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VERBATIM REPORT

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SPEAKER: THE HONOURABLE GEORGE W. CLARKE

The House met at 11:00 A.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order! Before we take up the first item, Presenting Petitions, I want to draw the attention of the House to the fact that we have in the galleries on the Speakers right today a number of pupils grades five and six from St. Alban's Elementary School, Trinity, Bonavista Bay. They are accompanied here today by the principal of the school, Miss Marie Fitzsimmons and the grade five teacher, Mr. D. LaFlamme. I would ask you all to give them a hearty welcome.

NOTICE OF MOTION:

HON. E.S. JONES (MINISTER OF FINANCE): Mr. Speaker, I give notice that I will on tomorrow ask leave to move the House into a Committee of the Whole to consider certain Resolutions in relation to the granting of Supplementary Supply to Her Majesty for the financial year ending the 31st day of March, 1971. I give further notice, Mr. Speaker, that I will ask leave on tomorrow to let the House resolve itself into a Committee of the Whole to consider certain Resolutions for the granting of Supply to Her Majesty. I give further notice, Mr. Speaker, that I will on tomorrow ask leave of the House to move the House into a Committee of Ways and Means.

ANSWERS TO QUESTIONS:

HON. J.R. SMALLWOOD(PREMIER): Mr. Speaker, question 480 on the Order Paper of April 15th in the name of the hon. the member for St. John's West. The answer to the first part of the first question is 21,078 and the answer to the second part is that, of course, this is confidential commercial information between customers and between supplier and buyer.

MR. J.C. CROSBIE: (Inaudible).

MR. SMALLWOOD: That is right, that is right but the second part has to do with Price which is classified information. The answer to the second part is rather long but the totals were 961 men, 961 employed in Lake Melville on the logging operation and eighty-one of these were not Newfoundlanders, were

MR. SMALLWOOD:

not living in Newfoundland or Labrador, they were brought in. Five of them were for management, six were office staff, eight of them were scalers, four of them were foremen, five were mechanics, five were heavy equipment operators, seventeen were skidder operators. The number of residents of the Province were 880 who were already residents, that is to say they were residents before they got the jobs, that is ninety-two per-cent.

Now the third part of the question asks how many men were working on March 1st, past and how many of those men were ordinarily resident in Newfoundland. Well, the number on March 1st past was 252 and it is not a great deal larger in number now and it will not be until the snow is gone and they can begin operating on some scale. Of the 252 employed on March 1 seven persons were non-residents, were not Newfoundlanders. This gives a proportion of over ninety-seven per-cent Newfoundlanders.

MR. CROSBIE: Could we have the details and as a further question, Mr. Speaker, when the Premier says 880 is that 880 at one time or during the course of the year?

MR. SMALLWOOD: No, not at one time, no.

MR. CROSBIE: That is during the whole year there are 880?

MR. SMALLWOOD: Nor was the other number all at one time. The eighty-eight or whatever that smaller number is of non-residents, they were not all of them working at the one time but throughout the season. These were the two numbers respectively.

HON. E.M. ROBERTS (MINISTER OF HEALTH): Mr. Speaker, perhaps I could answer a few more of the questions standing in my name. First, Sir, question 234 on the Order Paper of March 29. The hon. gentleman from St. John's East asked me whether the planning committee of the Western Memorial Hospital have determined the type of hospital facility necessary for Western Newfoundland? I am not quite sure how to answer that, Sir, but perhaps I could answer it by saying the planning committee of the hospital, on which were

MR. ROBERTS:

represented the Government, the Hospital Board and the medical staff and so forth, have determined on a plan for Western Memorial Hospital itself, the regional facility for Western Newfoundland and a district facility for the Corner Brook - Bay of Islands area, and the Government, of course, have approved that plan.

He went on to ask if architectural and/or conceptual plans have been commissioned and the answer to that is yes. We have already announced that, Mr. Speaker. He asked what fees and/or remuneration had been paid or agreed to be paid and the answer is at the rate of seven and one-half per cent, I think that is fairly standard. Then the hon. gentleman asked have either preliminary or final drawings or both been received and the answer is that at this stage we have neither. He asked have tenders been called? Well, you know we are not going to call tenders without plans.

Question 235, Sir, asked about Twillingate. Have architects been engaged and the answer is yes, my colleague the Minister of Justice made the announcement before the New Year, the firm of Horwood and Guihan. Their fees etc will be paid at the rate of seven per-cent. (3) Have either preliminary or final drawings or both been received? I am told we received schematic plans, whatever that might be. I also know that fairly recently the site of the hospital was finally determined.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: Something special for Twillingate, yes.

Question 239, the member for St. John's West on the Order Paper of March 29, asked much the same question as the hon. member for St. John's East about Western Memorial Hospital. He asked however for the name of the architects and it is Bélanger, Blanc and Albert etc. etc. March 1971 was when they were appointed and the other parts of the question I think I have already answered just dealing with the one firm - we have made no payments to date in this year.

MR. CROSBIE: A supplementary question, Mr. Speaker.

MR. ROBERTS: All right, before that I can add that of the amount we previously spent on Western Memorial Hospital \$140,000. stands to our credit with that firm as against the plans they are now doing. Is there a supplementary question?

MR. CROSBIE: Yes, what was the cost? There have been monies paid out to date in connection with previous plans and so on.

MR. ROBERTS: I have already answered that I think, Mr. Speaker, but from memory it was of the order of one-half million dollars over the past five or six years.

MR. CROSBIE: Which is a credit of \$140,000

MR. ROBERTS: We are credited In addition we have the benefit of whatever can be used of the plans and concepts that have been developed. The member for St. John's West, question 240, asked a question about Twillingate. He asked were the firm of Horwood, Campbell & Guihan appointed in the year 1967 or 1968, if so, what date were the architects appointed? It is an unusual question, Sir, because the answer is March 1968 and if memory serves me the hon. gentleman at that time was the Minister of Health, I would have thought he would know about that. He then went on to ask; have any plans been received and I have already dealt with that. The schematic plans were received in April 1971, I am told. Were they instructed not to proceed with the drawing-up of the necessary plans and specifications? Those plans were deferred but they have now been reactivated. He asks what has been the cost to the Government to date with reference for architects or engineering fees or consultants fees for Twillingate? The answer is \$3,637.16, \$3,600,000 in round figures.

Question 241, Sir, the hon. gentleman from St. John's West asked me, in essence what he asked was have the Department of Health had any investigations made into the ERCO plant at Long Harbour and, if so, by whom? The answer, Sir, is as follows: Yes, an investigation was carried out in June of 1970.

MR. ROBERTS:

It was made by Mr. C.R. Ross a profession engineer who is an official of the Occupational Health Division of the Canada Department of Health and Welfare. The report of the investigation was sent to me on August 3rd, 1970. The hon. gentleman then asked would the Government table the report? Well, it is not that I will not table the report, Mr. Speaker, but since I made it public on behalf of the Government at a news conference held in August 1970 it is on the record, it is available. Then the hon. gentleman asked -

MR. CROSBIE: Does that mean the Minister would table it?

MR. ROBERTS: I do not see any need to table it. It is in my file somewhere but if the hon. gentleman wants to look it up in the newspapers it is there if not -

MR. CROSBIE: No, no, not the newspapers, the report itself could that be tabled?

MR. ROBERTS: Mr. Speaker, I have already made the full report public. I see no need to table it again but if the hon. gentleman can give me a reason to table it again I would be delighted to go and spend money to have it photostated and sent out. It has been made public, the full report.

MR. CROSBIE: Since the Minister has made some report on it we would like to see the report itself.

MR. ROBERTS: Mr. Speaker, I made the full report public not a version of the report or not comments on the report. I made it public to the people of Newfoundland in August 1970 a matter of three or four days after I received it.

MR. CROSBIE: Well, then why would the Minister -

MR. SMALLWOOD: He was asleep, I think, he was asleep that week.

MR. CROSBIE: Why would the Minister then object to tabling the report here so the members can see the report?

MR. ROBERTS: I have no objection to tabling it but I see no reason to table it that is all.

MR. SMALLWOOD: It is public knowledge now.

MR. ROBERTS: It is as public as it can be, Mr. Speaker.

MR. SPEAKER: We must not have a debate either as to whether it should be tabled or not.

MR. CROSBIE: Could the Minister refer me to what date the whole report was published?

MR. ROBERTS: I think it was August 8 , unless I get back to the hon. gentleman you know, it was a Thursday or Friday in the week.

MR. SMALLWOOD: It was between 10:35 and 10:59.

MR. ROBERTS: Newfoundland daylight time.

MR. SMALLWOOD: Daylight saving time.

MR. CROSBIE: Very good.

MR. ROBERTS: The hon. gentleman then went on to ask, Sir, if the Government were satisfied that the working conditions and environment of the plant at Long Harbour are now adequate etc. with respect to the protection of the health of the employees? My answer would be that acting on the advice that the Government have received we are satisfied that conditions are adequate but let me hasten to say that there are still areas where further improvements should be made in the interests of the health of the employees of that company working at that plant. Then he asked whether ERCO had carried out the recommendations made by the Government of Newfoundland. The answer is yes and so the second half of the question does not arise.

MR. CROSBIE: A supplementary question, Mr. Speaker. Could the Minister tell us whether the Government has had any other investigation made since June of 1970? Has there been any follow up or has Mr. Ross gone back again or is there any further report since then?

MR. ROBERTS: Yes, there have been, I can only speak for the Department of Health, there may have been. I do not know if other agencies are involved or not but there have been further visits by my own officials, Mr. Speaker. I have had several meetings with Mr. LaPerrier who is the manager or I do

MR. ROBERTS:

Not know what his exact title is but he is the head guy out there and I am told by my own environmental health officials that the conditions are being improved. I might add that I have also been keeping in close touch with the representatives of the union at Long Harbour and I gather they are satisfied that things are being handled properly and I have, I think, a firm understanding with Mr. Parsons, who is the international representative of the steel workers union, they are certified for Long Harbour, and if there are any further problems he will not hesitate to bring them to me. I think, any of us who know Mr. Parsons know that he will not hesitate to bring forward any problems he encounters.

MR. CROSBIE: Mr. Speaker, a further supplementary question. Is the Minister aware that many of the employees at the ERGO plant itself are not satisfied with the conditions there as relates to health?

MR. ROBERTS: Mr. Speaker, I have had no further representations from the employees -

Mr. Roberts.

or from the company. If there are any such problems, I would be most anxious to hear about them. My own officials, as I say, have been - I do not know how often they have been there, but I know they have been keeping in close touch. I also, as I have said, spoken on several occasions with Mr. Parsons and, you know, I will deal with the union, because, of course, they are legally representing the men in the plant. But if there are any problem, I would like to know about them. I might say my friend and colleague the Minister of Provincial Affairs, who sits for the district of Placentia East, has also been keeping in close touch, and I think it is fair to say that he has had no complaints, because he has not been to me with them. He would not hesitate to bring them to me. He always has in the past.

Question No. 242, Sir, March 29 - by the hon. the member for St. John's West. He asked me, in effect, if the personnel classification exercise, for the hospitals in the Province, had been completed and if so on what date? The answer is that yes. The survey of physicians in the hospitals was completed on November 3, 1970. The survey of salaries was completed on February 8, 1971. These surveys are now receiving consideration by the appropriate officials both in my own department and in the Department of Finance and in the Treasury Board as well and also by the management of the hospitals concerned. I think it is well known, Mr. Speaker, that the employees are consulted as well.

The hon. gentleman asked if there had been any changes made in the classifications or salaries with reference to hospitals. The answer is no. If there are any changes, they will be announced in the normal way, in due course. Yes, I might add, Mr. Speaker, I am reminded by my colleague, the President of the Treasury Board and Minister of Finance, that the hospital management throughout the Province - the hospital association, through the hospital association, have asked the Government if we would undertake and maintain the plan for them. We have agreed to do that. We will be retaining the necessary staff in personnel administration division.

AN HON. MEMBER: (Inaudible).

Mr. Roberts.

I am sorry. The personnel classification plan - pay classification plan. It is comparable in every way to the one that applies to the Government itself.

MR. CROSBIE: Do you mean that they want this to apply to non-Government hospitals?

MR. ROBERTS: It is to apply, yes. I think they have welcomed that and have worked with us and want us to carry on with it. Question No. 243, Mr. Speaker, by the hon. member for St. John's West. He asked a number of questions about the health resources fund. I think that I have answered them, but if not, perhaps, he could come back at me. I think I dealt with them yesterday or the day before.

MR. CROSBIE: It is \$30 million you are hoping to get, is it not?

MR. ROBERTS: Yes! Yes, we are entitled to \$20 million as of right, and there is an extra \$10 million chunk that we are interested in acquiring. Actually, we are not talking dollars. We are talking of the percentage of the approved costs. But our estimate is \$30 million.

The hon. gentleman, Question no. 244, Mr. Speaker..

MR. CROSBIE: There is no commitment yet, though, is there?

MR. ROBERTS: Oh! no. Indeed, I will perhaps come to that in a minute. He asked me if architects have been appointed to prepare the detailed plans and specifications for the new General at the University? The answer is no. He asked if any application has been made by this Government to the Government of Canada for a capital contribution from the Government of Canada towards the cost of the proposed hospital? If so, what was the date and what replies have been received from the Government? We have made no formal application other than about ten days ago we did apply formally for \$1.8 million of which \$1.35^{million} will come from Ottawa, Mr. Speaker, and that is to be used to prepare the plans for both the new hospital and the medical school, a non-hospital portion of the package. We have not,

Mr. Roberts.

as yet received formal approval, but I have every confidence and reason to believe that we will receive formal approval. The hon. gentleman asked when does the Government intend to have construction commence? The answer is as soon as possible.

Mr. Speaker, if I might, perhaps three more questions. The hon. gentleman for St. John's East, Question no. 277. How many psychiatric hospital beds are presently available in Newfoundland and at what hospitals? He then went on to ask how many additional beds have been provided and what is the Provincial average? I will table a copy of this - it is a list of various hospitals. There are a total of 875 psychiatric beds in the Province at the present time, Sir.

Question no. 278, asked by the hon. member for St. John's East: What, if any, changes in connection with the rates of payment to physicians in respect of insured services under the Newfoundland Medical Care Insurance Act have been made or agreed to be made in 1970? The answer is none. The second part of the question, accordingly, does not arise. The hon. gentleman might rephrase the question and ask about changes made in 1971, because I think that that is what he might be asking about. There were none in 1970. Finally, Sir, Question No. 280, the inquisitive member for St. John's East. He asked me to list the buildings or parts thereof used by the Medicare Commission as of December 31, 1970 for office space or other usage in the course of its duties? As of December 31, 1970, the only building or space used by the Medical Care Commission in the course of their duties was in the Elizabeth Towers Building on Elizabeth Avenue here in the City. The second part of the question: The Medical Care Commission have rented approximately, 8,500 square feet of space from the owner of the building, Elizabeth Towers, Limited. Rental terms are for a five year lease, with an annual rental payment of \$47,466. It is between \$5 and \$6 a square foot, from my mental arithmetic. Thank you, Sir.

HON. J. NOLAN (Minister of Supply and Services): Mr. Speaker, the answer to Question No. 96, asked by the hon. member for St. John's East, appearing on the Order Paper of March 25th. Was it answered already? All right. Well some of the questions I have answered before while they were on the Order Paper of that day. There was another one that I am not sure if it has been answered. If it has, perhaps the hon. members will bring it to my attention. It is Question No. 149. The answer is a little lengthy but not too much so I do not think. The answer to part (1) of the question is \$9,184.00. Then in the second question, give a breakdown under the following headings; television advertising, radio advertising, newspaper advertising, refreshments, reception and buffet for invited guests, miscellaneous. I will attempt to answer those. Television advertising for the official opening, December 15 - nil. Open House on January 16 - \$210. Radio advertising for the official opening - nil. The open House cost for that category - \$300. Newspaper advertising, the official opening:- I believe the answer to that is zero. For the open-house, it was \$824.39. For the refreshments, reception and buffet for the invited guests about \$425 or \$450, I believe. The official opening - the cost there on December 15 was \$4,550, Mr. Speaker. It was \$4,550. For the open-house, it was \$58.05. Miscellaneous for the official opening, \$4,634 and for the open-house on January 16. the answer is zero. Miscellaneous items, by the way, consist of the following items: souvenir ash trays - there were about 700 to 1,000 of those prepared, I understand - about 700 perhaps. The cost was \$2,345. The descriptive brochures, about 2,000 of those - \$1,200. C.N. buses were hired, two of them, and I think the cost there was \$146, Mr. Speaker. The Department of Public Works' preparations was \$943. The total there is \$4,634 for those items.

That is the answers to that Question no. 149. Question No. 345 - I am not sure if that has been answered or not.

MR. MURPHY: Would the hon. minister permit a supplementary question?

Mr. Murphy.

Television and radio advertising, no charge from CJON for the two minute spots the minister did on several occasions?

MR. NOLAN: Mr. Speaker, I did not say that. The hon. Leader of the Opposition said that. I did not say what stations. There were radio stations involved. I did not say what station or stations, Mr. Speaker.

MR. MURPHY: No, but the question I was asking, I heard him on several occasions on radio station CJON and on television, at least, five or six times. I had television advertising and radio advertising, nothing. That is according to the answer I got. I probably mistook..

MR. NOLAN: No, I think, I attempted to give the answer. I would be very happy to check it for the hon. Leader of the Opposition and perhaps I should repeat it for his benefit. Television advertising for the official opening, I have the answer, zero here. But for the open-house on January 16th I have \$210, Mr. Speaker. That is television advertising. As for radio advertising, again it applies to the open-house on January 16. The amounts there \$300. Is that satisfactory, Mr. Speaker, to the hon...?

MR. MURPHY: That is fine. Thank you. But it is a bit difficult, you know, when you get a lot of figures and try to keep them in the little space you have here, you know. If the answer were tabled, it would be much more satisfactory in a complicated question like this.

MR. NOLAN: Well I am about to table the information for the hon. member.

MR. MURPHY: Thank you.

MR. NOLAN: As a matter of fact I have a couple of copies of it here that perhaps someone could take - apparently we have no pages available this morning, page boys. Perhaps you could see that this is distributed. Excuse me, Mr. Speaker. The last part of the other question was Question No. 149, incidentally, in connection with the ash trays and so on. I think that is all right. Question no. 345, Mr. Speaker. I am not sure if that question was answered or not. The question of changing crude prices and this is Question no. 345, asked by the hon. member for St. John's East and also the product prices are under continuous review by the Newfoundland

Mr. Nolan.

Refining Company Limited, the Government's manager. The price changes, to date, to the best of my knowledge and from what information I have been able to ascertain up to this point, have not affected the original feasibility conclusions. Indeed, Newfoundland Refining have changed some of their crude oil contracts, resulting in a more favourable raw material price, according to the information that has been delivered to me on this this morning. That is Question No. 345.

MR. MARSHALL: A supplementary question, Mr. Speaker. Could the minister state, categorically, whether any feasibility study has been made, commissioned by the Government and made?

MR. NOLAN: I am not quite sure what feasibility study the hon. member refers to. There was obviously a feasibility study in connection with the oil refinery, as all hon. members of the House are familiar with. What I have said is in answer to Question No. 345 by the hon. member for St. John's East. And that is that it is under continuous review and that the Newfoundland Refining have changed some of their crude oil contracts and in fact they have gotten better prices on the raw material in some instances than they had formerly.

Question No. 349, asked by the hon. member for St. John's West. I am not sure if this information has been provided to the hon. member or not. If it has, I hope he would, Mr. Speaker, correct me. The question, I think is in three or four parts. The answer to part (1) is \$1,090,460. The answer to part (2) \$1 million was recovered from insurance companies, leaving \$90,460.00 to be met by the commission from its own resources. The answer to part (3), approximately \$136,000. This loss incidentally, Mr. Speaker, was not covered by insurance. It is not presently covered to the best of my knowledge. That is Question No. 349.

