and cod plants there in Hants Harbour.

We have eleven long liners there, we have trap men and inshore fishermen and the men are doing well, thanks to this Government, because if the boys did not build that plant there; I can only speak as I know at one time the people of that area were heavy recipients of able-bodied relief but not anymore because of that plant. Winterton, last year, the Greens at Winterton were unfortunate enough to lose their plant through fire but with the kind of spirit that they have Calvin Green, and I want to give him a boost, has gone out, he has invested everything he had, he has drawn on his insurances, he has done everything but he is building that plant again and that is going to mean the salvation of that area as well.

Up in Dildo we have a plant there and it is a good source of employment for men and women for a goodly number of months of the year and, Mr. Speaker, with the help that the Government is giving year after year to the fishermen in helping them to build boats, to buy nets and what have you, the prospects if the good Lord sees fit to send the fish to the land or towards the land the prospects over in that area are really really good. Now, Sir, there is something over there that is badly wanted. In the area from Hearts Desire to

MR. STRICKLAND:

Blaketown we have at the moment approximately 2,000 sheep. That number they tell me will increase to at least 5,000 in a short time if a pasture land can be established in that area. At the moment they take their sheep over to Bay Roberts and that place is overcrowded. I have approached the Department of Mines, Agriculture and Resources and out on the Argentia road there is a tremendous strip of land and I got a good idea that in the not too distant future we may even see a good pasture land in that immediate area. I come back to the old song that I have been singing, that my fan possibly meant a few minutes ago, the song that I have been singing for a few years about the expansion of the blueberry industry, I still argue in favour of family and commercial farms. If we want to keep production up and cost down and meet competition from the Mainland and the United States of America, we must plan and encourage the establishment of organized blueberry farms both family and commercial. We have one over there, it is doing well and I only hope and pray that in the not too distant future we will still see others.

Now, Sir, I have one other thing to say. The Holiday Inns have been given some awful kicks, some of them not deserved. People, oh what they did not say about the Government when they were going to build Holiday Inn in Clarenville

MR. U. STRICKLAND: But Mr. Speaker, there is not one Holiday Inn in Newfoundland that was so badly needed as the one in Clarenville. The facts are that only this year, (and listen to this, and this made me stick out my chest) the members of the International Association of Holiday Inns rated the Inn at Clarenville among the top ten of Holidays Inns world wide, and the total number of Holidays in the world is 1,177 and the one in Clarenville is among the top ten.

If you go out there Sir, there is an inscription on a plaque which says "presented for superlative catering, efficiency and cleanliness." I would say Sir, that the best service in this country given by the Holiday Inns you can get in Clarenville. Go there when you will

MR. COLLINS: What was the rate of occupancy for the past year?

MR. STRICKLAND: A good rate, I talked to the manager before he was transferred to Sydney not too long ago, and if there is either one of the Holiday Inns nearing the "black" it is Clarenville. Check the figures and find out.

The people going down to Bonavista Bay get to Clarenville. If the weather is bad now they have a place to stay. They have a place where they can get a good decent meal. I drive back and forth there going hither and yon, and the food in the Clarenville Holiday Inn is out of this world. It is as good as any of us get home, I do not care how good our wives can cook. I want to pay this tribute to them, and the man who said the Holiday Inn was not needed in Clarenville was talking through his hat. That is the kind of wind we get in this House sometimes, and very often it is blowing gales that way.

MR. COLLINS: What has been the occupancy rate of the existing hotels

MR. STRICKLAND: I am not talking about the existing hotels. If the hon. gentleman wants to know the occupancy rate of the existing hotels which are owned by private enterprise let him go and talk to the people who owns them. I have been talking about the Holiday Inn.

MR. COLLINS: Who contributes most to the municipalities?

MR. STRICKLAND: Ask the councillors at Clarenville. Do not ask me, I am not on the town council. But I am stating facts, and when I have facts I will not back down from anybody, and I say that it is a good thing that the Government saw fit to help to put the Holiday Inn in Clarenville. It was long overdue, and the man that would go and try to take it out of it now, believe me he would have a fight on his hands, and a big fight. I congratulate the Government for doing this.

Now there is one other thing and with this I am going to close.
The hon. member for Burin said yesterday I think it was, was it yesterday he spoke?

MR. HICKMAN: Today, and I have a good memory

MR. STRICKLAND: He said " the Government should subsidize the shipyards at Marystown to assure continuity of employment for workers in the shipyards at Marystown." That is a direct quotation is it?

MR. HICKMAN: Yes

MR. STRICKLAND: Yes, alright, I will agree, we are agreed. But Mr. Speaker, if it is right for the Government to subsidize the workers at Marystown, is it not also right for them to subsidize them elsewhere? I hope the hon. gentleman has no quarrel with the Government when they try to subsidize some other industry in this Province for the sake of the workers. Because, if he has I will be on my feet at him. I agree with him that he is right. All right

MR. CROSBIE: What about Erco?

MR. STRICKLAND: I am not talking to the hon. gentleman, he had his chance, I am talking to the hon. member for Burin who made the statement and I want to tell him that I agree with him.

MR. CROSBIE: The outport fellows stick together

MR. STRICKLAND: We do stick together. Brother I do not back down from anything or anybody and the hon. gentleman knows it, and I cannot be bought.

MR. CROSBIE: That is for sure, cannot buy you,

MR. STRICKLAND: That is for sure, I agree entirely

MR. CROSBIE: Who will make an offer

MR. STRICKLAND: If the hon. gentleman offers me every cent he owns in this world he cannot buy me.

MR. CROSBIE: That is what I say, who would make an offer

MR. SPEAKER: (Noel); Order Please; order.

MR. STRICKLAND: It cannot be done. I challenge him to try it.

MR. CROSBIE: It would not be done

MR. STRICKLAND: No it would not be done.

MR. CROSBIE: Nobody would attempt it

MR. STRICKLAND: That is for sure, because they have too much sense to try it. Because they know what I am, they know what I am. I am not for sale.

MR. CROSBIE: That is a relief

MR. HICKEY: I guess that saves some money

MR. STRICKLAND: Mr. Speaker, I congratulate the Government, I assure the

Premier that while he is working as he is in the interest of the people of this Province, trying to find jobs and a good way of life for the people of Newfoundland, I am with him, and I will back him with everything that I have.

MR. HODDER: Mr. Speaker, I move the adjournment.

On motion debate adjourned:

MOTION; second reading of a Bill "An Act To Amend The Nomenclature Board Act, 1959." (No.5).

HON. G.A.FRECKER (Minister of Provincial Affairs): Mr. Speaker, the Nomenclature Board Act at present requires all changes to be advertised for six consecutive weeks in the Gazette and in a number of the public press. We have found that this is a very expensive procedure, and in our opinion should be changed. For instance, in one case it cost us over \$6,400. to advertise one change proposed by the Nomenclature Board. The new Act would change the requirement of six consecutive weeks of advertising to the appearance of the advertisement in the Gazette and one other paper once. I move second reading.

On motion, Bill read a second time, ordered referred to a Committee of the Whole House on tomorrow.

MOTION; second reading of a Bill, "An Act Further To Amend The Fire Prevention Act, 1954." (6).

HON. L.R.CURTIS (Minister of Justice): Mr. Speaker, I would like to move the second reading of this Bill which hon. members will note is all most formal. The effect of the Bill is to add the Canadian Gas Association to the other Associations whose codes are to be respected in building. You will notice that there is the Canadian Electric Code, there is the National Building Code, there is the National Fire Code. All these are already covered in the Act. The present Act is to add the Canadian Gas Association, and the Canadian Gas Association has at its disposal laboratories etc. which make it very advisable that we have the Canadian Gas Association added to this Bill, and I so move.

On motion, Bill read a second time, ordered referred to a Committee of the Whole House on tomorrow.

MOTION; second reading of a Bill, "An Act Respecting Private Investigators And Security Guards." (No.1).

HON. L.R.CURTIS (Minister of Justice): Mr. Speaker, I would like to move

the second reading of this Bill. Lately, and for a number of years we have been having in Newfoundland various private investigators, and we have had private security guards. It seems only fitting that we as a Government should know just what is going on in this connection. The object of this Bill is to require that such investigators, and such security guards be registered with the Department of Justice so that this department in turn can advise the police, and the R.C.M.P., and others interested of the existence of these investigators. The Bill that we have before us is taken from the Ontario Bill, which in turn is similar to many other Bills from the other Provinces. I think the need of this Bill will be apparent to hon. members, and in moving second reading I think I need do no more than just explain as I have the main object of the Bill. I move second reading.

MR. CROSBIE: Mr. Speaker, I have no objection to the broad general principle of this Bill which is to regulate the, as the minister explained, to regulate the private investigators and security guards. But there some sections in this Bill Mr. Speaker, which in principle are objectionable, and where the minister I suggest is given too much power over licensing people who are engaging in these occupations.

For example; there is one area where the minister may upon receipt of an application for a license, and upon such inquiry and investigation as he deems proper issue or refuse to issue a license, where in his opinion such action is in the public interest. Section 9.

MR. CURTIS: Do not forget appeals

MR. CROSBIE: There is provision later on for an appeal but, Mr. Speaker, my point is that this is too broad a power to be given one individual, and is too vague. That the minister can grant or refuse to grant a license on the broad grounds that such action is or is not in the public interest.

