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THURSDAY, JUNE 12, 1975

SPEAKER: THE HONOURABLE M. JAMES RUSSELL

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

STATEMENTS BY MINISTERS:

MR. SPEAKER: The honourable Minister of Education.

HON. G. OTTENHEIMER; MINISTER OF EDUCATION: Mr. Speaker, I am pleased to announce the appointment of Mr. Douglas Fowlow to the position of Regional Director of Furthering Continuing Education for the Stephenville - Port au Port area and his appointment becomes effective August 1st. of this year. Mr. Fowlow's chief responsibility will be the development of community college programmes in the area.

Mr. Fowlow is a graduate of Memorial University with a Bachelor Degree in Arts and Education. He has also received the degree of Master of Education in Educational Administration from the University of Toronto.

Mr. Fowlow has had experience as a teacher in both high school systems of the Province and in the Stephenville Adult Education Centre. He served as Vice Principal of the Stephenville Adult Education Centre from 1969 to 1973. For the past two years he has served as Co-ordinator of Courses and Conferences with the Extension Division of Memorial University.

As Regional Director, Mr. Fowlow will be responsible for the development of community college programmes for the Stephenville - Port au Port area. He will co-ordinate all community services presently being offered by the Department of Education and co-operate with the College of Fisheries, College of Trades and Technology and Memorial University in developing programmes to meet the needs of the people in the area.

In announcing his appointment I would like to add Mr. Fowlow's background and experience qualifies him very well for this position and I am confident that his work in this area will enable the department to improve its educational services to the residents of the area. I have a copy here for the Opposition and the members of the Press.

MR. SPEAKER: The honourable Member for St. Barbe North.

MR. ROWE: Mr. Speaker, I must apologize, I was out in the office with a constituent and I did not get all of the ministerial statement but I would like on behalf of my colleagues to congratulate Mr. Fowlow on his appointment as Regional Director of Furthering Continuing Education, I believe in the Stephenville area. It is a position that is very badly needed throughout the Province and, Sir, I hope that this kind of an appointment will be widespread throughout the Province of Newfoundland and Labrador and not just confined to one area of the Province because it is very badly needed indeed, Sir, And on behalf of my colleagues, Sir, I simply like to wish Mr. Fowlow all the success in his new duties.

MR. NEARY: He is probably going to need it.

MR. ROWE: He is probably going to need it.

MR. SPEAKER: Are there any other ministerial statements?

Reports of Standing or Special Committees:

MR. SPEAKER: The honourable Minister of Education.

MR. OTTENHEIMER: Mr. Speaker, I would like to table a copy, actually I put a copy on the Opposition's desk just before the House opened, of the report submitted to me by Dr. Leslie Harris with respect to educational services in the Province.

MR. SPEAKER: The honourable Member for St. Barbe North.

MR. ROWE: Mr. Speaker, of course we welcome this report which we, Sir, have been asking -

MR. SPEAKER: Order, please! Order, please! I am sorry, it may be partly the Chair's fault, but while a member is entitled to speak to a ministerial statement, this is the tabling of a report and a member is not entitled to speak to the tabling of that report.

MR. ROWE: By leave, Sir, by leave.

AN HON. MEMBER: No. No.

MR. SPEAKER: Does the honourable member have leave? There is not leave, so I cannot grant the honourable member permission to speak.

MR. SPEAKER: Order, please! Are there any other Reports of Standing and Special Committees?

The honourable Minister of Health.

HON. R. WELLS (MINISTER OF HEALTH): Mr. Speaker, I would ask leave to table the Report of the Department of Health on Births, Deaths and Marriages in the Province for the year 1973.

MR. SPEAKER: Are there any other Reports of Standing or Special Committees?

NOTICE OF MOTION:

MR. SPEAKER: The honourable Minister of Justice.

HON. T. A. HICKMAN (MINISTER OF JUSTICE): Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce the following bills: a bill, "An Act Further To Amend The Stamp Act;" a bill, "An Act To Amend The Public Libraries Act, 1975;" and on behalf of the honourable the Minister Transportation and Communications, a bill, "An Act Further To Amend The Highway Traffic Act."

MR. SPEAKER: The honourable Minister of Education.

MR. OTTENHEIMER: Mr. Speaker, I give notice that I shall on tomorrow ask leave to introduce the following bill, "An Act Further To Amend The Memorial University (Pensions) Act."

MR. SPEAKER: The honourable Minister of Provincial Affairs and the Environment.

HON. G. DAWE (MINISTER OF PROVINCIAL AFFAIRS AND THE ENVIRONMENT): I give notice that I will on tomorrow ask leave to introduce a bill, "An Act Further To Amend The Automobile Insurance Act."

ORAL QUESTIONS:

MR. SPEAKER: The honourable Member for Bell Island.

MR. NEARY: Mr. Speaker, I would like to put a question, Sir, to the Acting, Acting Premier, the government House Leader, the Minister of Justice -

MR. ROBERTS: You know who is Acting House Leader.

MR. NEARY: They seem to be all acting over there, not only the Acting House Leader. They are all acting over there today, Sir.

MR. SPEAKER: Order, please!

MR. NEARY: Would the minister tell the House what plans his government have to deal with the 37,000 of our fellow Newfoundlanders who are unemployed at the present time?

MR. EVANS: They are all on Bell Island.

MR. ROBERTS: No answer?

MR. NEARY: No answer?

Well, Mr. Speaker, in view of the fact that there is no answer, Sir, I wish to debate this matter at the Late Show at 5:30 p.m.

MR. SPEAKER: Order, please!

The Chair would certainly have to take that question under consideration - to debate a non-answer to a question. I think the rules says that an answer to a question which the member is not satisfied with can be debated, but there was no answer to the question.

MR. NEARY: The minister said, "No answer." Mr. Speaker -

MR. ROBERTS: To a point of order, Sir.

MR. NEARY: The minister said, "No answer."

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

MR. ROBERTS: To a point of order, Sir.

I submit that while the point has not arisen before, and it is an neat point, I think the decision can only go one way, Sir. I am just looking at the proper - 39 is the rule, is it? No, I am not sure of the number of the rule, Sir. We can look it up. It says, where a member deems the answer to a question unsatisfactory the member may ask that it be noted down for what we usually refer to as the Late Show. Now, Sir, the Minister of Justice refused to answer the question, which is his right under the rules, and I would submit that is an answer within the meaning of the rules. Otherwise, Mr. Speaker, the whole procedure of a Late Show becomes farcical because all that would have to happen is a minister would just, you know, sit mute. And I submit that that would destroy the whole purpose of the rule since obviously the rule has a purpose in being there and that is why the Select Committee put it in and why the House adopted it. The purpose must be that where a member finds an answer unsatisfactory, then he may debate it. And the mere fact that the minister chose to make no answer beyond silence is not in itself the failure to answer within the meaning of the rule.

I think, Sir, that the matter should be allowed on the Late Show and that it should be debated this afternoon.

MR. SPEAKER: It is an interesting point. And as the Hon. Leader of the Opposition said, to my knowledge it is the first time that it has arisen on this particular occasion. I shall certainly take it under advisement and make a decision on it later.

The Hon. Leader of the Opposition.

MR. ROBERTS: Mr. Speaker, I have a question for the Minister of Provincial Affairs. Would he tell us, please, what action the government propose to take with respect to the situation that has been created by the announcement that automobile insurance rates in Newfoundland are to be increased as of July 1 by approximately eleven per cent?

MR. SPEAKER: The Hon. Minister of Provincial Affairs and Environment.

HON. G. DAWE (Minister of Provincial Affairs and Environment): Mr. Speaker, the increase in premium rates, of course, does not only affect only Newfoundland but all of Canada. It varies in various provinces. Looking over the list, I think we are the lowest Province, the lowest increase. We are looking into the matter. We are setting up a meeting with the insurance people for early next week. We hope to get together with these people and sit down and talk it over.

MR. ROBERTS: Mr. Speaker, a supplementary.

Would the minister indicate whether the government are prepared to bring legislation before the House to require that henceforth increases in rates will be governed in the same way and on the same conditions as increases sought by telephone and the power companies and other public utilities, in other words bringing the insurance regulations, the insurance industry for these purposes under either the Public Utilities Board or a comparable board?

MR. SPEAKER: The Hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, I have been somewhat involved in meetings with representatives of other Canadian provinces with respect to proposals for a change in the automobile insurance law. Today notice was given of government's intention to introduce two bills; (1) a bill,

"An Act To Amend The Automobile Insurance Act," and the other a bill, "An Act To Amend The Highway Traffic Act." These two bills it is government's hope, and certainly if it is within the capacity of the legislative draftsmen to complete their work, and they assure me it will be completed over the weekend, to introduce and bring before this House next week two bills, one which will bring the question of the control of automobile insurance rates under a separate insurance board of review. I believe one Canadian province has that board, namely, the province of Alberta. And this is what is contemplated in the amendment to the Automobile Insurance Act. That board would be given the same power. It is quite similar to that of the Board of Commissioners of Public Utilities. We do not feel that a Board of Commissioners of Public Utilities is the proper body to assert jurisdiction over insurance rates, Number one,

MR. HICKMAN: That board is very much overburdened now; and secondly, it is a field in which a great deal of expertise is required insofar as the fixing of rates is concerned, that is the Automobile Insurance Amendment Bill, and the other bill, the Amendment to the Highway Traffic Act is to provide for compulsory automobile insurance in the Province of Newfoundland.

MR. SPEAKER: The honourable Leader of the Opposition.

MR. ROBERTS: Mr. Speaker, I wish to give notice that I find the answer given by the gentleman from Harbour Main, and the answer given by the Minister of Justice subsequently on his behalf, unsatisfactory and I wish to debate the matter on the motion to adjourn at five-thirty. Your Honour has been handed a notice which I hope will be adequate within the terms of Standing Orders to -

MR. BARRY: Prepared before you got the answer?

MR. ROBERTS: No, I was writing it as I got the answer because I have infinite faith in the inability of the Minister of Justice to answer candidly or openly and I have complete faith in his ability to try to confuse, disseminate, dissimulate, camouflage and otherwise hide the real issue.

MR. NEARY: Admiral seek too much free champaign!

MR. SPEAKER: The honourable Member for St. Barbe North.

MR. ROWE: Mr. Speaker, I have a question for the Minister of Education. Could the minister indicate to the House, Sir, what he intends doing with the forty-five recommendations contained in the Harris Report on Education?

MR. SPEAKER: The honourable Minister of Education.

MR. HICKMAN: I find that question unsatisfactory.

MR. OTTENHEIMER: Mr. Speaker, I think the honourable gentleman knows these are recommendations from a particular source, and as he knows as well the Department of Education is in quite frequent dialogue and discussion with a number of bodies, the General Advisory Committee which is quite broadly representative, and others and these recommendations make part of the overall dialogue and matters which come under consideration with respect to decision making.

The honourable gentleman will probably notice that a number of matters recommended there have in fact been implemented, and some before the recommendations came in. You know, no one source of recommendations or advice is obviously regarded by us, or indeed by the person giving it, you know, as infallible and this is part of the overall process of review and recommendation and criticism and advice. So it forms a very important part of the frame of reference which government and senior people in the Department of Education will have for referral.

MR. SPEAKER: The honourable Member for St. Barbe North.

MR. ROWE: Supplementary, Mr. Speaker. Sir, in view of the fact that much of the needed action in Education has been held up over the past two or three years awaiting the recommendations of the Harris Report, can the minister promise the House, or give an undertaking to the House, that his department will not set up, or the minister will not set up another committee to study the implementations of the recommendations that have not been implemented, as is the case in many other reports that have been handed to this government, Sir. Will he give an undertaking, a promise that a committee will not be set up to study the implementation of the recommendations of the Harris Report and that the government will act on these recommendations?

MR. SPEAKER: The honourable Minister of Education.

MR. OTTENHEIMER: Mr. Speaker, in answering that I think it only fair that I just comment briefly on the preamble of the honourable gentleman. With respect, he stated his opinion, which is fair enough, that a number of what he considered necessary measures have been postponed or not put into operation pending the receipt of the report. I will take issue with that. But that is not part of the question. I just wish to comment on his preamble.

Certainly it is not our intention to set up a committee to study recommendations which have not been implemented or which are not to be implemented. I can certainly tell his that it is not our intention to set up a committee for that purpose.

MR. SPEAKER: The honourable Member for St. Barbe North.

MR. ROWE: Mr. Speaker, I have a question for the honourable the Minister of Health, Sir. Has the Minister of Health received any representation concerning the resolution by the Newfoundland Medical Association for the Province to lower the age of consent for medical treatment for people down to the age of sixteen years of age.

MR. SPEAKER: The honourable Minister of Health.

MR. WELLS: Mr. Speaker,

I understand that the Medical Association at its recent convention passed a resolution. I have been expecting since that time to receive the resolution or representations from the NMA, but so far none have been received. When they do come, of course, they will be given every consideration.

MR. F. ROWE: A supplementary, Mr. Speaker. Could the minister indicate his department's philosophy with respect to this particular resolution?

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

Before I permit the honourable minister to answer, the Chair feels that that perhaps could require a rather lengthy answer. The member has asked the minister to expand on his department's philosophy on this particular thing. Now, just as a question should be precise and brief, I submit so should the answer.

MR. F. ROWE: Could the minister, Sir, give a very quick, concise and brief view of his feelings in this particular resolution?

MR. SPEAKER: The honourable Minister of Health.

HON. R. WELLS (MINISTER OF HEALTH): Mr. Speaker, I can appreciate the feelings of doctors who are treating young persons who come to them with all sorts of problems, unwanted pregnancies and all this sort of thing. I can appreciate how they would like to see the position obtained whereby these young people would be able to come and get necessary prescriptions from them and get treated without having to go through the route of the parents because often the young people want to keep it away from the parents. If it were a simple as that, then you could say, yes, by all means let us do it. But, I think we also have to consider the question of the parent, whether a parent ought to have the parental role reduced by law to the extent that sixteen-year-olds, for example, can go and get the pill prescribed or whatever.

MR. ROWE: Yes, but just how does the minister feel?

MR. SPEAKER: Order, please!

MR. WELLS: Oh no. The point is this has been brought to our attention. There is more than the simple aspect, the simple medical aspect, there is the whole question of the law with regard to parents and children of that age. So that there will have to be more than representation simply from the department or from the Newfoundland Medical Association before this

can be sorted out. So that we are quite prepared and ready to give careful thought and study to it and to hear representations from different groups, Mr. Speaker.

AN HON. MEMBER: Hear! Hear!

MR. F. ROVE: You must have received a representation from the association -

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

MR. ROBERTS: Mr. Speaker, if we are finished with the age of consent for a moment, may I ask a question, I believe of the Minister of Justice, although perhaps it might have been directed alternately to the Minister of Health. In view of the fact that Magistrate Corbett submitted his report in response to a royal commission which was directed to him to enquire into certain events at the school, the integrated school, I believe in Upper Gullies, in view of the fact that Magistrate Corbett responding to a royal commission which was issued to him some time ago to enquire into certain events at the integrated school, I believe it was in Upper Gullies, in view of the fact he submitted that report to the government some little while ago, could the minister indicate to us when we may expect to have the report made public?