HON. E. WINSOR (Minister of Labrador Affairs): Mr. Speaker, Question no. 421, asked by the hon. member for St. John's West, appearing on the Order Paper of April 13. I think all of the information requested in that question was answered by the hon. the Premier, when he answered 480.

MR. CROSBIE: Mr. Speaker, part (2) has not been answered. Is Javelin Forest Products Limited recruiting, for work in the Lake Melville area, loggers at this time and if so, how many are needed? What are the wage rates? What are the working conditions offered and housing accommodation available? That part has not been answered.

MR. WINSOR: That answer to that, Mr. Speaker, is that they certainly will be recruiting as soon as the weather conditions improve, when they can go ahead with this year's programme.

MR. CROSBIE: Yes, but the question asks: If so, how many loggers will be needed? What are the wage rates? What are the working conditions offered and what housing accommodation is available for such workers who move to the Lake Melville area? Could the minister look that up or see if he can get some information on that for us? What will be the provision for housing? You know, what are the wages paid and so on? How many will likely be needed? Would the minister get that information for us?

MR. WINSOR: Mr. Speaker, as this is a private enterprise, it is not easy to get all the information that is requested by the hon. gentleman but I will endeavour to get what I can.

On motion, a Bill, "An Act Respecting The Application And Effect Of Certain Acts Passed In The Present Session Of The Legislature Upon The Revised Statutes Of Newfoundland, 1970, read a third time, ordered passed and title be as on the Order Paper.

On motion, a Bill, "An Act Further To Amend The Fatal Accidents 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 Fatal Accidents 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 Act 4 Ed. VII Cap. 13 Entitled "An Act To Provide For The Transportation Of Timber Over Streams And Lakes, And For Other Purposes In Connection With Crown Lands," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Amend The Coughlan College Incorporation Act, 1965," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act Further To Amend The Women's Patriotic Trust Fund Act, 1920," read a third time, ordered passed and title be as on the Order Paper.

On motion that the House go into Committee of the Whole on Items, " 7 to 21". Mr. Speaker, left the Chair.

Committee of the Whole on a Bill "An Act Respecting The Department of Social Services And Rehabilitation," (No. 13). Shall clause 23 carry.

MR. ROBERTS: Yesterday in the Committee, one of the hon. members, it may have been the member for St. John's West, said that this leaked, and what was it about?

I have since had the matter looked into and I am told that this is not an unusual clause. I am told it was in the Act which will be replaced by this one. I am told that it is in many of the departmental Acts that have been adopted by the House. I am told the reason for it is that, the reason we feel it is necessary, is that the Government thinks we should be told when one of our employees is to be made subject to an action, an action for which we might be held responsible in law.

For that reason we think the clause should remain in the Bill. As I have said, there is nothing new or unusual about it. It has been in existence for many many years in Acts of one Department or another.

MR. ROBERTS: I am told that it is in the Act which constituted the Department of Welfare and which is to be repealed by this Act.

MR. CROSBIE: On that point, the Minister says it is necessary so that the Department will know if there is any action taken for which the Government might be responsible, but a section says that no action will be commenced unless notice in writing is delivered to the officer, servant or agent of the Department. It does not say that notice should be served on the Department of Welfare or on the Government, so if that is the purpose of the clause, it is not going to carry out its purpose. This clause just says that one month's notice must be given the officer, servant or agent, delivered to him or left at his usual place of residence. So if he neglects to tell the Government about it, there could be a judgment against the Government and the Government will have no knowledge of it. So the clause does not meet that purpose.

MR. ROBERTS: Mr. Speaker, I am told the action will be against the individual but the question, and as the hon. gentleman knows, actions against the Crown are governed by a series of Acts because in Common Law there is no action against the Crown. The law is administered by the Crown unless the Legislature provides. You cannot sue or otherwise take action against the Crown, but I am told the purpose of this is the reason I outlined and again I say there is nothing new or different in it.

It is felt this is a necessary requirement, that an officer against whom action can be taken be given the notice and I would think it quite possible that he would not communicate it, but I think it would be highly unlikely.

MR. CROSBIE: But Mr. Chairman, this much about it. This can raise complications. Suppose an employee of the Department of Social Services and Rehabilitation is driving on Government business, he

MR. CROSBIE: may be using his own car and getting a mileage allowance, and he drives from St. John's to Holyrood and on the way knocks down a child or hurts him and a claim is brought against him for damages for personal injuries.

Now the person injured does not sue the Government, he sues John Jones who owns the car and who was driving the car. He is not going to give John Jones one month's notice. It does not even come to his mind that he should give him one month's notice.

But when he get into Court he may be in trouble because the agent of the Department was in the course of his employment while driving on Government business and this clause might be used against him. He is not going to think of giving one month's written notice to the employee.

So even if these clauses are in previous legislation, then I think it is time the legal draftsmen for the Government looked at them and got a more sensible clause.

I suggest it should be that if an action is going to be commenced against an officer, servant or agent of a Department and against the Department, for anything done in the course of his employment, that one month's notice be given. But this clause as it stands there now, is much too broad and I do not see why an agent, servant or employee of the Department should have the privilege of getting one month's notice before action can be taken when the rest of the population does not have that privilege. A Civil Servant driving on the highway has to get one month's notice if there is going to be an action against him. You or I or anybody else of the general public does not. So it seems to me that it should be re-drafted to serve the purpose that it is intended to serve. That is, to inform the Government if an action is going to be taken that might result in the Government being responsible.

MR. CROSBIE: So I think this clause is inadequate and I would like the Minister to discuss that, if he does not mind, with the legal people again and see should it not be re-drafted to serve the purpose intended.

MR. MARSHALL: If I could just add a word to that, the Minister is right, that this is *in* other legislation. This type of legislation with respect to notice, but I would suggest that the whole basis of having a section like this in the Act is purely and simply because the action will be taken against the employee of the Crown itself and the reason for putting in provisions with respect to notice to the Government is to assure that the Government knows before hand that an action is being taken. Otherwise it will have no means of knowing, a writ can be issued and judgment can be procured against the employee for acts in the course of his service with the Government.

I think this is the reason why the hon. member of St. John's West is quite correct, that this section really, to carry out the true intent, should provide that notice be given the Minister concerned.

MR. ROBERTS: Mr. Chairman, I can only make two or three comments. I am in the difficult position of not being equitably familiar with the legislation that I am sponsoring through the Committee. I must say that I am impressed by the points that have been raised. I had consulted both with the Deputy Minister of Social Services and Rehabilitation and I have spoken with the gentleman who is here in the Committee with me, who is a senior official and I have also had a brief session with one of our senior legal officers. I think my colleague, the Minister of Justice, and I, share the view that we are still not satisfied. We should let it stand again so my colleague will move accordingly that the matter stand if we can leave the Bill in Committee?

MR. ROBERTS: I move that the matter stand. Not with a view to finding out why it is in here but with a view perhaps to raising a larger policy issue, because it is in a number of Bills, I am told it is in my own Act in the Department of Health, Highways, and so forth and so on.

Indeed I, if you want to get a little radical, I think perhaps the Crown should be open to actions just as any other body, but as the hon. and learned gentlemen know that is not so, for historical reasons. But in policy I do not see why the Crown should be immune from any action.

However, we will look at it on a policy view point. I earlier looked at it only from the, you know why is it in this particular Act, if it could stand, Sir.

Motion, a Bill, "An Act Respecting the Department of Social Services and Rehabilitation, report progress and ask leave to sit again,

A Bill, "An Act to Amend, Revise and Consolidate the Law Respecting Social Assistance (Bill No.14):

MR. ROBERTS: The hon. member for St. John's West said he had some amendments to this Bill he wished to move in Committee. Could he let us have a copy of them so we could look at them?

MR. CROSBIE: I have not got them all written out.

MR. ROBERTS: Are they long or just the strike out things?

MR. CROSBIE: No, they are not long. They have to do with the Appeal Board.

MR. ROBERTS: Well, let us go ahead with it and let us see, we may have to let clauses stand, but if they are short amendments we can deal with them one way or another.

MR. CROSBIE: Mr. Chairman, there are several changes I would like to suggest of course it may be a policy matter and the Government does not want to change them. But this is the section to do with review and appeals.

The first part of the section applies to Administrator Review Committee, two Assistant Deputy Ministers and one other member of the Department, who review any complaints that a person effected by a

MR. CROSBIE: decision of a Regional Administrator may have.

They can go to this Review Board and they can make recommendations. There is a secretary to keep a record of their proceedings and then in subsection (6) the Lieutenant-Governor in Council is to appoint an Appeal Board to be known as The Social Assistance Appeal Board, consisting of three persons who are not employees of the Government or any Government Commission, which is very good, and one of those people shall be the Chairman.

Now any person affected by a finding or decision of the Review Committee or any applicant for social assistance, who does not agree with what the Review Committee has decided, can appeal to the Appeal Board.

As subsection (8) says, "members of an Appeal Board hold office during pleasure," that means Mr. Chairman that the members of the Appeal Board can be dismissed by the Minister or the Lieutenant-Governor in Council at any time. But they have no security of tenure I would like to see that changed so that the members of an Appeal Board hold office during a specific term, for good behaviour for a specific term, even if it is only a one year term or a two year term.

It seems to me that if you are going to have an Appeal Board, the belief of people in the fairness and partiality of that Appeal Board is impaired if people know that the Appeal Board can be dismissed at any time, just at the pleasure of the Government. I feel that there should be an amendment there. I will not move one at the moment, just see what the Minister thinks about it. That is subsection (8).

Then in subsection (13), in other words if there is some misconduct by a member of the Board or some improper behaviour, naturally the Government should be able to dismiss him.

MR. CROSBIE: Subsection (13) says "a person appealing to the Appeal Board under this section is entitled, subject to the regulations, to appear before the Appeal Board, either personally or by a representative, designated by him in writing."

Now Mr. Chairman, there I would like to see the words "subject to regulations" removed unless there is some good reason. I think it should say "a person appealing to the Appeal Board under this section is entitled to appear before the Appeal Board, either personally or by a representative, designated by him in writing, for the purpose of presenting his case." By leaving in the words "subject to the regulations" that means that regulations can be passed so that a person appealing is not entitled to appear before the Board, either personally or by a representative.

I do not see why the words "subject to the regulations" should stay in there.. It should be a person's right to appear himself before the Board or have someone appointed by him appear before the Board. That is subsection (13).

no, no the power is given to make regulations but -
what is that the government bulletin, coming out in technicolor is it?

MR.SMALLWOOD: Suppose we are going to announce the election this afternoon,
does the hon. gentleman think he is entitled to have our manifesto and
start copying it, copying it- copy cat -

MR.CROSBIE: Suppose it is Martin Goldfarb's report as the results of the
poll he is doing now. That would be very interesting to have.

MR.SMALLWOOD: I would love to have it.

MR.CROSBIE: You will.

MR.SMALLWOOD: Who hired him to do that.

MR.CROSBIE: We are not all politically innocent.

MR.SMALLWOOD: He is doing studies for this Government as he is doing for
the government, not party, Government of Newfoundland and Government of
Canada, Ford Company of Canada and half the great corporations of Canada.

MR.CROSBIE: Why is he asking questions such as, "what do you think of
Ank Murphy" and "what do you think of Harold Collins?"

MR.SMALLWOOD: Who says he is asking that?

MR.CROSBIE: I have a copy of it I will show the Premier.

MR.SMALLWOOD: Oh, not Mr. Goldfarb maybe somebody else -

MR.CROSBIE: No, Sir, Mr. Goldfarb, does anyone want to see a copy -

MR.SMALLWOOD: I would like to see it, yes,

MR.CROSBIE: These were discussed with the Premier -

MR.CHAIRMAN: Order please!

MR.CROSBIE: There are no questions about the hon. minister of Education
that is the amazing thing. But, to get back to this, Mr. Chairman, I
think the words "subject to the regulations" there should come out
because this is a section giving the person entitled a right to appear
by himself or by his representatives. Then in subsection 20, it says,
"the appeal board shall subject to the regulations communicate in writing
its finding or decision to the person who appealed." Now, there again

Mr. Chairman, I submit that the Appeal Board should be directed, it must communicate in writing its decision to that person. If we leave in the word "subject to the regulation" again the regulations can provide for cases where the Board does not have to inform the person in writing, so again, I think that that should, those words should be removed and at the end of that clause (this is a policy matter it says) at the end of subsection 20, that "any decision of the Board is not subject to appeal to or review by a court of law." Now, I think that is objectionable. Mr. Chairman, I believe that if you are going to have an Appeal Board that you should be able to take an appeal from it on a question of law. For example, the denial of natural justice or if the law has been misinterpreted I do not believe that we should permit an appeal to a court on a question of fact that is for the department or the appeal board to find. But on a question of law or whether there has been a denial of natural justice there should be an appeal there. Those are my points in connection with this, for that section, so I would like to know how the minister feels about these.

MR. ROBERTS: Mr. Chairman, some of what the hon. gentleman says is sound. Let me first of all on subclause 8, I think that was the first one. I must say I do not really know, and I have spoken to one or two of my colleagues, we think it is entirely reasonable and members of the board should hold office for a term, certainly, on you know the usual good behaviour, I rather like the hon. gentleman's suggestion of the year. If perhaps the law clerk could draft, would that be in order Mr. Chairman for me to ask the law clerk if he could draft an amendment to make the term, the members of the appeal board will hold office for one year subject to good behaviour. I do not want to take it upon myself to do the drafting. Would that be in order and in due course I will move it.

MR. CHAIRMAN: I think we will have to let that stand because even if the law clerk drafted he would want to check with Justice on it.

MR. ROBERTS: Well, then we will let that section stand, the law clerk will make a note perhaps to have it looked into and, yes, I think one year is, you know, I want also to reserve on certainly sections 13, and 20 where the hon. gentleman uses the word subject to the regulations. I have looked through the Act and the only power I can find to make regulations is under 23 and the illustrations are K.L. & M. but I think his points are well taken but I do not want to see the words taken out unless I am sure that they do not have any other effect. I have learned that to take some words out of an Act can change other things but there is no thought that regulations would in any way prevent a person from a hearing or is there any thought that regulations in any way take away from a person's right to have the decision in writing. If the law clerk could undertake to have those looked into as well, you know, may be the words should stay in but the principle will clear up.

I also want to reserve Sir, this point about the review to a court of law, as I recall my own training, if that is the right word in law, a court no matter what any Act any Legislature the court can always hear under the prerogative writs, under the certiorari and the quo warranto and mandamus writs, mandamus is not applicable here. Such things as denial of natural justice, you know the right to a hearing and the right to notice, this sort of business. I will ask the law clerk if he could consult with our own legal advisers and we will see if perhaps we should change it. We have no objection to appeals on points of law, but the points of law augustly right now and in any minute, as I said my impression and understanding is that no matter what an Act says, if a court feels there is a point of law involved it will find a thin edge of the wedge. The prerogative writs were invented by the courts in England several hundred years ago for just that purpose. As a matter of policy however we do not think appeals from administrative matters should be subject to appeal on facts

this is true throughout the general structure of appeals. I would rather go at it in another way I would like to see an administrative appeal court. I would refer the hon. gentleman, if he wants some good ideas to Mr. Justice MacClure's, five volumes they now are, I think these are most excellent and I am looking at them very intently and so are a number of my colleagues. As a general matter we do not think the courts of law have any business reviewing administrative decisions, except on points of law, and I do not know if you need an Act saying a point of law may be referred or not, I think the courts have been quite willing to take the jurisdiction where they feel that certain matters of law are involved. We would also want to reserve on that, Sir, to make sure that the legislation gives effect to the principles I have outlined.

MR. HICKMAN: Mr. Speaker, I would like to comment just following the hon. minister's statement. I agree that decisions of administrative tribunals on questions of fact probably should not be reviewed by courts of law. I think a very strong case is to be made to make provisions for appeals on points of law and points of mixed fact and law. Because one problem that you sometimes face, where there is a provision for an appeal on a point of law only, that if you get before a court, that a court will sometimes refuse to hear the appeal because they say facts are involved as well. It is almost impossible to appeal without some facts forming part of the appeal, in order to get the point of law before the court. Four years ago this House passed an amendment to the Workmen's Compensation Act which provided for just that, appeals on points of law and mixed fact and law. I believe that that was one of the most forward looking amendments that this House has passed in a long time and it has had a very salutary effect. I can speak -

MR. ROBERTS: One of the salutary effects, we have changed it a couple of years ago back to the old system -

MR. HICKMAN: No, no, it was in the Speech From the Throne but it was never changed.

MR.ROBERTS: Did we not put through a Bill to end that? We should have.

MR.HICKMAN: No. No. No, definitely not it was a - the salutary effect that that has had, nobody, it can only benefit the workmen it cannot benefit the employer because the employer has no interest in appealing. Only one appeal has been taken, but I can cite several instances when a request was made for a written decision and the implication was quite clear that there was a further review and the satisfactory decision was made. This is why - and other jurisdictions are now doing the same thing. Manitoba, Saskatchewan did it, the NDP Government did it in Saskatchewan before it went out of office. The Labour Government in England -

MR.ROBERTS: Did away with the whole system of administrative -

MR.HICKMAN: Right. But they did with special you know - times have changed. There was a time when that sort of legislation was absolutely necessary -

MR.ROBERTS: Because the times they are changing it has already been -

MR.HICKMAN: Yes, because, you know there were abuses. The will of the legislature was being frustrated by the courts on the interpretation of certain of these, of particularly compensation laws. Now that has changed and the pendulum swung too far the other way. But I can say without any hesitancy at all that workmen have benefitted a great deal and I believe the same thing apply to this type of appeal here. If you make provision for appeals to a court of law on questions of law and mixed fact in law, the only person who can benefit from it really will be the social, the recipient of social assistance. The courts will not be flooded with appeals but it is a great sobering -

MR.ROBERTS: Well it is Damocles sword -

MR.HICKMAN: Yes, and if it has the same salutary effect, desirable result, as the Workmen's Compensation Appeal Amendment has, then I am all for it.

MR. EARLE: Mr. Chairman, if that clause had sufficient discussion may I

revert to another clause, may I have permission of the House to revert to clause 5 -

MR.ROBERTS: Mr. Chairman, let us polish off the clause we are on before we go back. All I can say is, without getting into debate on jurisprudence my own thinking is that all administrative appeals should be subject to an administrative appeal court, I think the Government of Canada is now moving towards that. Chief Justice McClure has recommended essentially that, in his reports, if this clause could stand we will have a look to - to embody the policy that I have outlined, as long as the Committee are clear that the one thing we do not think is subject, should be subject in any way to appeal to the courts, is the policy. If the rules say a man can only get \$100 a month -

MR.HICKMAN; Right.

MR.ROBERTS: I do not think the courts should have the power to say it should be \$150 and that is a matter for debate in this Forum and in the House itself and so forth, that is the matter of public policy. But a person's legal rights, indeed, if the hon. gentleman wish to look carefully at the other Bills which we are bringing in, particularly the Medicare Bill, I think we have about seventeen separate hearings on the way up before we can do the things we hope to do under that Bill. Let us let that clause stand. If the hon. member from Fortune Bay wants to revert to a clause that is quite all right by me, Sir.

Motion Clause 12 stand.

MR.EARLE: Have I permission of the House to revert to Clause 5.

MR.CHAIRMAN: The hon. members have leave to revert to Clause 5. Agreed.

