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SPEAKER: THE HONOURABLE JAMES M. RUSSELL

The House resumed at 8:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order please!

COMMITTEE OF SUPPLY:

HEADING VII - JUSTICE:

MR. ROWE (W.N.): On 701(01), Mr. Chairman, for the past successive several days I have been trying to get a few remarks in but unfortunately it has been so late in the afternoon that I have not been able to finish them. I have made some reference to the fact that the Executive Assistant of the honourable Minister of Justice is being paid \$12,000 a year which is a special executive assistant, a political appointment and I use the term political not in a derogatory sense, a political appointment of the minister is being paid \$12,000 a year which is a somewhat inflated salary for a political appointment. I do not care how well qualified the gentleman is. If he were a member of the established public service that would be one thing but to pay a man \$12,000 a year of public money to look after some of the political duties of the minister is going a bit far in my estimation especially, as I mentioned last time, when you realize that members of this House who are elected by the people in a political capacity gets \$6,600 a year by way of sessional indemnity and \$3,300 a year for expenses. I just touch on that again.

Mr. Chairman, I also touched on the fact that during my short but pleasant stay as acting Minister of Justice some months ago, I asked the Minister of Justice in Ottawa, Mr. Turner, to take into consideration the appointment of a fifth supreme court judge for this province to reside and hold court in Corner Brook. I would like to hear the minister's comments on that. I also mentioned the fact that we asked Mr. Turner to consider and if favourable consideration could be given, to instruct his officials to meet with our officials

to talk in terms of legislation which might be necessary to set up a separate appeal court in the province, an appeal court separate from the existing Supreme Court bench so that our system of justice, the administration of justice in the province could be done a little better, I think, not better because the personnel on the bench would be better but because there should be, as a matter of principle, two separate courts, a trial court and an appeal court, two separate bodies of judges. I would like to hear the minister on that.

Also, of course, the district court where one additional district court judge was appointed for Trinity Conception recently, Mr. Nath Noel, and I am sure he will do an excellent job indeed. Also the fact that I requested, on behalf of the then government, the Minister of Justice to establish two courts, two extra district courts in Burin-Burgeo and Bonavista-Twillington, I think the judicial districts are called, get two additional district court judges there so that access to people who have to go court, access to court would be less expensive and more efficient and more convenient for them in those particular areas.

Also the minister might want to make some reference on the royal commission to inquire into the magisterial system in the province which was set up again during my brief period as acting Minister of Justice. Perhaps he cannot say too much on that. Mr. Geoffrey Steele is actively involved in compiling some recommendations there, I think, Mr. Chairman, but the honourable minister might indicate to the House whether he has confirmed the terms of reference, I think publicly he stated that he did, whether the terms of reference are still in effect and any other comments he might want to have on the establishment of that royal commission.

I also mentioned last day in answer to some criticism from the Law Society of Newfoundland that I did not, at least when I was

acting Minister of Justice, think it sensible or reasonable to set up at that time a royal commission of enquiry into all the aspects of the administration of justice in the province. Now there can be a divided opinion on that. The reason I did not is because in my short period as a minister the experience I have gained shows that when you set up far-reaching royal commissions, royal commissions which are dealing with hundreds and hundreds of basic questions which are inevitably of a controversial nature, first of all it takes usually years for such a royal commission to compile some recommendations and submit them to government, years which I think are wasted by and large. Also, of course, often there are so many controversial matters among all the matters recommended by such a royal commission that such royal commissions do have a tendency to be dropped like hot potatoes and shelved to gather dust for a very long time.

Therefore it was part of my philosophy to single out in the first instance some areas of the administration of justice in the province and to get royal commissions or other expert commissions set up, expert enquiries set up and to delve into and to make recommendations on various aspects of the administration of justice, for example, the magisterial service in the province, with a view to improving for the people of Newfoundland that particular service. Again I hasten to add, as I did at the time it was set up, I hasten to add that this is to be taken as no reflection but rather the reverse, as praise for the magistrates presently on the bench. What I was hoping to do would be to improve the service even more than it has been improved over the years and to ask for recommendations from Mr. Steele, the royal commissioner, in that regard.