I submit Mr. Speaker, that it is too wide a discretion to be given to any public official, and that there should be some criteria and outline in the Act, by which the minister is to exercise his discretion in dealing with these things. Who can say what is or is not in the public interest? The minister says that it is not in the public interest to give a certain person a license. Even if you do appeal it, how are you going to appeal it? What is the basis for judging whether or not it is in the public interest to give a particular person a license?

I would like to suggest to the minister that he have that considered. Because, even if there is a right to appeal from it, it is going to be too difficult to appeal from.

And under another section Mr. Speaker, section 11, a license can be suspended or cancelled for several reasons which are outlined in the section. Then section d) goes on " or should not for any other valid reason be permitted to hold a license." The minister is given the power to suspend or cancel a license where he is satisfied that the licensee should not for any other valid reason be permitted to hold a license.....

and that is completely open. The Minister has to decide what some valid reason is to revoke or suspend a license and I do not care whether this is in the legislation of other provinces or not. I feel that this is another example of the state or governments obtaining too much power in these matters because after all, Mr. Speaker, ^{if} a license is suspended or removed from some private investigator or security guard that is the loss of his livelihood. And the only criterion given in the Act is that it should not for any other valid reason be permitted to hold a license. Perhaps the minister does not like the personal question, is that a valid reason? So, I agree with the principle that this is probably a probation or occupation where you should now have to be licensed, but I think that the Minister should consider those sections which give him too much power with respect of licensing. Or else some kind of appeal board or board who will make the decision.

MR. CURTIS: In reply to the hon. friend Mr. Speaker, I only have to say this, that there is an appeal to the Supreme Court of Newfoundland on all the points that he has raised and if he does not trust the Supreme Court we do.

MR. SPEAKER: It is moved and seconded that this Bill be now read a second time ordered read a third time on tomorrow.

Second Reading of a Bill, "An Act To Amend The Prisons Act, 1969."

MR. CURTIS: Mr. Speaker, this is a very short Bill which puts prisoners in our penitentiary who have been committed for a breach of provincial offenses on the same footing as prisoners who are there for breaches of federal legislation. At the present time we have two classes of prisoners in our penitentiary, we have prisoners which have been guilty of federal offenses. We have prisoners which have been guilty of provincial offences. But, because of the nature of the federal legislation, federal prisoners have advantages, provincial prisoners have not. The object of this Bill is to put them both on the same footing. I can illustrate what I say if I say that federal prisoners are entitled to remission if they are sentenced for a certain period they are entitled from the beginning to certain remission our provincial prisoners do not have that. Federal prisoners are allowed to be released by the penitentiary and to go into society under certain conditions. Provincial prisoners have not got that privilege. Under this new rule for compassionate reasons, for health reasons or for other reasons prisoners may be released from the penitentiary, allowed

to go to their homes, allowed to go to schools, allowed to become rehabilitated. This legislation is entirely drafted with the idea of helping prisoners to become rehabilitated. I think the object of the Bill will appeal to hon. members and I feel quite sure that there will be no hesitation in giving this Bill second reading.

MR. WELLS: Mr. Speaker, there is no question that the object of the Bill is a good one and I do not at the moment oppose it. The thought that comes to mind is whether or not this is the proper course to be taken now that the federal omnibus criminal Bill (Criminal Law Amendment Act) has been passed and there is a section in that Act where there are certain parts of that Act that amend the Prisons and Parole Act, the Parole Act of Canada. One of the sections of which I have forgotten exactly now Mr. Speaker, but one of the sections in this New Criminal Law Amendment Act provides that all of the federal regulations relating to parole and the work of paroling and supervising the paroling will be done by the federal parole board where the House of Assembly in the Province so passes legislation authorizing it. The mechanics are all there presently for this whole function to be done and taken over by the Federal Parole Board which have been set up and doing the job for some considerable time, and all it takes is the authorizing legislation passed by this House. The federal authorities cannot do it where the prisoners are imprisoned for offences against provincial statutes. They have no jurisdiction no constitutional jurisdiction, but they have put in a provision in the Act that they can be given jurisdiction by the legislature of any province and their parole board will thereafter assume responsibility for it.

Now it seems to me Mr. Speaker, that this is probably the best course for us to take, because this Act does have one or two flaws in it. One for example in the proposed new section 23, and this does get down to the principle of the Bill. Where the prisoner has forfeited the whole or any part of the statutory remission, an official of the department of Justice of the province designated by the Lieutenant Governor in Council, Lieutenant Governor of the Province for the purpose, may where he is satisfied that it is in the interest of rehabilitation of the prisoner remit in whole or in part some one individual in the department of Justice is going to be designated to determine whether or not individual prisoners should receive the benefit of remission in whole or in part of their

sentence. Again, this is not good and it follows on the comment made in another debate in another Bill. But it is the same principle. Now, I believe Mr. Speaker, we should take advantage of the opportunity that I think is provided in the Federal Act, I believe the Federal Act goes that far. I have read it recently and I think that this is what it provides. It certainly provides for supervision of parole by the Federal Parole Board where the legislature has given authority in the case of prisoners convicted under provincial statutes. I think Mr. Speaker, that it would be far superior to the system that we propose to set up. Instead of having just an individual in the department of Justice designate it they had the whole parole board system of the federal government and this I suggest to hon. members Mr. Speaker would operate much more in the interest, not only of the individual prisoners, but in the interest of the people of the province as a whole, and that is the interest that we have to protect. Because sometimes it is right to remit and sometimes it is not right to remit any portion of a man's sentence. But with the federal machinery that has existed for such a lengthy period of time with the vast wealth of experience that they have I think we would be well advised to take advantage of the opportunity they have provided, but I agree we have to have some system, I think that is a better one Mr. Speaker,

MR. HICKMAN: The principle in this Bill is obviously a good one. But if the House adopts the Bill I submit that it also follows that there is imposed upon the Province as there should be now an opportunity or an obligation rather to do something in respect of the rehabilitation of the prisoners who are placed in the position where they can take advantage of the remissions that the Minister of Justice or his officials can grant. We find that the, at the penitentiary that as most prisoners there are short-term inmates, that it is almost impossible to provide sophisticated rehabilitation services they are not there long enough to avail of all the training, nor can the Province afford the type of instruction that one would expect to find in larger institutions which is available to federal prisoners.

This Bill will enable the minister of Justice, presumably on the advice of the Superintendent of the Penitentiary and we have in this Province an exceptionally capable superintendent and an exceptionally capable and dedicated staff at that penitentiary. They would have the right not only to recommend remission but at the same time, to expect of the Province the provision of

services something along the line of the halfway house scheme that is now becoming very prevalent in European countries and I believe in some of the Canadian provinces. This enables the authorities of the penitentiary with the right and the approval of the minister of Justice to grant prisoners the right to leave the penitentiary during the day to avail of certain training programmes. This was tried very successfully in Harbour Grace recently in respect to certain federal prisoners and at the same time to take them, some of these people, through no fault of their own, but probably because of unfortunate background circumstances now are behind the prison walls. The right to adjust slowly and gradually to society and at the same time to avail of training programme which will insure or at least it will be likely to insure that they will not find themselves back in the same institution at a later date.

These Mr. Speaker, the time has long been passed when a man or woman can be sentenced to serve a particular period in a penitentiary, and having served the sentence or the sentence less remission and then receive a handshake from prison officials and say be on your way, and be a good boy. The fact is Mr. Speaker, that in many many cases there is a very serious period of readjustment to society that any prisoner finds that he must face when he leaves that institution. Halfway houses and similar institutions are designed for that very purpose. No one in the federal institutions has gradual release. We have had a bit of it here, may be without any legislative authority going back to the days of Superintendent Case.

MR. HICKMAN: I am aware of one case where a prisoner, and the hon. the Minister of Justice is fully aware of this, where a prisoner has been in the Penitentiary for many many years, and when the time came for his release, he would not accept it. He could not go out and face society, because he had been removed from it so long. And this took months and years and years. In fact it took nearly ten years of concentrated effort on the part of prison officials to eventually place that prisoner in a position where he would be prepared to go back into the main stream of society.

Now Mr. Speaker, we have fortunately not a very large prison group in Newfoundland. Basically anyone serving in excess of two years, finds himself in Federal institutions outside this Province. But we do have surely an obligation that is far more important than is confinement, far more important is the simple deterrent of sending a man or woman to the Penitentiary. We do have an obligation to try and rehabilitate a prisoner, to try and make sure that this prisoner will not find himself in a position where he is back behind the prison walls again. And this can be done Mr. Speaker. It is being done in other jurisdictions by the establishment of half-way houses working in conjunction with the John Howard Society.

And that Society Mr. Speaker, is an organization which has been very quietly and very effectively working in this Province. The Society is doing a great deal to find employment, gainful employment for prisoners who are being released from the Penitentiary. But they are entitled now to say to Government, "if you pass the legislation, or if the House of Assembly passes the legislation, giving you the right to remit the sentences of provincial prison. You also have the obligation to work with us in providing rehabilitation, the gradual adjustment to society, and to try and assure these people, that if at all possible, they will not have to go back into the Penitentiary again. This is not a revolutionary request. This is not a revolutionary suggestion. But surely the time has now come, when in Newfoundland, more and more emphasis must be placed on rehabilitation, and more and more emphasis must be placed on giving the prisoner a chance to return as a free man, a man who is going to make a worthwhile contribution to this society. Other than that Mr. Speaker, I certainly would support the Bill that is presently before this House.