MR.EARLE: When the hon. minister introduced this Bill there were a number of questions which I asked, none of which he replied to, and one was particularly in connection with Clause 5. I am sorry, I must apologize to the House that we went over this so quickly, I skipped it going through. But the point which I wanted to make on this particular clause, that this

is a very open designation of persons by the Minister and as it is such a sensitive area I thought that the Minister should be restricted to some degree in the selection of the proper type of persons and I think the words, "the Minister may designate" first, that if in there could be inserted "properly trained qualified or experienced persons" -

MR.ROBERTS: Who would determine if they were properly trained, qualified or experienced?

MR.EARLE: He might appoint a second cousin twice removed by marriage if he so desires. But I think that ^{if} this stipulation is put in there the proper type of person would be appointed.

MR.ROBERTS: Mr. Chairman, I was not present throughout this second reading debate in the House. The only question I would raise to - first of all of course if the Minister were so ill-advised as to appoint his second cousin by marriage once removed and that second cousin were not properly trained etc. etc. etc.

MR.HICKMAN: Unless he was qualified then -

MR.ROBERTS: Right. The other question -

MR. ROBERTS: I would raise is simply, Mr. Chairman, words like properly trained and qualified and so forth are the sort that lawyers send their children to university on. Really they are difficult words. I would think if the minister ever improperly appointed an improper person, there are a number of avenues open whereby protest could be and should be raised. So I appreciate the hon. gentleman's concern but, I do not think we need to amend the Act in that way.

I say, I was not present during the debate, so I cannot speak to it in any length form, I do not know in detail.

MR. EARLE: I would have felt far happier, if the minister had answered, as the present member is doing.

MR. ROBERTS: Well, I will also ask the persons in the committee, who are not members of the committee, if they will undertake to discuss the point with their minister to make sure, you know. I would undertake to do it myself. But, like the Auditor I would forget.

MR. EARLE: Shall Clause 13 carry?

On Motion Clauses 13 through 17 carried.

MR. HICKMAN: Clause 18, Mr. Chairman, I wish to move an amendment to the Clause to insert after the word "misrepresentation," at the commencement of line two, well first eliminate the comma, then insert the word, "or" and then after the word "fraud" eliminate the comma, and delete the words "or any other cause."

Mr. Chairman, in moving this motion and in speaking to this motion I am of the opinion that a great deal of hardship has been caused to a number of recipients of social assistance in this Province, as a result of that particular provision.

The provision as it now reads says that, "any monies that are over paid to a recipient of social assistance become a debt to Her Majesty. There was an indication that no hardship has ever resulted because of this." Mr. Chairman, I state, without fear of contradiction, that hardship has resulted. And I want to place before this committee two examples but I would also want it to be understood that I cannot and should not

MR. FICFMAN include the names. And let me first give you one involving a widow.

In this case, the simplest way I can do it is by reading the letter, and leaving out the name. This is a letter to a widow from a Regional Administrator in the Department of Social Services. And he says; "as a result of recently reviewing your case it was disclosed that your monthly income from Canada Pension was \$80.32 with effect from August 1, 1969.

"However, we should like to point out that we had assessed your income from this source at a monthly rate of \$54.70." And here is the key to it, Mr. Chairman, "obviously we erred when the application was completed during August 1969, accordingly we must now review your social allowance, retroactive to August 1, 1969, and reduce your award from \$60.30 down to a monthly rate of \$32.68.

"This means, of course, that you have been over-paid the amount of \$321.44 during the period. The over payment will be recovered at the monthly rate of \$10.00 commencing with your August Social Assistance Cheque." And it goes on to say that, this has been done.

Now what is \$10.00 a month? Let me take it on a bit further. Here is the letter that was written by this widow's clergyman to the Premier, the Minister of Welfare, and it eventually came down to one of the officials.

He says, "I enclose a letter from so and so who wrote the letter for the Regional Director of Social Services, As you can see, this letter to Mrs. so and so, is somewhat outdated and you may wonder why a mention was not made of it before. Mrs. is a widow. She has one daughter who graduated from the nursing school and is now employed in St. John's. She has one son who is out of school and who is trying to make some money to go back and take a course in business administration.

"In a course of a visit to Mrs. Piercy, just this past week she showed me this letter and asked me if there was anything I could do? And I will take time to do something.

What the Regional Administrator does not seem to notice is that this is a drastic cut in income. How in the name of pete does he expect

MR. HICKMAN: this widow to maintain her home, feed and clothe herself and everything else on \$22.68 plus \$56.91 from Canada Pension?

I can contend if the past had been forgotten and if she receives the \$32.68 per month this would be bad enough: However, the Regional Administrator or his secretary should be held responsible for this mistake. Surely, a Government which can talk so fluently in millions of dollars, as your Government have been talking in recent days, would not penalize a widow for a mistake like this. At the rate of \$10.00 a month, it will take another fourteen months to correct this blunder and personally, I think, this is a bit too much to expect of this widow.

"This letter is to appeal to you to take action at the earliest possible date to have this past debt cancelled. It was not her mistake, and she can ill-afford to pay this and still expect to live." And he goes on to say he is under salary in this Province. I feel confident that you know a better way to treat people than the way this widow has been treated.

Well, Mr. Chairman, the answer came back, "no." "I am sorry to tell you that there is nothing can be done under the existing policy. When an over payment has been incurred, there is no alternative, but to take the necessary steps to cover the amount in full at the rate suggested.

Mr. Speaker, we were told that this is not done where hardship will result. Here is full proof positive of a case where undue hardship resulted and where the minister apparently finds himself in a position where he has no discretionary power to rectify the mistake of an official. I am not saying this as a condemnation of officials in the Department of Social Services and Rehabilitation at all. What I am saying is that, indeed, I found them to be most co-operative and highly qualified and most conscientious. But, what I do say is that, when you are dealing with the literally thousands of claims that these people have to process in a run of a year, and the many visitations etc. that they have to make, it is enevitable that mistakes will occur.

Now when these mistakes occur, you may argue that if the widows got \$20.00 a month more, for a few months than she should have had that

MR. HICKMAN: she had benefited. But, these people are not aware of the fact that they are being over paid, consequently, they budgeted to spend whatever money they receive from the department at that time. Then a few months later the error is discovered by the officials and this widow is penalized, and she is then given something less than a subsistence allowance, This, in my opinion, is quite wrong.

The other case that I want to refer to, Mr. Chairman, when I expressed disappointment on this particular woman I just cited, let me say that my words are very mild compared to the words of disappointment that were expressed by the Rev. gentleman when the final decision was received. Let me quote some of them, "it seems to me like I have been given the brush off, as far as trying to obtain justice for Mrs. P. is concerned. These guys have set themselves up as such cold unfeeling administrators that they will not even allow reason to guide them. Justice for the poor and underprivileged is as far from their mind, as I am from the moon. That was a stupid mistake, which need not have happened, had the person who came to get the details done his job. We take a lot that we should not have to take from this kind of administration. What is the point in trying to match a machine that cost the taxpayers millions of dollars. As far as the administrator is concerned, Mrs. so and so, is just a statistic and statistics can be very inhuman at times."

He concludes it by saying; "sorry for the mood, but I guess I have just taken all the fuddle duddle that I can."

Now the other one, Mr. Chairman, I think is even a more striking case, if there is one more so than the other.

MR. ROBERTS: Does the hon. gentleman want to make a speech or - I am willing to let the clause stand. I think, he has got a point. I would like to finish the Bill before dinner, but,

MR. HICKMAN: All right, but I can I make this other one, then I will sit down.

MR. ROBERTS: Make all you want, you are in order.

MR. HICKMAN: One more because there have been queries about this statement

MR. HICKMAN: since then, and I want to get the record clarified.

Mr. so and so in 1958 and 1959 was employed as a miner in Tilt Cove. On or about November 1959 he was compelled to quit his job and return to St. Lawrence due to his wife's illness. At the time Mr. T. had twelve dependent children living at home in St. Lawrence. It was necessary for him to return to look after his wife and family during his wife's illness. He was unemployed from November 1959 until April 11, 1960, when he obtained a job at the mines in St. Lawrence. He did not qualify for unemployment insurance, when he returned home on November 1959, and he was subsequently issued a "dole order amounting to \$200.00." In any event in October 24, 1969, Dr. Brian Hollywood of St. Lawrence declared that Mr. T. was unable to continue employment. He is suffering from silicosis and Dr. Hollywood assessed his disability as "a permanent partial disability of eighty percent."

This in effect means, according to Dr. Hollywood, that Mr. T. is a respiratory cripple from the effects of this disease and is totally and permanently incapacitated as far as gainful employment is concerned. Mr. T. was subsequently awarded Workmen's Compensation benefits at the rate of \$193.40 per month, in addition to the amount it was adjudged by the Department of Social Services and Rehabilitation that he was entitled to approximately \$80,00 social assistance. This was subsequently reduced to \$60,00 as a former dependent that is now attending university...

In any event, it was decided by an official in the department that the alleged over payment of \$200.00 was made in 1959, should be recovered from Mr. T. This amount has been recovered in full by your department by deducting \$40,00 per month from the social assistance cheque. Mr. T. has no ideas why such over payment occurred. And, indeed, the facts furnished to me was suggested that the dole order issued in 1959 was properly granted, and we ask for a review.

The word came back that there was an over payment in 1959, that in 1959 when it was discovered that Mr. T. signed a bond to repay it. Now this is twelve years later, when the man is totally, permanently disabled, and is placed on Workmen's Compensation. And the first thing that

MR. FICKMAN: this department, which is suppose to be the heart and the soul of the administration of Government, deducts that \$200.00 from this man who still has four dependent-children. And this is why, and I gather from the minister's comments that he believes that he has no discretion there. In the same breath he says, we never do it, when it causes undue hardship.

This is why, I submit, Mr. Chairman, that if a person deliberately misrepresents the facts, fraudulently misrepresents the facts, then obviously this should be a debt of the Crown. But any other cause, catches up this business of mistakes on the part of those administering this programme and no recipient of social assistance should be penalized for that mistake.

MR. ROBERTS: Mr. Chairman, my colleague, the minister with the brilliant heart is not here, and so I do not want to commit us on a matter of policy for which he is responsible. I think, there are one or two things I could say by way of general application and I think I will move that the clause stand until my colleague can have a detailed look at it.

First of all, you say the principle which the Government have followed generally and I know nothing of the details of the two cases in question, I know of several, indeed I know one in the hon. gentleman's constituency, when I was the minister, where we went to Treasury Board and got authority to pay it back. We recovered an over-payment, mind you improperly, and the Treasury Board, which has the authority, felt that - I forget the case, but I am reminded of it. That is because I have a brilliant head and not a brilliant heart, I would guess.

We do have authority under the Revenue and Audit Act to write off the amounts, Mr. Chairman, and it is our general policy, I am told, where we have made the mistake we write it off and I am quite surprised by this letter from this clergyman. The reason for that is twofold, Sir, first of all,

MR. ROBERTS: where we make a mistake, where one of our officials makes a mistake, we as the Government feel that we should not penalize an individual. Secondly, there is the feeling that to cut a person below the amount specified for social assistance is really in effect making a mockery of the social assistance concept which in effect is a guaranteed annual income. Although we have raised it, it is not as high as it could be and as high as it probably should be.

Having said that, I am not prepared to accept the amendment. I am prepared to ask that the clause stand until my colleague can look at it and, you know, he is directly responsible, he is more intimately involved with the problem. We would have to have a look at the Revenue and Audit Act which I think requires us to collect overpayment subject to - we have to set them up as debts and then we can subsequently write them off. I know cases, to my own knowledge, where I have been involved as the member for the district, within the past year, where our officials have made a commitment, and even though they might not have had the power to do it, they maybe made a mistake, we have honoured that commitment. That is a principle I think with which we all agree.

I am not too sure I should accept an amendment to the Act, but I will ask that it stand so that my colleague can look at it with a view to seeing if there should be further changes made, whether there should be a change in the Legislation or whether it should be done another way. I think we do feel, Mr. Chairman, that there is some validity indeed, and it is our policy that where we do, where one of our officials do and we are responsible really, we should not penalize a person for that.

On the other hand, I assume the hon. gentleman would agree that by our mistake and overpayment beyond - when I say an overpayment is made and the person can afford to pay it back, he should be required to pay it back. There is an area obviously in between there which is the area causing the trouble now. I think I should let my colleague look at it so that he can devise the means to deal with it.

MR. HICKMAN: I would like to hear the hon. minister's views on this other

case I cited, the eleven year old debt.

MR. ROBERTS: The eleven year old debt, you know I really - I followed what the hon. gentleman was saying but I do not know anything about it at all. I would want to be able to review the file and see what the trouble is. Would it be in order to apply to have a write-off made?

I do not know if it has been done, but as a means of getting it reactivated, perhaps the hon. gentleman could ask the person involved or acting in behalf of the person, if he wishes, to apply to the minister or who ever he likes to have the matter reviewed. We do write off, I do not know how many, but hundreds literally. We wrote off the other day I know - I know we wrote off fifteen hundred separate bills at the Stephenville hospital that came to a total of \$6,227.00. You know, less than four dollars each, old cottage hospital accounts. We write off large numbers of these things.

MR. HICKMAN: This is not a case of write-off because, the two hundred dollars has been...

MR. ROBERTS: Well, we might have to write it off by means of - we have done that, to my certain knowledge where we, in my view, when I was minister, made a mistake I went to my colleagues and got authority and we paid back an overpayment that we had taken back in my view improperly, and that was the Government's view. Perhaps, I do not know anything about the case. The official I have with me does not know the details, you know, so I am not going to say 'aye,' or 'nay.' I have learned the hard way that there is often much more to these things than meets the eye.

MR. CROSBIE: Mr. Chairman, when the minister is - this clause is going to stand, but when it is being considered, if the department does not want to make the full change suggested by the hon. member for Burin, would they consider putting some time limitation on this debt business. For example as the minister knows...

MR. ROBERTS: Well, six years is the normal...

MR. CROSBIE: Yes, to collect an ordinary civil debt is six years, but under the present law as it stands now they can go back unlimited time. I

know under the Income Tax Act, they can go back unlimited time if there has been misrepresentation or fraud, but only four

MR. ROBERTS: But only four years otherwise.

MR. CROSBIE: Yes, but only four years otherwise, but I think this is worth considering. Also, this is not the hon. member opposite's fault. but, when the Bill was being discussed at second reading...

MR. SMALLWOOD (J.P.): (Inaudible)

MR. CROSBIE: Right, it is his hon. colleague who is not here.

MR. ROBERTS: With all this Government legislation...

MR. CROSBIE: That is the point I am coming to.

MR. SMALLWOOD: (Inaudible)

MR. CROSBIE: If the Premier is not careful, I will say it is the hon. the Premier's fault, and I am sure that will horrify him.

MR. SMALLWOOD: It is not the fault of the hon. minister opposite.

MR. CROSBIE: Right.

MR. SMALLWOOD: 'The hon. member said, it is not the hon. minister opposite's fault.'

MR. ROBERTS: Well, it is dubious...

MR. CROSBIE: I am only a poor city boy, the barefoot boy from Circular Road.

MR. HICKMAN: With the highest marks ever made by a Newfoundlander in a Canadian Law School.

MR. ROBERTS: I would not hold that against them, the law schools have improved substantially since then.

MR. CROSBIE: Mr. Chairman, let us get back on the record here.

MR. SMALLWOOD: What marks did he get in politics?

MR. CROSBIE: White shirt politics? So far one hundred percent. There was a slight interruption in 1969 which we hope to fix up this year. I am doing a supplementary in 1971.

MR. SMALLWOOD: (Inaudible)

MR. CROSBIE: I would like to see the results of that poll when the hon. Premier has them.

MR. SMALLWOOD: I do not want to wreck the hon. gentleman.

MR. CROSBIE: I see.

MR. SMALLWOOD: It is bad enough. I have had to put up with it here in this House, I do not want to make it any worse.

MR. CROSBIE: I will have to come over and see him at Russwood Mr. Chairman.

Now, to get back just to this point, I brought up the other day, and perhaps there is nothing that can be done about it, but in the case of workmen's compensation and the man who receives short-term assistance while he is waiting to have his claim dealt with by workemen's compensation. In this particular case he had eleven children and he received \$265.00 from October 15, to January 15, from the Department of Welfare while he was waiting to have his claim dealt with. When his claim was recognized by the Workmen's Compensation Board it was seventy-five percent of his wages which came to three hundred and some odd dollars. Workmen's Compensation Board deducted everything that had been paid by the Department of Welfare and sent him a cheques for seventy-six dollars.

My point is this, seventy-five percent of that man's wages for himself, his wife and eleven children is low enough. What he got from the Department of Welfare during the three months was pretty low for a man and his wife and eleven children. The minister said a few moments ago, when there is a case of an overpayment you should not take it back if it is going to bring him below the social assistance rate...

MR. ROBERTS: That was not the case of an overpayment, that was the case of almost of Welfare Department advancing bridge financing.

MR. CROSBIE: Right, well I submit in a case like this, the one I cite, if the effect of the Department of Welfare being repaid by the Workmen's Compensation Board is to bring that man's - in receiving income from the workmen's Compensation Board less than he would get if he were living on social assistance, long-term say with eleven children, then the Department should not insist on having all that money repaid.

Or, if Workman's Compensation is too low for example, it does not

bring a man up to the income he would get even on welfare, then the Department of Welfare should supplement the Workmen's Compensation.

MR. ROBERTS: They will do that, yes.

MR. CROSBIE: Well, in this case you see they had gotten all their money back from the Workmen's Compensation Board and leaves this man in a very poor condition. Would the minister consider that when he is considering these other problems.

MR. ROBERTS: I will have a look into it Mr. Chairman, but I can see some distinctions. First of all the Workmen's Compensation is related to salary and salary in turn is not related to - you know, I draw the same amount of salary as my colleague the Minister of Provincial Affairs who has a large family, mostly grown now, but with ten or eleven children whereas I have none. Yet payment to a Minister of the Crown is the same, whereas, the social assistance is payable on the number in family.

I will have it looked at, but my quick analysis is not to agree with the hon. gentleman because, if we were to - what the Department of Welfare are doing in effect is advancing interim financing. They are saying, "well look old man, you have no cash, you must live, here is cash to live on." If they were not to recover that, now they may recover it in small amounts, there might be a case for that, if they were not to attempt to recover it what they would be doing is giving that man more than he is entitled to under Workmen's Compensation. That to me would be quite unfair to everybody else under Workmen's Compensation who just got his seventy-five percent because he had enough cash or credit and did not have to go to welfare officers. You know, I will make sure to look into it, but I am not overly impressed.

MR. CROSBIE: My point is though, if as the minister says, Workmen's Compensation is based on your wages and your salary, the maximum you can get is seventy-five percent of what you were being paid. Now where a man with eleven children is only receiving several hundred dollars a month, you know low wages, seventy-five percent of that is not even as much as he would get

if he were on social welfare.

MR. ROBERTS: In that case Sir, he is entitled to more just as - it is not generally realized, but a person working full-time who is not earning as much as he is entitled to under Social Assistance may get a supplemental benefit. There is a guaranteed annual income in Newfoundland.

MR. CROSEIE: I will write the department about this fellow.

MR. ROBERTS: Yes, there is a guaranteed income. If the effect of that recovery of the so called overpayment was to reduce the man below what he would have had on social assistance, then it is wrong and it is an administrative decision and it should be set straight. I have no hesitation in saying that at all.

If the hon. gentleman has enough children and little enough income, he too can apply. I am serious, there is a supplemental benefit.

MR. CROSBIE: Even if you are working you can get the difference.

MR. ROBERTS: Yes, yes, there is a guaranteed income annually, it is the minimum rate on social assistance. You do not have to ^{be} unemployed to get it, you have to be in need.

Motion, clause 18 stand.

Motion, that the Committee report progress on this Bill, carried.