MR. SPEAKER: The honourable the Minister of Justice.

MR. HICKMAN: Mr. Speaker, maybe the honourable the Leader of the Opposition is aware of something that I am not, but I made an enquiry last week of one of my officials as to when Magistrate Corbett would complete his report. I was told that the advice that had come to my department was that Magistrate Corbett had indeed completed and written his report and it is now in the hands of the printers. My understanding was that it would then be presented to government. If it has been presented to government, I have not seen it. Maybe one of my colleagues has, or the honourable the Minister of Health may be aware of whether it has been received. But, I have not seen it and it is being -

MR. WELLS: I made enquiries a day ago on the same subject and I have been told that that report has not come to the Department of Health wherever else it may have gone.

MR. ROBERTS: Mr. Speaker, a supplementary. I thank the minister. I want to get a point straight. I know the report is at the printers.

I had assumed the report had been submitted to government first. Perhaps that is the way I should phrase the question as a supplementary now: Is it the normal practice to have reports printed as opposed to having them typed and signed and prepared before they are submitted to the government? My understanding, Sir, has been that His Honour, the Governor in Council gets the report. His Honour, the Governor in Council then has it printed and tables it and makes it public.

MR. SPEAKER: The honourable Minister of Justice.

MR. HICKMAN: This administration, Mr. Speaker, has not followed that rule very often. I have to confess that I have a strong personal view on that because I have seen -

MR. ROBERTS: Is it being censored?

MR. HICKMAN: No, no it is not censored. That is the very thing we want to avoid.

MR. NEARY: Look what happened to the report on the School for the Blind in Halifax.

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

MR. HICKMAN: If I may express a personal opinion, my experience in another administration indicated to me that the reports should be printed first and that it should not- I know technically and constitutionally it is within the scope and power of an administration to decide whether or not they are going to make public a report of a royal commission and there may be an inclination to delay the printing of the report and delay having it made available to the public. Certainly the practice that I follow when I have been consulted on anything we have had is to simply suggest that the report be printed.

I can think of one or two, where because of the very length of their report, only a limited number of copies were made available. I think the Labrador Royal Commission Report was one and I believe the Report on Municipal Government is the other. But in any event I know the Labrador one was such a monumental report that it was submitted to government first and then we ordered the printing. But this one, all I can tell the House is, regardless of policy the magistrate in his wisdom, and I have no doubt that he may have consulted with some official, apparently sent it straight to the printers. The understanding is that the report will be back from the printers and ready for presentation by Magistrate Corbett to the government within three to four weeks, depending upon how much printing they have to do for this House.

MR. ROBERTS: A further supplementary, and I thank the minister; his feeling I take it is that reports should be made public?

MR. HICKMAN: Right.

MR. ROBERTS: Okay, I thank him for his feeling. But would he be good enough to tell us when the Whalen Royal Commission Report will be made public. It has been in the hands of the administration for seven or eight months now.

MR. HICKMAN: The Whalen Royal Commission Report, Mr. Speaker, falls into that other category that I mentioned.

MR. ROBERTS: Eight months making a copy of it now.

MR. HICKMAN: It is a monumental report in my - I wish the honourable the Minister of Municipal Affairs was here. But in any event there were

a very limited number of copies presented to government and as far as I know it is presently at the printers. And most assuredly, most assuredly that report will be released to the public.

MR. ROBERTS: Mr. Speaker, the report has been in the hands of the administration, it has been announced, for seven or eight months and there are a number of copies. In fact the minister has announced, the Minister of Municipal Affairs announced, that copies were prepared for Cabinet. That means fifteen or twenty were prepared. Would the minister undertake to lay one on the table of the House immediately and not wait for the printing before the House and the people of Newfoundland are enabled to see a document which the government have been hiding for six months?

MR. SPEAKER: The honourable Member for Hermitage.

MR. ROBERTS: No answer? Oh Mr. Speaker, perhaps I give notice too under the late show provision.

MR. SIMMONS: A question for the Minister of Provincial Affairs and the Environment, I understand the minister requested a report from the Price manager at Grand Falls in connection with the pollution problem out there, a report that was due on the, either the second or the fourth of June, sometime in the last week or so, I believe the second. Would he indicate whether his department has received that report from Price (Nfld.) and what action is to be taken to cure the pollution problem in the area immediately around the mill at Grand Falls?

MR. SPEAKER: The honourable Minister of Provincial Affairs and the Environment.

MR. DAWE: The officials in the Environment Division of Provincial Affairs and Environment, Mr. Speaker, are in constant contact with all industry in the Province, including Price and Bowaters and the mill in Stephenville. They have visited the mills on several occasions and they have been assured by management of these mills that pollution abatement will be installed as quickly as possible. It is quite expensive and the mills are old. Price, as it happens, will be installing a new machine which will reduce the effluent going into the Exploits River. I do not know what the date is but it is scheduled to get underway very soon.

MR. SPEAKER: The honourable Member for Hermitage.

MR. SIMMONS: Supplementary. I do not think the minister understood the question, or chose not respond to it. I am talking about a letter which he wrote to the Price (Nfld.) manager, specifically requesting from him a report by June 2. There was a debate specified in his letter and I am pretty well sure it was June 2. And that letter - I saw a copy of it. I saw the letter - that letter requested the management to indicate what they were going to do, not about the problem in the river as such but the problem that is being created for home owners in the immediate area of the mill. I am sure the minister knows the problem I am talking about and my question again, Mr. Speaker -

MR. DAWE: Sawdust was it, dust or something?

MR. SIMMONS: Yes, exactly, the sawdust problem. I am asking the minister whether he has received that report as he requested and as a result what action is to be taken to cure the problem which a number of residents in the immediate area of the mill have been experiencing for some time.

MR. DAWE: I will have to check, Mr. Speaker, and see if that report has been received. I have been away for two weeks and I am just trying to catch up on the work on my desk. But I will certainly let the honourable member know as soon as I find out.

MR. SPEAKER: The Hon. Member for Bell Island.

MR. NEARY: Mr. Speaker, I have a question for the acting, acting Premier, Sir, the acting Government House Leader. Would the Minister of Justice tell the House whether it is the intention of the government to have the Premier and the ministers in their seats during the oral question period so that the Opposition can put questions to the government?

MR. SPEAKER: Order!

MR. NEARY: We barely have a -

MR. SPEAKER: Order, please!

MR. NEARY: - corporal's guard of ministers today.

MR. SPEAKER: Order, please!

MR. NEARY: Eight out of eighteen.

MR. SPEAKER: Order, please!

MR. NEARY: It is a disgrace.

MR. SPEAKER: That question is out of order.

The Hon. Member for Hermitage.

MR. SIMMONS: I have a question for the Minister of Finance. I wonder would the minister indicate to the House whether the former Deputy Minister, Mr. Peper, received any type of severance pay or a particular bonus upon retirement from the department, and, if so, what the amount of it was?

MR. SPEAKER: The Hon. Minister of Finance.

MR. EARLE: Mr. Speaker, I have no idea but I will have the question checked and will provide the answer.

MR. ROBERTS: He was given a year's salary.

MR. SPEAKER: The Hon. Member for Hermitage.

MR. SIMMONS: Another question for the minister. Would he indicate to the House whether any of the four deputyministers who were retired on full salary some time ago, whether any of these are still on salary, and if so, what amounts are involved?

MR. EARLE: I will take notice of the question, Mr. Speaker.

MR. SPEAKER: The Hon. Member for Bell Island.

MR. NEARY: I have a question for the Minister of Finance, Sir.

Would the Minister of Finance tell the House what law firm, what Newfoundland law firm the minister or his colleagues or the Premier or the government recommended to Kuwait investors in the recent \$20 million bond issue that was floated by the Province? What law firm did the government recommend to these investors?

MR. SPEAKER: The Hon. Minister of Finance.

MR. EARLE: Mr. Speaker, to the best of my knowledge, and personally, no law firm was recommended. It is up to the investors to select their own agent.

MR. NEARY: Well, Mr. Speaker, a supplementary question. Would the minister care to indicate to the House what law firm did in actual fact handle this transaction?

MR. EARLE: Mr. Speaker, I have no idea who acted for the Kuwait people.

MR. NEARY: Mr. Speaker, a supplementary. Would the minister undertake to get the information for the House?

MR. EARLE: Mr. Speaker, that is strictly a matter for the people, the financial people involved. They appoint their own solicitors and it is not up to me to ask them who their solicitors are. Ask the Kuwait people.

MR. NEARY: Mr. Speaker, a supplementary. Would the minister care to tell the House who acted for the purchasers of the bonds? What law firm?

MR. EARLE: For the purchasers of the bonds in that particular issue, I do not know, frankly, Mr. Speaker, who acted for the purchaser but I know who acted for the government.

MR. NEARY: Mr. Speaker, I wonder if the minister would tell the House what law firm acted on behalf of the government in this transaction?

MR. EARLE: The law firm which acted for the government on that

particular issue was the firm of Wells, O'Dea, Halley, Earle and -
I forget the other fellow. What is the other chap's name? Shortall.

MR. NEARY: Mr. Speaker, a supplementary, Sir. Could the minister
tell us the fee paid to that particular law firm?

MR. HICKMAN: None of your business!

MR. SPEAKER: Order, please!

MR. NEARY: It is the public's business. It is the taxpayer's
money.

MR. EARLE: No, Mr. Speaker, I have no idea of the fee paid. I can
check that and find out.

MR. NEARY: Would the minister also, Mr. Speaker, would the minister
also check the possibility of conflict of interest in this particular
instance?

MR. EARLE: Mr. Speaker, there is no conflict of interest. Law
firms are selected at random, various ones are done at various
times. And in this particular instance it was just that this particular
law firm was selected.

MR. NEARY: Mr. Speaker, a supplementary. Is this the first time,
or how often has this law firm been used by the Province to handle these
bond issues?

MR. EARLE: I have no idea.

MR. SIMMONS: Fabian does not have a monopoly anymore.

MR. NEARY: Mr. Speaker, a supplementary. Would the minister
undertake to find out how many times?

MR. EARLE: Yes.

MR. NEARY: Mr. Speaker, I wonder if the - the Minister of Health
Sir, I think, knows the answer. Perhaps he could -

MR. ROBERTS: Mr. Speaker, if my colleague would let me ask a
further supplementary, sort of an all-embracing one: Would the
minister lay upon the table of the House a list of all the monies
paid out by the government or in behalf of the government for legal
services in connection with bond issues?

Let us take the fiscal year beginning April 1, 1974. In other words, the last fiscal year and a part.

MR. EARLE: Mr. Speaker, I would be delighted to do so. I think that it would be very revealing because law firms are not selected because of their political affiliations.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. ROBERTS: How about their family connections, "Val"?

MR. EARLE: Or their family connections.

MR. NEARY: Mr. Speaker, I want to ask -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: I want to ask the minister another question, Sir, in connection with this \$20 million bond issue. Would the minister tell the House if any of the government's solicitors travelled to the Middle East to arrange this bond issue? If so, would the minister care to give the names of the solicitors who travelled on behalf of the government?

MR. EARLE: The only person I know of who travelled, and not to the Middle East - there was no one travelled to the Middle East. So, that is the answer to the question.

MR. ROBERTS: Ask him about Switzerland.

MR. NEARY: Well, what about Switzerland? Did anybody -

MR. EARLE: Nobody went to Switzerland.

MR. NEARY: Well, Mr. Speaker, would the minister tell the House if any solicitor outside the government -

MR. BARRY: Did anyone go anywhere!

MR. NEARY: No, Sir - outside the government travelled to Europe or to the Middle East -

MR. COLLINS: Did the country begin with an "A"?

MR. NEARY: - or to New York in connection with this bond issue. If so, would the minister give the name of that particular lawyer?

MR. EARLE: I was in Paris at the time. But I understand that the New York issue - was it Mr. Hickman or Mr. Ottenheimer went? That was the minister who handled the bond issue.

MR. ROBERTS: That is something new! Ministers handling bond issues?
Ministers sign -

MR. MORGAN: They are both lawyers.

MR. NEARY: Well, Mr. Speaker, perhaps I am not making myself clear. I am talking about the \$20 million bond issue -

MR. ROBERTS: He knows what you are getting at.

MR. NEARY: - in Venezuela.

MR. SPEAKER: Order, please!

MR. NEARY: Did anybody travel to Venezuela on behalf of the government and if so, what lawyer travelled to Venezuela to arrange this bond issue?

MR. EARLE: Mr. Speaker, no lawyer went to Venezuela. I hope that some lawyer may have the opportunity some day.

MR. NEARY: Well, Mr. - all right, go ahead.

MR. SPEAKER: The honourable Member for Hermitage.

MR. SIMMONS: Mr. Speaker, a question for the -

MR. NEARY: I know his son went.

MR. SPEAKER: Order, please!

MR. SIMMONS: A question for the acting Premier, I assume the Minister of Justice. Could he indicate whether any application has been made to Ottawa for financial assistance to assist the lobster fishermen who have had some lobster pots destroyed this Spring?

MR. HICKMAN: I will take notice of it.

MR. SIMMONS: I am sorry. The minister -

MR. OTTENHEIMER: He is taking notes.

MR. SIMMONS: The minister is taking note of the question. Okay.

MR. SPEAKER: Orders of the day.

MR. ROBERTS: What? Is it time already?

MR. SPEAKER: No, there are a couple of minutes left. But nobody seems to have a question.

MR. ROBERTS: Mr. Speaker, it would be a shame to - I was so overwhelmed by the Minister of Justice's eloquence. I have a question which I guess in the absence of the Premier and the Minister of Fisheries and anybody else who could answer, I will have to address to the Minister of Justice. He will probably have to take it as notice. Would the minister indicate to us what action the government have taken with respect to the fact that every fisherman or almost every fishermen along the Northeast Coast between Cape Freels and Cape Bauld has been prevented from fishing because of ice? The minister could give a saucy answer if he wants and that would

be degrading himself and the House. I am quite serious. No fisherman on the Northeast Coast has been able to get fishing several weeks beyond the normal start of the season. What action have the government taken? What action do they propose to take?

MR. SPEAKER: The honourable the Member for Bell Island.

MR. ROBERTS: Is the honourable minister going to get the answer?

MR. NEARY: Is the minister going to answer the question?

MR. ROBERTS: No. That is what I mean!

MR. NEARY: The mute Minister of Justice, the acting, acting Premier, Sir,

MR. SPEAKER: Order, please!

MR. NEARY: Sir, would the Minister of Health tell the House what is being done about the health hazard created by the sewer line that runs from St. John's Airport down to the beach in Middle Cove? What is being done about it, if anything?

MR. SPEAKER: I shall permit the honourable minister to answer and that will consume the thirty minutes for the question period. The honourable the Minister of Health, if he wishes to answer the question.

MR. WELLS: All I can say, Mr. Speaker, that the only evidence that we have that there is a health hazard is what the honourable member has just said, which I do not take as convincing evidence.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Orders of the Day.

MR. NEARY: A sewer line, a health hazard. It is time for action!

ORDERS OF THE DAY

Motion, the honourable the Minister of Tourism to introduce a bill. "An Act Further To Amend The Tourist Establishments Act," carried.