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MR. EARLE: Mr. Speaker, the previous three speakers on this particular Bill are lawyers, and of course have the legal aspect to it, and approach to this whole thing. But I felt if any one of these gentlemen had had the practical experience that I had some years ago in dealing with ex-prisoners. Any humanitarian would naturally support this Bill, the rehabilitation of prisoners I think is uppermost in a lot of people's minds today. But there is also a very important fact, the protection of the public.

Some years ago I was the subject of an attack by a prisoner who had had eighteen convictions. I was practically killed and very seriously hurt at the time. And my sympathy I must say towards prisoners, and people who had been in prison at that time, was at a very low ebb for some years after that. I think that the principle of this Bill is excellent, but certainly they must go hand in hand with us, the necessary precaution and protection for the public.

I think many of us have read on many occasions of some of the most horrible crimes that have been committed in other places by prisoners who were out on parole. And I hope that if this measure is passed, as I think it should be, adequate protection for the public is also incorporated in it, because we do not wish to release upon the public anymore hazards than they presently face, from people who are deranged, or people whose sympathetic folks feel must be given another chance. But who latterly proved that they should not have been given that chance. This is the precaution I would make to this Bill Mr. Speaker, that the necessary precaution be taken to protect the public also from prisoners.

MR. ROBERTS: Mr. Speaker, this Bill now before us for second reading, seems to the sort of Bill that draws a number of members into it Sir, and perhaps I could add a few words because it is a subject that interests me greatly, as I know it does, other members of this House. Mr. Speaker, the principle of the Bill I think, has one acceptance from all sides of the House, the detailed points raised by the member for Humber East, I will leave to my colleague the Minister of Justice to deal with, and to reply to, and to take into account. I would like to add a word to what was said so eloquently by the member for Burin. I followed it with a great deal of interest, because

this question of rehabilitation or recidivism . . . in the Canadian prison system is a very serious one. Canada Sir, is a barbaric country in her prisons. We have roughly three times the prison population per capita, I am sorry. We have roughly three times the prison population of the United Kingdom, and we have one-third her population. Our sentences on the whole are longer, and our sentences tend to be most irregular. I have never had the privilege of practising in the courts of this, or any other Province, but I have devoted a fair amount of study to it, and I think these statements are correct.

The most revolutionary proposal that has been made in many years Sir, on sentencing and on remission of sentences, is to take sentencing out of the hands of the courts. And in a sense, although I am a member of the Government and support this Bill, I regret the Bill makes no reference to that.

which

The State of California Sir, is only a state but under the American law, has full criminal jurisdiction. The State of California which has about 21 million people, the same size of Canada, I believe no longer leaves sentencing in the hands of the judges. The judge and the jury and the court, their function Mr. Speaker, is to find whether a prisoner is guilty of the charge of breaking a law, or whether he is not guilty. If he is found guilty, the question of his further treatment, whether it be indefinite, whether it be for a period of years, whether it be in a prison, whether it be in a hospital, whether it be in a rehabilitation facility, that Sir, is decided by the psychiatrist, sociologist, lawyers, criminologists, and the other people who can contribute to that decision. In Canada unfortunately, we have not yet reached that state of grace. It may be a long time before we do. Anyway it is beyond the jurisdiction of this House Sir.

There is one matter though Mr. Speaker, that is not beyond --- well provincial offenses of course Mr. Speaker. Well criminal offenses by definition are beyond it. There are numerous provincial laws, the breach of which can land a person in jail for a greater or lesser period.

But there is one area Sir, one which I thought the hon. member for Burin would touch, but he did not. And that is the proposal which was made several years ago, I believe by Mr. Justice Fulton, but I stand to be corrected there, that the law be amended, provincially and federally. And it could be this sort of Bill Sir, it could be this Bill that did it, to

provide that no sentence should be passed by any court for a period more than six months, or less than one year. And the reason for this Mr. Speaker, is very simply to provide some rehabilitation. I think we would all agree Sir, that we have come a long way from the mosaic law from the concept that a sentence, a punishment following upon conviction is to be an eye for an eye, and a tooth for a tooth. That is a barbaric concept Sir. That went out with public hangings, and with cutting off one's hand for theft, and tearing out one's tongue for slander or for lying.

Mr. Speaker, our prisons are meant to rehabilitate people. They do not do it by and large. Our prisons in Canada, and our Newfoundland record is better than other parts, but it is nothing to boast of Sir. Our prisons in Canada are really graduate schools for criminals. Eighty percent of the prisoners in the Canadian Penitentiary system, the statistic I have, eighty percent of the first offenders will at some point in their lives be readmitted to prison upon conviction of an indictable offense.

Mr. Speaker, our prisons are not doing the job, and this is what we must get at. If we could follow the recommendations of the Fulton Commission, no person would be sent to jail for a period of less than a year, or more than six months. In other words Sir, we would be responsible provincially, not for prisoners serving sentences up to two years as we now are.

(1) We would be responsible only for prisoners of less than six months. And Mr. Speaker, that will be for very minor offenses, in hopefully might be dealt with by means of fines and extended parole systems. Prisoners with longer terms Sir, would be handled in federal institutions, where they could receive the benefits of rehabilitation. Mr. Speaker, that is something we should be doing, and something we should be doing even more than the half-way house concept, or the concept Saskatchewan has adopted, of weekend visits, allowing visitors to go out on weekend parole. We must improve our probation services. My colleague the Minister of Public Welfare has some plans I think in that end. As valuable as the John Howard Society is, and as much encouragement as we must give to it, there is still a need for probation officers in the services of Government, to allow proper delivery of welfare services Sir. But as valuable as all these are, we do still need some very basic reforms in our whole concepts of prisons. Mr.

Speaker, the principle of this Bill is a step in that direction. It does provide a little better remission procedures. It is some improvement Sir. It brings us into conformity with the Act adopted recently in the Parliament. I support it Sir, but in so doing, I say it does not go far enough. This Government need to go further as do every government in Canada including the Government of Canada themselves Sir. I think it is proper, Sir, that we, as a House, concern ourselves with, and I feel confident that my colleague, the Minister of Justice, will continue to give the matter the close attention that he has given it since he resumed the duties of that portfolio in October of last year.

It is an important bill, Sir. It is very simple in its wording, it is very simple in its principle, and it may help to rebuild some lives. It may help to give people a worthwhile life. It may help a man who has made one mistake Sir. It may help him to get on his feet again and make a better start. I think even my friend the member for Fortune today, and I thank him for earlier correcting me on that. Even my friend from Fortune Bay who quite properly is concerned with the violations of parole, or further offenses from parolees. Mr. Speaker, it may help to alleviate his problem too.

For all these by and large have at least ³⁵ good a conduct record as those of us who have never been paroled because we have never been convicted. The hon. member for Fortune Bay, myself and every other member of this House.

MR. CROSBIE: Never been caught.

MR. ROBERTS: The hon. member may never have been caught Sir. I have nothing that I need fear being caught.

MR. CROSBIE: I would not want to look too far.

MR. ROBERTS: Mr. Speaker, if the hon. member does not want to look too far, that is his problem Sir, not mine. I find him very pleasant to look at Sir, very jovial, very pleasant. Every now and then Sir, he and I appear together on Television. It is great fun. Leaving aside the jollities with the member for St. John's West, the jolly member for St. John's West, the jovial member, I do think it is a good Bill. I regret that it does not go further, and I hope that before very much longer Sir, this House will be in a position, thanks to the action of the Government of Canada where we can go further, because

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any person who is concerned with this very important field would welcome it.

MR. CROSSBIE: Now Mr. Speaker, after having listened to such an eloquent speech, and a jovial speech, one is driven to rise to one's feet to express one's admiration. It is not often I am driven to express my admiration of the hon. minister. Mr. Speaker

MR. CROSSIE:

Mr. Speaker, this bill is all well and good but what does it do, it just provides for the same remission of sentences for Provincial offences as is now provided by the Government of Canada in connection with Federal offences but this law is going to do absolutely no good whatsoever, Mr. Speaker, unless there is a vigorous administration of it and some money spent on the subject. Since prisoners in penitentiaries and jails and the like do not have votes they are usually on the short end of receiving any extensive spending assistance from Governments and since a lot of them are in there for over a year or two Governments are not too worried even about their votes in the next election or so. This is an area where you can have all the remission you like, Mr. Speaker, and you can talk about all the rehabilitation you like and we all talk about the rehabilitation that is needed with reference to the hon. Minister of Welfare. Well we can talk about that rehabilitation all we like unless a lot of money is spent on it and a lot of time is spent with it and with the subject you are not going to get very far.

As I do not think that this House of Assembly your hon. passing this bill is really going to accomplish very much. It sets out circumstances but, in which, if the Government chooses to spend some money and get some trained personnel, probation officers and the like is something which might be done to rehabilitate prisoners or to allow them out of prison before their sentences are fully served and that is very much to be amended.

But Mr. Speaker this is not a popular subject in any Province, not even in the Federal Government for the spending of money, it is a pity that it is not. I do not think, Mr. Speaker, and I get a bit tired of hearing it, that we have got anything to boast about in our prisons in Newfoundland, that is complete tripe. Our prisons in Newfoundland are nothing to boast about and anyone who wants to visit Her Majesty's Penitentiary on the Lakeshore will find that it is nothing to boast about. It is not a modern prison, it is not modern in any way, it is an old antiquated building, the cells are old and antiquated, the personnel down there are doing what they can with the physical facilities they have there but for Newfoundlanders or for members of the Government of Newfoundland to say that here in Newfoundland we are doing very well with our prisons and to pat ourselves on the back is absolutely nonsensical.