Item 9, 'An Act To Amend, Revise And Consolidate The Law Respecting Accident And Sickness Insurance.' (no. (9).

Motion, clauses 1 to 16 carried.

MR. L.R.CURTIS: Clause (17), Mr. Chairman, instead of the age of twenty-one years, I move it be, "who has reached his majority." I say that because there is some talk about bringing in a Bill to make the age nineteen instead of twenty-one. "Who has reached his majority."

MR. CHAIRMAN: The motion is that clause (17), subsection (2) read, a beneficiary who has attained the age of eighteen years has...

MR. CURTIS: No, the one before it too, (17-1), the third line.

MR. CHAIRMAN: The section should read, except in respect his rights as beneficiary, a minor who has attained the age of sixteen years has the capacity of a person who has reached his majority

Mr. Chairman.

and subsection (2), a beneficiary who has obtained the age of eighteen years has the capacity of a person who has reached his majority.

On motion amendment carried.

On motion Clause (17) to Clause (43) carried.

Motion that the committee report having passed the Bill with some amendments, carried.

A Bill, "An Act Further To Amend The Registration Of Deeds Act."

MR. CHAIRMAN: This Bill is standing. We have Clause (4) standing.

MR. CURTIS: Mr. Chairman, could we now call it 1:00 P.M.?

MR. CHAIRMAN: It being now 1:00 P.M., I do leave the Chair until 3:00 P.M.



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HOUSE OF ASSEMBLY

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VERBATIM REPORT

FRIDAY, APRIL 23, 1971

SPEAKER: THE HONOURABLE GEORGE W. CLARKE

The Committee of the Whole resumed at 3:00 P.M.

MR. CHAIRMAN: Order!

HON. J.R. SMALLWOOD(PREMIER): Mr. Chairman, I would like to move that the Committee rise, report progress and ask leave to sit again presently.

On motion, that the Committee rise and report, having passed Bill No. 9, "An Act To Amend, Revise And Consolidate The Law Respecting Accident And Sickness Insurance," with some amendments, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

MR. NOEL: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and direct me to report having passed Bill No. 9, "An Act To Amend, Revise And Consolidate The Law Respecting Accident And Sickness Insurance," with some amendments, reports progress and asks leave to sit again.

On motion, report received and adopted.

On motion, Amendments read a first and second time.

On motion, Bill ordered read a third time on tomorrow.

On motion, Committee ordered sit again presently, by leave.

MR. SMALLWOOD: Mr. Speaker, I know that we have agreed in this House that we would leave it to Your Honour to express words of welcome to special visitors in the strangers galleries and I have no intention of breaking that rule. However, Sir, today in the galleries we are visited, we are honoured by some very, very special visitors some seventeen or eighteen Newfoundland citizens, twenty Newfoundland citizens from Labrador, Indian people and Eskimo people. They are here in St. John's and they are visiting us this afternoon and I want them to know that they are very, very welcome in the peoples' House. Their member, the Minister of Labrador Affairs, is able to address them in Eskimo and I am sure that we will all like to hear him do so, after Your Honour has expressed the official welcome to them.

MR. SPEAKER: I know that all members of the House will join with me in welcoming these twenty citizens from Labrador North to this House of Assembly.

MR. SPEAKER:

I cannot greet them in their own tongue although I suppose that in a few years time the Speaker's office, it will be a matter of fact that he will have to be at least quadlingual in order to fill this post but seeing that I cannot do that, my Eskimo and Indian as well is very limited, I would ask the hon. member for Labrador North, the hon. Minister of Labrador Affairs, if he could express the welcome of the Chair and the welcome of the House to these citizens from Labrador North.

HON. E. WINSOR(MINISTER OF LABRADOR AFFAIRS): Mr. Speaker, I do not know how well I can communicate in the Eskimo and Indian language to the visitors in the gallery but, Sir, before I attempt to do that I would say that those gentlemen are from the northernmost part of our Province. They come here to attend the Fishery College, at some handicap because of the language barrier, However, they are, I think, making great progress and will return to their homes that much the wiser for having to attend it here. Some of them are learning how to mend nets and make nets and others are learning small boat navigation. Sir, the ones that are studying navigation have to traverse in unchartered waters all the way from Makkovik, Nain up as far as Cape Chidley and, Sir, apart from practical knowledge, I think, the practical navigation will be a great asset to them.

Illitannamek nakumepugut elipse Labradorem St. Johnsemut amalgo pitsiagatse suliamek eliniaveme nakumek.

Thank you, Mr. Speaker.

COMMITTEE OF THE WHOLE:

MR. CHAIRMAN: Order!

A Bill, "An Act Further To Amend The Registration Of Deeds Act."

MR. CHAIRMAN: There is one clause left standing, Clause 4. Shall Clause 4 carry?

HON. L.R. CURTIS(MINISTER OF JUSTICE): I would say in connection with Clause 4, Mr. Chairman, that I have taken the matter up with the Registrar of

MR. CURTIS:

Deeds and he tells me that fifty cents a page is the actual cost and therefore we could not consider anything less.

On motion, Clause 4 carried.

Motion that the Committee report having passed the Bill without amendments, carried.

A Bill, "An Act To Ratify, Confirm And Adopt An Agreement Made Between Her Majesty In Right Of Newfoundland, Newfoundland Industrial Development Corporation And National Sea Products Limited And To Make Provision Respecting The Making Of Certain Monetary Grants And The Payment Of Certain Subsidies And Respecting Other Matters Connected Therewith."

Motion that the Committee report having passed the Bill without amendments, carried.

A Bill, "An Act Further To Amend The Companies Act."

Motion that the Committee report having passed the Bill without amendments, carried.

A Bill, "An Act To Amend The Survivorship Act, 1963."

On motion, Clause 1 carried.

MR. J.C. CROSBIE: Mr. Chairman, there is a question on Clause 2 there, I wonder if the Minister checked it out and made sure it is all right?

HON. G.A. FRECKER (MINISTER OF PROVINCIAL AFFAIRS): Mr. Chairman, I did check it out and I find that the couple of Acts involved, the Life Insurance Act had section (47), When reference is made to the sections in question (these are the ones that the hon. member for Burin questioned the other day as being ambiguous) we note both sections cover simultaneous debts with wording of a similar nature with the exception that section (47) of the Uniform Life Insurance Act refers to section (25) sub-section (1) of Life Insurance Act, 1960 whereas section (29) of the Accident and Sickness Insurance Act, that is Bill (9) now under consideration, refers to section (24), sub-section (2) of that Act." I believe that when the hon. member for Burin

MR. FRECKER:

was questioning it he had not looked through Bill 29, sub-section (2), section (24). You see section (25) of the Life Insurance Act, 1960 has this to say, "If a beneficiary predeceases the person whose life is insured and no disposition of the share of the deceased beneficiary in the insurance money is provided in the contract or by a declaration the share is payable (a) to the surviving beneficiary," that is the contingent beneficiary. For instance, if there is a life insurance policy which names say the wife as the beneficiary and the wife is killed in the same accident and the insurer, whether he was killed simultaneously with his wife or not, is considered to be the one still holding the insurance policy. Now he might have mentioned in his will that there is a contingent beneficiary, for instance his daughter. Now the two Acts are so worded now that it would revert automatically to the insurer's representative or estate and not to the family of the beneficiary, the wife's family. Now that is basically what it does and it makes it uniform for the two Acts.

MR. CROSSBIE: The beneficiary, it is assumed, dies first.

MR. FRECKER: It is assumed that the beneficiary dies first and rather than have the policy go to the beneficiary's wife, which might mean the wife's family, if she happens to be the beneficiary it will go back to the estate, the insurer's estate. I do not know if I am making it quite clear there but it does two things, it brings our Act into

Mr. Frecker.

uniformity with the Acts across Canada, and it also brings our Survivorship Act into uniform practice with our Life Insurance Act.

Motion that the committee report having passed the Bill without amendments, carried.

A Bill, "An Act To Repeal The Department Of Municipal Affairs Amendment Act, 1969.

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

A Bill, "An Act Further To Amend The Insurance Companies Tax Act."

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

A Bill, "An Act Further To Amend The Insurance Contracts Act, 1961."

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

A Bill, "An Act Further To Amend The Fire Insurance Act, 1957."

On motion Clause (1) carried.

MR. MARSHALL: With respect to Clause (2), we see here, written notice to be given by the insurer to the insured of fifteen days. I think the intention of the Act is to make it uniform throughout Canada. One of the dangers of having uniform legislation is that it may not suit the particular province. Now in this instance I just ask the minister whether due consideration has been given as to whether this is a long enough period of time. We have people today in the galleries from Labrador. I am speaking, particularly, with respect to the remoter areas of the Province. We know

Mr. Marshall

there that the mail system in the Province is not as good as perhaps it should be. It sometimes takes quite a long period of time for mail to go from one point to another. I am just wondering whether the minister has given full consideration. I know you will not have the uniform Act here, but whether fifteen days is really sufficient for this Province.

MR. FRECKER: Let me say, Mr. Chairman, that that situation would exist in the North West Territories and the more remote places. I would be willing to take a chance and say that the Superintendent of Insurance has taken that factor into account, because as hon. members are well aware, we were very conscious of that factor of distance and communications in Newfoundland, when we amended another Act last year. We gave ten days, when the other provinces only gave five for a particular case. So, I would say yes that if it would please the hon. member I could just put in a phone call and make a double check on that and let him know. Thank you. Are we finished with that Act, Mr. Chairman.

On motion Clause (2) standing, agreed.

On motion Clause (3) to Clause (5) carried.

A Bill, "An Act Further To Amend The Memorial University Pensions Act."

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

A Bill, "An Act Further To Amend The Wills Act."

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

A Bill, "An Act Further To Amend The Annual Vacation With Pay Act, 1969."

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

MR. FRECKER: May I interrupt. I just checked with the officials in

Mr. Frecker

my department and this question of time did come up at the conference of superintendents and Churchill and a different number of places were discussed. They felt that fifteen days - bearing in mind modern systems of communication and so on, would be adequate.

A Bill, "An Act Further To Amend The Fire Insurance Act, 1957."

On motion Clause (2) carried.

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

A Bill, "An Act To Amend The Department Of Community And Social Development Act, 1966."

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

On motion that the committee rise report having passed Bills: 6, 7, 8, 10, 11, 19, 25, 27, 32, 38, 40 and 42 without amendment, Mr. Speaker returned to the Chair.

MR. NOEL: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed Bills no.6,7,8, 10, 11, 19, 25, 27, 32, 38, 40, and 42 without amendments, and ask leave to sit again.

On motion report received and adopted. Bills ordered read a third time, by leave.

On motion a Bill, "An Act Further To Amend The Insurance Contracts Act, 1961," read a third time, ordered passed and title be as on the Order Paper.

On motion a Bill, "An Act Further To Amend The Fire Insurance Act, 1957, read a third time, ordered passed and title be as on the Order Paper.

On motion a Bill, "An Act To Amend The Survivorship Act, 1963," read a third time, ordered passed and title be as on the Order Paper.

On motion a Bill, "An Act Further To Amend The Insurance Companies 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 Memorial University (Pensions) Act," read a third time, ordered passed and title be as on the Order Paper.

On motion, a Bill, "An Act To Ratify, Confirm And Adopt An Agreement Made Between Her Majesty In Right Of Newfoundland, Newfoundland Industrial Development Corporation And National Sea Products Limited And To Make Provision Respecting The Making Of Certain Monetary Grants And The Payment Of Certain Subsidies And Respecting Other Matters Connected Therewith," read a third time, ordered passed and title be as on the Order Paper.

On motion, a Bill, "An Act Further To Amend The Companies 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 Registration Of Deeds Act," read a third time, ordered passed and title be as on the Order Paper.

On motion, a Bill, "An Act To Amend The Department Of Community And Social Development Act, 1966," read a third time, ordered passed and title be as on the Order Paper.

On Motion a Bill, "An Act To Repeal the Department of Municipal Affairs (Amendment) Act 1959, read a third time, ordered passed and title be as on the Order Paper.

On Motion a Bill, "An Act Further To Amend The Annual Vacations With Pay Act, 1969," read a third time, ordered passed and title be as on the Order Paper.

On Motion a Bill, "An Act Further To Amend The Wills Act," read a third time, ordered passes and title be as on the Order Paper.

MR. CURTIS: Order 23.

Motion: Second reading of a Bill, "An Act To Protect Certain Persons Rendering Aid Following An Accident, Or In An Emergency." (Bill No. 24)

MR. CURTIS: Mr. Speaker, in moving the second reading of this Bill, I would just like to say that this is one of these Bill's recommended by the Gushue Commission. It is really a Good Samaritan bill. If there is an accident and you or I or anybody else offers voluntarily to aid an injured man or woman, we, under the present Law, we may become liable in the event of our mistakingly acting in some way that we should not have acted in. This Act protects people who good faith renders first aid or any other assistance to an injured person. This will be followed by another Bill which protects such a person too in the event of further injury.

I move second reading.

On Motion a Bill, "An Act To Protect Certain Persons Rendering Aid Following An Accident Or In An Emergency," read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. CURTIS: Number twenty-four .

Motion: Second reading of a Bill, "An Act To Amend The Criminal Injuries Compensation Act, 1968."

MR. CURTIS: Mr. Speaker, this will cover such a person in the event of a subsequent accident. For instance, if a person is injured on a road and the citizen goes to the help of the injured person and another car

MR. CURTIS: comes and runs into him, while he is so engaged, he is entitled to protection. The object of this Act is to give him protection.

I will move second reading.

MR. SPEAKER: Is the House ready for the question?

MR. CROSBIE: Mr. Speaker, in connection with this Bill, The Criminal Injuries Compensation Act was passed in 1968, I think, it has been proclaimed fairly recently, within the last twelve months anyway. No, I think, it was even more recent than that. I believe, the minister said that instead of appointing a board, I believe, it is the Workmen's Compensation Board was appointed, as a board to act in this connection until the Government appoints a permanent board. Now there is no need of a permanent board. It is only a board that needs to meet on a rare occasion when there may be a claim for compensation under this. But, I do not think, myself, that the Workmen's Compensation Board is the correct board in administering this Act. I wonder why the Government just does not carry out the original legislation and appoint three people to this Criminal Injuries Compensation Board. I wonder could the minister tell us when it is planned that this is going to be done or is it planned to leave this in charge of the Workmen's Compensation Board for quite a period of time? For example, the Workmen's Compensation Board does not, none of the commissioners are lawyers, for example. This is a kind of legislation that requires, I think, at least one member of the board to be a lawyer. And my own view is the Workmen's Compensation Board is not the right board. Now admittedly it may not have too much to do, but could the minister tell us how long it is intended to leave this under the Workmen's Compensation Board?

MR. SPEAKER: If the hon. member speaks now he will close the debate.

MR. CURTIS: I think, Mr. Speaker, the point is well taken, and that perhaps the board to be appointed should be a separate board, at least containing a lawyer, if not presided over by a lawyer. But this is an experiment just to find out where we are. We only have one real case pending, and we will see just how that one fares. We will judge accordingly. It is difficult to set up a real board, unless we have some idea of the magnitude and number of the cases to come before us. The fact that we

MR. CURTIS: have asked the Workmen's Compensation Board to act, in the interim, does not suggest for a minute that they will do it all of the time. But, they have more knowledge of this kind of thing than any other board we just pick up off the street at the moment.

I think it is a rather good idea. But, purely a temporary measure, and an experimental measure.

On Motion a Bill, "An Act To Amend The Criminal Injuries Compensation Act, 1968," read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. CURTIS: Number 38.

Motion:Second reading of a Bill, "An Act To Amend The Constabulary Pensions) Act, 1970," (Bill No. 4)

MR. CURTIS: The object of this Bill, Mr. Speaker, is to enable the Government to retire a Chief of Police at age sixty rather than at sixty-five, should there be in his opinion a reasonable cause so to do.

I move this amendment accordingly.

On Motion a Bill, "An Act To Amend The Constabulary(Pensions) Act, 1970," read a second time,

MR. CURTIS: Number thirty-four.

Motion" Second reading of a Bill, "An Act To Amend The Statute Law." (Bill No. 17)

MR. CURTIS: Mr. Speaker, this Bill is a very short Bill, the object of it is to make certain obvious corrections in legislation put through some years ago, where there is obviously a printer's error, or other careless errors, There is no change in the intent of the Bill, it is as originally passed.

I move second reading.

MR. SPEAKER: Is the House ready for the question?

MR. CROSBIE: Mr. Speaker, I notice that part of this amendment is to correct an error in the Public Service Collective Bargaining Act of 1970, half the Bill is directed to that purpose. Has the Public Service Collective Bargaining Act of 1970 been proclaimed? I do not believe it has, this is the legislation that the various labour unions in the Province and the Federation of Labour have send me copies of a telegram they send to the Government urging the Government not to proclaim this Public Service Collective Bargaining Act, 1970, until after the Cohen Commission reports. That Act was passed last year by this House, Mr. Speaker, and at that time I remember pointing out that it did not appear to be a very great step forward in collective bargaining for the civil servants and public servants of this Province; that most of the Public Service Collective Bargaining Act leaves everyting entirely in the hands of the Government all powers in the hands of the Cabinet, Under that legislation Government can pass regulations, the Lieutenant Governor-in-Council can, to permit or not to permit collective bargaining, to permit groups of employees to go on strike or to forbid them going on strike, does not provide compulsory arbitration. In fact, it is not a step forward at all in the collective bargaining process for the public servants of this Province.

I wonder, since this is an Amendment to this Bill, whether the minister would tell us, does the Government intend to proclaim that Act or not? It may be that I am wrong, it is proclaimed? Although, I do not think so. Is it proclaimed, or if it is not, does the Government intend to proclaim it? Or is the Government going to do as the labour bodies of the Province have requested, not proclaim this Act or proceed further until they receive the Report of the Cohen Commission on Labour? Could the minister tell us something on that?

MR. E. S. JONES: Mr. Speaker, the Collective Bargaining Act, (Act No. 85) of 1970." It is the responsibility of the Minister of Finance, and in reply to the hon. the member for St. John's West this Act has not been

MR. JONES: proclaimed. We are cognizant of all of the complaints that have come in about the Act, from labour organizations. We are in the process of drafting regulations. We are working in close co-operation with representatives of the public service, CUPE, N.G.E.A., the Nurses Organization, and others. And as this has been our first adventure into collective bargaining in the public service in Newfoundland, the first in our history, and we are not prepared, I would say, to copy holus-bolus things that have been done in other provinces. We are making haste very, very slowly. We want to be sure, we are fully aware of all these things and I may say that I am very, very pleased with what has taken place within the past few months in our negotiations with various groups representing the public service and hospital employees and others. Things seem to be going very, very smoothly. I can assure this House, Mr. Speaker, that when we bring in the Collective Bargaining for the Public Service Act and the regulations, we would hope that we would have brought in something that will be completely satisfactory, not only to Government but also to the representatives of the various groups of employees.

On Motion a Bill, "An Act To Amend The Statute Law," read a second time, ordered referred to a Committee of the Whole House on tomorrow.

MR. CURTIS: Number thirty-five.

Motion: Second reading of a Bill, "An Act Further To Amend The Summary Jurisdiction Act." (Bill No. 34)

MR. CURTIS: Mr. Speaker, this is a Bill to amend the clauses in the Summary Jurisdiction Act dealing with an enquiry in respect of fires throughout the country. At the moment it is obligatory for all magistrates to have a magisterial enquiry in case of every fire. But there are cases where that is purely a waste of time and the object of the present Act is to provide that the magistrate or any justice designated by the minister may conduct an enquiry, if he so directs, and shall do it if instructed by the Director of Public Prosecutions. There are cases where it is useless and needless to conduct an enquiry, but this puts the onus

MR. CURTIS: on the Director of Public Prosecutions.