On motion, bill read a first time, ordered read a second time on tomorrow.

Motion, the honourable the Minister of Education to introduce a bill, "An Act To Amend The Newfoundland Teacher (Collective Bargaining) Act, 1973." carried.

On motion, bill read a first time, ordered read a second time on tomorrow.

On motion, a bill, "An Act Respecting The Transfer Of Certain Lands From Reid Newfoundland Limited And Mines And Forests (Newfoundland) Limited To Her Majesty In Right Of Newfoundland," read a third time, ordered passed and title be as on the Order Paper.

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

MR. CHAIRMAN: Bill (52), "An Act Respecting The Provision Of Funeral Services."

On motion, Clauses 10 through 13 carried.

MR. CHAIRMAN: Shall Clause 14 carry?

MR. NEARY: Hold on now, Mr. Chairman. Oh, no, that is not - I do not think that is - Oh, no, that is not the part I am thinking about, Sir. Okay, go ahead.

MR. THOMS: Mr. Chairman, I wonder can the minister inform us exactly what is meant by practicing embalmer or how this would affect the - I am thinking about the rural areas of Newfoundland now. For example, it has been practiced in the outport area of Newfoundland for generations now that normally this work is done by several people in the various communities, and would this Act in any way encroach upon their right to continue this work or would this section deal specifically with members of the association?

MR. WELLS: Which -

MR. THOMS: Clause 14. You know, will this force a person now to become a fullfledged member of this board or can life go on normally as usual?

MR. WELLS: This 14. Are you talking about section 14, the appeal to the judge of the Supreme Court if you do not get a license? Which specific clause now or section are you concerned with?

MR. THOMS: Will this affect -

MR. WELLS: Clause 14, Mr. Chairman, "Any person aggrieved by a refusal of the Board to issue a license to practice as an embalmer or funeral director may appeal to the Supreme Court. Is that the section you are thinking about?

MR. THOMS: I have got the problem but I have the wrong section.

MR. WELLS: Yes, that is right, the wrong section. I see, what section is the -

MR. THOMS: I am not sure what section.

MR. BARRY: Wait until he comes to it. Wait until he comes to it.

MR. CHAIRMAN: Shall Clause 14, carry?

MR. NEARY: No, Mr. Chairman, not quite carried yet, Sir. I did not realize that my learned friend, the Minister of Health was piloting this bill through the House, Sir. But I wonder if the minister could tell us about, let me see, the hearings before the judge? "The judge shall hear the appeal and the evidence adduced by the appellant and the Board, and shall decide the matter of the appeal." Sir, let us assume, Mr. Chairman, this may sound ridiculous, but let us assume that the Board refused to grant a license on the ground that the applicant could not do the work

that was expected of him, that his work was not up to the standards that would be expected of him. Now, then, Sir, let us say the applicant then argued about this matter and he decided that he would take the matter before a judge of the Supreme Court. Now, how is he going to prove that he can do the work? He has a certificate, say, from Nova Scotia or Ontario somewhere but the Board has said, no, that is not sufficient, you did not get the right kind of training over there, or you did not put the right kind of makeup on the poor, old corpse when you were laying him out, so we are not going to give you a license. Now, what evidence then can this gentleman or lady who is making an application before the judge of the Supreme Court, what sort of evidence can he produce to prove that he can do this work? Does he have to go out and actually lay out a stiff, lay out a body and bring it into the court and say, "There you go, Your Honour. I have proven to you beyond any doubt that I am quite capable of doing this work and here is an example of the kind of work that I can do." The judge then will look down from his high bench behind his gown and look down and say, "Yes, that looks like a pretty good job. I never saw the poor old fellow look better. You should have gotten your license." Is this the kind of evidence that the minister is talking about in this act? Would the minister just set me straight because I am rather a bit naive, Sir, maybe a bit stund as far as some of the sections of this act are concerned.

It seems to me just to be a move, I would say, just to set up a closed shop for the funeral directors the same as the lawyers have and the doctors have.

MR. WELLS: Mr. Chairman, it is very difficult when things are going through this House and the honourable member starts on them to keep them on a plane that you would expect to find in this House of Assembly or before this Committee. Now, only a fool would try to detail for the honourable member what possible situations could arise before a court or before a hearing such as this. I have not the slightest intention in

dealing in tomfoolery. The point is that whatever reason the Board decided to review the licence for the person concerned who was applying for the licence has the right to go before a judge to put his side of the case, whatever it is. The Board presumably puts its side of the case and the judge decides. Now, to go into foolish, hypothetical nonsense about what possibly might come up whether it be cosmetic or otherwise, I think quite honestly, you know, that just gets into the realm of complete fancy, Mr. Chairman.

The point is that if the Board refuses you, you have a right to go to a judge, present your case, whatever it happens to be, and ask him to rule on the matter over and above - and he can overturn and overrule a decision which the Board has made. It is a safeguard, Mr. Chairman, for people who apply under this act to be registered or licenced as embalmers or funeral directors.

On motion Clauses 14 through 19 carried.

MR. CHAIRMAN: Shall Clause 20 carry?

MR. THOMS: Mr. Chairman, under Clause 20 - now I believe I have the right clause - subsection (2), Clause 20. I believe this is where my question would come in. Would this subsection eliminate the right of individuals in little communities to say, lay out a person which is normally the case and has been for as long as time has been because I more or less interpret this subsection (2) of Clause 20 if it would.

MR. WELLS: Mr. Chairman, it would not. The Clause, and I think we will have to deal with it now in some detail, Section 20, Clause (1) says "Every licence holder and permit holder under this act who fails to keep the licence or permit displayed." Subsection (2) says, "No person who is not entitled to practise as a funeral director or embalmer shall hold out to the public by advertisement, sign or otherwise as having such a right." As I interpret that, it is holding out to the public that you have a right to do this for remuneration. But if as often happens in small communities, certainly when I was growing up and observed it, a

person, by custom, I suppose, as much as anything else, arranges or looks after funerals and there are no fees involved or monetary reward. Or it is a member of a person's own family. Well, there is nothing to prohibit these kind of arrangements from being -

MR. THOMS: Normally there is a reward, but there is no set fee.

MR. WELLS: No set fee? But I do not think it is - well, really I think that is the difference. This person does not hold himself out that this is how he makes his living. But if the family, if they want to pay him something or give him something for doing the service, I see nothing to prohibit that.

I cannot see, and no one has pointed out to me, Mr. Chairman, anything in this act that will alter or change the traditional way of looking after funerals in small communities.

MR. NEARY: Unless they did it on a direct basis.

MR. WELLS: No. The honourable member -

MR. NEARY: Yes.

MR. WELLS: I do not think they could, Mr. Chairman, But the honourable member knows, I suppose.

MR. NEARY: Mr. Chairman, I know about bond issues. Wells, Earle bond issues.

MR. CHAIRMAN: Order, please! Order, please!

MR. THOMS: I would just like to ask the minister -

MR. NEARY: The pay-offs!

MR. CHAIRMAN: Order, please!

MR. THOMS: - would this in any way, more or less set up this board and this board would have exclusive rights to taking care of funerals? You know, for example, if something happened to any person in any outport community would he have to go to a member of this board before the funeral could be performed, that is to lay out a person or would the freedom that now exists in the outports still exist? Now, this will not in any way, shape or form interfere. I want to make this quite clear because once this goes it goes and that is it, you know.

MR. NEARY: You have got the commitment from the Minister of Justice on that,

MR. THOMS: Yes, but I do not trust the Minister of Justice.

MR. HICKMAN: Point of order, I am not going to sit around and listen to that clodhopper over there make that kind of a statement, Mr. Chairman, and I ask to have it withdrawn.

MR. THOMS: Oh good gosh!

MR. CHAIRMAN: Order, please! I am sorry, I did not hear the statement.

MR. NEARY: The Minister of Justice - his blood pressure is out of control.

MR. CHAIRMAN: But, in any event, since I did not hear the statement if the minister wishes that I get the tapes later on I will hear them and if a withdrawal is necessary I will certainly call upon the honourable member to do so. If the honourable member feels that a withdrawal for the statement, which I did not hear, is necessary, I suggest he might do it.

MR. NEARY: Mr. Chairman, to that point of order, Sir. The tradition that is followed in this honourable House, Sir, and Your Honour already knows this, is that if the Speaker or the Deputy Speaker or the Chairman of Committees does not hear the remark, then it is not considered, Sir, to be something that you have to withdraw. This has been the tradition in the House. If Your Honour has any doubt about it, and this has happened before too, there is ample precedent for this, then Your Honour can send for the tapes. So I would submit, Sir, that the Minister of Justice is just trying to make a foolish point of order, that my colleague did nothing unparliamentary, Sir, and that we proceed with the business of the House.

SOME HON. MEMBERS: Oh, oh!

MR. YOUNG: To that point of order. I think the remarks by the honourable Member for Bonavista North were very unparliamentary. I heard them over here in my seat. I think -

MR. CHAIRMAN: Order, please!

Well, if the people who man the tapes are within earshot, and I presume they are, then I wish that this matter be brought to my attention as soon as possible so that I can hear exactly what the honourable member did say. But I will proceed with the Committee until I do have the record of it.

MR. NEARY: Mr. Chairman is that in order? Does Your Honour take it upon himself-

MR. CHAIRMAN: Order, please!

MR. NEARY: Point of order, Sir.

MR. CHAIRMAN: Well the honourable member asked if it is in order, this is what the Chair intends to do. That is the ruling I have made. If the honourable member wishes to challenge it then we will have to call in the Speaker.

MR. NEARY: Well, Mr. Chairman, I challenge Your Honour's ruling because I do not think the ruling is correct, Sir, and not in keeping with the Standing Orders of this honourable House, Sir.

MR. CHAIRMAN: Call in the Speaker.

MR. STAGG: Mr. Speaker, while in Committee of the Whole on Bill no. 52 discussing clause 20, the Minister of Justice rose on a point of order, indicating that he took issue with remarks made by the Member for Bonavista North. Since I did not hear the remarks I said that I would ask the people in Hansard to prepare the remarks so I - prepare the tape - prepare a transcript so I could look at it and see whether the remarks were parliamentary or unparliamentary or not. The Member for Bell Island disputed my ruling and accordingly you have been summoned.

MR. SPEAKER: The motion is that the ruling by the Chairman of Committee of the Whole be sustained.

MR. NEARY Is that a debatable motion?

MR. SPEAKER: No. Those in favour "aye", those against "nay", the ruling is sustained.

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

On motion clauses 20 to 23, carried.

On motion a bill, "An Act Respecting The Provision Of Funeral Services," ordered read a third time now by leave.

A bill, "An Act Further To Amend The Retail Sales Tax Act."

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

A bill, "An Act Further To Amend The Tobacco Tax Act."

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

On motion that the committee rise and report having passed Bill No. 52, 55 and 56 without amendment, Mr. Speaker returned to the Chair.

MR. CHAIRMAN: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed Bill No. 52, 55 and 56 without amendment and ask leave to sit again.

MR. SPEAKER: The Chairman of the Committee of the Whole reports that they have considered the matters to them referred and report having passed Bill No. 52, 55 and 56 without amendment and ask leave to sit again.

On motion report received and adopted.

On motion bills ordered read a third time now by leave.

On motion a bill, "An Act Respecting The Provision Of Funeral Services," read a third time, ordered passed and title be as on the Order Paper.

On motion a bill, "An Act Further To Amend The Retail Sales Tax Act," read a third time, ordered passed and title be as on the Order Paper.

On motion a bill, "An Act Further To Amend The Tobacco Tax Act," read a third time, ordered passed and title be as on the Order Paper.

MR. HICKMAN: Order 9, Bill No. 42.

Motion second reading of a bill, "An Act Respecting A Plan Of Legal Aid For The Province."

MR. SPEAKER: The Hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, the purpose of this bill is to provide a statutory basis for the Legal Aid Programme that is currently being offered in this

Province. Honourable members are aware that at the moment the Legal Aid is run by a committee of the Law Society with the financial backing of both the Government of Canada and the Government of Newfoundland. The proposal is under this bill to establish an independent Legal Aid Commission which shall consist of six members to be appointed by the Lieutenant Governor-in-Council, three of whom are to be selected from a panel of five names submitted by the Law Society of Newfoundland. The Deputy Minister of Justice and the Provincial Director of Legal Aid, who is Mr. Paul Stapleton this time, will be ex officio members of the board. The provision is that the members of the board will serve for two year terms. One of the first tasks of the commission, as is provided in this act, if this act becomes law, is whether to recommend to the Lieutenant Governor-in-Council the appointment of a Provincial Director of Legal Aid who shall be the chief executive officer of the commission. The present Director of Legal Aid, under the non-statutory body, is Mr. Paul Stapleton, who is a very excellent lawyer and who is doing a first class job in administering the Legal Aid Programme under the direction of the committee and he has with him now a second solicitor, a Mr. Diamond, Mr. Wayne Diamond who is a young lawyer recently called to the bar.

MR. HICKMAN: The bill sets forth and contains the usual powers that are given to commissions to administer Legal Aid within the Province. They will be obliged to submit to the Minister of Justice an annual financial statement and their financial report for finances are subject to audit by the Auditor General. I believe that the Auditor General already -

MR. AYLWARD: Yes, he is doing it.

MR. HICKMAN: - does the audit of the monies that have been voted to the Legal Aid Programme by this House. There is also some very restrictive covenance in our agreement with the Government of Canada with respect to the audit that they require before they pay any money to us.

The Commission is not permitted to borrow any money under the provisions of this act without the authorization of the minister and cannot expend in excess of its budget except with the concurrence of the minister and the Lieutenant Governor in Council.

The hope is, and what government envisages is that the regulations to be made under the act will divide the Province into various areas and in each of these areas the Commission will appoint a solicitor to act as an Area Director for Legal Aid. In any area the Commission may also establish a Neighbourhood Legal Aid Centre. These Legal Aid Centres are beginning to work in certain parts of North America and I see no reason why, with the financial support and the demands for Legal Aid that we now see in the Province why we cannot look forward to seeing Legal Aid Centre developing throughout Newfoundland as time progresses. And again in these areas, authority is provided for the appointment of duty counsel to handle court appearances.

It is hoped, and it will probably happen when the honourable Member for Placentia East, who is very familiar as Chairman of the Committee with the operations and the plans of the Committee, but it is hoped that many of the applicants for Legal Aid service, for Legal Aid, will be able to avail of the services of a solicitor employed by the Commission.

But under our agreement with the Government of Canada where an applicant specifically requests a choice in very serious criminal matters, or where certain specialized knowledge is essential such applicant may and does select a local solicitor, he names his lawyer to represent him. In each area there will be, there is now, a list of solicitors who are prepared to act on Legal Aid work and the director of the area has the authority and does distribute such cases equitably, as equitably as he can amongst the various solicitors, taking into account, Mr. Speaker, the nature of the individual case.

Solicitors in private practice who furnish Legal Aid are now, and will continue to be under the act, required to submit their fees to the Provincial Director of Legal Aid or such other person as the Committee authorizes who will assess and determine the correct amount of the fee payable.