MR. CROSBIE:

We have a prison camp at Deer Park which is very nice, a good thing, we have an antiquated old jail at Harbour Grace that the people should not be kept in overnight and we have an antiquated penitentiary on the Lakeshore that should have been gone long ago if we were really concerned about the subject. So I just get a bit tired, Mr. Speaker, of hearing us praise ourselves for the great prisons we have in Newfoundland, we have not got a good prison system in Newfoundland and we should not be very proud about it. I agree with the hon. the Minister of Health and, by the way, Mr. Speaker, from his speech I would not be at all surprised if his interest soon moved from health to justice. I wonder was it a straw in the wind, was it a straw in the wind this eloquent speech of the hon. minister. If he becomes, by some mischance of the Cabinet shuffle, a Minister of Justice we will be looking for big things from him in the field of parole and rehabilitation here in Newfoundland. If he can persuade his colleagues to spend some money on the subject.

I agree with him 100 per cent, Mr. Speaker, when he mentions this business of sentencing. The present system in Canada and in Newfoundland is barbarous, barbarous! with due apologies to the hon. member for Bonavista South. Mr. Speaker, the variety in the length of sentences imposed by judges or magistrates for the same offences across the country is a scandal, it is a public scandal. With one judge a man might get five years for something that another judge or magistrate will give him six months for. It is complete barbarism and when the hon. the minister suggests that sentences should be set by a sentencing board composed of people, professional people, experienced in these fields, not lawyers - one might be a lawyer, and not judges because they are often out of all touch with humanity whatsoever, the judges are, as anyone would know who has appeared before some of them.

If we had sentencing boards, Mr. Speaker, we would start to get some sensible sentencing which we do not have now. I mean the very thought that one man in one part of the country might be sentenced five years and another crustier judge in another part of the country who has a phobia about that particular offence might give another man ten or fifteen years, all right it is incredible.

MR. ROBERTS:

I know a case in Montreal where a judge who normally gave five years for an armed robbery conviction said in effect, there has been too many of these and the next guy who came up he gave him twenty-five years. You know, the same judge.

MR CROSBIE: The same judge. And it depends sometimes on whether they had had a good breakfast, whether they had had a fight with their wives earlier in the day.

MR ROBERTS: I would not know about that, Mr. Speaker.

MR CROSBIE: These things all have a bearing. The hon. minister does not realize the important influence that his future spouse might have on his disposition.

MR ROBERTS: He should speak to my mother. That is her concern, Not mine, Mr. Speaker.

MR CROSBIE: I do not blame her. She may be stuck with the hon. minister for another year, say. But as long as the hon. gentleman's mother realizes that she is doing a big service to the county by making sure that he is looked after, that he is tucked into bed at night, I think that would be satisfaction enough for her.

But quite seriously, Mr. Speaker, if anything can be done about this sentencing business it would be a tremendous step forward. Now there was a recent royal commission in Quebec, I am sure the hon. the Minister of Justice has received copies of that report and has perused it and read it, in fact he probably goes to bed with it every night, that has made hundreds of good recommendations to the law reform in the Province of Quebec, a lot of which applies to us. In addition to this topic that we are dealing with tonight, Mr. Speaker, this remission of sentence, I think it would be a great thing if the minister would consider the question of bail, of bail, of people putting up bail before they are convicted and after they are convicted so that they do not have to be in jail before they are even convicted,

MR ROBERTS: It is Federal, is it not? Bail is Federal? But it needs to be reformed.

MR CROSBIE: Bail is Federal and needs to be reformed. And the hon. Minister of Justice, with his long experience, I am sure his advice to the Government of Canada would be received with the consideration it deserves. And that is

MR. CROSBIE:

something he might turn his mind to in his spare moments, in between trips to Europe and rehabilitation. So, Mr. Speaker, this is as I say I am certainly in favour of the bill and I do not attach any particular blame to our present Government and we all know it is a very fine one in certain minor respects but every Government across the dominion

MR ROBERTS: He must have had some great pull with the governments.

MR CROSBIE: Is guilty of the same omissions with respect to this subject, because it is not a popular area in which to spend money.

Mr. Speaker, the passage of this legislation is not going to be of much validity unless we have sufficient parole case workers and the rest of what is necessary to guide prisoners whose sentences are remitted. If that is not done also we are only wasting our time passing this legislation.

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

MR CURTIS: I was most interested, Mr. Speaker, to see the way the lawyers here are all jumping up to show how much they know about this bill and how much they know about penitentiaries and how interested they are in the inmates.

Now the last speaker suggested that the former speaker, from White Bay somewhere, he said he had his eye on the job, but I wonder if the hon. member for St John's West has also his eye on the job, and perhaps the hon. former minister. In fact it looks very suspicious to me. Now everybody has jumped up

MR. SMALLWOOD: They all want to get in on the act.

MR. CURTIS: They all want to show that they are ready to take over. Well, they Mr. Speaker, did not have to jump in on the act. All they have to do is get elected and they can come over here.

I want to thank the various speakers for the suggestions they have made and I will certainly look up the point raised by the hon. member for Humber East. I must say this question of looking after prisoners is something that has been before the Attornies General for years. I was Attorney General from 1949 to 1966 and we had meeting after meeting. Indeed at one time it was suggested, in all seriousness, that no provincial sentences be more than three months unless they extended a whole year so that the prisoners might have an opportunity to become rehabilitated. The Federal Government

MR. CURTIS:

was willing at that time to consider taking over all prisoners who were there for a certain period of time. They only attached one condition, that is that they had to remain prisoners for a whole year. That was a rather drastic suggestion but it was considered, now I have been out of touch, as the House knows, with this department since 1966 but I do not know whether my hon. predecessor had anything negotiations along that line but it was seriously considered that all prisoners who were there over six months, I think it was, would become federal prisoners and would be looked after by the Federal Government and so given an opportunity of rehabilitation. That matter may come up again and if it does, of course, naturally it will have every consideration.

With respect to what the hon. for Fortune Bay says, of course it must be admitted that when you are dealing with human beings and when you are giving them parole and when you release them under any circumstances you are taking a calculated risk. I must say that the risks the parole board have taken so far have proved very satisfactory and there are exceptions and there will be exceptions as long as human nature is as it is you are going to have exceptions. But just because there is an odd failure does not justify us in not proceeding further and therefore we have to take, you have to take chances on failures.

Now I take issue with what my hon. friend from St John's West said.

MR. SMALLWOOD: Does that apply to the Leadership Convention?

MR. CURTIS: I do not know if that applies to the Leadership Convention or not, Mr. Speaker. It is not considered

was not considered, when I was Attorney-General before.

My hon. friend, the hon. member for St. John's South says that we have no reason to be proud of our penal system here, I beg to differ with you. I have never boasted about our penitentiary. I have never boasted about it. We have not given the penitentiary any great priority. Perhaps we should have or we just have not because the whole question of the penitentiary has been under negotiation of the Federal Government for many, many years and we have always been wondering whether or not they will build a Federal penitentiary here, and we have been sort of marking time, wondering what progress we could make in negotiation with the Federal Government and I still expect, Mr. Speaker, to see the day, when there is a Federal penitentiary here which will look after our local prisoners on condition, there in for a period long enough to justify rehabilitation, but although I do not boast about the building down by the Lakeside, I am happy to boast about the direction, the superintendent, the staff. I am satisfied, Mr. Speaker, that we have very, very capable officials. I do want to point out to my hon. friend - he has forgotten that we have at Salmonier a prison camp which is a model for all Canada and which has been a model for all Canada for many, many years and all penal authorities, all penologists who come here from the Mainland go to the prison camp, and they are very happy with the conditions that they find there. So while we cannot boast about one particular building on the Lakeside, we can boast about its staff. We can boast about the prison camp which has not suffered any during the interval that I was out of office. I am glad to find that my hon. friend has looked after it well. I do not know where his interest lies, but he has looked after it pretty well.

Mr. Speaker, with these few brief remarks, well chosen I hope, I approve the Bill.

On motion a Bill, "An Act To Amend the Prisons Act, 1969", read a second time, ordered referred to a Committee of the Whole House on tomorrow.

Motion, second reading of a Bill, "An Act Further To Amend The Expropriation Act, 1964." (Bill no. 9).

MR. CHALKER: Mr. Speaker, being a layman in this House, I know that we have seven legal authorities here and one can be very weary in exactly what he has to say particularly as this amendment, I believe, was asked for by the Law Society. This Bill, Sir, would amend the principal Act with respect

to the appointment of boards of arbitrators under such Act.

Under the present law, the Minister of Public Works appoints two arbitrators, one of whom is to be chairman and the owner appoints a third arbitrator. This was considered unfair, Sir, and the amendment now to the Bill would provide that the Minister of Public Works appoint one arbitrator. The owner of the land concerned appoints one arbitrator and the two arbitrators so appointed appoint the third arbitrator who is also to be chairman. I move second reading.

MR. CROSBIE: I do not want to speak to any great length, but after hearing such an eloquent introduction to second reading of this Bill, one is just dumbstruck with admiration and one realizes why the electors of St. Barbe North have been fooled so long returning the hon. gentleman to the House. I rise anyway, Mr. Speaker, in support of this Bill, although it may be dangerous for a minister to have anything supported by me. I will take the risk and support the second reading of this Bill, because, Mr. Speaker in the past, the minister appointed both the chairman and one member of the arbitration board while the claimant who had his land expropriated only had the right to appoint one, which gave the appearance in any event of unfairness. I think it is a very good amendment. The minister is to be congratulated on it. I can find nothing to quarrel with in it. This is a pleasant change and in fact I am only getting up to congratulate the hon. minister, not only his contribution to the just society but his eloquence and powerfully reasoned arguments that he delivered here tonight.