I move second reading.

MR. SPEAKER: Is the House ready for the question? Carried.

On Motion a Bill, "An Act Further To Amend The Summary Jurisdiction Act," read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. CURTIS: Number thirty-six.

Motion: Second reading of a Bill, "An Act Further To Amend The Stamp Act." (Bill No. 21).

MR. CURTIS: Mr. Speaker, the object to this Bill is just to do away with the nonsense of having every magistrate having to keep a supply of stamps on hand, instead of having stamps now, he will collect the fee and the auditor we send around to visit the magistrial offices every year, he will see that the monies collected are passed into the department for summons issued and like things. Just the way you indicated, doing away with the stamps, which really cost more than they are worth.

I move second reading.

On motion a Bill, "An Act Further To Amend The Stamp Act," read a second time, ordered referred to a Committee of the Whole House presently by leave.

On motion that the House go into Committee of the Whole on sundry Bill, Mr. Speaker left the Chair:

Committee of the Whole on Bill, "An Act To Protect Certain Persons Rendering Aid Following An Accident Or In An Emergency."

MR. MARSHALL: Is this Bill brought in because of instances where doctors, nurses, etc., people rendering aid in accidents have been sued or is it because of the purpose of having uniform legislation, similar legislation. I mean, does the Government feel this is necessary in order to assure that professional people like doctors and nurses will render aid in such circumstances?

MR. CURTIS: It allows anybody to render aid, and it protects the doctors and nurses if they are not there professionally. In other words if a doctor passes an accident, he is not going to act unless they have their MCP card, I suppose. The victim may be too sick to produce this card but that is just by way of account. The whole idea is to protect. No other Canadian Province has this legislation except Alberta. But I think it is good legislation. You read what happens in the States where a woman is attacked and everybody looks out the window, nobody is prepared to do anything about it because they do not want to get mixed up in it. This is purely to protect. To allow people to feel that they can go to the aid of one another without running the risk, of moving a person, for instance, who had a back injured. You have to move them. What are you going to do, let them stay there? It is a case of really encouraging people to come to the help of people who are injured. I have no case where it has come up.

Motion, that the Committee report having passed the Bill, without amendments, carried.

A Bill, "An Act To Amend The Criminal Injuries Compensation Act, 1968."

Motion, that the Committee report having passed the Bill, without amendments, carried.

A Bill, "An Act To Amend The Constabulary (Pensions) Act, 1970."

Motion, that the Committee report having passed the Bill, without amendments, carried.

A Bill, "An Act To Amend The Statute Law."

MR. NOEL: Clause (3) - There are some amendments drawn to my attention.

In subsection (2) the motion is that the words "is deemed to have" be struck out and the word "shall" be inserted in their stead. Carried.

On the third line of subsection (2), "to" in the said subsection (1) came into force," should be "come into force," delete "came" and insert "come." Carried.

On motion clause (3) as amended. Carried.

Motion, that the Committee report having passed the Bill, with some amendments, carried.

A Bill, "An Act Further To Amend The Summary Jurisdiction Act."

Motion, that the Committee report having passed the Bill, without amendments, carried.

A Bill, "An Act Further To Amend The Stamp Act."

Motion, that the Committee report having passed the Bill, without amendments, carried.

On motion that the Committee rise report having passed Bills: 4, 21, 24, 26 and 34, without amendments. Mr. Speaker returned to the Chair.

MR. NOEL: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed Bills No. 4, 21, 24, 26 and 34 without amendments.

On motion report received and adopted. Bills ordered read a third time by leave.

On motion a Bill, "An Act To Amend The Constabulary (Pensions) Act, 1970," read a third time, ordered passed and title be as on the Order Paper.

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

On motion a Bill, "An Act To Protect Certain Persons Rendering Aid Following An Accident Or In An Emergency," read a third time, ordered passed and title be as on the Order Paper.

On motion A Bill, "An Act To Amend The Criminal Injuries Compensation Act, 1968," read a third time, ordered passed and title be as on the Order Paper.

On motion A Bill, "An Act Further To Amend The Summary Jurisdiction Act," read a third time, ordered passed and title be as on the Order Paper.

MR. NOEL: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed Bill No. 17 with some amendments.

On motion report received and adopted.

On motion amendments read a first and second time.

On motion Bill read a third time, ordered passed and title be as on the Order Paper.

Second Reading of a Bill, "An Act to Establish the Newfoundland Law Reform Commission"(Bill No.22):

MR LEWIS: Mr. Speaker, I move the second reading of this Bill, at the request of the Attorney General. It provides for the setting up of a Commission establishing a board to enquire into and report upon the Minister of Justice's recommendations for reformatations in statute law and common law and judicial decisions and to conduct such research as may be necessary for the Commission to carry out its functions.

I understand that similar legislation does exist in other parts of Canada. It seems to be in order and I move the second reading.

MR CROSBIE: Mr. Speaker, this is a Bill that I support, in fact, it was one of the points in the letter I wrote to the Premier before the House met. One of the seventeen points, it was nailed in the Premier's consciousness because the Premier, on opening day, actually admitted two of his objections were in the Speech from the Throne and I think he said that this was one of them. In any event we have to be grateful for small favours.

Law Reform Commissions have been established in such Provinces as Ontario and British Columbia, Mr. Speaker, to do the hum-drum work, not so

MR. CROSBIE: Much to recommend sensational changes in the law, or great advances in public policies, but to do the humdrum work of trying to bring the laws up to date, and to correct any inequities that the commission comes across. The trouble with this Bill, however, is, Mr. Speaker, that it was obviously drafted quite hastily and there is not much detail in it. For example, the membership of the commission shall consist of one or such greater number of members as the Lieutenant-Governor in Council may prescribe. That is pretty indefinite.

MR. SMALLWOOD (J.R.): In the event that the hon. member is defeated in St. John's West, and he should be looking for a job, we are holding it open in case we wish to offer him a job.

MR. CROSBIE: I thought that perhaps the hon. the Premier would use his influence and get me something better than that.

MR. SMALLWOOD: Such as a seat in the House of Assembly?

MR. CROSBIE: There is a Senate Seat open.

MR. SMALLWOOD: I did it once before.

MR. CROSBIE: There is a Senate Seat open, perhaps the hon. the Premier will get that for me.

MR. ROBERTS: The hon. the poor barefoot boy could put himself...

MR. CROSBIE: To tell you the truth Mr. Speaker, I do not think I am going to be open for a job after the election, I am going to be busy as part of the Government. I will be on the other side of the House. I do not know what kind of Government it will be, but it will not be the present one.

MR.-SMALLWOOD: No, no one else knows either.

MR. CROSBIE: It will not be the present one, you can be sure of that.

MR. SMALLWOOD: What kind of Government that would be.

MR. EARLE: Anything would be an improvement.

MR. CROSBIE: All I know, Mr. Speaker, is that Martin Goldfarb is asking questions about me all over the island, the Premier must think there is some danger. Why would he have me on his list? He does not have the hon. the Minister of Education on his list. He is asking about the Minister of

Health, the Minister of Community and Social Development, the Minister of Economic Development and himself. The Premier is obviously worried about himself.

MR. SMALLWOOD: Just an ordinary human curiosity that is all.

MR. CROSBIE: Just a human interest survey. To get back to the Bill, Mr. Speaker, this is pretty indefinite. One, or such greater number as the Lieutenant Governor in Council may prescribe. Now the provinces that have these commissions are also blessed with law schools in their universities. What has happened, Mr. Speaker, is that in those provinces they have as members of the commission some members of the staff of a law school. Obviously this is very helpful, if you have a Royal Commission, to have the law professors and so on as members of it, because, they have the time and the inclination to do the kind of research that is needed if there is going to be any worth-while law reform. We are not in that position in this Province. We do not have a law school, we do not have any law professors, and I would like to hear somebody on the other side inform the House as to what kind of person they are envisaging putting on this Law Reform Commission.

It is absolutely useless to have a Law Reform Commission that will not function properly, that will not be active, that will not suggest reforms in the law. What I am afraid of, Mr. Speaker, is that this is just a gesture. This is a reform gesture but without any serious thought behind it. Perhaps the hon. the Minister of Justice is going to be the first member, he is retiring this next election. His record for reform is well known in the Province, but we are not to know that. We do not even know how many people the Government are going to put on it. I think it is very unsatisfactory. All the power in this Bill, as in much other legislation, is going to be left in the hands of the Cabinet.

Then it says the Lieutenant-Governor in Council can authorize a payment of such remuneration and expenses as they prescribe. Once again, Mr. Speaker, we are not even to know how much - you see, this can be just another dodge, to appoint somebody for patronage reasons. Somebody that the

Government wants to move upstairs, move out of the way as they are no longer needed, but they want a good paying job to appoint them to. This kind of legislation leaves it right open. The legislation does not spell out what the qualifications should be of member for the Law Reform Commission. They do not have to have any qualifications.

If the Government wants to get three or four people out of the way and give them ten or fifteen thousand a year salary each, if this Bill is passed there is not a thing to stop the Government doing that. We know the election is coming, we know the Government has many undesirables that it wishes to get out of the way to clear the decks for the election. This can be just another way of doing it. It is most unsatisfactory. The Lieutenant Governor in Council can decide to pay these people ten thousand a year, fifteen, twenty-five thousand, the Bill does not spell it out. Then it says that the Lieutenant Governor in Council may allow the Commission to establish various posts. The Government might be able to stash away twenty-five or thirty mediocrities. Either appoint them to the Commission or put them on the Commissioner's staff. It is the function of the Commission to enquire into and consider any matter that they can reform in the law, judicial and quasi-judicial procedures, direct legal research. So Mr. Speaker, this not even the bare bones of a frame-work of a Law Reform Commission. It appears to me to be a gesture only, and I would like to have some minister on the other side explain whether there are any serious plans for this commission, the kind of people they have in mind to appoint to it, what are the areas of the law they are going to ask them to look at first.

There has been the Gushue Family Law Study, which has done a good job in respect to Family Law, but there are all kinds of other areas. The point is, Mr. Speaker, I am tempted to vote against the Bill the way it is worded now. Whether I will vote for it or against it depends on whether we are going to get some more details. Is it planned to have one member on this Commission or more than one? What qualifications will he need to be a member of the Commission? These are very important.

MR. SMALLWOOD: A Liberal.

MR. CROSBIE: That is a frank admission.

MR. SMALLWOOD: Loyal.

MR. CROSBIE: Your would have to be a loyal Liberal. That is one qualification apparently. Loyal Liberals are all right to be on this Commission if they have some qualifications, Mr. Speaker. If they have no qualifications then they should not be on it. Also, when is it going to start its work? This is worse than the Public Service Collective Bargaining Act there is so much left open. It was drafted in haste, the Government has accepted my suggestion in that letter to the Premier, I am sorry that they have not agreed to carry out some other recommendations, a change in the electoral law. When is the Premier going to reorganize the districts more fairly? When are some of these other changes going to be brought about?

One of the first things this Commission should look at before the election, and they should report back to the House before we finish, are the present - the districts in Newfoundland. The inequality in the number of voters in each district. The number of districts which have 2,000 voters each, St. John's North with about 16 thousand, St. John's West with some 14 thousand, St. John's East Extern fifteen or sixteen thousand, St. Barbe North perhaps two thousand, Labrador South perhaps fifteen hundred - seventeen hundred. These are terrific inequalities Mr. Speaker that someone should look at, the "Joey-mandering" of our districts, to get a little more equality. We know that they cannot be exactly even, we know that geography plays a part, but surely we should have a little fairer distribution than that.

St. John's East has I think five thousand odd voters, perhaps six thousand as compared to St. John's West with twelve thousand, and St. John's North with sixteen and the East Extern with fifteen, and St. John's South with eight or nine thousand. Why the discrepancy even in the City of St. Johns? All of these inequities should be examined. Why does not the hon. the Premier or this Law Reform Commission bring in some new boundaries for our electoral districts?

MR. ROBERTS: The Commission is not appointed yet.

MR. CROSBIE: Well, why does the Government not do it? We do not need a Commission to do it.

MR. ROBERTS: That is true, we need the House of Assembly to do it.

MR. CROSBIE: When is the Government going to change the election laws so we have the present unfairness....

MR. ROBERTS: After the election.

MR. CROSBIE: After the election is right. The Government is going to go out anyway, whether they do that or not.

MR. SMALLWOOD: We are going right out to the people and then come back with a huge majority.

MR. CROSBIE: The hon. the Premier...

MR. ROBERTS: Why get up tight, I mean it is only a matter of months then according to that.

MR. CROSBIE: I wish the Government would call the election they are so quietly confident. If the Government is confident they are going to win the election, why are they having the poll done? Why is poor old Martin Goldfarb about, all over the Island asking these questions?

MR. SPEAKER: I doubt very much if this is in any way related to the principle of the Bill that a Law Reform Commission be established.

MR. SMALLWOOD: It is the reform of the Tory Party Mr. Speaker, that is what is needed.

MR. CROSBIE: I agree with Your Honour's admonition. It is not related to law reform, Mr. Speaker. We would have precious little law reform if the present bunch are returned, and this Act that has no guts in it at all, no details, it is the final asthmatic spasm of a Government that is not seriously concerned with reform.

MR. MARSHALL: Mr. Speaker, I would like to say a few words. This Bill, as the member for St. John's West has said, is wide open. Really the effectiveness of the Bill depends upon how effective the Government wishes to make it, and how serious Government is with respect to it. In order to determine this, I would like the hon. minister to indicate what plans really

he has for this Law Reform Commission. What position it is going to have vis a vis the Department of Justice? We see commissions appointed from time to time, commissions and various other boards appointed, to run, to take responsibilities that previously were exercised by the Government itself. It is a good thing, it is a good thing that you can get people - others involved outside Government for sure. But certainly, it should not be used for the purpose of attempting to avoid the ultimate responsibility. It has to be remembered that it is the responsibility of the Department of Justice and that minister's responsibility to see at all times that the laws of this Province are kept up to date, to review judicial decisions etc. etc. Frankly, even though this Bill is probably a start towards a Law Reform Commission, it is so wide open you could drive a train through it. Its effectiveness will depend upon how serious the Government is with respect to it.

I should like the minister to indicate what plans the Government have with respect to the Law Reform Commission, and in particular the relationship of this Law Reform Commission to the Department of Justice. Will the Law Reform Commission have its staff? What kind of staff will it have? How many will there be, one commissioner or two commissioners as presently envisaged? What more specifically will be the terms of reference of the Law Reform Commission?

A proper Law Reform Commission operating and investigating and researching the laws and bringing them up to date, bringing in new suggestions etc. will be very, very beneficial to the welfare of this country. There is no point in establishing a Law Reform Commission if it is not going to do the job, or do any job and is not seriously intended to do so.

MR. ROBERTS: Mr. Speaker, I could add a few words to the support of the principle of this Bill. I think most of what the hon. gentleman from St. John's East said makes good sense when he points out that this Bill is essential enabling legislation, it is not a detailed provision and whether it will be of any use or not will depend upon the use to which Government put

it, whether the Government go ahead and appoint a commission and what the commission does. I think that is a reasonable comment. I think it is an entirely fair and reasonable position for any hon. member to take whether he is supporting the Government or whether he is opposing the Government.

I think that if the members of the House wish to check the comparable Ottawa Legislation under which Mr. Justice Hart, Mr. Justice Patrick Hart, of the Ontario Court of Appeal, has been appointed a first commissioner, I gather there will be others. They will find that the Ottawa Legislation is quite comparable to ours. I think the hon. gentleman from St. John's East would agree that there is nothing unusual with enabling legislation. I, to that extent, would agree with him, and to that extent I would disagree quite completely with the hon. gentleman from St. John's West.

I do not so much mind that, Mr. Speaker, because the hon. gentleman from St. John's West really goes around almost looking under rocks. He is bloody minded ...

MR. CROSBIE: I did not find the hon. minister.

MR. ROBERTS: Possibly, possibly, possibly, I would rather be sort of under a rock than - you know, what David Cole said, "I would rather walk with the C.I.L. than ride with General Motors." I would rather be under a rock with the Liberal Party than on top of the rock with the hon. gentleman. As I was saying, Mr. Speaker, the hon. gentleman I think is bloody minded. He goes around deliberately - deliberately is the wrong word, he goes around reading the worst into it, and he is entitled to do that. I think he is wrong, but he is entitled to his views. I think this legislation will be put to good use. I think the Government will appoint people who - they should be lawyers, they should be lawyers concerned about the reform of the law, and I think the Government will take advantage of the legislation to put such people to work. Not on the big dramatic things, that is fair enough too, but Law Reform Commissions, The one in Ontario have done excellent work on such real headline grabbers as "The Bills of Sale Act," and they are fairly deep into 'Landlords and Tenants.

They have done a lot of work on security legislation. They did

April 23, 1971, Tape 375, Page 8 -- apb

another one on married women's property, and a number of quite vital parts of the law, but really, not the parts that get a great deal of public attention. Of course Sir, that is precisely why a Law Reform Commission is needed. The problem with Law Reform is that the law is out of date, the law gets out of date because, there is no great political clamour to update parts of it, and it does not get the attention of the Government, it does not get the attention of ministers, and it does not get the attention of Law Societies and people like that.

There are bigger problems, if these people grapple with it, the Law Reform Commissions can be of immense use

Mr. Roberts.

in coming to grips and putting forth the suggestion for these equally important and perhaps less glamorous and less exciting matters. The prototype, of course, is the English Commission, the Statute Law Reform Commission that has done brilliant work over a period of years. Again I doubt if they have ever made a headline, but they certainly have improved the law of England substantially and brought it to a point where, in many ways, the English Statute Law is now among the best of its kind in the world. So, I have no hesitation in saying that I support the Bill gladly, Sir. I agree that the hon. gentleman for St. John's East is well within an entirely reasonable comment, when he says that the Bill itself is not the important thing. What counts is the use to which the Government put it. I think we have a right to be judged on what we do or on what we do not do. I, for one, will gladly take my part, take my responsibility. But, I do think it is good legislation. The fact that it is not detailed does not bother me. This is quite normal, quite the case, with legislation of this sort throughout the English speaking world or the English Parliamentary world. I think it is a good Bill. I am delighted to be part of the Government that is bringing it in, and I wish to compliment my colleague the Minister of Justice. He has done a great deal in this line this year and I, for one, will vote for it with a great deal of pleasure.

On motion, A Bill, "An Act To Establish The Newfoundland Law Reform Commission," read a second time, ordered referred to a Committee of the Whole House, presently.

Motion second reading of a Bill, An Act Further To Amend The Minimum Wage Act, "

MR. ROBERTS: Mr. Speaker, in the absence of my colleague the Acting Minister of Labour, the member for Bell Island, I rise to move second reading of this Bill, and there are a number of others down further on the Order Paper to which the House will turn in order, as we deal with each of these Bills.

Mr. Roberts.

All of these Bills, Sir, have two things or three things in common. First is that each of them is a relatively minor piece of legislation, that each of them seeks to amend legislation that is on the books and has been, in effect, and has been operating well in the past few years. The second point these Bills have in common is that each of them deal with matters falling within the ministerial responsibility of the Minister of Labour. Each of them deals with Acts which he administers - Acts which are designed to improve and protect and to foster rights of the working men in this Province. The third thing, Sir, that these Bills have in common is that each of them, with my moving second reading, will now have gone through three ministers: My colleague, the Minister of Labour, Acting Minister of Labour, the member for Bell Island, is the man in whose name these Bills stand in the House and the man who brought them forth. But, Sir, they are not his Bills, in a sense. He is not the man who conceived the legislation and worked with the draftsmen and brought them through. They certainly are not mine, Sir. I merely am here today as a substitute, I realize an inadequate one, but a substitute for the hon. gentleman.