It is envisaged that the regulations will set out a scale of fees for the guidance of persons making such determination. The practice right now is, and has been, that a Taxing Master, who is an Officer of the Supreme Court in the person of the Deputy Registrar, Mr. Clarence Stirling, a non-lawyer, taxes, in the main, most of the bills, certainly any bills that -

MR. AYLWARD: Over \$200.

MR. HICKMAN: That are over \$200, and any bills that the Director feels should be taxed by someone other than himself.

As is currently the case in Legal Aid, it may be furnished at any stage of a civil or criminal matter if it is a civil matter that comes within the scope of the Legal Aid Programme.

And Legal Aid, Mr. Speaker, is available in proceedings before all our courts, Magistrates Court, District Court, The Supreme Court, Family Court, and there are certain restrictions upon its availability in summary conviction matters.

Legal Aid is authorized and may be authorized and will continue to be under this act where there is a likelihood of imprisonment or loss of earnings of a livelihood. Again with respect to appeals, there have been a fair number of appeals in criminal cases taken under the Legal Aid Programme. But, this is done after consultation with the lawyer who appeared for the appellant in the first instance, in the court of the first instance and in consultation with the director to see whether or not this appeal is frivolous or whether indeed there are good grounds for the appeal.

This act also provides an appeal procedure where an applicant has been refused Legal Aid. If the Legal Aid Committee finds that in their opinion a particular person does not qualify for Legal Aid, then there is an appeal procedure set forth. There is also a provision to enable the commission to empower, or to empower the commission, rather, to suspend any solicitor who fails to comply with the provisions of the act or the regulations and such a suspension has to be reported to the Law Society of Newfoundland who must deal with it as a disciplinary matter and under the provisions of the disciplinary powers conferred upon them.

The Province of Newfoundland and the Government of Canada entered into an agreement on May 21, 1973 under which the Government of Canada pays fifty cents a head or ninety per cent of the cost, whichever is the lesser, of Legal Aid in the Province. The rest is paid by the Province of Newfoundland. I have to confess that the Government of Canada has been very slow. It is a most torturous procedure in trying to recover monies from the Government of Canada that we are entitled to under the agreement because of the, I do not know if it is red tape or the audits that have to go through.

To date, as of today, for 1973-1974 we received, we claimed and recovered from the Federal Government \$77,052.57. That was ninety per cent of the total claimable expenses for that year. In 1972-1973 we recovered

from the Government of Canada \$2,460.80. That was because the agreement was entered into on May 1, 1973. We received no money yet for 1974. We are entitled to it. We will receive it in time. But, it is a long process and the Government of Newfoundland has to carry these loads for this matter for some time and carry the financing of it for quite some time before we are paid.

The Legal Aid Programme in this Province expanded very rapidly during the past two or three years. From the commencement of the programme in 1968 to 1973 the Legal Aid offices processed 3,000 applicants. In 1974 alone, Mr. Speaker, there was in excess of 3,000 applicants processed in Legal Aid and the anticipated number this year is 5,000 people will apply for Legal Aid in this Province. This does not include the numerous telephone calls and requests for assistance and advice given over the phone by the administrators.

The programme is growing very rapidly. Indeed, Mr. Speaker, as is evidenced by the vote, the increase in the vote in the last three years for Legal Aid and the Law Society of this Province at a considerably reduced fee, which is subject to taxation by a taxing master, have been performing their duties exceptionally well in providing a much needed service to the people of this Province. As I say, this act to a large extent formalizes and gives legality to the work that is already going on and to the committee who will now become the commission to administer it. I move second reading.

MR. SPEAKER: The honourable Member for Bell Island.

MR. NEARY: Mr. Speaker, as hard as I tried, Sir, to follow the Minister of Justice as he was droning on there, Sir, introducing this second reading of this bill, Sir, I am afraid that I was not thoroughly convinced that this particular piece of legislation, Sir, warrants the attention of this honourable House at a time when we have record unemployment, the highest cost of living in Canada, vandalism and crime rampant in the Province, industrial development at a standstill, -

MR. SPEAKER: Order, please! Order, please! I am sure the honourable Member for Bell Island is aware that his last few comments, the Chair feels at least, have nothing to do with the principle of this particular bill.

MR. NEARY: No, Sir, but probably indirectly it might have, Mr. Speaker, because it is the taxpayers ultimately who have to foot the bill for all the jobs and money that is called for under this piece of legislation and if we do not have people working and do not have jobs then we do not get the money for Legal Aid and Medicare and all the other programmes that we have in this Province. But, Mr. Speaker, the Minister of Justice almost had me in tears, Sir, and when I make a few flicks now at the lawyers and the legal profession then the Member for Placentia East, President of the Legal Aid Society will get up and he will throw a tantrum, dance the gig and drape himself in a sanctimonious robe and you would not know, Mr. Speaker, but this was the most important piece of legislation that was ever brought before this House. It is the greatest example of empire buildings, Sir, that we have ever seen in this Province. Three years ago or four years ago, Sir, when Legal Aid was introduced in this Province, prior to that, Sir, lawyers would go down once in a while, those who felt generous enough, who had a little ounce of human decency in their veins would go down once in a while, donate a little of their time free of charge, give a little charity, pangs of conscience maybe, give a little charity and handle the odd case free of charge. Not any more, Sir, not any more! No more of that humanitarian

attitude that we saw in some of the old lawyers in St. John's, none of that anymore. Now they all want to get paid. They found out, Sir, that what the doctors can do under Medicare. Now they are going to see what they can do under a plan of Legal Aid for the Province. Set up their own little empire, have their own little sweetheart organization. You know, Mr. Speaker, there are a few questions that concern me about this whole matter of Legal Aid, and I am not against Legal Aid, Sir. I think that anybody who cannot afford legal counsel in this Province deserves to have proper representation when he goes before the court. I think, Sir, it is the responsibility of the government, of the Department of Justice to hire lawyers, to employ lawyers. It would be cheaper. It would cost the taxpayers less if they had a battery of lawyers down in the Justice Department that could be assigned to people who run afoul of the law and who cannot afford a solicitor, not abdicate their responsibilities and turn it over to the lawyers, because that is what is happening, Sir.

The government does not run the Legal Aid Programme, the lawyers run it. The government has abdicated its responsibility. Mr. Speaker, I want to mention here something that I never mentioned before that has been concerning me about this matter of Legal Aid and I have heard lawyers pass offhanded remarks: "I am not interested in Legal Aid. That is only peanuts. I am interested in mortgages, and I am interested in corporation work, Not interested in anything concerning the trade union movement, interested in handling bond issues for governments and interested in big wheeling and dealing, not interested in Legal Aid. That is peanuts. That is only for the underlings." What has been happening, Mr. Speaker,

I have checked this out and apparently it is so, that you will find, Sir, very few of the well established lawyers in this city who bother with Legal Aid at all. They are making a fairly cushy living and loaning out mortgage money at high interest rates. They do not have to bother with Legal Aid, so they say. So, what is happening, Mr. Speaker, we are getting a low class incompetent, we are getting the ones who are just starting off. We are getting the ones who are serving their apprenticeship so to speak, using the people who have to come for Legal Aid, using them as guinea pigs, as experiments, the juniors, so to speak, they are being pawned off on the people who come for Legal Aid.

They can talk all they like about, oh, you can name your lawyer. You try, Sir, to - you try to get James J. Greene to handle a Legal Aid case. You try to get some other of the well-to-do lawyers in this Province, the ones that got her made, so to speak. They are only interested in real estate and mortgage companies. Try to get them to handle a Legal Aid case! That is beneath their dignity. The poor old Legal Aid recipient is just dirt under his feet.

Now, you might go to the firm, you might go down to Mr. Crosbie's firm but you will get pawned off with the fellow who just finished up, who is just starting off a practice. They will pawn you off on him. So they can argue all they like about getting first class service, Sir, but you are not getting the first class treatment. I do not know why. Well, I suppose I do know why. There is too much money to be made at other things. That is why they are not interested in Legal Aid. Personally, Sir, I feel that this whole matter of Legal Aid should be handled in the Justice Department by the government and not passed over as another milch cow for the lawyers, that a Committee of the Law Society decides what happens with this half a million dollars. Next year they will be looking for \$1 million. The following year it will be \$1.5 million. Just another form of welfare, that is all it is.

Under this particular bill we are going to turn over the responsibility to them, no strings attached, and they are going to have their own provincial Director of Legal Aid. How much will he be paid? And how much will the members of the board be paid? However much they are paid, Sir, it is too much. The taxpayers of this Province are being drained now by things

like Legal Aid. Legal Aid, Sir, is a good thing. It is a good thing. I know the Member for Placentia East now is going to leap up, lash out, go right completely berserk. His blood pressure will go completely out of control. He will say, oh, the Member for Bell Island is against Legal Aid. I am not against Legal Aid, Sir.

MR. BARRY: So it would seem!

MR. NEARY: No, I am not. I am all for Legal Aid providing that it is operated from the Department of Justice and not a rip-off for these young lawyers who are just coming out of law school, serving their apprenticeship and using their clients for guinea pigs.

MR. BARRY: There is a statement to make!

MR. NEARY: Yes, that is a statement. The only way that I can be convinced otherwise is when I see Mr. Sterling and Mr. Aylward and Mr. Crosbie and Mr. Don Mercer and all these other gentlemen who got her made, when I see them down -

MR. BARRY: Mr. Wells.

MR. NEARY: No, Mr. Wells just went into the cabinet.

MR. ROWE: "Bill" Marshall.

MR. NEARY: Mr. Marshall, who is free now to practice law. When I see all these gentlemen down -

PREMIER MOORES: Mr. Roberts.

MR. NEARY: Who?

PREMIER MOORES: Mr. Roberts.

MR. NEARY: No! Mr. Roberts is not a practicing lawyer, not a practicing lawyer. He is a practicing politician and the honourable the Premier will find that out before the next election is over.

MR. DOODY: When he calls the election.

MR. NEARY: When the election is called, And if the honourable Premier wants to put that to the test, now is the opportunity.

PREMIER MOORES: For sure!

MR. NEARY: The time is ripe.

MR. THOMS: Now is the hour.

MR. NEARY: The Premier's time is up. When I see some of these learned gentlemen, Sir, down in the courts defending the poor old person on social assistance, or the poor fellow in the lower income bracket, who cannot afford a lawyer, when I see them out tooth and nail, sincere, conscientious, in fighting for the rights of the ordinary Newfoundlander, then I will say, Sir, I will admit that I was wrong. I will admit that it is not the flunkies that the Legal Aid assistance is being pawned off on.

Sure people can say, oh yes, I have got a lawyer. But I have not got the one that I would like to have. I have not got Mr. Stirling, for instance. Perhaps when the Minister of Education goes downtown practicing law, I am sure that he will not discriminate. He will take it all as it comes, Legal Aid or no Legal Aid -

PREMIER MOORES: He will need it then.

MR. NEARY: When the Minister of Education throws in the towel, as we are told he is going to do before the next election, he is not going to run, he is going to set up, or try to build up his law practice, When that happens I firmly believe that the Minister of Education will take them all as they come, no discrimination.

MR. OTTENHEIMER: I hope nobody thinks that I will pay the honourable gentleman for promoting me.

MR. NEARY: No, but if I am getting in a plug for the honourable minister well I am very happy to do it. I am sorry to see the minister leave politics, leave politics and leave the District of St. Mary's to go into the practice of law. We need men like the honourable minister in this House.

MR. ROME Doing the Province a service!

MR. NEARY: Mr. Speaker, this whole matter of Legal Aid, Sir, has become a joke, it has become the laughing stock of the Province and it is about time that the Minister of Justice got it back under control, got it back under his wing and hired on eight or ten or a dozen or fifteen or twenty lawyers if he needs them down there and let the application come to the Minister of Justice and let the Minister of Justice decide who is entitled to Legal Aid and not let the lawyers decide it. It is our money, why cannot the government do it themselves? Why pass it over to the lawyers, say, you decide who is entitled to Legal Aid, and what lawyer you are going to get, and what fee is going to be paid, let the lawyers decide their fees. Yes, Sir!

Mr. Speaker, I was so thrilled the other day when I picked up the newspaper, Sir, and I saw that Uncle Ottawa at long last was going to bring the lawyers and the real estate people under The Combines Act, what a reform that will be, Sir. They have been setting their fees now for years. They have the biggest closed shop in the world. They go down, hold a little meeting in a smoke filled room downtown and set their fees and I claim, Sir, that as far back I suppose as seven or eight years ago that this was a violation of The Combines Act. It took a little while - so many lawyers in Parliament, and so many lawyers in the Legislatures across this great country of ours - that it took a little while for the members of Parliament and the M.L.A.'s and the M.H.A.'s to cotton on to what was going on. The lawyers, Sir, for years have been violating The Combines Act and they are not the only ones. They are a number of other service, not industry, service groups who are violating The Combines Act.

Oil companies, for instance, You know it is a strange thing, but one oil company increases the price of gasoline and heating fuel and the next thing you know all the oil companies increase the price by the same amount, Too much of a coincidence, Sir. There is no competition in the legal profession, Sir, and that is half the trouble. And you are not allowed to solicit. And the reason you are not allowed to solicit is that the lawyers are scared

that somebody may give a client a break and cut his rates, cut his price. They have this little book locked up in their drawers that nobody is allowed to see and in that are the rates. Nobody is allowed to see it. They have been getting together for years, Sir, and setting these rates and now at long last the Government of Canada are going to bring them under the Combines Legislation and maybe now, maybe now my dream will come true and that the Government of Canada will put the boots to the lawyers in this Province who have been ripping off on real estate transactions in this Province for so many years and not only that, Mr. Speaker, ripping off now on the inflated prices of homes. It was bad enough, it was bad enough, Sir, three, five, ten years ago when the price of the home was down but now they are ripping off on the inflated prices of these homes and it is time to get this kind of situation under control. The Government of Canada is going to do something about it but in this legislature what we are going to do is to almost give the lawyers now another licence to print their own money. We are going to give them their own act to set up a Legal Aid organization in the Province.

What we should be doing, Mr. Speaker, if we were doing our job as elected representatives of the people in this Province, we would be bringing in measures to curtail their activities and if we run a plan of Legal Aid let it be run by the Minister of Justice and not by the lawyers. Let the Minister of Justice assume his responsibility for which the people elected him and for which he was appointed to the Cabinet, not weasel out by abdicating his responsibilities and passing them over to the lawyers.