MR. WELLS: Mr. Speaker, I have very little to add. The Bill speaks for itself and it goes without saying that it is the proper course to follow, but perhaps the minister, when he winds up the debate would answer a question. I have been trying for sometime, as your Honour knows to obtain accommodation for my hon. friends and myself on either the ninth or tenth floor of this building. Perhaps in desperation, we could now use the provisions of the Expropriation Act to remove the Minister for Labrador Affairs who has no need whatsoever for that space he occupies and now with this new provision, we can be fair to all sides. We get an nominee. The Minister without Portfolio would get an nominee and we would both agree on one and the Minister without Portfolio - if the minister would advise the House whether or not he would

consent to such proceedings in desperation?

MR. HICKMAN: Mr. Speaker, I do not know, if I should join in this love test which is going on between the hon. member for St. John's West and his learned cousin the hon. Minister of Public Works. There is a Latin phrase, anyway in English it says, "nothing so bitter as hatred between those closely akin." I do not think the hon. Minister of Public Works is so closely akin to the hon. member for St. John's West. That the ways of hatred will rise to the same extent as we saw them rising here last night. Be that as it may, Mr. Speaker, this piece of legislation which has been a long, long time coming and the absence of which, in my opinion, has caused undue hardship to many Newfoundlanders whose property has been expropriated over the years. There is one other provision that I believe should be contained in this Bill or in the Expropriation Act and that is provision for the payment of interest to land owners whose property is expropriated and then who must wait for considerable time for the - put it this way, to make it mandatory that an arbitration board in arriving at its conclusion and its decision direct the expropriating authority to pay the land owner interest on his money from the time the land was taken. Because, as Mr. Speaker is aware the minute the expropriation notice is served on the land owner, the title to the property then vests in the crown.

We know of many, many cases where land that has been expropriated has to wait months and sometimes year for adjudication and then a considerably long period of time before payment is made. There is provision for the payment of interest but regrettably this is not mandatory. People sometimes, whose land has been expropriated are so delighted to get the money after a long, long wait that they will take it without awaiting the payment of interest or demanding the payment of interest. This should be mandatory. No one likes giving up his or her property regardless of the justness of the cause of expropriation. I think everyone realizes that, if we are going to proceed with the development of this Province, the time will occur quite frequently when a person's property has to be taken from him and obviously one of the great fundamental principles is that, if your property is taken against your will, you are to be paid the true market value at the time of expropriation.

Mr. Speaker, there is no reason at all why land owners should have to wait for months and years, quite often years before they are paid the amount of an award.

Mr. Speaker, I would like to see the hon. minister in his generosity and in the name of decency and equity give consideration to making it mandatory that an arbitration board, when handing down its decision, also direct that interest be paid from the date the expropriation order was served on the land owner to the date that the money is actually paid over to the land owner. I know of many cases where interest has not been paid and many cases where land owners have had to wait for a long period of time. The principle of the Bill, even though, and I am not suggesting, Mr. Speaker, that every case where Government appointed two arbitrators, as to one for land owner than an injustice was done. Indeed on very few occasions has the land owner been subjected to bias on the part of two arbitrators appointed by the Government.

The simple fact is that our people and with a great deal of justification have never been convinced that they have had a fair deal insofar as an arbitration is concerned, when they see that two of the appointees have been by Government and only one by the land owner. This eliminates that. It assures beyond any doubt that Government will be in no stronger position - that the Minister of Public Works or the expropriating authority, be it on behalf of an institution or government or municipality, will have to come before this arbitration board, not with the dice loaded in favour of the Government but rather with no dice at all other than an equitable decision by a board of impartial arbitrators.

I am very happy, indeed, to support the Bill that has been so ably introduced by the hon. Minister of Public Works.

MR. ROBERTS: Mr. Speaker, this is a good Bill and I think all hon. members support the principle of it so I will not delay the House in that regard. I do feel though, that perhaps your Honour may wish to have your Honour's memory refreshed with regard to the points just made by my hon. friend for the district of Burin who made the point with reference to the payment of interest on awards under the authority of the Expropriation Act.

A Bill which was made law and is now an Act, Sir, at this last session of this House. The date on which your Honour assented to it was March 31, 1969 and it does make the payment of interest mandatory, Sir. In other words, there is no option at all. The Minister of Public Works must pay interest from the time that the award is made and furthermore it says, "the minister shall pay the compensation awarded by a board within six months after the date on which the award was made."

Mr. Speaker, that is something which I think is sound. The House supported it last year. In addition, Mr. Speaker, the law as we amended it last year provides that the board, not the minister, not any of the parties, but the board itself may, if they wish, order that interest be paid as of the time of the vesting order becomes effective or to use the words of my hon. friend, the learned member from Burin, as of the time the property legally becomes the property of the expropriating authority, the Minister of Public Works usually.

Mr. Speaker, I am not sure it is mandatory. I am not sure that it should be by any means. If it should have been, I would ask the hon. member, when he was a minister and helped to draft this Bill, perhaps, we should have considered it then.

MR. HICKMAN: The oath of secrecy.

MR. ROBERTS: Mr. Speaker, I make no reference to the oath of secrecy. I have not said, whether it was considered or whether it was not considered, what I have said that the Bill that came before the House, drafted by officials of the then Minister of Justice, does not make it mandatory. I am not sure that it should be mandatory. We are now asking authority to have made three men, three men from three parties, not three men from two parties - the board may, Mr. Speaker, if they wish order the payment of interest. I would think we should leave some discussion of the board, Sir, because the Act no. 28 of 1969 provides, "that there are some circumstances on which the board should not pay interest, such as: when the person to whom the compensation is awarded has caused undue delay." That can easily happen to. And it says, "after due consideration has been given by the board to any action or inaction on the part of the person to whom the compensation is awarded." That is section

(2). It is the new section (35 a,c). Anyway, Mr. Speaker, I do not want to get into an argument whether or not it should be mandatory. That is not the strict matter of this Bill. The point is, Sir, I want the House to be sure that we all recall that boards of arbitration in this Province may, if they wish, if in their discretion they may order that interest be paid as of the date of the vesting order and in that case, Sir, my eloquent and forceful colleague, the Minister of Public Works and the member for my contiguous district of St. Barbe North, and in that case, Sir, he must pay the interest to the person from whom the land is expropriated.

I think that is an important point, Sir, and one which I know my hon. friend from Burin would want drawn to the attention of the House. Thank you, Sir.

MR. HICKMAN: Would the hon. minister permit a question on this, on my point of making this mandatory. If under the new Bill, and within thirty days when the machinery is set in motion to appoint the impartial board, then how can a landowner be guilty of causing undue delay, and consequently having lost his rights, should he not be paid his interest from the day that the land is taken from him whether he likes it or not?

MR. ROBERTS: Mr. Speaker, I as a lawyer have been trained never to answer a hypothetical question so I will not try. I just refer to the Act, the draftsman of the Act, and the Minister of Justice who brought it to Cabinet, I presume Sir, had good reason for making it discretionary twelve months ago. I think that is a power we should leave with the board Mr. Speaker, let the board decide they have full power if they so wish to order, without any reference to the minister order the minister to pay the interest as of the date of the vestive order.

Unless there is something that I am not aware of, that the hon. gentleman could tell us Mr. Speaker, I do not see how the question could be relevant.

MR. HICKMAN: The question is relevant Mr. Speaker

HON. J. R. CHALKER (Minister of Public Works): Mr. Speaker, I enjoyed very much the debate between the two hon. and learned gentlemen. They answered a lot of questions for me, and as you know Mr. Speaker, the, most of our arbitration boards, I say all of our arbitration boards are made up with at least one or two lawyers. They should be.

Referring to my hon. friend from St. John's West, I wish to ask, to thank him for his blooded remarks, (take that the way you wish to take it) and to my friend from Humber East. I will take that as notice of expropriation of Confederation Building.

MR. WELLS: Just the one of

MR. CHALKER: Just one of. The hon. member from Burin who is quite familiar with this Bill I believe as most lawyers are, I would like to state that in the twelve years that I have been Minister of Public Works, I know of no case where any person has not been dealt fairly with. I do know of cases where we had to take months and months to clue up cases trying to find the actual people who owned the land. I believe there are several on the go at the present time, but I have yet to hear of any complaints

from anybody, except this complaint of the unfairness in connection with the Department of Public Works having the right to select two arbitrators instead of, as this recommendation now contains, that we will have the right only to select one. I think that is fair, and I recommend second reading Mr. Speaker.

On motion Bill read a second time, ordered referred to a Committee of the Whole House on tomorrow:

MOTION; second reading of a Bill, "An Act Further To Amend The Social Assistance Act, 1962." (No.26).

HON. S.J.NEARY (Minister of Welfare). Mr. Speaker, since I was appointed Minister of Public Welfare, I would say that I have received an average of between twenty-five and thirty letters a day from clients of this department. Hon. members will appreciate the fact that these come from a broad cross-section of the unfortunate among our population including, both those receiving short-term and long-term assistance, unmarried mothers, and those whose handicaps make them our clients. My own practice in these matters Mr. Speaker, and probably many members of my staff were a bit shocked to find out, was to take very little for granted, and to launch a real indepth probe, especially where red-taped or precedent seemed to conflict with common sense.