MR. ROWE (F.W.) What is this modesty?

MR. ROBERTS: This modesty, Sir, is something I have caught from the member for Grand Falls. He had better pay attention to the "Newfoundland Herald." They have his number this week.

The third thing, Sir, a little more seriously, that these Bills have in common is that they were all developed and brought forth by a man who was Minister of Labour for four or five years and a man who is no longer with us. These Bills are the last legislation that the late member for St. George's ever worked on. I think he spent a number of months on these. I remember Cabinet decisions and Cabinet

Mr. Roberts.

discussions on the points. In moving them, I think I would be remiss if I did not point out that these Bills are further evidence of Bill Keough's life-long desire and determination to be a friend to the little man. That is a cliché, but if he were here (He was a great phrase maker) he would have a much better phrase for that. I think it is a very practical application. The Bill now before the House, Sir, is one which amends the Minimum Wage Act. The explanatory notes, I think, really say what the Bill is to do, as I could. They simply provide a better procedure for a person who is entitled to receive money under the provisions of the main Act. They are administrative in nature. I do not think they change any substantive right. I do not think they add any or remove any. I think that all these amendments will do, if the House will adopt them, is improve the administration of the Bill.

We believe the Minimum Wage Act itself is a good piece of legislation. I think the minimum wage itself is a matter continually under review with a view to seeing if it should be increased, extended further. We have extended it this year to include all of the workers in our fish plant, a major extension involving many thousands of people. We hope that action on the Minimum Wage does not cease. But, Sir, this Bill itself deals merely with the administration. It gives the Minister of Labour power better to administer the Act. So, I now move that the Bill be read a second time.

On motion, a Bill, "An Act Further To Amend The Minimum Wage Act," read a second time, ordered referred to a Committee of the Whole House, presently.

Motion second reading of a Bill, "An Act Further To Amend The Apprenticeship Act, 1962."

MR. ROBERTS: Mr. Speaker, this is a very simple Bill. The present main Act, the Apprenticeship Act, provides that the magistrate in the case where he is assessing a penalty, Sir, has not discretion. He must levy a fine not exceeding \$100. There is no minimum fine. We

Mr. Roberts.

propose, Sir, we found this not to be fair in practice. It does not, we think, allow a proper hearing of it. It does not allow a proper disposition. It does not allow a proper penalty. We found some difficulty in administering the Act in the discretion given to magistrates, thus, we now come before the House and ask that this amendment be approved. What it will do, Sir, is impose a minimum fine, \$25.00 and a maximum fine of \$100 and leave the magistrate, to his discretion in between, depending upon his view of the severity of the offense.

The present position is that the fine is not to exceed \$100. There is no minimum fine, and I think we have found that the magistrates find great difficulty with that. I believe I am correct in saying this is an area where the magistrates, through their organization, have asked to make or consider some changes in legislation. That is all the Bill does, Sir, and accordingly, I move second reading.

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

Motion second reading of a Bill, "An Act To Amend The Employment Notice Of Termination Act, 1969."

MR. ROBERTS: Mr. Speaker, I should be getting paid by the Bill today, piece work. In moving second reading of this Bill, I point out that it does - my hon. friend the Minister of Justice should not allow himself - "honi soit qui mal y pense." "Evil be to him who evil thinks." The hon. gentleman wants a fee for service with variable ceilings.

Mr. Speaker, I am overwhelmed by the attention of my colleagues. Back to Grand Falls - boy, you are going to be a long time hearing - how much did you pay - Mr. Speaker, this Bill would do two things. First of all in the main Act, as astounding as it sounds, there is no provision I am told for the appointment of the officers necessary to carry out the Act.

Mr. Roberts.

That, I would assume, is an omission by the draftsmen and an omission by the House, when we came to pass the Bill in 1969, the main Act. This Bill gives us permission to appoint the necessary inspectors, officials and so forth. These are the usual provisions, I am told. A number of other Acts have exactly similar provisions. I think they are all quite in order and quite normal and quite straightforward

It also, Sir, provides in these amendments that the Act itself, which requires basically that the man cannot be laid-off without being given some notice, this Act does not apply in a case where a man is serving a probationary period - in other words, has not become vested in a job.

Mr. Speaker, the only other comment I wish to make on the Bill itself is a little more general on the principle of termination, notice of termination. My colleagues and I are becoming, as I indicated earlier, very concerned about the growing trend or the growing realization that companies, acting for their own reasons, good reasons but their own, can make a decision to close an industry or to substantially change the extent of employment offered. To do this without notice. By notice, Mr. Speaker, I mean a long period, six months or a year. We think it is most unfair. We think it is not a recognition by the industry of its social responsibilities. As I earlier said, we intend to bring in legislation to try to settle this one and to lay down the principles on which we should act. The draftsmen are now looking at this legislation. They are looking at the principles involved. Indeed, Sir, we are looking to the most recent Ontario legislation and this, we think, has considerable merit. This Bill now before the House, Sir, makes no reference to that matter, because our draftsmen told us, our lawyers told us that we should have separate legislation. Although this deals with notice of termination, it is a different sort of problem. This is where an individual has his employment terminated. The other problem

Mr. Roberts.

is a far more wide-reaching and far more extensive one of social principle, when a industry goes into a community and, in effect, the community grows up because of an industry then that industry should not be allowed just to pull out unilaterally. We have seen it happen in the case of Bell Island. We have seen it happen in the case of White Bay - in the case of a number of communities in the district of White Bay South. I have the problem in Main Brook, in my own constituency. That is a separate matter, Sir, and we intend to try to bring that forward later in this session or, if not, next year.

So, Mr. Speaker, this Bill itself amends the main Act in two fairly simple but quite important ways, I think the Act is quite straight or the Bill is quite straightforward, I think that this legislation will enable us better to enforce it and thus give the people whose rights are to be protected, give them greater protection. I move second reading, Sir.

MR. MARSHALL: Mr. Speaker, this is a good Bill that we will support. But since the minister diverged a wee bit in connection with this matter, perhaps I may be permitted to make a few comments. When we come on the matter of termination of employment, I should like also, as the Government are considering bringing in provisions with respect to the termination of an industry in an area, without notice; that the same considerations be given with respect to the ultimate termination of wages of individuals when they retire and the implementation of some type of private, portable pension plan in the near future. Because we have a situation that is becoming rather grave now in the Province, where we have a number of people who have been retired in recent years... You see it going on day after day now, where there is either no pension provided or an inadequate pension. The Canada Pension Plan is really a social right for any individual. It is really a pension with respect to the taxes that they have paid out in their lifetime. It is rather a pathetic instance where you see the many, many

MR. MARSHALL:

situations that are developing now. The people in between fifty-five, sixty, sixty-five and up to seventy where they are retired without pension, where if they had a pension it has not been funded and with the advent of new businesses coming in or mainland businesses coming into the island their former employers that may have been providing a small pension go out of business and there is no security for them. I should like some indication from the Government with respect to the ultimate termination of employment particularly of people who have been working for a long period of time, that some consideration will be given to providing proper funded portable pension schemes, make it compulsory employer-employee and fund it through the recognized agencies of insurance companies etc.

MR. CROSBIE: Mr. Speaker, I have no objection to the principal of this Bill, this only deals with the administration of it. There are several objectionable features, I think, suggested Clause 13(b) and 13(c) that I would like to point out now so the Minister can consider them. 13(b) that is in Section 5. For example, Clause 13(b) says, that any person appointed or designated under section 13(a) may from time to time and at all reasonable times enter upon the premises of any employer or the premises where such employers records are kept to determine whether the Act is being complied with and so on. I would like to see some change of wording, Mr. Speaker, so that it is made quite clear that this only applies to business premises of an employer.

MR. SPEAKER: I wonder if the hon. member would agree that it would be more appropriate if we left the consideration of that details to consideration in Committee of the Whole? I know it does infringe on the principle of the Bill but the detail of it, the cure for it, let us say, would possibly be better handled in Committee, after we go into Committee of the Whole.

MR. CROSBIE: Yes, Mr. Speaker, but the point I am making is becoming an increasingly objectionable point in more and more Legislation. More and more Legislation is giving people the right to enter into business premises,

MR. CROSBIE:

to enter into homes without search warrants and the rest of it. Now this Bill illustrates this tendency of Governments to pass Acts where their inspectors can at any time they like go into your premises and search your premises. We have instance after instance of this now in the Federal code, the criminal code, The RCMP can search your house looking for liquor, they can search your house looking for customs violations, without search warrants. We had last year in this House several very objectionable pieces of Legislation, that were withdrawn afterwards, having to do with searches in homes.

The wording of this Bill, I want to point out now so that the Minister can consider it, might be stretched to allow people to go and search homes looking for the employers records under this Act, and I think it needs to be more clearly worded. So I just give notice of that now.

Then in Section 13(c) we see a further illustration of this general trend, Mr. Speaker. "A person shall not interfere with or hinder any person conducting an inspection, examination or search under this Act." That wording, in my mind, is too broad. You should be able to interfere with an inspector if he is not carrying on a proper inspection, so at the very least the word "proper" should be used. There are just too many civil servants and Government employees today given power by this Government and other Governments to come in and search your premises, ransack them at any hour, go into your home and search your home without any proper safeguards, and this Legislation here has the same kind of danger. Then it goes on to say, "A person shall not refuse to answer any questions put to him in accordance with section 13(b)." So it is getting that you have to answer, in more and more Legislation that you must answer the questions put to you.

One of the fundamental rules, Mr. Speaker, as you know, of any democratic society is that you do not have to incriminate yourself, the rule against self-incrimination. You do not have to answer questions.

MR. ROBERTS: That is not the same as not answering questions.

MR. CROSBIE: Well, if a question is put to you that the answer incriminates you, you have no protection if you must answer the question.

MR. ROBERTS: Oh, come on now, you have the protection of the Evidence Act.

MR. CROSBIE: The Evidence Act has nothing to do with this, this is Provincial Legislation that says a person cannot refuse to answer a question put to him by an inspector.

MR. ROBERTS: Right.

MR. CROSBIE: What is in the Canada Evidence Act is not going to help that person.

MR. ROBERTS: The hon. gentleman is putting forth a proposition of law which is balderdash.

MR. CROSBIE: The hon. gentleman is putting forward a principle of Civil Liberties which is not balderdash. There are too darn many inspectors and civil servants snooping around and crashing into peoples homes and offices today and all I say is that there should be proper safeguards and I think there needs to be some change in the wording of those sections 13(b) and (c).

In connection with this Legislation generally, the Employment Notice of Termination Act, there are problems, Mr. Speaker, that are not being dealt with in this amendment. For example, there is the problem of the application of this Legislation to the construction industry, with particular reference to the fact that the Act requires notice to be given, if you are paid by the week then you must have weekly notice and so on. There have been quite a few problems found in the construction industry with that. I know there have been representations made to the Government about it that in the construction industry the usual custom is you are paid by the hour and almost never is it possible to give a weeks notice of when some construction job is going to end. Normally the employees are just told at the end of any particular day or week, when they receive their pay check, if employment is then terminated, that job ceases. There are problems like that that need to be dealt with and I know there have been representations made but I do not

MR. CROSBIE:

know whether the late Minister of Labour, Mr. Keough, had any chance to consider that before he unfortunately died. I notice that these amendments do not deal with it and, of course, the Minister explaining this Bill is not the Minister of Labour so he may not be very familiar with what the problems are that have cropped up.

I am in favour of the principle of the Bill but I would like the Minister to agree to pay some attention to the wording of 13(b) and (c) and if he has any information on what kind of problem has come up in connection with the Legislation so far to let us know what it is.

MR. SPEAKER: Moved and seconded that this Bill be now read a second time.

I have to advise the hon. Minister if he speaks now he closes the debate.

MR. ROBERTS: Mr. Speaker, I will be very brief but each of the hon. gentlemen who spoke raised one or two points with which I think I should try to deal. First with reference to the points made by the hon. member for St. John's East I can only agree with him. I am particularly concerned with, it is bad enough with people who do not have any pension plan and are forced when they come to retire to rely upon the Canada Pension Plan or such monies as they may have been able to save or put aside to buy an annuity or whatever provision they may have made. To me, Sir, that is bad enough and to me that is a matter which should be dealt with, you know adequate pensions surely are a social right in the world in which we live.

Even more wrong in principle and wrong in practice, Sir, in my view, is the situation, and we have seen it recently in St. John's, where a company for whom a man has worked for many years, who is laid off on a pension when his time comes, sixty-five or seventy or whatever the age is, sixty or seventy-five, it does not matter, is laid off with a pension and a number of years later, after the pension has been paid, that company, in my view, callously, coldly, cruelly, malevolently ends that pension. Now since there is no contractual obligation between the company and the individual concerned, as is the case

MR. ROBERTS:

with a normal pension which is a form of contract, since there is no contractual obligation nothing can be done about it. I could name for the House, I will not, but I could name for the House a case where, within recent months, where one of the so-called leading firms in Newfoundland has cut off a number of their pensioners. Many hon. members may know the firm to which I refer, a firm that has done business on Water Street and contributed men to the political and public and social and academic and -

MR. CROSBIE: I think the Minister should name it. Why brand all firms on Water Street?

MR. ROBERTS: Well, I do not think I should name the firm. I am not branding all the firms on Water Street. This is a firm which, shall I say, no longer under its own name has a business operating on Water Street, but it now operates businesses, it is in the retail business. I might add that the hon. gentleman or any of his family, to my knowledge, have no connection with any such firm. I am not so much concerned with the individual firm, other firms have done it in Newfoundland within recent years. To me, Sir, it is wrong and to me there should be Legislation to prevent this.

MR. CROSBIE: Hear, hear, that should be so!

MR. ROBERTS: I agree completely and four or five years ago I went into it at some length but at that time the Government, and I think rightly so, thought we should deal first with public pensions and when we have been able to digest that problem and get it in hand to come back to deal with the problem of private schemes. Such companies as Bowaters and Price have only recently put their pension plans on anything like an appropriate basis and I am not so sure they are good enough even now. So, Mr. Speaker, all I can say is that the hon. gentleman has raised a valid point. I think it is a valid point of public policy and I hope it is one with which the Government will deal. I have my own thoughts of the lines along which it should go and a number of Provinces have quite advanced Legislation along these lines

MR. ROBERTS:

requiring pensions to be funded, requiring them to vest after a period of years so that it can be portable and requiring them to be made matters of contracts so that they cannot be unilaterally ended.

The points raised by the hon. member for St. John's West, I have a certain agreement with. I would ask, if he intends to raise some objections to the detailed language of the Bill, if he could undertake to let me or my colleague, the Minister, have some idea of the sort of wording he would like to see. It might make the Committee stage go a little more quickly because we can have the possible proposed amendments looked at.

In principle, I think, nobody could argue with what he said. I interjected, I realize out of order but interjected anyway, I fear, that it was balderdash, I think was the word I used, and in a sense it is. In the law of Canada you can be compelled to testify but you cannot be compelled to incriminate yourself. here is a difference. I referred to the Canada Evidence Act, there is a provision in that and I gather it is used fairly often. Indeed one of the Bills before the House, Sir, is on, I believe, the Divorce Act or on the rules in connection with the Divorce Act to make -

MR. HICKMAN: Yes, but that is quite the difference though, is it not?

MR. ROBERTS: One may be compelled to testify but one may not be compelled to give testimony that can be used against one's self. That, I believe, is the correct principle of public law.

MR. HICKMAN: The divorce problem is where people want to give evidence and the court says, "we will not let you."

MR. ROBERTS: It is a two-edge sword, it can also be used where a person may not want to but one would be a compellable witness in these circumstances, so it is a two-edge sword. A court can compel -

MR. HICKMAN: All swords are two-edged.

MR. ROBERTS: No, no, no they are not, no, of course not, of course not.

MR. HICKMAN: If it is not two-edged it is not a sword.

MR. ROBERTS: Oh, I think you could have a single-edged sword. I do not know what it has to do with the Notice of Termination Act but you could.

MR. HICKMAN: Well, you could certainly terminate employment with a sword.

MR. ROBERTS: Well, that is the only way, you know they have tried everything else, Mr. Speaker, Are they going to try this one now? In any event, there is nothing in this Act that would, in my view, come close to the infamous writs of the systems that Ottawa issues and under which Mounties go bursting into peoples houses. I do not think anybody can really justify these. We have had some talk about them in Newfoundland.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: Yes, yes. The classicists are at it again. I think you know, Mr. Speaker, the principle the hon. gentleman is announcing is a sound one, one with which we would not disagree. If he can improve upon the drafting of the draftsmen who have done the work for us, then we are certainly open to receiving improvements. The principle, as I understand it to be that we have put forward, is the same as the principle which he is advancing. In effect what he is saying is he feels that the words with which this principle is announced are not sufficiently precise and sufficiently clear. Well I have no dispute with the hon. gentleman's legal, technical competence and if he would let us have the possible amendments I would be quite willing to have them sent to the draftsmen and sent to my colleague, the Minister, so that when this Bill arises in Committee the matter can be dealt with.

Other than that, Sir, I do not think there are any other points in substance raised and so I again move that the Bill be now read a second time.

On motion a Bill, "An Act To Amend The Employment (Notice of Termination) Act, 1969," read a second time, ordered referred to a Committee of the Whole House on tomorrow.

Second Reading of a Bill, "An Act Further To Amend The Industrial Standards Act, 1963." (Bill No. 28).

MR. ROBERTS: Mr. Speaker, this is another in the series of relevantly minor technical amendments to the Legislation within the Department of Labour -

MR. ROBERTS: Really it is almost a quintessentially simple Bill. It repeals one section of the main Act, 1963, and substitutes another one.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Then, Mr. Speaker, in that case, if they will agree we will put it through without any further ado.

I move second reading.

On Motion a Bill, "An Act Further To Amend The Industrial Standards Act, 1963," read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. CURTIS: Number thirty-seven.

Motion: Second reading of a Bill, "An Act To Amend The Livestock Health Act, 1964." (Bill No. 20).

MR. CURTIS: Mr. Speaker, in the absence of the hon. the Minister of Mines, Agriculture and Resources, and with the consent of my hon. friend of the Liberal Reform Party and with consent of the Tories, who are also nodding, approving me, I think there must be some catch in this, this is a Bill respecting drugs. And I notice they are desirous to bring it on.

MR. HICKMAN: Inaudible.

MR. CURTIS: We are protecting livestock. But there is livestock and livestock we are interested in.

I move the second reading, why should I waste time.

On Motion A Bill, "An Act To Amend The Livestock Health Act, 1964," read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. CURTIS: No. thirty-eight.

Motion: Second reading of a Bill, "An Act Further To Amend The Children Of Unmarried Parents Act of 1964."

MR. ROBERTS: Mr. Speaker, with considerable trepidation - it is Bill No. 44, I rise to move this Bill. I am not so sure, Sir, if the rules of the House, under conflict of interest, may not bar me. In any event, Sir, this Bill from a detailed reading, which I am now giving it in the absence of my colleague, the Minister of Social Services and Rehabilitation, in these days, provide for some changes in the administration of the affiliations

MR. ROBERTS: orders that are made to punitive fathers. Although the notes do not say so, yes, the notes do say so, Sir, this is one of the Bills which is being brought in, in pursuance of implementing the recommendation of the family law study headed by Dr. Raymond Gushue. And I gather at present, I have not had an occasion, Sir, to look at these provisions either in my own interest or anybody else's, but I gather the present provisions are considered to be somewhat harsh, and this will apparently somewhat lessen them and make them a little more equitable.

On that basis, Sir, I move second reading.

MR. CROSBIE: Mr. Speaker, I agree with the amendment. I believe, the former provisions were that if you are a punitive father, so found, you had to put up a bond.

MR. ROBERTS: They are spelled out in the report, Sir.