I would say, Mr. Speaker, that in a short time you will see the amount of money spent on Legal Aid in this Province hit the million dollar mark. At the rate it has increased in the last few years, Sir, in no time at all it will be up to \$1 million. It will be the biggest milch cow that any group has ever had since Confederation. Medicare is bad enough, God only knows! But Legal Aid, Sir, will top them all. We have got the Government of Canada on one hand, the Liberal

Government up in Ottawa trying to force the lawyers throughout Canada and especially in this Province, trying to force them to bring their fees in line and free them up so that they can compete with one another. Why should they be always charging the same fees? Why should they, Sir? Why should you not get a bargain? You go down to the Member for Placentia East who is a well known and reputable lawyer in this Province and you go down to him and you ask him for a cut rate. You say, look, Mr. Member, I am buying a house down here at Virginia Waters. I barely have the down payment for the house. I cannot pay you very much to convey that house to me, which is going to be done by his secretary anyway. The member may take a folder under his arms some day after his secretary has it all typed up or come into the building swinging his black briefcase with a dozen or so conveyances in it and go in and say, search the title, and say, yes, five minutes work and it is done and for that ordinarily the member would be paid about, say, on a \$50,000 house, the member would be paid about \$2,500 to \$3,000. So what happens if the poor, little fellow goes in and he says, well, look, I cannot afford that. I cannot afford to pay \$2,500 or \$3,000 to have that house conveyed to me. How about giving me a bargain. Will you give me a cut price? And the Member for Placentia East will say, no, boy, I am sorry, I cannot cut the rates. If I cut the rates I am going to get the boot out of the lawyers' union. They are going to throw me out. It will be considered unethical. It would be against the principles of the bar society if I do that. So you are going to have to cough up your \$2,500 or \$3,000 and he may incidentally say out of the corner of his mouth, well, look, if you are stuck I can give you a second mortgage but you will only have to pay twenty-three or twenty-five per cent for that. So, I can arrange it for you. Do not worry. You will have to pay your \$2,500 or \$3,000 and I will arrange a second mortgage for you. How would that be?

That is the kind of a break, Sir, the clients get in this Province and I am delighted, Sir, and look forward to the day

when the Government of Canada will put the lawyers under the Combines Act so that they will not be allowed to run around hog-wild, charging what they like, that their fees with either be set by the Parliament or by the legislatures of this Province. If they cannot clean their own shops, they will either be set for them - and they will not be all alike. If you get a second rate lawyer, you pay him a second rate fee. If you get one of these young fellows just out of school serving his apprenticeship and he is worth only fifteen or twenty dollars a day - that is all you pay him. If you get a top-notch man, and he wants fifty or sixty dollars a day, you might have to pay him that. But the rates should not be the same, Sir, should not be the same. It should be left up to the individual lawyers.

What a racket! You know, Mr. Speaker, what a racket! It has to be the greatest racket on the face of this earth when they can almost get away with murder. They think because they went to law school and got a certificate they can go out and fleece the public.

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: That is not why. Where, Mr. Speaker, I often wonder where is their sense of dedication. Is there any honour or dedication or decency left in the legal profession? If so, now is the time for it to come to the surface.

You know, Mr. Speaker, a poor fellow will go down and make an application for Legal Aid and he will be given a lawyer paid for by the taxpayers of Canada and of this Province. And nine chances out of ten, Mr. Speaker, a deal will be made. You know, I never saw the likes of a crowd for making deals as is made with lawyers. Nine out of ten cases never get before the courts. There is always a deal made behind the scenes. I have heard it going on. You know, it would almost make you sick to your stomach. Deals, wheeling and dealing behind the scenes. You know, it would make you wonder about the administration of justice in this Province.

I hope when the Minister of Justice is elevated to the bench that he will reform all these goings on, all this nonsense, put a little rationale back into the whole system. Mr. Speaker, this bill in my opinion is typical of the type of legislation that has been brought before this House in the last

MR. SPEAKER: Would the Clerk count the House please?

There is a quorum. The honourable Member for Bell Island.

MR. NEARY: Mr. Speaker, as I started to say there a few moments ago, Sir, this is typical of the kind of legislation that we have seen brought before this honourable House in the past three years, Sir. It will do nothing, Mr. Speaker, to put bread on the tables of the ordinary people of this Province and we could certainly spend our time, Sir, in a much better way this afternoon discussing other matters than discussing a plan to provide another monkey on the taxpayers' back and milch cow for the lawyers. You know, Mr. Speaker, I tell you one thing that we could have been doing here as far as the legal profession is concerned today in the interests of the people of this Province: Do you know, Mr. Speaker, that this is the only Province in Canada where somebody can bring a private prosecution against an individual, the only Province in Canada?

MR. HICKMAN: That is not so!

MR. NEARY: The Minister of Justice says it is not so. Well, I say it is so, Sir, and it is the only Province that anybody would dare bring a private prosecution against anybody. There is the kind of loophole in our legal procedure that we should be plugging in this Province in the interests of our people. But what we are going to hear now, Sir, in retaliation, in rebuttal to my few remarks in support of the ordinary people, what we are going to hear is a vicious personal attack on me, 'He has a personal vendetta against lawyers.' I have nothing against lawyers. I have had to use a few myself in the last couple of years. I always manage to get a good one. I presume they get well paid. The last one I had was paid for out of the public Treasury. I had my own form of Legal Aid.

There are all kinds of things that we could be doing in this House, Sir, to at least give the appearance that the administration of justice in this Province is fair and equitable and just,

that we do not have one law for the rich and another law for the poor that everybody is treated alike under the law. These were the kind of things, Sir, if we are interested in jurisprudence, if we are interested in the administration of justice, these are the kind of things that we should be doing. Instead of praising the lawyers we should be putting the boots to them for fleecing the ordinary person in this Province, and they have gotten away with it down through the years. Somehow or other, Sir, lawyers expect you to tip your hat to them. Good day! They are your betters. They expect you when you pass them on the street to tip your hat as your better. They have managed to jockey themselves into this position, Sir, too long and it is time now they were exposed for what they are. I thought politicians were the biggest con artists that I ever met. By God, I will tell you this, that we got a job to beat the lawyers. Maybe it is the influence they have with so many of them being in politics. The legal profession is only a stepping stone. Get into politics. I do not know why we have so many lawyers but I know why we cannot or why the ordinary person cannot get a fair deal and a fair shake and cannot get fair fees and rates. It is because we have too many lawyers in the legislatures of this country.

I remember one time when I got involved into controversy in Newfoundland over the high charges for real estate fees and my honourable and learned friend was a member of the cabinet at the time. I was only a little lowly backbencher sitting on that side of the House, and I was called before the high command, and I was told that this lawyer and that lawyer and the other lawyer and this lawyer and that lawyer objected to my attacks on the legal profession.

MR. MORGAN: Who told you that? Joe Smallwood?

MR. NEARY: I was told by the gentleman in charge of the party at that time and we almost parted company over that. I said, I am going to continue this fight unless it is resolved to my satisfaction. I was told to lay off. There were too many lawyers in the cabinet, too many friends of the Liberal Party who were lawyers, lay off. I do not know if the present Minister of

Justice was one of the ones who suggested that I lay off. I did not lay off. That made me more determined than ever. I just said, lay off, how are you! And I remember two weeks later I was called back before the same gentleman and said, you know, I have to tell you something 'Steve' that you are a good Newfoundlander and you are a good Liberal and this is a great Liberal cause and this is the kind of thing that a Liberal should be doing.

MR. DOODY: Talked you over, did he?

MR. NEARY: And we are going to appoint a Royal Commission, we are going to appoint a Royal Commission to look into this whole matter of the high cost of real estate transactions in this Province. And the report was made, Sir, and I was confirmed to be absolutely correct. Mr. Kostaszek, Leonard Kostaszek, a one man Royal Commission, told us that the lawyers were ripping off their clients on their charges and real estate transactions.

MR. SPEAKER: Order, please!

MR. NEARY: And suggested they clean their own house.

MR. SPEAKER: Order, please!

The Hon. Member for Bell Island is straying somewhat from the principle of this particular bill.

MR. NEARY: Well, Mr. Speaker, I appreciate your ruling, Sir, but I am somewhat concerned, Mr. Speaker, about the lawyers themselves setting their own fees. And then we are told here that they can go down before I think it is - what is it they call him the master what, payment, let me see where it is.

PREMIER MOORES: The Grand Master.

MR. NEARY: Not the Grand Master. What is it they call this fellow 'Alec' you should know. I got to find it myself, I suppose. Commission to establish administrator.

Anyway there is provision there, Sir, whereby they can submit their rates and have them assessed before a judge of the Supreme Court. But that

sounds fine, Sir. What do they call them, "Alec"? - Master what? The fellow that decides whether your rates -

MR. HICKMAN: Taxing Master.

MR. NEARY: Taxing Master, Taxing Master, that is it.

MR. HICKMAN: A layman.

MR. NEARY: Pardon? A layman, is it? Well, talking about laymen, Mr. Speaker, there is no provision at all for laymen to be on this Board. There is not no provision whatsoever, Sir. I have gone through the act and I could find nowhere in that act -

MR. HICKMAN: There are no exclusions.

MR. NEARY: There may not be any exclusions, Sir, but you are left with the impression when you look at this act that it is going to be made up exclusively of lawyers and if they do appoint a layman to the Board, Sir, I would like to be that appointee, not one of their party hacks or funkies.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Pardon?

MR. PECKFORD: You want to get on the payroll?

MR. NEARY: No, there is no pay in this. You -

AN HONOURABLE MEMBER: Oh, there is no pay.

MR. NEARY: Except you get paid by the meeting. It is the director, Provincial Director of Legal Aid who gets the big, fat salary. But, Sir, the Taxing Master will only determine, will only decide whether the fees that are being levied, that are being charged are in line with those that are in that little book, that are set by the legal fraternity themselves, by the lawyers' union. He will only decide that, Sir. He will not be permitted to make a decision whether or not the fees are too high, whether they are out of line with charges that are made for other services in society. He can only decide within certain boundaries whether or not the fees are within those perscribed by the lawyers' union.

Mr. Speaker, the Taxing Master, whether he is a judge of the

Supreme Court or whether he is an ordinary layman cannot say, no, boy, you are charging \$2,500 for a real estate transaction and that is \$1,900 too much. He cannot say that. That is what the Government of Canada is going to say pretty soon. At least, I hope they will when they bring the lawyers under the Combines legislation. They will not be able to get together and fix their fees.

Your Honour knows full well, Sir, if we pass this legislation as is that there will be no change in the fees. The fees will remain as they are, that they will give her all the traffic can bear. They will soak it to her, crack on her as hard as they can. No wonder they are the highest paid lawyers in the whole of Canada. Just imagine, Newfoundland, the lowest personal per capita income in Canada, highest record of unemployment, and lawyers earn more money than their counterparts in any Province of Canada and most of it, Sir, on real estate transactions where the work is done mostly by their secretaries anyway.

So, Mr. Speaker, I am not impressed with this piece of legislation, Sir. We could better spend our time this afternoon discussing something far more important, would concern the ordinary people of this Province. There he is now, the Member for Placentia East, cannot wait to get up on his pins, go right for the jugular, just like the cobra.

MR. BARRY: Inaudible.

MR. NEARY: Go right for the jugular, Sir, and I can hear them now, the attack coming right, left and centre. He will make himself sound so sanctimonious and the legal profession, the lawyers' union is so pure that he will almost have me in tears. And they will go on, I would submit now, Sir, they will go on charging their high rates and their high fees and they will go on fleecing the public. Do you know why, Mr. Speaker? Because we have too many lawyers in this House of Assembly, Sir, and a little, poor, old Newfoundlander, ordinary Newfoundlander like myself - It is like, I will tell you what me here this afternoon, Sir, is like taking sand and throwing it into the wind and it will blow back in my face because that is what you are going to get. I do not know but

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I will provoke them all to get up on their, all the lawyers now to get up on their feet to try to defend themselves because they will be afraid now of the unfavourable publicity they might get tomorrow, because this is a subject, Sir, that hits at the heart of every Newfoundlander. It is an emotional issue and I can tell my learned friend there is no way he can win,

that I can get more mileage out of this than he can because it is a subject that affects everybody, especially those who are buying houses for the first time or the second time or the third time, those people who are buying houses, who are being taken straight to the cleaners by a group who apparently have no conscience at all. They have been told by a commission to clean out their own house and they have not done it. What kind of a nerve!

I know, Sir, he is going to get up and say, oh, we changed a little percentage here and there. We have changed it. But, Mr. Speaker -
MR. SPEAKER (STAGG): Order, please!

Now, the honourable member has gone on for quite some time on matters that are completely irrelevant to this bill. I suppose in the five minutes that is remaining, it is probably too late to correct it. However, I suggest to the honourable member that his time is rapidly dwindling. If he is going to speak to the principle of the bill, he had better do it soon.

MR. NEARY: Mr. Speaker, I have had a ball this afternoon, Sir. I am back on my old pet peeve, a subject that is very dear to my heart. No doubt I am going to provoke some honourable members to get up now and lash out, go right berserk. But, Sir -

PREMIER MOORES: Anti-lawyer.

MR. NEARY: No, I am not anti-lawyer, Sir. Some lawyers in this city are my best friends. I sit down at least once a month -

MR. ROBERTS: You dare to say some of your best friends are lawyers.

MR. NEARY: I sit down once a month with two or three lawyers and we have a little fun together and play the odd little game of cards together. Sir, it is not a personal vendetta. As far as I am concerned, it is a matter of principle, and I am certainly glad that my honourable friend, the Leader of the Opposition does not practice law. I am glad, Sir, that he is pure. I am glad that he is pure and above that and -

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: Well, the honourable the Premier seems to be making overtones there, gestures that my friend is a lawyer. Well, I realize my friend is a lawyer but he has not practiced law.

PREMIER MOORES: Play cards with him!

MR. NEARY: I beg your pardon?

MR. MOORES: Play cards?

MR. NEARY: No, not with the Leader of the Opposition. The Leader of the Opposition and I -

MR. HICKMAN: He cannot get into that select group.

MR. NEARY: I beg your pardon?

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: But, Mr. Speaker -

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: - we would be better off this afternoon, Mr. Speaker, instead of, Sir, discussing ridiculous legislation like we have before us, if we as elected representatives of the people did something sensible for the ordinary people of this Province instead of providing another milch cow for the downtown lawyers.

SOME HONOURABLE MEMBERS: Hear! Hear!

PREMIER MOORES: The way to go.

MR. SPEAKER (STAGG): The Member for Placentia East.

MR. AYLWARD: I suppose the Leader of the Opposition wants to get a crack at him too, but perhaps -

MR. ROBERTS: Get a crack at the gentleman from -

MR. THOMS: With a stick.

MR. ROBERTS: In a parliamentary sense, get a crack at the gentleman from Placentia East.

MR. AYLWARD: Well, you are certainly welcome to that anytime you so desire.

Mr. Speaker, I suppose, you know, we could really laugh at this because I think that no one knows any better than the honourable gentleman who has just taken his seat that, you know, he does not believe himself the half of what he says because I refuse to think that a man could be as blind as he appears to be.

First of all, you know, with the bill itself it is obvious, Mr. Speaker, that either he did not read the bill, or if he did, he just failed to understand what was involved in this bill. Because, really, everything he was preaching for the last ten or fifteen minutes about what should - or the last forty-five minutes, I suppose - what should or should not

be done with the lawyers and by the government, is what this bill purports to do. You know, Mr. Speaker, you could not help but be impressed with his art in trying to look at two or three sides.

MR. BARRY: Inconsistency.

MR. AYLWARD: Yes, inconsistency personified, Mr. Speaker, because here is a man who will rip into the lawyers and into the real estate agents and into the car dealers, anyone at all. If chickens and hens and pigs had a vote, he would be after them. Anybody, anybody! He feels, of course, the lawyers are really vulnerable. The real estate agents and I think, the last group were the car dealers. But now, the poor people of Newfoundland who cannot afford lawyers and who for years the legal profession themselves provided some type of systematic service.