Also I hoped but I did not get the opportunity, I hoped to set up a royal commission on the penitentiary, for example, to see

whether in this province we were going in the right direction with regard to punishment for crimes, for penalization, penalties and the incarceration of people in the province. Also I had hoped to set up a royal commission on the security of the province involving the Newfoundland Constabulary which is restricted to St. John's and the work of the RCMP to see what sort of a police force, what kind of a security system we should have in the province, whether the RCMP contracts should be carried on, whether we should have our own police force throughout the province, whether the RCMP should be obliged also, on the instructions from the government, to act in a municipal capacity, that is to enforce municipal bylaws.

I am sure the minister will have something to say on that as well.

I noticed that I made a mistake last time, I mentioned \$4,000 for inquests and public inquiries for the moment forgetting that that was merely magisterial inquiries. I notice that in the Department of Finance that there is only \$75,000 for royal commissions, public enquiries. Perhaps the minister would like to indicate whether he is going to set up this general royal commission or whether he is going to continue during the next year or so to set up a variety of royal commissions to investigate and to report on various aspects of the administration of justice.

Also I barely touched on, during the last session, the question of legal aid in the province. Now there seems to be a feeling afoot, Mr. Chairman, that the Government of Canada is going to move into this field very shortly and that there is going to be a system of legal aid not unlike medicare in certain respects

where people cannot afford to obtain legal advice in certain cases of hardship, will have lawyers applied to them free of charge or for a nominal fee. There is a legal, there is a system of legal aid set up already in the Province, not too satisfactory as the member for Placentia East would be the first to say, although he has done yeoman service, worked like a Trojan on the thing, has come with some very good sound ideas as to the administration or the institution really of a system of legal aid in the Province.

I would also like to say, although my honourable friend the member for Bell Island, from Bell Island, might have some words to say on this. That the Law Society of their own volition and free and without asking for money from the public, except latterly where the Government of Newfoundland gave a \$10,000, then a \$25,000 grant freely of their own free spirit and will, without charging clients set up a system of legal aid in the Province in an effort to help those people who cannot afford to retain a lawyer to get legal advice in certain cases. Perhaps the Minister would like to make some comments on that.

I am not sure whether he has stated publicly a commitment he made to the Law Society at a meeting we held last summer. I do not know if that was admitted publicly what he in fact committed himself to at that time, with regard to legal aid. I leave that to the Minister. If it has not been publicly stated, let him make a public statement on it, at his own convenience. I will not mention too much about it except to say that there is definitely a great need in the Province for a legal aid system, whether operated under the auspices of the Federal Government or the Provincial Government or both.

In order to allow people to get legal advice when they need it and when they cannot afford to pay for it. There is also a need for the terms of reference of the present Legal Aid System to be greatly enlarged to take into consideration, for example, matrimonial cases, I do not believe

they are under that now, are they?

(inaudible)

MR.W.ROWE: Right. Of course that is a step in the right direction but as my honourable friend the Minister of Finance stated last year in this House - I have no personal experience in this I might add - but nobody who has not had matrimonial problems can fully contemplate and understand the extreme misery that is involved in that type of a legal problem. Practicing lawyers who have had occasion to have wives or husbands come to them for separation agreements or for advice or for divorces or for anything, custody of children, do realize somewhat the extreme misery, the incredible misfortune there is when somebody - when two spouses come to separation of the ways. Certainly one of the things that we should not do in this Province is to make - compound that misery in cases of hardship and money problems so that possibly an equitable solution can not be found to the problem and people are forced to carry on in their misery because no other way can be found or to resort, as the honourable Minister of Justice has mentioned a couple of times, to resort to illicit and frowned upon types of relationships that nobody likes to see in a society.

Simply because in some cases, certainly in the past because there was no divorce jurisdiction here, and sometimes by lack of money on the part of both spouses there is no way that they can get legal sanction for a dissolution or divorce or separation that they have entered into on very good grounds. Perhaps the honourable minister would like to make some comment on the terms of reference of the Legal Aid system that we have here now as to whether there is contemplated an extension of those terms to take into consideration other cases, for example, matrimonial problems, marital problems.