MR. CROSBIE: You had to put up a bond, if you failed to pay you went to jail. Now there is not much point -

MR. ROBERTS: They were never applied.

MR. CROSBIE: A person going to jail, if he cannot generally pay it.

MR. HICKMAN: Oh, yes, they were.

MR. ROBERTS: You are kidding.

MR. CROSBIE: Oh, they were, I had a case only three weeks ago, Mr. Speaker, and I got a call from a gentleman on an Open-Lines Programme I was on. And the father said, (we had been just talking about unreasonable searches or something like that) the caller said; "I am in the bedroom now," he said, "the police are outside in the sitting room." He said, "can you help me?"

MR. ROBERTS: If he had not been in the bedroom originally presumably the trouble would not have happened.

MR. CROSBIE: He was on the telephone, in the bedroom. So, I said, "well, what is all about? Actually it was not a punitive father, this was -

MR. ROBERTS: Talking about protecting his rights -

MR. CROSBIE: He had failed to pay on a maintenance payment to his wife. And had not paid for some months. So he was taken to the penitentiary. Actually this is an argument against this Bill, Mr. Speaker, this

MR. CROSBIE: gentleman owes his poor wife, who is living down in my hon. friend's from Burin District, a considerable amount of money that he has not paid, and he was brought to the penitentiary for refusal to pay, when the magistrate felt that he could pay. And lo! and behold! I checked with the penitentiary and found that this was the situation so I was not going to do any more, The man was not carrying out his obligations. And that night I got an enraged phone call from the fellow, who called me on the Open-Line Program, abusing me terrifically. He said; you were speaking to my wife and told her to leave me in jail until I rotted. You know what happened, Mr. Speaker, was that when he was taken to the penitentiary, within three or four hours he produced the money. The money was produced and he and his wife had their arrears paid up, and he came out of the penitentiary and blamed me for the whole situation. So that is all bye-the-bye, Mr. Speaker, in fact it is an argument for having the magistrate send a man down, in the odd case you find that they have got the money and they do cough up with it.

But, generally speaking, this is better because here the man concerned will have to report to a welfare officer and the welfare officer can keep checking on him and see that he is making his payments and so on. So, I support the amendment, Mr. Speaker.

MR. CURTIS: I had a similar situation, Mr. Speaker, I was in the House of Assembly, it must have been about forty years ago, when my hon. friend's grandfather discovered for the first time that in those cases, if you had an affiliation case, all the punitive father had to do was pay a fine of \$100.00 and all was forgotten. And it was my hon. friend's grandfather who raise particular Cain, and as very properly shown it was changed to be... It is not of interest to the minister, because I know he was not there.

MR. CROSBIE: No, I do not think so.

On Motion a Bill, "An Act Further To Amend The Children of Unmarried Parents Act, 1964," read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. CURTIS: Number thirty-nine.

Motion: Second reading of a Bill, "An Act Further To Amend The Child Welfare Act of 1964." (Bill No. 31)

MR. ROBERTS: Mr. Speaker, we had a Bill from the Minister of Education,

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Well I will gladly pass it over, if the hon. gentleman wants an oration, he will not get one from me on this.

This Bill, Sir, does really fall into two parts, the second half of the Bill implements certain recommendations most of them relatively minor in there terms and effect, but certain recommendations made by Dr. Gushue in his study of this aspect of family law. I do not propose to go into any detail, they are spelled out in the Bill and mainly they are further protecting the rights of the children, this being the purpose of the Act itself.

The other parts of the Bill are to be found in clause three and clause four. Clause three amends the provision which the House adopted a couple of years ago, and I believe it was when I was Minister of Welfare, it was then Public Welfare, and under that clause, which I do not think,

has ever been used, Sir, I do not think the power conferred by that clause ever had to be used. But, this was a clause which gave the Director and that includes the Assistant Director of Child Welfare the power to order in certain cases a child be taken into custody, made a ward, for the purposes of medical treatment. And it was felt necessary to have it.

We now come before the House, Sir, and ask that that power be broaden somewhat, it be broadened to include a welfare officer. The reason for it; if this clause ever has to be evoked it would, presumably, have to be evoked very quickly, in almost emergency circumstances. Because the type of situation in which it would be applied is where a parent refuses to

MR. ROBERTS: give children treatment that, in the opinion of a doctor or a medically qualified person, is necessary, and then one must go through the process, in other provinces they adopt different methods, but I think, more and more are coming to this one.

The House will note that the whole thing is conditioned upon a doctor signifying in writing and so forth, the treatment is necessary. It is a somewhat unusual type of provision, not just the amendment, but the whole thing is somewhat unusual, but there are circumstances where it could be necessary. I think the feeling of the House a couple of years ago, Sir, was that the need of that child, the public interest would be to ensure that the child receive medical treatment first, and then the argument came later. If the child did not get medical treatment and then suffered or perhaps even died, you know then it is much too late for any discussions or any arguments or anything else.

So apparently it has been found that the power conferred by the original Act or the original amendment was not wide enough, and it is now proposed to widen it to include the welfare officers. The other point, Sir, is to be found in Clause 4 and that gives a judge who has the power to make certain orders, it gives the judge power to vary these orders.

I think there are obvious reasons why that is a necessary power and a right power for a judge to have.

Accordingly, Sir, I move the Bill be now read a second time.

On Motion a Bill, "An Act Further To Amend The Child Welfare Act, 1964." read a second time, ordered referred to a Committee of the Whole House presently, by leave.

MR. CURTIS: Number forty.

Motion: Second reading of a Bill, "An Act Further To Amend The Adoption of Children Act, 1964." (Bill No. 43)

MR. ROBERTS: Mr. Speaker, this is another of the Bills which will be laid before the House in implementation of the recommendations of the Gushue Family Law Study. And as I believe, the full report, there are twelve separate parts, as I believe they have all been laid on the table of

MR. ROBERTS: the House. I do not need to go into the recommendations in detail.

Let me say simply, Sir, this amendment for example changes the original Act, which requires, before a child can be adopted written statements must be obtained from people living in the same district as the prospective adopting parent. Well now under this amendment they could be any citizens of the Province. There is also a change that makes crystal clear an adoption order, once it is made by the court, and only a court can make an adoption order, once it is made it is final, and the child is, for all purposes, the child of these parents who by order of the court have become the adopting parents. As Your Honour, knows, the original birth certificates are then locked away under seal and can only be got at thereafter by order of a court. So the child is, for all purposes, the child of the adopting parents.

And, finally, there are some further protections built in that are in the interest of the child and always in the adoption field the basic thing that we were taught in Law School, the basic thing in Social Welfare, when it comes to children and the law of children, it is an old principle in the common law, it is an old principle in the statute law, and it is an old principle in Social Welfare Arian practice, what is best for the child must be the determining factor.

These amendments, Sir, are quite minor. I do not think there are any major points that require me to go on at any length, and so I will merely move second reading and, if there are any further points, I will attempt to deal with them in replying. I move second reading.

On Motion a Bill "An Act Further To Amend The Adoption of Child Act, 1964," read a second time, ordered referred to a Committee of the Whole House presently, by leave.

MR. CUPTIS: Number forty-one.

Motion: Second reading of a Bill, "An Act To Amend The Elevators Act, 1969," (Bill No. 35).

MR. ROBERTS: Mr. Speaker, if they would give me a copy I will move second reading.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: No, I have a copy. It is obviously a major amendment Sir, a very major one, it brings temporary hoisting mechanism within the scope of the Elevators Act, 1969. I may add, for the benefit of the House, that during the past year or so we have implemented the Elevators Act, Hon. members riding in their reserved elevator will notice that little signs have been posted saying that the elevator has been inspected, it is now safe, and I might add, the other elevator, which a number of us use, is equally safe, as sad as the hon. gentleman opposite might be to hear it. A little more seriously, within the past year or so -

AN HON. MEMBER: Inaudible.

MR. ROBERTS: I beg your pardon?

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Well, that is by our design and one would not want to infer, within the past year or so, this is another of the achievements of Mr. Keough, an elevator inspection branch was set up, and I think all elevators in the Province now are being inspected. I might add, although the original Act did not apply to the Crown, the Cabinet have ordered that all elevators in Government of Newfoundland buildings be made subject to it.

I do not think I need say anything more, Sir, This is hardly the sort of issue on which Governments stand and fall, but again, I move second reading.

MR. CROSBIE: Mr. Speaker, this is a piece of legislation that has had a lot of ups and downs.

we could move that this be given a temporary six month's hoist but we have had a caucus tells us that this is probably one of the law reform and we will go along with it.

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

Second Reading of a Bill, "An Act To Amend The Dental Act, 1968,"

MR. ROBERTS: Mr. Speaker, as Minister of Health I get to move a Bill in my own name. In so moving, Sir, may I inform Your Honour that the other Bill standing in my name on the Order Paper, the Medical Care Insurance Act, I hope will be in the hands of the Clerk today and will be distributed, They are fairly tactical amendments but hon. gentlemen opposite, particularly the learned members and particularly the learned members who have been ministers of Health, would want to peruse them as they are very important. The Mental Health Act, Sir, we hope will be distributed Tuesday and the Hospitals Act, which we hope will be available in a few days. Again we will allow adequate time for study of the Bills before they are brought forward.

Mr. Speaker, this is a simple enough Bill, a schedule to the main Act. Actually only just adds the words, "or such other country as the Board" (being the Dental Board) may from time to time specify." It could be a Bill, Sir, that could have very major effect and it is a Bill which is brought in at the request of the Dental Board, a Bill which represents in effect a fairly major change in the licensing of dentists. Up until now it is still the law and until and unless the House change it with this Bill, Sir, it will be the law, that a dentist wishing to practise in Newfoundland had to be from, a graduate of, a recognized university in a list of countries, listed in the explanatory notes, but broadly speaking these are the white, Anglo-Saxon countries, including

some European countries' but not all. If a person wishing to practise dentistry was not a graduate of one of these universities, Sir, he had to come to Newfoundland and in effect he had to go back to dental school. He could be the best qualified dentist in the world but in effect he needed a year or two or three, now that is quite absurd , quite absurd. There was no power under the Act, Sir, for the Board to examine a man individually and bring him in. Or there was not sufficient power I will not say there was none, although the notes do say that this is the first time it can be done. This was true across Canada, Sir, You doubtless read of a number of cases, the Czechoslovak dentists in Ontario were the most recent, where dentists, perfectly qualified by Canadian standards, were barred from practising their profession until they went back to dental school for two or three or four years to get training, which was really quite unnecessary because they already had the qualifications.

Fortunately, some sort of revolution seems to have swept through the dental boards across Canada. We approached the dental board about an amendment along these lines, a little different but it would have had the same effect and, much to our surprise, we were told that the National Examining Board has now agreed that they will set a standard examination, on a Canada-wide basis, and, if a dentist passes that he will be able to practise dentistry. That is quite a step forward. I think hon. gentlemen who preceded me in this portfolio will realize that that is an incredible step forward. Dentistry is one of the most restrictive professions we have, I think at times unduly so. Perhaps another year the Government may be before the House asking for some fairly substantial amendments to the Dental Act, because I am not so sure that our present dental legislation is adequate in every respect, I am not so sure , for example, that I like entirely the situation as regard to the thorny question of denturists or denture-makers, I am not so sure about

that, I am also not so sure about the situation with respect to dental assistants or hygienists or the whole range of people who assist a dentist but who are not dentists. There is considerable talk going on throughout the dental practise throughout Canada, about this, Sir, We have been talking to our own dentists, They are as anxious as we are to try to improve dental services. Dental services in Newfoundland are good but they are certainly not as good as they should be and they are probably the weakest branch of the health professions in this Province. The dentists themselves are fine but there are relatively speaking so few of them. We could use many more doctors, if we had half as many again doctors as we have we would be very well served indeed, we would be as well served as any part of Canada.

On the other hand, Mr. Speaker, we could use three times the number of dentists we have and we still would not be over-serviced. In any event, Sir, this Bill, we hope, will make it a little easier for a qualified man. It will not reduce the qualifications, there is no question of that, but it will make it a little easier for a qualified man to have his qualifications recognized and to have him licensed to practise dentistry in Newfoundland. We are searching now actively for dentists who have qualifications to come to Newfoundland because, as I have already announced, the Government intend to try to expand our dental programmes. We have had some talks with the dentists. I have a very good brief from them and there will be further meetings held between my officials and the members of the dental association. This Bill is brought in with the full assent of the licensing authorities in this Province and across Canada. I think it is a good Bill, Sir, and I move it now be read a second time.

MR. MARSHALL: Mr. Speaker, just a few words; Anyone will support a Bill to increase the possible number of dentists in the Province, which this will do. There are one or two points that I would like the Minister to

address himself to Even on the basis of the old means of admission of dentists, the old rules and regulations, the Department of Health, by its own estimates some five years ago its own projections, projected that there would be sixty-eight dentists necessary for Newfoundland in 1971 - that is this year. We find from the questions and the information that we have been able to elicit from the minister that there are some fifty-eight dentists in Newfoundland. I do not believe that all of these are practising so we are certainly far, far below the limit of the dentists the Department of Health, by its own planning and its own estimates, some few years ago, estimated would be necessary to take care of the health needs of the people of Newfoundland. With all of that, as well, we heard the minister last year make statements to the effect, with respect to the old dental care programme, that it was not working out as well as he would have liked it at the period of time, because the way the set up was the children in one district, in one area or district, because there was a dentist there, could get this dental care and in another district they could not. I see the minister is nodding his head. The question that I would like to ask, there are less dentists than were anticipated, that were projected, and there were not enough dentists to take care of the dental care programme that was in effect last year. How does the minister propose to provide enough dentists in order to take care of the expanded dental programme that he has announced?

MR. CROSBIE: Mr. Speaker, the Minister says this is supported by the Dental Board and I think it introduces more flexibility. I cannot see anything wrong with the principle of the Bill. In connection with the new proposed dental programme, I think that it is that all children up to the age of thirteen are going to receive free dental treatment, once this new programme comes into effect. The hon. member for

St. John's East, I think, has just put his finger on what is going to be a great problem with that. I understand from dentists that, for example, the City of St. John's itself, even without expanding the programme of free dental treatment for children, could easily use another ten or twelve dentists. There is no doubt that the Island as a whole could use at least twenty or twenty-five.

If these dentists, for example, in St. John's and these other areas are not now working all day, as they are, they are working all day and most of them work Saturday besides, there is a limit to their physical capacity to take on additional work. If there is going to be this children's programme up to thirteen, the age of thirteen for children at school, it is difficult to see how this is all going to be done satisfactory by the few dentists that we have. Somebody is going to suffer either people who are now getting dental care will not get it because they will concentrate on children or vice versa. While I am in favour of the programme extended to thirteen and eventually we should have dental care the same as medicare, I am in favour of that. The real problem in it is having insufficient dentists. When the Minister is dealing with that I wonder could he deal with the question of fluoridation. After all, you can ask any dentist in this Province what would most cut down the need for dentists and the answer is fluoridation, fluoridation of the water supply will - you will need many fewer dentists in the future if the water supply is fluoridated. You will have the decrease in cavities and so on as a terrific percentage. This is the answer to dental problems in the long run.

Now the Government has always taken the position that it will take no position on the question of fluoridation, except to say that if the department is asked it will give an opinion, it will recommend it, I think the department will. It did when I was there. But the Government will take no steps to encourage it, which I think is very

unfortunate. Now unfortunately fluoridation is an issue that arouses tremendous opposition from "the lunatic fringe" and this is where the opposition is always coming -

MR.ROBERTS: We are quite familiar with opposition from "the lunatic fringe."

MR.CROSBIE: Right but this is a different lunatic fringe, have no opposition from across the House. I wonder if the Government have considered this question of fluoridation. It is good to have this children's programme for dental care but how much better would it be if the children did not need the dental care at all because they were drinking fluoridated water and did not have the cavities? This is the long-run answer. So I would be interested in hearing the Minister's views on that as well as on the other questions.

MR.ROBERTS: Mr. Speaker, I am always flattered to be asked for the chance to express my views on an issue and particularly if I have had a chance to learn a little about the issue, so let me try to deal with the fluoridation thing, first, and then come back to the problems that the hon. member for St. John's West and the hon. member for St. John's East have in common, the supply of dentists or the pressures upon them, the demands upon them for professional services.

On the fluoridation thing I can only agree with the hon. member for St. John's West when he says that no question raises more reaction or more emotional or less rational reaction this matter of fluoridation. The dentists of this Province and indeed I suppose the dentists throughout Canada throughout North America have been very much more, have been very strong in their view that fluoridation is, is a good thing, is a necessary thing and is not harmful and, as far as I can judge, respectable and responsible medical opinion throughout the world supports that position.

The Government have never taken a position with respect of fluoridation but perhaps I have been more persuasive or perhaps I have

been more eloquent or perhaps I have been more effective as the Minister of Health but in any event the Government have come now to the point where we are prepared financially to help municipalities who decide to fluoridate. Now, one may ask why municipalities? Well, the answer is quite simple Sir. The method of providing the fluorine and putting it in the water similar to that of putting chlorine in the water must be done through a municipal water system. There are about 220,000 people in Newfoundland, I am told, who are receiving water through municipal systems and we are prepared as a Government to aid financially those municipalities. I think the only municipalities at present have fluoridated their water are Corner Brook and Gander. The City of St. John's came close a number of years ago, it did not - have we gone so far as to make it a referendum -

MR. ROBERTS: which of course is bloody nonsense. It is bloody nonsense really, to have a referendum of that sort. I am sorry, I withdraw the word "bloody", it is pulpy nonsense, Mr. Speaker, because your teeth do not get bloody, they get pulpy. Your gums get bloody.

In any event, Sir, everything I know as Minister of Health, all of the advice I have received is that fluoridation of course is an essential public health step. It is regrettable that it raises, to say the least, a strong reaction. Probably what I have said today will cause a strong reaction. I hope not, but if it does.

MR. CROSBIE: Inaudible.

MR. ROBERTS: Well, Mr. Chairman, Mr. Pumphrey and I, now hear this, have at least in common, perhaps much in common, we have at least in common an additional thing that we now belong to one Liberal Party. Mr. Pumphrey has obviously seen truth in the old adage that while the light hold out the burn, the vilest sinner may return. He is like many of the hon. gentleman's former followers, you know, who feel that since he is no longer a Liberal but instead a Tory they will no longer stand with him.

MR. CROSBIE: They are few in number. The silent majority is already formed.

MR. ROBERTS: Well I never quite thought of the hon. gentleman as close to Spiral Agnew.

MR. CROSBIE: Wait until you get Martin Goldfarb's report.

MR. ROBERTS: Well I must say I have not heard this chatter about Mr. Goldfarb. I know he has been retained by the Government to do some work, Mr. Speaker. He is interested in doing some work on dentistry, as a matter of fact, I have a proposal from him to that end and, believe it or not, I do.

MR. ROBERTS: Well, Mr. Speaker, we may get an anesthetic but the hon. gentleman will get a dart somewhere else, I can tell him.

Mr. Speaker, to deal with the second point that was raised first by the member for St. John's East laterly and subsequently by the member for St. John's West.

The essential point of any dental programme in Newfoundland is that our dentists are badly over-worked. They work very hard, probably too hard. Another essential point is that the people of Newfoundland seem to have a curious reluctance to make proper use of dentists. We have had cases in this Province, Sir, where the dentists working for the Government or working in arrangement with the Government, I think it may have been in my hon. gentleman's tenure, a portfolio I now hold, where dentists went to rural communities and actually did not get enough work to keep them going even on a minimum basis.

Newfoundlanders do often, Sir, seem to only want to go to a dentist when they have a pain in their tooth, to have it taken out. That is not the way to do it. The trick is to go to a dentist every six months, and to have the problems looked at in advance, and if there is a cavity, it is drilled out and filled while it is still relatively minor. In addition, it might interest the House here to know that we have found and dentists told me this, we do now have a programme, whereby children five, six and seven have no bill if they go to the dentist.