MR. SPEAKER (STAGG): Order, please!

I wonder if the honourable member would permit: At five o'clock it is the questions for the debate on the adjournment, the so-called Late Show has to be announced. There are three for today. The first is the honourable Leader of the Opposition on a matter relating to insurance. The second will be

MR. SPEAKER (STAGG): the honourable Member for Bell Island, a question concerning unemployment, I think that was the question that was asked this afternoon and to which there was no response.

MR. ROBERTS: Mr. Speaker, His Honour, as you know, reserved a ruling on it. You are now making the ruling, is that what we are to infer?

MR. SPEAKER (STAGG): His Honour has given me these topics so I presume that a ruling would -

MR. ROBERTS: Your Honour can presume but we cannot, so I just want to be clear on the point.

MR. SPEAKER (STAGG): My interpretation of the rule is that the question would be permitted.

MR. ROBERTS: It is an important point.

MR. SPEAKER (STAGG): The procedure would be that the honourable member would be permitted to debate it. And the third question is again the honourable the Leader of the Opposition, the question with relationship to the Whalen Report, And I would also like to take this opportunity to make a ruling on a matter that came up earlier concerning remarks allegedly made by the Member for Bonavista North and I will read these into the records now.

The Member for Bonavista North said, "I want to make this quite clear because once this goes it goes and that is, you know." And some honourable member interrupted him and said, "You got a commitment from the Minister of Justice." The honourable the Member for Bonavista North said, "Yes, but I do not trust the Minister of Justice."

This was the remark which I did not hear. Unfortunately, and it is the opinion of the Chair that this is a nonparliamentary expression. Now it can come under a number of areas, the most general of which would be the imputation of false or unavowed motives. There is no actual section which sets out that particular set of words as being unparliamentary, but I believe that they are not the type that can be condoned by the Chair so accordingly I suggest to the honourable member that retraction is in order.

MR. THOMS: Yes, Mr. Speaker, I withdraw these remarks.

MR. ROBERTS: Mr. Speaker, in line with that ruling of Your Honour, may I raise a point of order with reference to something said a moment or two past by the gentleman from Placentia East, whereas I heard him, he said that my colleague from Bell Island, he did not believe what my colleague from Bell Island just said in the House. I would submit under exactly the same heading as Your Honour has just made the ruling that the gentleman from Placentia East should be directed to withdraw that on the ground he has been imputing to my colleague false and unavowed motives.

MR. SPEAKER (STAGG): Maybe the Member for Placentia East might explain exactly what he was saying at the time.

MR. AYLWARD: I did not get the point of order. Perhaps the Leader of the Opposition could repeat it, Mr. Speaker.

MR. ROBERTS: The point of order was that my colleague - I am sorry. He is not my colleague, fortunately - the gentleman from Placentia East in the midst of his intemperate attack upon the gentleman from Bell Island, said that the gentleman from Bell Island did not believe more than half of what he, the gentleman from Bell Island had just said in a debate in the House. I think if Your Honour were to check the Hansard, Your Honour would find that that is a pretty exact quote of exactly what was said. And I would submit, Sir, in light of Your Honour's ruling, which of course we accept, that the honourable gentleman, his remarks are quite out of order because they obviously impute - if it is not proper to say that one does not trust a minister, and I accept that, then equally it is surely not proper for an honourable gentleman to say that the honourable gentlemen opposite does not believe it.

MR. AYLWARD: If I might speak to that point of order, Mr. Speaker, I respectfully submit that there is no bearing at all, really, The ruling that you just made, the honourable gentleman opposite said that he did not trust the minister and you felt that that was unparliamentary. I do not think you even made - you suggested to him that he should withdraw it, What I said was, and it is exactly what the Leader of the Opposition said I said, and that was that the honourable Member for Bell Island did not believe what he was

saying himself. That is correct.

MR. NEARY: Yes, I did, every word.

MR. AYLWARD: And, you know, I do not propose, unless -

MR. ROBERTS: Mr. Speaker, surely he was imputing false or unavowed motives to the honourable gentleman, that is exactly the point on which Your Honour founded the ruling you just made. I mean what is chalk for one -

MR. AYLWARD: Inaudible. Chalk! Chalk!

MR. ROBERTS: Mr. Speaker, I have the floor. If the honourable gentleman can gain it in a minute that is up to him and up to you, But, Mr. Speaker, the point is that surely we are not going to have chalk of one and cheese of another. If gentlemen on this side are not allowed to say that they do not trust the ministers, well that is fair enough. But if gentlemen on the other side can then say that gentlemen on this side do not believe what they say, and get away with it, we have chalk of one and cheese of another and Your Honour surely will not permit that.

MR. AYLWARD: Mr. Speaker, I respectfully submit that certainly is a horse of a different colour, To say you do not trust a man is one thing, but to say you do not believe that the man himself believes what he said, that is an entirely different matter.

I trust the honourable gentleman from Bell Island, sure I do.

MR. ROBERTS: He does not trust you.

MR. AYLWARD: I trust him. He knows I trust him. I trust him implicitly but I do not believe he himself believes half he says.

MR. ROBERTS: He trusts you to keep your back to the wall.

MR. AYLWARD: I think that certainly is quite a distinction from saying I do not trust the man. I trust him by all means.

MR. SPEAKER (STAGG): Order, please! Well this could be a matter of extreme importance as far as future debate is concerned. I believe that the honourable member's

remarks were made somewhat facetiously at the time and maybe some of the remarks of the honourable member may have been, too. But I would have to see the records of this because I do not think that you can adjudicate on something like this in isolation. You have to take it in the context in which it was given. It is not a question of making chalk of one and cheese of the other. It is just a question of trying to be sure of what you are doing. I must say I was not constrained to leap to my feet when I heard the honourable member speaking. So, consequently, to hear another honourable member tell me his interpretation of what was said, which might be shaded, might have shades in it, certain interpretations of himself. I will rule on this at a later date after I read the transcript.

The Member for Placentia East has the floor.

MR. ALYWARD: Mr. Speaker, one of the - I was mentioning the fact that, in my opinion, the honourable gentleman had missed completely the whole point of this piece of legislation because what this legislation does is exactly what the honourable gentleman from Bell Island says should be done. Right now, today in Newfoundland and really since 1968 when Legal Aid was introduced in Newfoundland, a committee of the Law Society look after the administration of Legal Aid. It was a good thing for Newfoundland that this committee was functioning when the Federal Government provided these funds for Legal Aid because everyone knows that in Newfoundland there is a shortage of lawyers like all professional people. In order to be able to provide the type of service that the federal plan envisaged you needed an organization of some type. At that particular time the Legal Aid Committee was functioning and functioning voluntarily and the Minister of Justice asked the Legal Aid Committee to act as a provincial agency, which they did.

Now, the Law Society has, even before we were asked to act as a provincial agency under a federal agreement, they wanted to pass the matter over to the Crown as part of the administration of justice.

That is what we wanted to do. That is what the Law Society, the Legal Aid Committee, everyone connected with Legal Aid have been preaching for years, years. That is exactly what this bill does. This takes it out of the hands of the Law Society and, Mr. Speaker, there are arguments both ways on this. In many Provinces of Canada the Law Society guards this and felt that they could better administer it and wanted it and everything else. But in Newfoundland it was just really the exact opposite. This legislation, it all comes under the Minister of Justice and the Lieutenant-Governor in Council. That is what this legislation does. This now, this legislation will enable the Minister of Justice if he so desires, and I have every reason to believe and I hope he does, put on this Board lay representation, lay representation. That is provided. The section says the affairs of the commission shall be managed by a Board consisting of five members, subject to subsection (3) the Lieutenant-Governor in Council and two ex officio members. The law society may recommend five but the Lieutenant-Governor will take three of these five. They need not be lawyers. They need not be lawyers. This is exactly one of the great criticisms.

So, Mr. Speaker, what is obvious from that? It is obvious that the honourable gentleman did not even read the legislation. He did not even read it. Now, his next great, big proposal is that all the Legal Aid should be handled by the lawyers in the Department of Justice. Now, anyone connected with the administration of justice, not alone in this Province, in every Province,

and one, I suppose, basic concept of the whole field of the administration of justice is to ensure that anyone charged with a criminal offense will, wherever possible, be entitled to select his own lawyer and to get the best lawyer he can, really. It has nothing to do with the government. And we have in Newfoundland to date tried as far as possible to see to it that this selection could be maintained. But my honourable friend says, no, you should go into the Department of Justice and get a lawyer. Now can you imagine, Mr. Speaker, if you were unfortunate enough to be charged with a serious criminal offense and the man who is prosecuting the case, or who has to, at least, of course, do his job and provide whatever evidence he can to obtain the conviction - now my honourable friend says that you should go to the same department and get another man to defend you. Can you imagine! How comfortable would you feel, Mr. Speaker, if you felt that the Director of Public Prosecutions downstairs was pressing the charge against you, and right in the same office with him, or just across the corridor was a lawyer who was defending you. But this is the great, great white knight who tells us that he is all concerned about the rights of the poor people. This is what he wants done. He does not want an independent lawyer who can tell the government to go take a jump. A man who is not paid by the government can tell the Hon. Attorney General, his Director of Public Prosecutions and everybody in the Department of Justice to take a long walk off a short wharf because he is independent and he can be paid. But no, the Hon. Member for Bell Island says that is not right. He should have a lawyer right across from him. This is ridiculous, Mr. Speaker, preposterous.

And one thing, I think, this honourable House can expect, and the people of Newfoundland from any member who gets up here and participates in a debate and talks about legislation is that he should at least read it. He should read it. The idea of trying to get across to the public of this Province that this is what is going on! As I say, it is a complete misrepresentation of what the legislation itself purports to do. And then, Mr. Speaker, he throws up his arms and says, oh! that Legal Aid is a milch cow and all they are doing for the poor people of Newfoundland who need a legal aid lawyer, they get juniors. They get juniors.

I respectfully submit, Mr. Speaker, if the honourable gentleman was doing his duty, and he knew of any particular Legal Aid case where the lawyer did not do a good job, his proper course would be to bring it to the attention of the committee. We would be glad to hear from the honourable gentleman. We would be glad to hear from him or anyone else in Newfoundland or any recipient of Legal Aid, if such is the case. We would be glad to deal with it. But this man gets up in the House and says, all the lawyers handling Legal Aid are guinea pigs. Imagine! What an accusation! What an accusation to make, Mr. Speaker. And he quotes then some lawyers who he feels should be participating in the Legal Aid. I am sure the honourable gentleman if he knows the difference then certainly he is guilty. If he does not know the difference he is equally guilty because he has a duty to inform himself on topics of this nature before taking to the public airways.

Now what is the situation with respect to the rights of a client, a recipient entitled to Legal Aid. We decided some years ago, Mr. Speaker, that we would circularize the profession and ask the lawyers, when Legal Aid came in, how many lawyers - we broke down the areas into three areas; we said, in criminal law, in civil law and in the field of family law - divorce, matrimonial matters and all of that nature. We circularized the members of the Law Society and we told them that we were compiling a list at the Legal Aid office and any lawyer who is prepared to take Legal Aid cases, who wanted criminal, civil or family law to give their names to the administrator of Legal Aid. And we had fifty lawyers in this Province who indicated that they were prepared to take criminal matters, probably in excess of fifty. We had fifty

more who were prepared to take civil cases. We have fifty more who are supposed to take, who are prepared to take family law, - divorce, separation and matrimonial matters. Now, Mr. Speaker, anyone entitled to Legal Aid in Newfoundland today is entitled to select any lawyer on that list. Now, that is one out of fifty. I respectfully submit, Mr. Speaker, that that is an excellent choice. That is an excellent choice and that is what we tried to do as long as the Law Society administered the programme. And I sincerely trust that after it is taken over by this commission that they will continue to do that because we want to ensure that the recipient of Legal Aid is in as good a position as the person who could afford to pay.

And if you yourself, Mr. Speaker - I suppose you are a lawyer yourself, but if you act for yourself you say you have a fool for a client - but if you were unfortunate enough to run afoul of the law, would you not really feel comfortable if you were entitled to Legal Aid and the Legal Aid was granted, and they said, look, here is a list of fifty lawyers, you can take anyone of them. Would you really feel that you were being made a guinea pig? Well, that is the kind of nonsense and political garbage that we heard this afternoon. Instead of getting up and paying a great tribute to this programme, the great man who is so much for social welfare, social legislation, a previous Minister of Welfare, to really abuse this programme, it is ridiculous, it is beyond belief. I could not believe half I was hearing, Mr. Speaker. That is why, as I said earlier, I do not believe he really believed himself what he was saying.

Now, Mr. Speaker, can you -

MR. SPEAKER (STAGG): Order, please!

Well, I heard that one. The honourable member knows I am prepared to make a ruling on this particular method of describing the honourable Member for Bell Island's feelings on the subject. I respectfully ask that the honourable member use other phrases to make or put his point across.

MR. AYLWARD: Thank you, Mr. Speaker. I had not realized that you had taken this matter under advisement. But, unfortunately, Mr. Speaker, what this legislation envisages is more full-time lawyers with the Legal Aid Programme which will mean because of, I suppose, cost and to

reduce cost, that the service will be provided by lawyers who are full-time employees of Legal Aid. That will be, in my opinion, Mr. Speaker, unfortunate. Because I would like to see, not alone in cases where a person if convicted would be obliged to, I think it is serve life imprisonment or over ten years, then under our federal agreement we are compelled to give him a choice of lawyers. I think everyone - I would like to see everyone entitled to Legal Aid being entitled to select his own, his or her own lawyer.

And, Mr. Speaker, I am glad to see that under our arrangement with the federal government we must in cases where Legal Aid with respect to a criminal offense, the punishment for which may be life imprisonment or death, the client may select any solicitor in private practice in the Province. So that if anybody is charged with an offense, the penalty for which upon conviction is life imprisonment, then we must under the law really give that person the right to select any lawyer he likes.

But, in the other cases, Mr. Speaker, to date any recipient of Legal Aid as I said earlier is entitled to a choice of about fifty lawyers. Now, to say all these are just beginners and all juniors and are all making, are providing just almost really substantial service, is ridiculous. Mr. Speaker, I think that this is a fine piece of legislation. I think that it will do a great deal

for people who cannot afford to obtain lawyers in Newfoundland. And one thing I like about it is that it will try to bring Legal Aid outside the urban centres and out to the rural areas of Newfoundland and Labrador. The Legal Aid Committee and the Law Society tried with the resources available, both professional and financial, tried to provide Legal Aid service throughout all Newfoundland and Labrador and it is a great feeling, Mr. Speaker, for any Newfoundlander in any part of the Province to realize that if he is charged with an indictable offense he can be entitled to select, or be entitled to representation without any cost today in Newfoundland.

Last year you may recall that we introduced a system of duty council and twenty-four hour service which means that if anyone anywhere in Newfoundland any hour of the day or night is charged with an indictable offense he can call the Legal Aid number and obtain advice from some lawyer and that is as much, Mr. Speaker, and in some cases better than the services available to a man who can pay it because you try to contact a lawyer anymore than a doctor after office hours. It is difficult. But with Legal Aid, Mr. Speaker, we have made arrangements whereby lawyers are prepared at any time, any time if they are on duty, to provide advice, service and representation.