Mr. Speaker, the appeal procedure established in this Province back in 1966 leaves much to be desired from the standpoint of both the department and the department's client. Our social Assistance Review Committee comprising of an Assistant Deputy Minister of Public Welfare, and the Director of Institutions, with the Director of Social Assistance as secretary, can hardly be considered judicially objective since appeals directed to it are appeals against his own decision and interpretation of regulations.

The only other present recourse Mr. Speaker, is for the welfare recipient: to make a direct appeal to the Minister, and even though this is really only open to those who are either sufficiently literate, to be able to put their own grievance into words, or have this done by some more or less capable third party. I still have a niagara of probably 100 to 150 letters a week Mr. Speaker, inundating in my "in" basket.

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Now you and I Mr. Speaker, and members of this House may well surmise that for every letter I receive there may be a dozen not sent through

ignorance of procedure, or through inability to put into words a grievance or complaint that maybe perfectly justifiable. Out of this recognition, and this need for an improved appeals procedure for recipients of social assistance, comes this present Act, to further amend the Social Assistance Act, 1962. It provides for a first level of appeal hearing by an Administrative Review Committee within the department, whose function will be to explain and clarify regulations for a grieving, to use the term that may be familiar to hon. colleague the Minister of Labour, as well as to other members who may have labour backgrounds.

Should this explanation, and clarification Mr. Speaker, not be satisfactory to the welfare recipient, then he may carry his grievance to a new tribunal named in the Amendment, the Social Assistance Appeals Board whose functions it will be to hear appeals from the findings, and decisions of the administrative committee. The Social Assistance Appeals Board will comprise three members, each appointed by the Lieutenant Governor in Council on nomination by the Minister of the Department for a renewal period of one year. All members of the Social Assistance Board will be selected from outside the department, and it is my present intention Mr. Speaker, to select as Chairman of the Board an individual with expertise in administrative procedures, arbitration, conciliation, fact finding and so on.

As another member of the board Mr. Speaker, I am seriously considering a recipient of social assistance, and the third member would be a prominent citizen of the business community.

Mr. Speaker, I am certain that there is not one member among us who has not at some time or other been exposed to discontent with present appeals procedure amongst social assistance recipients in his electoral district. I am equally certain Sir, that each of us is eager to see setup some impartial tribunal so that both we and our less fortunate citizens may feel that they are being given a fair shake, when the individual finds himself confronted by an apparently irresistible jargon of departmental red tape.

Mr. Speaker, I am certain that time will probably reveal some minor difficulties in the actual working of the grievance procedure to be setup in this Amendment, but I am equally convinced that everyone of us here will feel in his heart, as well as in his mind, that the proposed procedure is so superior to what we have now, that I have no hesitation at all in asking

for unanimous approval of members of both sides of this House for this Act further to amend the Social Assistance Act 1962. I would like to move second reading Mr. Speaker.

MR. EARLE: Mr. Speaker, just a few comments on this. I gather from the hon. minister's remarks that this is meant to simplify procedures, and I think he used the term that, he was going all out to cut red tape and so on. I think he has expressed it very well, because, one of the greatest problems that all members have in dealing with cases of social assistance that are brought to their attention, is the explaining of regulations and governing facts which recipients of social assistance do not readily understand.

I hope the hon. minister himself will be able to explain some of the details in this Act because, far from clarifying it, to me quite frankly it is "double dutch." I can imagine for instance in section 6, here on page 5, if a member tried to interpret this to a recipient of social assistance I would know.....

MR. EARLE: I know personally I will have to make an appeal to the department to explain what the section means. So I do not know how that could be very well cast on to a person who wish to make an appeal. Surely out of these complicated regulations there will have to be some simple statements cast which could be conveyed to recipients in language which they would understand. The Act in itself is probably excellent and will serve its purpose very well indeed. But the only qualification which I would make pursuant to this Act, that the Department of Welfare will draft something that can be used by members of the House, who are dealing with recipients of social assistance, in their correspondence to explain some of these sections, and just what they mean, and how they operate.

MR. THOMAS HICKEY: Mr. Speaker, I certainly can support this Bill, on numerous occasions I have indicated my feelings with regard to decisions made by various people in the Department, rightly or wrongly, recipients feel they have a just case, or feel that they have been unjustly treated, and certainly any measure to improve or to provide for clarification of the decision to a recipient is certainly worthwhile.

There are a couple of questions I have and the hon. the minister might possible answer them when he closes the debate. I am not sure if it was last year Sir, I believe it was last session, this House approved the appointment of a Director of Enquiries, and I took it to be at that time, that the duties of this person, a person whom I might add, I know quite well and he is a very capable person. The duties being to answer such requests and to investigate such cases, as this Bill we are now debating, would deal with. I am sure the hon. minister has a good answer for this, I am sure he has already probably taken into account, as it would appear at the moment, if this person is to continue performing the same duties that she is at the moment, then there would be some repetition, there would be some overlapping of duties and responsibility.

MR. NEARY:..... decisions of the department, who would still deal with the inquiries.

MR. HICKEY: I see.

MR. NEARY: And she will also be Secretary of the Social Assistance Appeal Board.

MR. HICKEY: She will be incorporated into this board.

MR. NEARY: In part.

MR. HICKEY: In part. The point I want to make, Mr. Speaker, and possibly I did not make it very clear, the point I want to make is this, that up to now, or when someone finds fault with a decision, there recourse is to this person, the Director of Inquiries usually, and certain I believe all members of the House think as I do, whereas before I would possibly write or phone the local office or someone at the headquarters, but since the appointment of the Director of Inquiries, I have been in the habit of directing all my requests to her, as she is very competent.

MR. NEARY: That will still continue.

MR. HICKEY: And so I was just wondering whether or not this would delete her present position?

MR. NEARY: No, no.

MR. HICKEY: And the minister tells us now that, she will be incorporated into the board, of course this

MR. NEARY: Only partly, she will be secretary.

MR. HICKEY: This is a very good measure to my mind, and I have much pleasure in supporting it.

MR. T. ALEX HICKMAN: Mr. Speaker, I would like to join in the sentiments expressed by the hon. member for St. John's East Extern that the officials in the department of Public Welfare, a group very, very dedicated public servants. They receive not only numerous enquiries from citizens of this Province but many many enquiries from hon. members of this House, and Mrs Crawford and the other officials in that department are most understanding, will spend many, many hours reviewing and examining the requests of those people who apply for Social Assistance Mr. Speaker, are not doing it because they would like to put one over on Government. They are people who are in genuine need and people who believe that there is no other course left open to them and sometimes they have great difficulty in understanding the regulations, the cost-sharing programmes that exist between the provinces and the Government of Canada.

There is a great principle exposed here tonight Mr. Speaker, in this Bill and the one that we just debated. The principle of an absolute right of appeal. The right to appeal the decision of any administrative person, I see my hon. friend the Minister of Rehabilitation nodding his head in agreement, and I know that he agrees that that principle should not stop simply at the Department of Public Welfare.

I know that he agrees for instance that administrative bodies should also be subject to the right, subject to an appeal by any person who feels that he or she has been aggrieved by an administrative decision. We have had two tonight, Expropriation Act, and this Act before us. If this is now an indication of a new approach, and I suspect that the great promoter of participatory democracy, the hon. the Minister of Rehabilitation, the one who is sparke plugging us, then obviously we can look forward with great anticipation to placing the Newfoundland Liquor Commission in precisely the same position. And to find that any citizen of this Province who applies to the Newfoundland Liquor Commission, as to meet the requirements of the law, and nothing else, simply the requirements of the law, and if he or she feels that they have been aggrieved then the new doctrine, the new policies expoused in this Bill and the one that the hon. the Minister of Rehabilitation is sparke plugging to night, and undoubtedly has done it amongst the councils of the mighty, that we can look forward in this session of the legislature, or should I say, the councils of the once mighty, that we can look forward to the time during this session, when there will be an absolute right of appeal from a decision of the administrative body, known as the "Newfoundland Liquor Commission." Because, Mr. Speaker, there is no question about it, that any person who is given administrative powers over the people of this Province or any province, be it an individual, or be it a board, that they have some very solemn obligations, as well as some very frieghtening powers. And if these powers are to be used, they must be used unbiasedly, without fear or affection, and without any such things as a dreadful thing called political patronage. And we must if we are going to maintain the confidence of the people in our administrative process, we must have the right of appeal, the same right of appeal that is contained in this Bill that is before the House.

Mr. Speaker, one thing I would like to draw to the attention of the hon. Minister of Rehabilitation, and that is this, that it is obvious that any appeal that is going to be taken will be taken by some person who feels that he or she is in need of social assistance. And obviously that person will not be in a very strong financial position. Now this Bill as it presently stands unquestionably suits St. John's to a "T". But I am concerned as well with people who reside at Corner Brook maybe. The two cities. But, I am concerned as well with people who reside in other parts of this Province. What happens if a man in the bottom of Fortune Bay believes that he has been aggrieved, that the regulations have been misinterpreted against him?

MR. NEARY: He writes his member.

MR. HICKMAN: He writes his member, but he wants to appeal, he wants the right to be heard. There is no point in giving a man the right of appeal, unless he has an absolute right to be heard before before this tribunal.