We have actually found cases where a dentist will call up a mother and say "little Johnny next week needs a six month treatment, there is no charge to you. Will you bring little Johnny in, would nine o'clock next Wednesday morning be O.K. by you?" Mothers have actually said to the dentists "Well look, Little Johnny is not having any trouble with his teeth, we will not be in."

MR. ROBERTS: Now that is a prescription for disaster in a dental sense and I do not know, I mean, we have got to extend our dental programme and we have to expand our dental recruitment programmes and we intend to. We are looking, with the dentists, at this question of dental assistance. That is another way to go at it.

There is a very interesting experiment under way in Prince Edward Island and I have had some talks with John Maloney, who is the Minister of Health in Prince Edward Island.

All of that, Sir, and we will still have problems. The talks I am now having with the dentists about the detailed implementation of our extended programme are very much along those lines and they are concerned and we share their concern.

But all of it, Sir, will be no use unless the people of Newfoundland make use of dental services. Dentists are not merely for when you get a pain in your tooth. Dentists are for regular treatment and any dentist will tell you that the way to have good teeth is to take ^{care} of your teeth and not eat chocolate bars and candy but instead to go to the dentist every six months and have them looked after.

The only other point I can make, the only other point I feel I need make, the hon. gentleman from St. John's East mentioned the former Children's Dental Programme, under which children only from certain geographic areas could receive treatment. I did change that, I changed it so that now any child can come. It is true; perhaps that has put a little extra pressure on the dentists but I think the dentists themselves welcomed it, because it was so obviously unfair and inequitable.

The problem with the system, quite simply, was that one had to draw a line, Mr. Speaker. It was pretty hard to explain to a mother from Kelligrews that she could have her child looked after under the Children's Dental Programme and then the next day a mother and children

MR. ROBERTS: who lived in say Avondale could not have her children looked after under the Programme.

The more I looked at it the more it became obvious that it was wrong in principle so we ended it. The dentists of this Province, Sir, have striven manfully and I can say womanly, I believe there are one or two lady dentists in the Province, but they have striven mightily to provide good dental care.

MR. MARSHALL: Now this is not answering the question. The question quite simply is, how does Government propose to implement the expanded dental programme if they had an inadequate number of dentists to serve the previous programme. The fact that Newfoundlanders do not like to go to dentists, etc. is irrelevant. The question I am asking is; if you did not have enough dentists to implement the old Programme, how are you going to implement this great scheme that you are now bringing up? Which is a beneficial one but I would submit that you have not got the plant in order to do it.

MR. ROBERTS: Mr. Speaker, I think the hon. gentleman is doing the dentists of this Province a disservice. We will obviously have to implement it with their co-operation, as I talked about it very carefully at the Development Conference where I made the announcement on behalf of the Government.

Extending the plan is not going to solve the problem of not enough dentists. We intend to try to recruit more. We intend also to look very carefully, and are looking into other means of delivering dental services, means other than through a dentist. If the hon. gentleman is becoming involved in matters of health and matters of health policy, he should perhaps get in this field. It is a very live subject all across Canada and it is a field in which we hope to move.

MR. ROBERTS: There are things like dental hygienists. These are people who work under the supervision of a dentist. The dentist can handle many more patients with the help of auxiliary people. But also, we intend to try to recruit dentists. The whole point of this Bill, and it should be much easier, we think, it extends the field from which we can recruit.

MR. MARSHALL: Is there then one plank in your platform in which you cannot implement in the foreseeable future?

MR. ROBERTS: No, no, Mr. Speaker, far from it. Far from it. The Programme that I announced, as far as I know and I have good reason to know this, will be in effect, I made a talk last weekend in Arnold's Cove at the Lyon's Club and I said it might take two years to bring it fully into effect. That does not bother me. We may do a number of years now and a number of years a year from now, but the hon. gentleman is clutching at straws if he thinks we cannot, if we did not believe and know that we could put it into effect, Mr. Speaker, we would not have announced it. It is an area where we believe we can expand the public health services and we will certainly try to do it. There are no magic solutions but we think, based on the advice that I have been able to get and the advice that I have given, we think we can do it. This Bill will help us. We believe this Bill will help us, Mr. Speaker, so I now move second reading:

Motion second reading of a Bill, " An Act To Amend The Dental Act, 1968," ordered referred to a Committee of the Whole House presently by leave.

MR. CURTIS: I want to thank my hon. friend for pinch-hitting for the Minister of Social Services and I pass this Commission here. He wants to get in the Senate and cannot do it without being appointed an honorary

MR. CURTIS: member of the Senate of Louisiana.

MR. ROBERTS: Will the hon. gentleman permit a question? Is it true that when people were made Senators they asked what it meant and they were told that they could ask any State Trooper in Louisiana and he would tell them what it meant? Is that true?

MR. CURTIS: No. I heard

MR. ROBERTS: Tell him where to put it.

MR. CURTIS: Yes, that is it.

On motion that the House go into Committee of the Whole on miscellaneous Bills. Mr. Speaker left the Chair.

MR. NOEL: Chairman of Committees.

A Bill, " An Act To Establish The Newfoundland Law Reform Commission." (No. 22)

MR. CROSBIE: Clause (3), Mr. Chairman, I would like to move an amendment to sub-clause (2) of clause (3), " The membership of the Commission shall consist of one or such greater number of members," and then after the word "members" put in "not in excess of three" and then go on "as the Lieutenant-Governor in Council may prescribe."

I do not see, Mr. Chairman, any reason why it should be left so broad as this. I cannot see any reason why the membership should be in excess of three. There will be enough flexibility if it is between one and three, I therefore suggest an amendment.

Motion that clause (3), sub-clause (2), be amended by inserting after the word 'members', in the second line, the words "not in excess of three." Carried.

On motion amendment lost.

MR. CROSBIE: Sub-section (4) of the same clause states, "A member of the Commission holds office during pleasure," I do not believe that that is desirable, that the members of the Commission should be at the pleasure of the Government or at the mercy of the Government. I believe that they should be appointed for a specific term and hold office during good behaviour. So I move an amendment "A member of the Commission hold office for a term of three years and during good behaviour."

Motion that clause (3), sub-clause (4), be amended by deleting the word "pleasure" and inserting the words "for a term of three years and during good behaviour." Carried.

On motion, amendment lost.

MR. HICKMAN: May I direct a question to the hon. the Minister of Justice? The principle of this Bill, and it is obviously a desirable thing but this Commission is going to be beaten before it starts. The two amendments that have just been defeated were good, non-political amendments. Law Reform Commissions in Canada attract highly qualified and demand highly qualified lawyers or Deans of Law as certainly is the Chairman, For instance, the former Dean of Osgoode Hall is now the Chairman of the Law Reform Commission of Ontario, and he has with him highly qualified lawyers, because it is not really a social function. In Manitoba they do have a

MR. HICKMAN: Lady I think with her doctorate in social sciences as a member as well. There should be some qualifications contained in this clause (3) that is now before the Committee. I would like to see for instance that the Chairman has to be a lawyer with a minimum of five years standing either in the practice of law or teaching law, or three years, if the the hon. minister wants three, but it should be because, this Law Reform Commission, they are the real technicians, they are not so much policy makers.

For instance, our Mechanics' Lien Act, that was passed last year and the amendment that will come before the House this year, was prepared by the Ontario Law Reform Commission. The policy decision to make, to have a new Act drafted, the policy decision was made by the Attorney General, he goes to the Ontario Law Reform Commission and he says, "we want a new Mechanics' Lien Act." It might be of interest to hon. members to learn that it took that Commission, I think they have five lawyers on there on that Commission, plus a large staff of solicitors working for them, I think it was three or four years from the time they first started working on that until they came up with a Bill that was satisfactory to the Attorney General of Ontario, because, we waited for that Bill before we could bring one in here.

There is no indication in this Bill at all as to what the qualifications will be. If it is going to be an effective commission, if it going to be something more than window dressing I believe that there should be a clause in there setting forth, prescribing, that the chairman shall be a lawyer of three or five years standing.

MR. CURTIS: I cannot imagine any Government appointing a commission and not having an experienced lawyer head it off.

MR. HICKMAN: Well to put it this way, if the hon. the Attorney General agrees with the principle of it, is this not what Legislatures are for, to insure that this would be done, would he indicate whether he would accept an amendment.

MR. CURTIS: I would not object to such a clause.

MR. HICKMAN: The Mr. Chairman--

MR. CURTIS: You can let it stand if you like.

MR. HICKMAN: Let me try an amendment and see if you like it. Mr. Chairman, I move that section (3) be amended by adding paragraph (6) as follows; the chairman of the commission shall be a person who is a member --

MR. CURTIS: Why do you not say barrister?

MR. HICKMAN: All right, barrister.

MR. CURTIS: Of at least five years standing.

MR. HICKMAN: Of at least five years standing. I think we should...

AN HON. MEMBER: Five years standing where...

MR. HICKMAN: Five years standing in any bar, any Provincial Bar in Canada is what I am trying to say or the Bar of England. I do not think we should go beyond there. But it could be you would have a man in England or Ontario who has had five years standing...

MR. CURTIS: I think if you feel like, we should just let the Bill stand until it is properly worded. We might get a man from South Africa.

MR. HICKMAN: No, no, five years standing from any bar recognized under the Law Society Act of Newfoundland, they cover all of that. Can we let it stand?

MR. CURTIS: I move the section stand Mr. Chairman.

MR. CHAIRMAN: Shall clause (3) stand?

MR. HICKMAN: We will get the Law Clerk to draft one for us for Monday.

MR. CROSBIE: Clause (4) Mr. Chairman, if the Bill is going to left as broad open as it is now, and I feel it should not be, we do not know how many people are going to be on the commission, their membership is an indeterminate number, whatever the Lieutenant Governor in Council decides. They are only going to hold office during pleasure. We do not know what remuneration they are going to be paid nor what kind of people are going to be appointed to it. I therefore suggest an amendment, that we add at the end of the clause after words prescribed, "such remuneration not to exceed

in excess of \$10 thousand per year for the Chairman, and \$5 thousand per year for each other member.

MR. HICKMAN: You will not get them, forget it.

AN HON. MEMBER: (Inaudible)

MR. CROSBIE: We do not know if it is to be a full-time job even. Why should we....

AN HON. MEMBER: (Inaudible)

MR. HICKMAN: No, no, sure the Chairman of the Ontario one gets \$35 thousand a year.

MR. ROBERTS: Sure.

MR. CROSBIE: In that even of course, he is a full-time....

MR. HICKMAN: Full-time, right, I realize that.

MR. CROSBIE: But this Bill does not say that the members of the Commission or any of them have to be full-time. I mean the matter.....

MR. SMALLWOOD: They will not.

MR. CROSBIE: They probably will not, as the Premier says.

MR. SMALLWOOD: It does not say they will, it does not say they will not.

MR. CROSBIE: Exactly, but this is not the way a Bill should be brought before the House. Here is a Law Reform Commission set up but the Government has made no decision on whether it is going to have a full-time Chairman or how many members it is going to have, or what they are going to be paid, or what their qualifications are. The whole thing is naked.

MR. SMALLWOOD: Right.

MR. CROSBIE: This is not the way legislation should be passed by a House, it is improper legislation.

MR. SMALLWOOD: Why, why is it?

MR. CROSBIE: Because it is a derogation of the authority of the House.

MR. SMALLWOOD: All nonsense.

MR. CROSBIE: It is giving nothing. It is giving complete authority and discretion to the Government.

MR. SMALLWOOD: The money will have to be voted through the House anyway.

MR. CROSBIE: Well Mr. Chairman, despite the fact I support the Bill, I cannot support it in its present form. If the Chairman is going to be full-time, admittedly \$10 thousand a year would be too little to give to the right man, so rather than propose the amendment I will vote against the clause.

Motion, that the Committee report progress on the Bill,
carried.

Item 30, a Bill, "An Act Further To Amend The Minimum Wage Act."
(No. 29)

Motion Clause (1) carried.

MR. MARSHALL: Mr. Chairman, in clause (2), subsection (6) it provides that within two years from the date of receipt of the money, if it is not claimed and it goes to the Crown, and this deprives the person of the right that he would otherwise have to claim a wage within a six year period. Six years I believe is the statutory limitation period. I just wondered why the period of two years was placed there instead of six years? Could the minister answer that?

MR. ROBERTS: Mr. Chairman, I literally have no idea. Is there a provision in the main Act that may cover it, because these clauses are fairly standard and I think - I know what happens in practice, I do not know what happens in law, but in practice if somebody puts up a claim later it is paid on an ex-gracia basis. I really do not know why it is two years and not four, six or eight. I just do not know. I do not know if the Minister of Justice knows.

MR. CROSBIE: Well, why does the money not go back to the employer?

MR. ROBERTS: Well why not? It is not the employer's money. I wonder Mr. Chairman if one of the pages would bring me the 1966 Statutes from the Clerk's office. I will look at it, it do not know why we have a hunch there is something in the main Act covering these Mr. Chairman.

MR. MARSHALL: I would submit, Mr. Chairman, to the minister that it is probably a case where if you do not want it kept on the books for too long, but it does derogate from the right which the employee would normally have to claim with respect to a debt within a six year period before it is debarred. This has the effect of barring it in two years.

MR. ROBERTS: Mr. Chairman, there is nothing in the Amendment Act, on a quick looking, except the same section that has been in effect since at least 1966 and apparently there was no difficulty. My colleague the Minister of Finance makes a point, just because it is in the consolidated revenue it would not extinguish his right. It would merely mean the Deputy Minister would not keep it on his desk or wherever the Deputy Minister keeps it, presumably the trust account. His right would still be extant would it not? There is nothing...

MR. MARSHALL: Mr. Chairman, it says, "becomes the property of the Crown."

MR. ROBERTS: Where is the thing, I do not have it.

MR. HICKMAN: In the right of the Province.

MR. ROBERTS: Yes, so the money becomes the property, but does that in law extinguish his right to claim the money?

MR. CROSBIE: Right.

MR. ROBERTS: I am not so sure it does.

MR. HICKMAN: Yes, yes it does.

MR. MARSHALL: I think it does.

MR. ROBERTS: Why, why?

MR. MARSHALL: Because the employer has already paid it.

MR. ROBERTS: The employer, but he can claim it from the Crown. He could not claim it from the employer, I agree. The Crown throughout is in the role of a quasi-trustee in this Mr. Chairman.

MR. HICKMAN: What is wrong with six years in there any way?

MR. ROBERTS: I do not know what is wrong with six years. I cannot accept the amendment unless I know what it is all about. I do not know why it is two years.

MR. MARSHALL: Well then, Mr. Chairman...

MR. ROBERTS: I will let the clause stand if the Committee wants, it is not my Bill Mr. Chairman, I do not know the details.

MR. HICKMAN: This is purely an administrative thing. Somebody wants to keep a tidy set of books.

MR. ROBERTS: I can see a very real thing for that too. I mean, you do not want to be...

MR. CURTIS: (Inaudible)

MR. ROBERTS: Well do we want to let it stand, or do we want to put it through?

MR. MARSHALL: If I can move an amendment then, Mr. Chairman, perhaps we could delete the words, "the money becomes the property of Her Majesty in right of the Province." The the subsection would read, "period of two years from the date of receipt thereof by the Deputy Minister and shall be paid into the consolidated revenue fund." That will then not debar the employee from perhaps taking the action within the six year limitation period.

Motion, amendment carried.

Motion, clause (2) as amended carried.

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

Item 31, a Bill, "An Act Further To Amend The Apprenticeship Act, 1962." (No. 30).

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

Item 33, a Bill, "An Act Further To Amend The Industrial Standards Act, 1963." (No. 28).

MR. MARSHALL: (First part inaudible) as in the Minimum Wage Act. In accordance, to be consistent, I would move that the words, "the money becomes the property of Her Majesty in right of the Province and," be deleted from subsection (6) of section (2).

Motion, amendment carried.

Motion, clause (2) as amended carried.

April 23, 1971, Tape 381, Page 7 -- apb

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

Item 37, A Bill, 'An Act To Amend The Livestock Health Act, 1964.' (No. 20)

Motion that the committee report having passed the Bill without amendment. Carried.

A Bill, "An Act Further To Amend The Children Of Unmarried Parents Act, 1964."

Motion that the committee report having passed the Bill without amendment. Carried.

A Bill, "An Act Further To Amend The Child Welfare Act, 1964,"

MR. CHAIRMAN: Clause (4), the final paragraph on the last line, but one, the words, "twenty-one years to be deleted" and the word "majority" to be inserted.

MR. HICKMAN: Majority is not defined in the main Act. I think that is a meaningless amendment. Does the hon. minister have nineteen years in mind as the age? Why not put it in? Why not make this nineteen years?

MR. CROSBIE: Check with the legal draftsman. What about the earlier Act, to see if that one already changed the majority? We changed one earlier. You better leave it until you check with the draftsmen.

MR. CURTIS: (Inaudible)

On motion amendment carried.

On motion Clause (4) carried.

Motion that the committee report having passed the Bill, with some amendments. Carried.

A Bill, "An Act Further To Amend The Adoption Of Children Act, 1964,"

Motion that the committee report having passed the Bill without amendment. Carried.

A Bill, "An Act To Amend The Elevators Act, 1969."

Motion that the committee report having passed the Bill without amendment. Carried.

A Bill, "An Act To Amend The Dental Act, 1968."

Motion that the committee report having passed the Bill without amendment. Carried.

On motion that the committee rise report having passed Bills no. 20, 30, 33, 35, 43, 44 without amendment. Mr. Speaker returned to the Chair.

MR. NOEL: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed Bills no. 20, 30, 33, 35, 43 and 44 without amendment, and ask leave to sit again.

On motion report received and adopted. Bills ordered read a third time now by leave.

On motion, a Bill, "An Act To Amend The Livestock (Health) Act, 1964," read a third time, ordered passed and title be as on the Order Paper.

On motion, a Bill, "An Act Further To Amend The Apprenticeship Act, 1962," read a third time, ordered passed and title be as on the Order Paper.

On motion a Bill, "An Act To Amend The Dental Act, 1968," read a third time, ordered passed and title be as on the Order Paper.

On motion a Bill, "An Act To Amend The Elevators Act, 1969," read a third time, ordered passed and title be as on the Order Paper.

On motion a Bill, "An Act Further To Amend The Adoption Of Children Act, 1964," read a third time, ordered passed and title be as on the Order Paper.

On motion a Bill, "An Act Further To Amend The Children Of Unmarried Parents Act, 1964," read a third time, ordered passed and title be as on the Order Paper.

MR. NOEL: Mr. Speaker the Committee of the Whole have considered the matters to them referred and have directed me to report having passed Bills no. 28, 29 and 31 with some amendments.

On motion report received and adopted.

On motion amendments read a first and second time. Bills ordered read a third time now by leave.

On motion, a Bill, "An Act Further To Amend The Industrial Standards Act, 1963," read a third time, ordered passed and title be as on the Order Paper.

On motion a Bill, "An Act Further To Amend The Minimum Wage 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 Child Welfare Act, 1964," read a third time, ordered passed and title be as on the Order Paper.

On motion committee ordered to sit again on tomorrow.

MR. CURTIS: Mr. Speaker, I move that the remaining Orders of the Day do stand deferred and that the House at its rising do adjourn until tomorrow Tuesday, 3 p.m. and that the House do now adjourn.

MR. SPEAKER: It is moved and seconded that this House at its rising do adjourn until tomorrow Tuesday at 3 p.m. and that this House do now adjourn.

This House stands adjourned until tomorrow Tuesday at 3 p.m.