In addition, as you know, we have arranged in every centre of Newfoundland where there are lawyers practicing, and that is St. John's, Corner Brook, Grand Falls, Harbour Grace, Gander, Wabush, Stephenville, and - I think I have covered them all.

MR. HICKMAN: Marystown.

MR. ALYWARD: And Marystown, we have made arrangements where there are Magistrate's Courts for lawyers to go in there, paid for by the Legal Aid, and if anybody comes forward who does not have a lawyer, who cannot afford a lawyer, or in some cases even if he has the money but there is no lawyer around, a Legal Aid lawyer will give that man advice and postpone the case or arrange bail or whatever the case may be. So, I think, Mr. Speaker,

Legal Aid has come a long, long ways in this Province. The increase in demand is astronomical. We have provided an excellent service. We have provided it for, not alone St. John's and Corner Brook and the areas where I have mentioned where lawyers are, but the whole Island of Newfoundland and Labrador. We have gone all over Labrador and all over Newfoundland, Mr. Speaker, and I can count on the fingers of one hand any complaint we have had from any of the recipients of Legal Aid about the type of service. It is a wonderful programme. It has expanded and grown and I sincerely trust that under this legislation that this Committee will bring Legal Aid to more people, will eventually obtain from both the Federal and Provincial Government sufficient funds to be able to provide a more expanded service.

The Attorney-General wanted me to yield.

MR. HICKMAN: Mr. Speaker, I move that the House on its rising do adjourn, stand adjourned until tomorrow, Friday, at eleven o'clock in the morning.

MR. ROBERTS: We are sitting tonight, are we not?

MR. HICKMAN: No.

MR. SPEAKER (Stagg): It is moved and seconded that the House at its rising do adjourn until tomorrow, Friday, at eleven of the clock. Those in favour "aye", those against "nay", carried.

The Member for Placentia East.

MR. ALYWARD: Mr. Speaker, one other point that I just wanted to mention and this was the question of all the fees that the lawyers were charging who are acting in these Legal Aid cases. My honourable friend knows, and if he does not know he should know, Mr. Speaker, that the fees that are paid by lawyers providing Legal Aid are in many cases far less than what is charged in the case of an ordinary solicitor-client relationship. The scale of fees was a scale that was negotiated by the Legal Aid Committee and the Law Society with the Department of Justice and, of course, after the Federal Government

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entered the picture and provided funds, they had to accept, which they did. And the fee structure in Newfoundland is the lowest in Canada, lowest in Canada, Mr. Speaker, lowest in Canada.

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MR. ROBERTS: How are the lawyers' incomes?

MR. AYLWARD: I do not really know.

MR. ROBERTS: I think they are the highest in Canada on a per capita basis.

MR. AYLWARD: I do not really know what they are, Mr. Speaker. Some of these great lawyers that my honourable friends were talking about must be really driving that average way, way up.

MR. NEARY: It is the second mortgage business that does it.

MR. AYLWARD: But, I do not think that would even be considered as professional income, see. But, anyway, Mr. Speaker, he talked about all the money the lawyers are getting now.

MR. ROBERTS: Mortgages taken for legal fees?

MR. AYLWARD: Pardon?

MR. ROBERTS: On the mortgages taken in satisfaction of legal fees?

MR. AYLWARD: Yes, if it is for fee. But, I think what the honourable gentleman was speaking about - I do not think he was speaking about just the fees. He was talking about, you know, financing, the difference in the down payment. But, anyway, Mr. Speaker, you know, the fees that lawyers charge are, as I said earlier in the Legal Aid cases, below the ordinary solicitor-client. They are a scale of fees that the federal government must be aware of or had to approve before they entered this agreement. In addition to this every bill is taxed, every lawyer's bill is taxed.

So, if my honourable friend -

MR. ROBERTS: The honourable gentleman might explain to our non-learned brethren what he means by taxing.

MR. AYLWARD: Well, what I mean by taxing is that a Taxing Master takes the bill and goes over it and says whether it is in - I have very rarely if ever seen him increase it. He does decrease it, of course.

MR. ROBERTS: Did the honourable gentleman say that every bill for legal services is taxed.

MR. AYLWARD: Every bill for Legal Aid, you know, over \$200. And under \$200 is done by the provincial administrator. Every bill. No lawyer just sends in his bill to Legal Aid and gets his check. No lawyer -

MR. ROBERTS: Another lawyer looks at it, and then he gets the check. Is

that it?

MR. AYLWARD: No. Well, bills under \$200 are tax -

MR. NEARY: Why did you not give it to me to look at it?

MR. AYLWARD: Well, perhaps if the honourable Member for Bell Island made an application and satisfied the authorities that he was a competent and a capable Taxing Master -

MR. NEARY: They would not even let me on the Revenue and Audit Committee.

MR. SPEAKER: Order, please!

MR. AYLWARD: I can certainly see that. Well, perhaps you would be considered for a Taxing Master. But, the Leader of the Opposition asked a question. The answer is all accounts under \$200 are paid and we consider taxed by the administrator.

MR. ROBERTS: What is the average or the medium account in Legal Aid? What sort of bills do you get?

MR. AYLWARD: Well, you know, they vary. For all that information -

MR. ROBERTS: I know they vary. What is the medium account.

MR. NEARY: What is the rake-off for the lawyers?

MR. SPEAKER: Order, please!

MR. AYLWARD: But, over \$200 -

MR. NEARY: How much is it to get a horse released from the animal pound?

MR. SPEAKER: Order, please!

MR. NEARY: Is there a price on that?

MR. AYLWARD: If there is any particular case, Mr. Speaker, that the honourable gentleman knows of where there is an abuse, we would be glad to hear of it, not get up in here and start attacking every lawyer and slandering every member of the profession.

MR. ROBERTS: Slander is a conclusion in law.

MR. AYLWARD: He should be ashamed of himself, Mr. Speaker, because he is doing the poor of this Province a great disservice. But, anyway to answer the question of the honourable Leader of the Opposition -

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

MR. SPEAKER: Order, please!

MR. NEARY: Mr. Speaker, to use the word slander, Sir, a member slandered somebody, is in my opinion, Sir, and I believe Your Honour has ruled on this before, it is unparliamentary. I would ask Your Honour to

draw it to the member's attention and ask him to retract and apologize Sir. I did not slander anybody. The lawyers are here in the House. They can defend themselves. I did not libel or slander anyone, Sir. I just made some statements of facts that I thought to be facts, not - they were not meant to be slanderous in any way, shape or form, Sir. I would ask the member to retract and apologize to the House.

MR. SPEAKER: Order, please!

The Chair feels too that the word slander used in the context that the honourable Member for Placentia East used it was certainly unparliamentary. I would ask him to withdraw it.

MR. AYLWARD: Certainly, Mr. Speaker, if you ask me to withdraw it.

But, I wonder whether you were here, Mr. Speaker -

AN HONOURABLE MEMBER: Withdraw.

MR. AYLWARD: I withdraw it. Sure I withdraw it, Mr. Speaker. But, imagine the attack! You say it was not slanderous. That is all right, Mr. Speaker, but what do you call it when he said, this is the big milch cow and the lawyers are ripping off everybody. Oh, the poor people, the money they were charging them.

MR. ROBERTS: A normal phrase and a difference of opinion. Go on with debate.

MR. AYLWARD: Mr. Speaker, what could any person sitting down listening to this honourable gentleman, what he said about the Law Society and the lawyers - and it is not for me of course to defend them all. I am only trying to confine my remarks to the principle of this bill.

MR. SPEAKER: Order, please!

I wonder would the honourable Member for Placentia East like to adjourn the debate because we have to start the Late Show?

MR. AYLWARD: Fine. I move the adjournment.

MR. SPEAKER: Let it be

noted that the honourable Member for Placentia East will be given the opportunity next day to continue.

MR. ROBERTS: Is the Hon. Member for Placentia East a member of the Law Society, Sir?

MR. SPEAKER: We shall commence the debate on the adjournment really, commonly called the Late Show, and I think the Deputy Speaker announced the order of the questions. I understand the first one is a question asked by the honourable Leader of the Opposition to the honourable Minister of Provincial Affairs and the Environment re insurance. I believe that was the one.

The honourable Leader of the Opposition.

MR. ROBERTS: Thank you, Mr. Speaker. I do not know whether I have frightened off the Minister of the Environment or whether he is gone to seek succour elsewhere, but I notice he is not in the House. I assume he should know about it. I assume he will be here to reply to the debate. If not his silence will be eloquence of both his contempt for the House and for this entire issue and of his contempt for the people of Newfoundland whom he is supposed to be serving.

Now, Sir, when I first raised this matter in the House, giving rise to the answers which I found unsatisfactory, I began with a plea for public regulation of the rates charged by automobile insurance companies operating in this Province for the insurance which they sell to the citizens of this Province. Shortly after that, or maybe a little before it in point of time according to the procedure of the House, but sometime after I first raised the issue publicly, in The Daily News this morning the government, I am not sure which minister it was, but one of the ministers speaking for the government gave notice of some legislation which apparently will have the effect of achieving the end which I advocate. And if that is so then I shall welcome the legislation. I do not know what is in it, of course, so we shall have to await the legislation. When we get it then we shall see.

I cannot resist saying though, Mr. Speaker, that I find it highly amusing that this legislation should be brought in on this day of all days, and

then after it is introduced, in speaking in answer to another question, the Minister of Justice informed us that, and I think I quoted his words exactly, that if the draftsmen can get the legislation done, then it will be brought into the House in this current session. That would lead one to believe, Mr. Speaker, that no such legislation has been drafted.

MR. HICKMAN: I said next week.

MR. ROBERTS: Next week? Well that hopefully is the end of this session. That is what the minister has been saying outside the House. That would lead one to believe that no legislation has been drafted. It would lead one to believe that the government have recognized that there is a problem. The problem though that they recognize is not one of regulating insurance companies, but rather one of political embarrassment being caused to them because once again their ineptitude and their lack of concern has been exposed. I find it highly coincidental that this legislation should come in on this day after what has transpired publicly.

Now, Sir, I am aware of the fact that the government, through the lips of the Minister of Justice, have from time to time said that they are studying the question of insurance and of no-fault and compulsory insurance, but they are labouring. An elephant has a gestation period, I understand, of eighteen months, The Minister of Justice's gestation period is equivalent to at least two elephants and I am sure that the product will not be anything like as useful as two elephants. It may amount to the sort of product that two elephants would produce over a period of thirty-six months and I am not speaking of gestation.

Mr. Speaker, the government have dallied and dillied and the people of Newfoundland are paying the price. I do not know whether the insurance rates are too high or not, And that is the whole problem, nobody knows, because these companies, Sir, are not regulated effectively in this sense. I do not blame the insurance companies for it, I blame the government of the Province. The minister said that one Province has legislation along these lines, I tell him that two have legislation along these lines, Nova Scotia and Alberta, and the Government of New Brunswick recently in their Throne Speech announced that they too were bringing in similar

legislation. We are hardly going on a new and unbeaten track.

Now, Sir, time is short, but I want to say that we think there should be no-fault, compulsory insurance. I want to say that we think there should be a point system because the best way to reduce the cost of insurance in this Province, to reduce it, Sir- a board will not reduce it, A board will just certify that whatever, you know, will testify that the rates are the realistic and proper rates but as we have seen with the phone and the light companies, the boards cannot reduce rates below the economic limits, The way to reduce the cost of insurance is to reduce the need for insurance and that means reducing the number of accidents and the point system would achieve that end. A reduction of the speed limits would achieve that end, It has

done so with dramatic results, I am told, in the United States. I understand that there is evidence now that indicates that the reduction to the limit of fifty-five miles per hour on the major interstate highways in the United States has reduced the accident death rate by approximately twenty per cent. In view of the high death rates in Newfoundland, that in itself is worth achieving. I think Sir, there should be a licencing testing programme, a comprehensive and a compulsory retesting. The administration have made some feeble moves in this effort but they have not made any substantive moves. The fact remains today that, Sir, if one gets a licence in Newfoundland at age seventeen one can go for the rest of his life without any retesting. Is Your Honour about to rise?

MR. SPEAKER: I would like to inform the Hon. Leader of the Opposition that his five minutes are up.

MR. ROBERTS: May I just draw the sentence to a close then? Perhaps as a matter of practise, Your Honour, there might be some means of giving a sort of a thirty second out cue if the clerk could because, you know, five minutes is not long. It is long enough, but it would help if a speaker had thirty seconds to gather his wits as best he could and try to put a conclusion on it. Maybe as a point of procedure.

In any event let me say simply that the government must act. They have announced some legislation. I await the legislation, and I hope it is not a sham. I fear that it may be because of the circumstances which surround its introduction in this House today.

MR. SPEAKER: The Hon. Minister of Justice, I assume, is going to reply to that particular question.

MR. ROBERTS: Teddy Bear has been silenced.

MR. HICKMAN: Mr. Speaker, as I indicated earlier today it is government's intention and has been government's intention for quite some time to implement a form of compulsory automobile insurance one way or another. And the issue has not been whether we should have compulsory insurance, automobile insurance, in this Province, but the type of compulsory automobile insurance.

There have been suggestions, and there is a school of thought, that we should have no-fault insurance. Now no-fault insurance encompasses within it a compulsory aspect as well. Seven Canadian provinces including Newfoundland, have for more than a year now been attempting to get accurate statistics with respect to the cost to the consumer of no-fault insurance. We have not received, and this is not the fault of the industry nor is it the fault of the chartered accountants from New York, I think they were, who did the studies, but there is an indication that it may be an expensive piece of insurance. Because the no-fault means that either the motor vehicles are repaired by your own insurance company, by the motorist's insurance company without question of whether he is to blame or not. We argued that the elimination of a lot of the work of adjusters, that the elimination of small claims in the courts would reduce cost to the insurance companies and therefore this should try at least to keep a handle on the cost, but we are not certain of it. And until we are certain that no-fault insurance will not impose an undue financial burden on the people of this Province, we are not prepared to bring it before the House and submit it to this House for consideration.

Also, Mr. Speaker, we believe that for it to be truly effective there should be some uniformity in the Canadian provinces in the field of no-fault. It is a new scheme, one that has only been in operation in two or three of the United States for a few years. There was a Royal Commission in Nova Scotia that could not come up with a definitive proposal- the Graham Commission, I think it was Graham. But on the other hand, Mr. Speaker, we are determined that there will be compulsory automobile insurance. And the legislation that will come before this House in the form of an amendment to the Highway Traffic Act will do just that. I would anticipate that if this House sees fit to pass the legislation that it will take until the end of this year to prepare the necessary forms and documentations so that in 1976 when a motorist applies for his licence, for his motor vehicle or his driver's licence, he will have to furnish proof of adequate automobile insurance.