Now one of two things, Mr. Speaker, I suggest to the hon. minister should happen, either the appeal board should be placed in a position where the minister, no not the minister, that whereupon request that an appeal board must go to the place of residence of the appellant, particularly if the appellant is looking for the type of assistance that goes to a person who is disabled, or alternatively, if the appellant feels that he or she has a good cause of action, then the cost of coming to St. John's or to Corner Brook, to hear that appeal must be borne by the Department of Public Welfare regardless of the outcome of the appeal. If that is not written into this legislation, Mr. Speaker, and it does not go to the principle, I am sure the hon. minister will agree, this is not what I am suggesting, is not a change in the principle of the Bill. But what I would like to see, before this is committed to committee, or during the committee stage, that it be made abundantly clear, legislatively clear, that no person in Newfoundland will be discriminated against, because he or she is not living in the cities of Corner Brook or St. John's. And this is what I would very much like/see in this legislation, and taken away from the discretion of the administrators, ^{to} really take it out with all due deference to the minister and make it one of absolute right, then we will have a most meaningful piece of legislation.

I thank the minister for his bringing to the attention of this House the absolute need of implementing a philosophy of appeals from administrative bodies, and I would like for him to, and I am sure I echo the opinion of every hon. member to convey to his staff, our thanks for the co-operation that we have received as members of this House during the passed two or three years. They are an excellent body of men and women, they are dedicated men and women, and we I think, whilst occasion we are unhappy, but certainly no one can accuse them of failure to show interest.

The hon. minister has only brought in his copybook once since he has taken over the portfolio. And that was when in the interest of paying Lundrigan's rent, he moved that office from Burin to Marystown, and the people of the south coast will never forgive you, Mr. Minister, unless and until you decide to rectify that dreadful act that was done in the dead of night, a few weeks ago, in the Town of Burin. I

MR. HICKMAN: ^{checked} ~~blotted~~ again despite the assurances that this hon. House received yesterday, the fact of the matter is that residences of the town of Burin are on occasion, obliged to travel and do their business in a shopping center. And you cannot find any sociologist, you cannot find any

MR. SPEAKER: Order please.

MR. HICKMAN: Well Mr. Speaker, I would certainly think that the remarks I have been making and I submit and with which the hon. Minister agrees— on the right of appeal, the right of compensation for travel. That if you are going to compel a welfare recipient in the town of Burin to travel eleven miles to a shopping center in Marystown, then again that welfare recipient should not be called upon to bear the brunt of the expenditure of travelling that distance. And this is the only way that he has blotted his copy book; but he can so easily erase it.

I congratulate and I commend his hon. predecessor for resisting the temptation and resisting it hard and saying; "this shall not happen! this shall not happen! this shall not pass! I would like to see the hon. minister do the same thing and undo this. It could be undone simply by finding another tenant.

MR. CROSSIE: Mr. Speaker, I rise to congratulate the hon. minister on his first useful act of this Session of the House is introducing this Bill. It is a step forward Mr. Speaker, and the hon. minister is to be congratulated, and I think as the previous speaker has just said, this is a measure that should be applied in many other pieces of legislation of the Government of Newfoundland. Now there is one defect in this Bill, which the minister is probably aware of, and perhaps there is no way to get around it. But under Clause (3) Sub-section 7 of the Bill, there can be no appeal if the minister by order directs that there shall be no appeal. Because the subject matter of the appeal is trivial, or the minister feels the appeal is frivolous or vexatious or not in good faith. Or the person appealing has not sufficient personal interest in the subject matter of the appeal.

Now perhaps Mr. Speaker, there is no around that, because there could be a lot of nuisance appeals that have nothing in them, but still the right of appeal under this Bill Mr. Speaker, should be noted, is not absolute. Because a minister can by order direct that there shall be no appeal, and

that gives the minister alone the power to decide that matter. That is a weakness in the legislation. Perhaps some other official, not the minister at all, and nobody in that department, perhaps the ombudsman, if we ever get to the ombuddie. If the ombuddie is ever appointed. Perhaps the ombudsman or some public official like that might be the person who should more properly decide whether the appeal would be frivolous, trivial or vexatious.

Now Mr. Speaker, the previous speaker, the hon. member for Burin referred to other legislation, where a right of appeal should be given. And he mentioned the Alcoholics Act as one of the prime examples. That piece of legislation unamended is an instrument of tyranny that can be used by any government, and has been used by this government as an instrument of control, for the liquor control here in Newfoundland.

And while this particular Bill before us now, I think it is right that it should be a right of appeal. The Government should give some serious consideration to a right of appeal to the people whose livelihood can be taken away from them if they make a political move, that this government or anyone in the Government does not like.

I know from personal experience many instances of that kind of threat and of action taken of that nature, so that people who have liquor licenses or beer licenses, or tavern licenses, have been deterred and frightened from doing what they wanted to do. And I do not think Mr. Speaker, in any democratic system worthy of its name, that we should have legislation like that that gives an all-powerful government the right to suspend licenses, take them away, refuse to give them, at their own whim, unchallengeable.

There was a debate on another matter earlier tonight where a minister is given the power to decide that somebody will not be licensed in the public interest. In the public interest, the phrase not defined at all. Nothing to circumscribe it. There is too much power Mr. Speaker in our legislation given to ministers and to the Lieutenant-Governor-in-Council, without any guidance at all for a court to apply as to how it should be exercised. What is the point of appealing if the minister states that you will not get a license because it is not in the public interest. You appeal it to the Supreme Court and the minister says "I feel it is not in the public interest," and the judge has to say "well under administrated law the minister

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says it is not the public interest, and I cannot allow the appeal." This is a tyranny, and the hon. minister in that particular case treated it very lightly, but he is going to have to treat it more seriously when we get to the Committee stage.

MR. SPEAKER: Order please.

MR. CROSBIE: So Mr. Speaker, this is a tentative timid step forward by this Government to provide appeal boards, where there is a discretion. And we have all come across dozens of people on social assistance who think they are not being treated properly. And it is an awful problem. And you look into it yourself as a member of the House. You contact people in the Department of Welfare, and they persuade you of the position and the regulations are being applied correctly. But still the person who is after you as a member does not accept or think that you have really done a job for him. So it would be a great relief to us, if we got some efficient system that we can refer a man to this Department of Welfare, and if there is an Appeal Board, and not only that but your expenses will be met if you have no money at all. I notice, Mr. Speaker, that the Act provides for regulations to be made so that the travelling and other expenses of the person appealing, can be met by the government, which is certainly, and it meets the point made by the hon. member for Burin. Unless that is done of course, many of them would not be able to appeal. So I congratulate the minister Mr. Speaker. He is certainly a very active one, at least he appears to be a very active minister from his press releases. There has hardly been a weekend went by in which we did not get a very sincere well thought-out philosophic message from the hon. the Minister of Social Services and Rehabilitation. One would wonder whether he was in Newfoundland or had he perhaps gone somewhere else for the weekend outside the country. Because there is always a well thought-out message by that hon. gentleman, and in fact he covers all subjects. He covers the Scriptures. He has gone back 2,000 years just recently, or was it 1970 he went back to that. It just shows Mr. Speaker, that the hon. the Minister of Welfare has got a restless mind, a wandering mind, and quite often of course, his mind is wandering so far, he is unable to find it. But in this piece of legislation he has done himself proud, and I for one, believe it is a good step forward. And as the hon. member for Burin said, we know

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MR. SPEAKER: Order please.

MR. CROSSIE: So Mr. Speaker, this is a tentative timid step forward by this Government to provide appeal boards, where there is a discretion. And we have all come across dozens of people on social assistance who think they are not being treated properly. And it is an awful problem. And you look into it yourself as a member of the House. You contact people in the Department of Welfare, and they persuade you of the position and the regulations are being applied correctly. But still the person who is after you as a member does not accept or think that you have really done a job for him. So it would be a great relief to us, if we got some efficient system that we can refer a man to this Department of Welfare, and if there is an Appeal Board, and not only that but your expenses will be met if you have no money at all. I notice, Mr. Speaker, that the Act provides for regulations to be made so that the travelling and other expenses of the person appealing, can be met by the government, which is certainly, and it meets the point made by the hon. member for Burin. Unless that is done of course, many of them would not be able to appeal. So I congratulate the minister Mr. Speaker. He is certainly a very active one, at least he appears to be a very active minister from his press releases. There has hardly been a weekend went by in which we did not get a very sincere well thought-out philosophic message from the hon. the Minister of Social Services and Rehabilitation. One would wonder whether he was in Newfoundland or had he perhaps gone somewhere else for the weekend outside the country. Because there is always a well thought-out message by that hon. gentleman, and in fact he covers all subjects. He covers the Scriptures. He has gone back 2,000 years just recently, or was it 1970 he went back to that. It just shows Mr. Speaker, that the hon. the Minister of Welfare has got a restless mind, a wandering mind, and quite often of course, his mind is wandering so far, he is unable to find it. But in this piece of legislation he has done himself proud, and I for one, believe it is a good step forward. And as the hon. member for Putfa said, we know

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it was such a crusader as an hon. minister of the Cabinet, that we will soon be having appeals where the Government has no power at all, and we hope that that is so.

MR. WELLS: I have only one question Mr. Speaker, enough has been said about the legislation. It is obviously quite good. There were a couple of matters that have already been raised. One thing in particular I do not like is the cap on the appeal, where the minister can say "no I do not think you should appeal, and that is it." The old phrase, "justice must not only be done, it must also appear to be done." Now if anybody else, say a magistrate, or an ombudsman if one is finally appointed has a right to say, "this appeal is frivolous, it is only putting the government to expense to no end." fine.

But the minister against whom the appeal is being taken, this is what is wrong with it. It is more the appearance. I do not for a minute suggest that the minister is going to say to some person he dislikes, or some person who is known to be a Labrador Rights supporter or anything like that. For his own reasons secretly say to himself, he is not going to allow that appeal to be heard. I do not for a moment suggest it, but the minister is always open to the charge that he refused it, by that person, for some such reason as that. So that justice must not only be done, it must seem to be done, it must appear to be done.

So for the minister's own protection I would recommend that somebody other than the minister be the one to make this decision. Although perhaps the minister is the best informed on it, so that some other party, a magistrate, maybe or somebody like this might be better suited to it for that reason.

There is one more thing that I might suggest, that an individual should he wish, make his own representation in writing. There is no provision for it, and unless I have missed it. He can in writing designate somebody to represent him. But what I am saying, he should be able to make his own representation if he so wishes in writing, that it does not appear in the Act, unless I have missed it somewhere, I looked for it. I did not see it. And what I am concerned about is that if it is not there, it may well be interpreted to be excluded. Well we can make sure of that, but as a matter of principle, we should be able to do that.

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MR. NEARY: Mr. Speaker, I am completely flabbergasted with all the congratulatory remarks from the other side of the House. I am almost embarrassed. I do not know what to say except to say that I appreciate the points that have been raised by my hon. friends on the opposite side of the House. I want to thank them for supporting this Bill, which I consider to be a very great reform, as I indicated in my opening remarks that there will be some minor difficulties, you know, in the actual working of this grievance procedure. I am sure as time goes on, Mr. Speaker, that we will remove the bugs and probably this time next year, if I am still minister of this department and sitting in this hon. House that I will be able to report to all hon. members that the new social assistance appeal board is working very smoothly.

On motion a Bill, "An Act Further To Amend The Social Assistance Act, 1962", read a second time, ordered referred to a Committee of the Whole House on tomorrow.

Motion, second reading of a Bill, "An Act Respecting The Payment Of Bounties On The Construction Of Fishing Ships." (Bill no. 16)

MR. MALONEY: Mr. Speaker, this Bill replaces as the explanatory notes indicate, replaces the Fishing Ships Bounties Act, 1955. That Act was brought in in 1955 and there has not been an amendment to it to date. I should like to point out, however, to the hon. members of the House that there is no change in the principle of the 1955 Bill and for the information of hon. members of the House that principle is; "to pay to fishermen, partnerships of fishermen, companies, co-operative societies or anybody, whether or not it is incorporated, actively engaged in the catching of fish, a bounty on vessels built in accordance with laid down specifications of this Act. So there is no change in the principle of the Act. There have been over the past fifteen years, as hon. members know, considerable improvement in the design of the long liners. These have been for the most part, changes in deck design and in various kinds of operating equipment brought about at perhaps the instigation of the Department of Fisheries, the recommendation of the College of Fisheries, the recommendation of such bodies as the Industrial

development service of the Department of Fisheries and so forth.

These improvements have meant additions in equipment, both electronic and mechanized and I have long thought it desirable to update the Act so that we could bring in these improvements in vessel design that have taken place over the last fifteen years. There is one other small change in the new Act and that is: the definition of a fisherman has been changed. Under the old Act, in order for a fisherman to qualify for bounty, he had to have behind him two full years as an active fisherman and this was very clearly discriminatory, because a company or a partnership engaged in the fishery did not have to meet this requirement and, therefore, there is no mention of this in the new Bill.

There is no change, however, regarding the qualifications necessary for an operator of a fishing craft. In the old Act, no mention of electronic equipment was made and this was because in those days only the larger deep sea vessels used electronic equipment but all the long liners, all the approved designs which are built under this Act are fitted with equipment and this equipment is not only for navigation purposes but also to enable the vessels to become more efficient as catchers of fish. We have included an electronic and equipment definition requirement in this Act.

In the old Act, there was no mention of mechanized fishing equipment because in those days, 1955, pretty well the only type of operation carried on on a long liner was trawling, the ordinary trawl and this could be used out of a dory, out of a motor boat, out of a long liner, out of a banking vessel. Well that has changed considerably in the last fifteen years and these vessels are now fitted with winches for Danish seining, winches for dragging, power blocks for herring and various other pieces of equipment. These are now included by definition in the new Bill, and as I say the reason for including this in the new Bill is to make these fishing units more efficient, more up-to-date and more in keeping with the times.

There is another requirement in the new Bill and that is that we did not up until the present time require an owner of a fishing vessel to keep a log of its operations. We feel now that this is very relevant today.

We need more information and the way to get it, of course, is get it from the fishermen who have the actual - if we are on the spot - and have the actual experience of heavy catches and low catches and the like and it is now part of the requirement for approval of an application under this Act, that a fisherman keep a record of his operations during the five year period under which the full bounty is earned.

These are the main changes, perhaps, the only changes in the Act and they have been - the Act has been brought in to update the Act to make it more meaningful in terms today's fishery and I have much pleasure in moving second reading.

MR. HICKMAN: Mr. Speaker, I would like to propose really a question to the hon. minister and this is a problem he and I faced on several occasions. Some of our inshore fishermen are being encouraged to go back into the salt cod fishery and prosecute the inshore fishery, and they are taking a great deal of encouragement from the proposed new salt cod fish marketing board which I know will be under expert guidance. I need hardly say that if our - I am not thinking of Dr. Weeks. I am thinking of a man who has had great experience in the fishery administration of this Province and I do not have to look very far to see him. Be that as it may and I do not want to discuss the prerogatives of another House but I hope they show good sense and I know that the hon. Minister of Fisheries is a man who is very, very versed in the Fisheries of this Province and has a great deal of experience.

One of the problems that arises from time to time is that fishermen, who after an absence of two or three years sometimes, decide to go back into the fishery and they find that their boats are in need of substantial repairs and they have been precluded from assistance from the Department of Fisheries. I think that the preclusion has been based primarily upon the size of the boat involved. It seems to me that if we are going to take advantage of the new Federal program in fisheries and if our fishermen are going to take advantage of it, then the restrictions should not preclude fishermen who can genuinely satisfy the Minister of Fisheries that major repairs are necessary on their boats or new equipment is necessary, new electronic equipment such as: fish loops and echo sounders and that sort of thing in order to ensure that they can successfully prosecute the fishery.

The Act provides that the Lieutenant Governor-in-Council shall prescribe the minimum and maximum gross tonnages on which the bounty may be paid. I think this House would appreciate an indication from the minister or at least his views to what that minimum tonnage should be? I would urge upon the minister to consider encompassing in this Bill the right for bounties to be paid for major repairs to fishing vessels and fishing boats in this Province. We have a lot of good boats that are in need of major repairs. They may be in areas where it may be difficult at times to have a new boat constructed and this is what they want. They can successfully prosecute the fishery out of these boats. So far as I understand it, they have been precluded and Mr. Minister, whilst I support the Bill, the principle is sound, I would hope that you would agree that encompass in the Bill and this again does not change the principle of the Bill at all, but simply extends the principle of the Bill that there will be as well provision for the payment of bounties on major repairs to fishing boats in the Province.

MR. CROSBIE: Mr. Speaker, as this may be the last Bill that the hon. minister is going to bring before this House, it would be unseemly not to have a few words to say on it. I will just speak for sixty seconds, Mr. Speaker, and then I will adjourn the debate, so that we can really bear in on this Bill tomorrow. Perhaps we will meet some other night or morning or Saturday. We never know what hours we are going to meet in this House, Mr. Speaker. The hon. gentleman knows where he is now and he knows whereof he speaks and Mr. Speaker, I am about to speak on the second reading of this Bill. This Bill, Mr. Speaker, brings up the same problem and that is the problem of discretion, because under this Bill - you can only get a bounty if the minister issues a permit and the minister has to be satisfied that the information supplied to him under section (5) and that the applicant has applied in good faith. I say, Mr. Speaker, that I know of cases where this kind of discretion is not used judicially, and I do not mean by the present hon. minister, but where legislation which gives the Government the power to grant or not grant bounties and the like are used for purposes of

political control and I am absolutely sure whereof I speak, because I came across it last fall. I can cite a chapter and verse. Mr. Speaker, the same week, it is in this Bill here that if an applicant applies for a bounty, a fisherman applies for a bounty, he can be turned down no matter how deserving he is of the bounty, if the minister or the Government wants to turn him down and there is no provision for appeal whatsoever in that situation and I would like the minister, the hon. minister to tell us, when he speaks, how he makes a decision. Supposing the Government, Mr. Speaker, voted only sufficient money to handle twenty applications for the year and the hon. the minister has gotten forty applications from people who are deserving of getting the bounty and they meet the conditions. How does he decide between the forty, which twenty are going to receive the bounty? Do their applications go into a hat and be drawn out by chance or what? This is something that I want...

MR. SPEAKER: Unless the House is satisfied to carry on to the conclusion of the second reading of this Bill, I will now call it 11:00 p.m. and I will adjourn the House until tomorrow afternoon at 3:00 p.m.

MR. CROSBIE: I adjourn the debate on this Bill, if that is the right procedure.

MR. SPEAKER: It is moved and seconded that this debate be adjourned.

It now being 11:00 p.m. this House stands adjourned until tomorrow, Wednesday at 3:00 p.m.