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The amendment to the Automobile Insurance Act that will also come before the House will provide for an insurance review board. I do not know what the exact name will be, probably an Automobile Insurance Review Board. They will be given the same

principle the same rights as a Board of Commissioners of Public Utilities which will throw a burden upon the insurance industry before increasing their rates to satisfy that independent Board of the necessity and the just and reasonableness of their request. The Speech from the Throne indicated this year that we would, the government would introduce either a no-fault insurance or compulsory insurance. It is nothing that has arisen as a result of the profound observations of the honourable the Leader of the Opposition. A committee of officials completed their work for us on May 8, 1975. Following that government studied their recommendations and discussions and decided to implement and bring before the House legislation during the current session. There is no question, Mr. Speaker, of the need for compulsory insurance. There is no question of the need, in our opinion, of some regulatory body to have some control over insurance rates. As a matter of interest -

MR. SPEAKER: Order, please! Order, please! The honourable minister has used his five minutes. The second question; I recognize the honourable Member for Bell Island.

MR. NEARY: Mr. Speaker, the latest figures released by Statistics Canada show beyond any doubt, Sir, the complete inability of the present administration to cope with the unemployment situation in this Province. As of April 30, 1975, Sir, there are 37,000 of our fellow Newfoundlanders out of work, unable to find a job and the victims of this administration's neglect. Each one of these individuals, Sir, is an accuser of our government's lack of interest or complete ineptness at handling an employment rate of around 17.5 per cent or ten per cent higher than the national average. Every member of this honourable House, Mr. Speaker, whether on the government benches or over here on the Opposition side of the House, cannot, if he has any sense of decency or humanity, but pity these individuals and families who are robbed of a chance, Sir, to earn a living through sheer neglect on the part of the present administration.

When we talk about unemployment, Mr. Speaker, what we are inclined to overlook is the fact that we have so many unemployed that it places

a tremendous burden on the rest of the work force in Newfoundland and Labrador who must through their taxes and unemployment insurance contributions support the jobless. What we are talking about here, Mr. Speaker, is about 82.5 per cent of our work force who have to foot the bills for just about everything in society today. And if they are going to be compelled to bear even a greater burden of taxation as each year goes by in order to compensate for our present government total neglect of its primary responsibility of creating jobs for our people, then, Sir, they are going to become awfully disillusioned, discouraged and disenchanted.

Mr. Speaker, if the Minister of Industrial Development was quoted correctly in the last couple of days when he stated that our unemployment problem could be reversed into a labour shortage, then it is high time, Sir, in my opinion, that the Premier reveal to this honourable House the details of this wonderful formula and eliminate our serious doubts, Sir, that the Premier will shortly don a red satin-lined cape and pull a fertile rabbit out of his tall silk hat. Mr. Speaker, the Newfoundland Federation of Labour in its annual brief yesterday to the government stressed the failure of the government to provide employment for our people at reasonable wages and the erosion of the real value of the workers' earnings. They too, Mr. Speaker, along with all the rest of us are anxious to hear what the Premier has in mind to bring about this brave new world that we heard so much about in the 1971 and 1972 election campaigns. Perhaps, Mr. Speaker, when the Minister of Justice, the acting Premier, makes his reply he will let us in on the secret formula that the Minister of Industrial Development referred to recently so that when we return to our districts Sir, in the foreseeable future, we will be able to reassure our constituents that there is indeed a brave new world ahead. The only hitch,

of course, is that they may have to wait until after the next provincial general election to get rid of the occupants in the seats on that side of the House before we enter into this brave new world. Maybe, Mr. Speaker, the turn around mentioned by the Minister of Industrial Development is the turn around that will come after the next provincial general election. Then maybe, Sir, something will be done to help the unemployed and the under employed in this Province.

MR. SPEAKER: The honourable Minister of Education.

MR. OTTENHEIMER: Mr. Speaker, in the absence from the chamber of the Minister of Industrial Development, I have been asked to reply to the points put forward by the honourable Member for Bell Island. I endeavor to do so in five minutes. Of course, it is a very complex area and very difficult to do anything. Honourable members of course realize that the question of unemployment is related to the question of inflation. It is essential to realize as well that in a federal state there are two levels of government, two levels of jurisdiction, two levels of power. There are some things some can do. There are other things others cannot do. And certainly -

MR. NEARY: Hear how they talk!

MR. SPEAKER: Order, please!

MR. OTTENHEIMER: - in the area of unemployment there are obviously national areas where national action is taken which no Province can take. Now, what with respect to what the Province can do, because we can only talk about what could be done with respect to easing, lowering, eliminating unemployment only in the area of the Province's competence, not in the area of the national or federal government's competence: What has this government done? Has it done nothing? Has it done very little? Has it shown no concern? What has it done to strengthen and diversify the economy of the Province because that basically is what is going to solve the unemployment we have, to strengthen and diversify our economy? Well this government for the first time in our history, this Province now has through the action of this government, gained control of its own hydro resources and hydro potential and with that development, with the developments which will ensue there, we have to a large extent for the near future gained direction of our own economic destiny. That

certainly is a very significant move in strengthening and diversifying the economy of this Province, the gaining control of our own hydro power and hydro potential.

Another significant policy which will have beneficial results is the dynamic, energetic programme of the Minister of Mines and Energy and of this government with respect to the encouragement of offshore exploration and this government's position emphatically enunciated with respect to the Government of Canada, made known to the Prime Minister, made known at various meetings of first ministers, and that is this government's determination that there will be provincial jurisdiction with respect to the offshore gas and oil resources, certainly a policy which is quite significant also in strengthening and diversifying our economy and consequently giving more employment opportunities.

With respect to the fishery policy, all one can say here is what this government has urged upon the competent jurisdiction to do. Only several weeks ago, six or seven weeks ago, the Minister of Justice at Geneva enunciated this Province's position, and not for the first time because this has been going on for the past couple of years with respect to the necessity of a 200 mile limit in order to preserve the fishery resource and certainly anything which is done to preserve that resource is a significant factor in strengthening our economy and broadening our employment opportunities.

This last few days, and I believe even today, the Minister of Fisheries is in Scotland making representation with respect to Newfoundland's position at an ICNAF meeting asking for a forty per cent reduction of the fishing effort in the ICNAF area by non-Canadians and a much larger quota for Canadian fishermen in that area. Of course when one says Canadian fishermen, one means not exclusively but to a very large extent Newfoundland fishery efforts and certainly all of this makes up for a policy of strengthening and diversifying our economy.

This legislature voted \$2 million to the Department of Rural Development. It is unfortunate the minister is not here so that he could explain in detail the importance of the \$2 million expenditure in that area which also will have important results in developing employment opportunities and in strengthening and diversifying our economic base. The Newfoundland

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Tape 2227 (afternoon)

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and Labrador Development Corporation, again this House voted \$500,000 in equity funding, \$300,000 in operating money, just a couple of months ago in the estimates, and

certainly the work of the Newfoundland and Labrador Development Corporation which was a Corporation established by this government which is a -

MR. SPEAKER: Order, please! The honourable minister has used his five minutes.

MR. OTTENHEIMER: I will just finish my sentence, Mr. Speaker. - which is also an important matter. So, I submit, Mr. Speaker, that these and other policies of this government show the kind of economic policy which we are developing.

MR. SPEAKER: We have one more question. I recognize the honourable Leader of the Opposition.

MR. ROBERTS: Thank you, Mr. Speaker. I thought my colleague's comment was well said: The only thing that the honourable the Minister of Education forgot in his disquisition was to tell us the names of these two levels of government and I would hope the next time he is put up to obfuscate, to dilate, to delay and otherwise to confuse the issue he would remember that.

MR. OTTENHEIMER: He would have to ask the Leader of the Opposition.

MR. ROBERTS: Well, Sir, well, Sir, then I shall tell the honourable gentleman that there are two levels, federal and provincial. The Liberals control the Federal Government and the Liberals will control the Provincial Government after the next general election.

SOME HONOURABLE MEMBERS: Hear! Hear!

MR. SPEAKER: Order, please!

MR. ROBERTS: Now, Sir, to come back -

MR. EVANS: More harboungates!

MR. ROBERTS: Yes, we controlled Hermitage by the vote of the people after the election.

MR. EVANS: This is a harboungate.

MR. ROBERTS: Harboungate?

AN HONOURABLE MEMBER: Yes.

MR. ROBERTS: Yes, we shall have some harboungates in Newfoundland -

MR. SPEAKER: Order, please!

MR. ROBERTS: -Mr. Speaker, but I would suggest they would involved
Bill Saunders -

MR. SPEAKER: Order, please!

MR. ROBERTS: Oh! Okay.

MR. EVANS: What about your own buddies?

MR. ROBERTS: Now, Sir, if I may speak for a moment about the Whelan
Commission, and I am glad to see the Minister of Municipal Affairs drop
by the House for a few minutes and doubtless will speak on it.

MR. PECKFORD: We are all waiting.

MR. ROBERTS: I am sorry?

MR. PECKFORD: At your beck and call.

MR. ROBERTS: Well, Sir, I am glad the honourable gentleman is at
somebody's beck and call. That is more than his constituents will
give to him. Now, Sir, the point about the Whelan Commission is simply
this. It is a very important -

MR. PECKFORD: They can always get to see me.

MR. SPEAKER: Order, please!

MR. ROBERTS: Mr. Speaker, it is a very important question, the whole
question of municipal government in this Province. The government two
or three years ago in the dim, dark days of memory when people still
believed that they would come to grips with the problems of this
Province, appointed a Royal Commission headed by Mr. Hugh Whalen or
Professor Whalen including among its members Mr. Tom Hopkins of Grand
Falls, Mr. Clarence Keeping - not Clarence Keeping, Mr. Clarence Powell -
and Mr. Hubert Harnett, a gentleman who serves on a number of royal
commissions and also has singular success in renting buildings to
the government.

The commission did a lot of work, held hearings, had studies
made and four or five or six months ago, I am not sure just when,
presented its report to the government. Since then, Sir, the government
have tried to keep the report hidden. The minister on a number of

occasions has said, oh, it is being printed, it will be made public. The Minister of Justice exploded that myth today for what it is. I do not know what is in this report that is embarrassing or what is in this report that the government do not want to make public. It is no excuse, Mr. Speaker, to say that we are studying it until we can make up our mind. Nobody expects the government to table the report and at the same time to table the statements saying we have adopted the report in total or not. It is a very complicated question. It is one which could benefit from wide public discussion. The municipalities wish to participate. Members of the House would wish to participate. Citizens would wish to participate. But until we know what is in the report, Sir, discussion is really of little point. The sensible course is for the government to make the report public, to make it quite clear in so doing that they have neither adopted nor rejected any of the recommendations in that report but that they have published it so that the people of Newfoundland, the municipal bodies, the other groups that are interested and individual citizens can look at it, can study it, can make comments and suggestions. Indeed the same course of action which was followed with the report of the enquiry into the St. John's area, the Proctor and Redfern Report which was then subsequently turned over to a committee headed by Mr. Alec Rowley.

So, I say to the minister that I would ask him now to say that he will make this report public immediately. Nobody expects the government to say, all right, we have adopted it, or not. I understand it is a very large report. Make it public so that people can study it, digest it, comment upon it, be prepared to participate in a discussion, in a debate upon it. Surely we will get a better municipal policy out of it. Surely the results will be better than if we get what apparently is going to happen, the report to be tabled on day one and either at the same time or on day two, the minister or the Premier to stand and say, here is, here is our policy settled like the laws

and the Medes and the Persians. This is no need to keep it back. There is nothing in it, I am quite confident, that should not be made public. So, why not make it public so that people can see what is in it and learn. I say, Mr. Speaker, that if the minister and the government do not make it public - and I think if the minister has his druthers it would be made public now but the Cabinet have ruled that it not be made public and so he must accept that collective responsibility and does - I say, Sir, that if it is not made public one must draw the assumption that the government either are hiding something or are in a state of confusion with their entire municipal affairs policy. All over Newfoundland municipalities are awaiting the government's action. They want to know

what is to happen in the field of municipal government. The government say, the Whalen Commission but nobody knows what is in the Whalen Commission. I see that the Speaker is about to rise. I assume the five minutes has about run out. How time does fly, Sir. But let me say quite simply that I urge the minister to make that report public. I can think of no reason why it should not be made public. I think that if it were made public to the people of the Province the result would be a better municipal government structure, a better policy of the government towards the municipalities and towards the problem with which municipalities deal. I think it is time that this government began to trust the people of this Province.

MR. SPEAKER: The Hon. Minister of Municipal Affairs and Housing.

MR. PECKFORD: Mr. Speaker, there is no attempt on behalf of the government to hide the Whalen Royal Commission, number one. That report takes up four huge volumes, bigger than this thing here at my right. And what has been happening, Mr. Speaker, is simply that we have sent it to the printers. It is being printed now. About seven or eight days ago I requested information as to when it would be printed so we would have copies for the municipalities and for all interested groups. And I was informed at that time that it will be printed by 15 July at the latest. I wanted a firm date and that is the firm date that I received. Simultaneously with the printing of the report a government committee was established to précis and to concisely record the major decisions, policy reversals or decisions that were made by the commission. This morning just by mere accident I am ready to proceed to Executive Council with a brief outline of what the commission says, the Whalen Commission says. And then, of course, the printing will come on stream July 15. So we should be in a position -

SOME HON. MEMBERS: Oh, oh!

MR. PECKFORD: It has been received by the government, by cabinet, but it has not been studied in detail but it is ready to be now, because -

AN HON. MEMBER: When did it come in?

MR. PECKFORD: It came in about six months ago, five or six months ago.

MR. ROBERTS: Six months and it has not come before Cabinet!

MR. PECKFORD: In any form that would be meaningful, because the report is so huge.

AN HON. MEMBER: Cannot any of them read?

MR. PECKFORD: Well, I would answer to the affirmative on that question.

So, Mr. Speaker, there is no intent to hide. It is just a matter that it is a massive document. A government committee has been studying it weekly for the last four or five months. They have completed that study. It is ready for study by cabinet so that there will be no delay between the time there is enough copies printed to be published to everybody and government having seen it so that if we waited and never had a government committee established to really give cabinet a look at it, at the concise proposals in it, we would be down the road another four or five months. So subsequent with the printing, the committee which has finished its deliberations, it is now ready to report to Executive Council on the major policy decisions or the recommendations in the report. So just to recap. There is no intent, no motive by government or by the department to hide the report. It is proceeding well. The printing will be completed by the 15 July and the departmental study, in line with the Planning and Priorities Secretariat, has been completed and so it will be the decision then of the Executive Council come July 15 as to whether it should be made public or not. And I do not see any reason why it should not.

MR. ROBERTS: You mean the four volumes?

MR. PECKFORD: That is right.

MR. ROBERTS: Will the Planning and Priorities one serve any purpose?

MR. PECKFORD: Well, you know, that is a decision that I cannot make, Mr. Speaker, only to say that the whole report - we will have copies then for all the municipalities and for all interested groups, around 2,000 to 2,500 copies of the full report.

MR. NEARY: They are free are they?

MR. PECKFORD: Free.

MR. SPEAKER: Order, please!

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I understand the motion has been made that when we adjourn we adjourn until tomorrow Friday at eleven of the clock.

It is moved and seconded that the House do now adjourn. Those in favour, "aye." Those against, "nay." Carried.

I do now leave the Chair until tomorrow Friday at eleven of the clock.

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Mr. Ottenheimer gave notice that on tomorrow he would ask leave to introduce the following bill:	
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