Also Sir, I would like to hear the comments of the Minister of Justice on this whole question of the R.C.M.P. Service Rental Contract, whereby the Government of the Province avails of the services for a fee,

for a good fee, for a good price, expensive price, avails of the services of that great police agency the R.C.M.P. in this Province, for all communities outside of St. John's. Perhaps he might like to expand on some comment he made some months or years ago concerning the fact that the Newfoundland Constabulary should be extended to all parts of the Province of Newfoundland that the R.C.M.P. Service Rental Contract should be done away with and the R.C.M.P. then of course only be used in cases of Federal jurisdiction. Well, maybe I have misunderstood it. I understood at the time Mr. Chairman, that the honourable Minister of Justice stated that one of his planks, political planks or one of his parties political planks was to extend the services of the Newfoundland Constabulary. If I am under a misapprehension in that regard, I am sure the Minister of Justice will straighten me out on it... although my memory on it is pretty firm

Also, I would like to hear the minister's comments on this question already touched on about policing of municipalities. I referred once or twice, I have referred letters to the honourable minister from communities, the larger towns in my district, Baie Verte, for example, where they want to have a police officer or RCMP officer whose function it is to enforce municipal regulations, bylaws and other laws of that nature. At the present time they have a very hard job getting their municipal regulations and bylaws enforced. Perhaps the minister might have some solution to suggest to that problem, whether the Provincial Government, through the Department of Municipal Affairs, will enter into some subsidy scheme or whether they are going to leave the cost of this entirely to municipalities concerned or whether the RCMP will be brought into it or what.

Also, Sir, and finally in my few brief remarks, at the beginning the minister might want to comment on whether there are any other fire stations contemplated for construction. I think there is \$15,000 provided, I am not sure - that is capital I think - \$15,000 for capital for further construction this year. That, of course, would not go very far. Perhaps

he can suggest or mention to the House whether he intends to construct other fire stations in St. John's or anywhere else in the Province for that matter during the coming year. That is about all, Mr. Chairman, I would like to say at the beginning, As we go down through some of the estimates undoubtedly other questions will arise.

MR. WELLS: Mr. Chairman, one or two brief remarks if I may on the Justice Estimates, particularly with regard to the subject the honourable member for White Bay South spoke about a minute ago when he referred to the Constabulary vis-a-vis the RCMP contract. Here in the Estimates for 1972-73 for the Newfoundland Constabulary will cost approximately \$1,800,000 the total rental contract, service rental contract and for the sundry municipalities naming Corner Brook specifically the cost of the RCMP comes to \$3,128,700. I feel as I have felt for a long time, I too would like to hear the minister's comment on this, that it may be time in Newfoundland now to look at the possibility of expanding the Newfoundland Constabulary. Of course it is always a matter of relative costs. They would have to be gone into as I am sure the minister and his department will do so or are perhaps doing so. But, I think it would be a good idea for this Province to consider expanding the Newfoundland Constabulary. It is legally a provincial force at this time. My feeling, I would like very much to see it more than legally a provincial force but in fact a provincial force also, which means of course, or would mean extending its practical jurisdiction outside the boundaries of the City of St. John's.

I think that is well worth examination,

MR. WELLS: Mr. Chairman, not with the idea of immediately putting the constabulary into all the towns and villages of the province, far from it. But, I think that the idea should be examined, of trying it out, trying out the new system in some one or two of the larger towns. I am thinking for instance of Corner Brook here which shows for the R.C.M.P. rental contract, if I read it correctly, a sum close to a half million dollars. If a pilot scheme could not be tried without too much additional cost to the province so that we could see how the constabulary as a provincial force might work, with a view to its policing some of the larger towns, not only in the island part of the province, but in Labrador as well, I would certainly like to hear the minister's comments on that and see if some thought has been or is being given to the possibility.

MR. HICKMAN: If I may respond to these notes I tried to take. The question as to the restructuring of the courts which I think is a very vital one, and I reiterate what the hon. member for White Bay South has said, that this in no way is to be interpreted as any reflection on the competency of those who occupy the bench at this time. Rather, we are one of two Canadian Provinces only, Prince Edward Island and Newfoundland, without a separate court of appeal. Two years ago the Law Society set up a committee to look at the administration of justice insofar as it relates to courts and they recommended a trial decision of five judges, a separate court of appeal of three judges and also the amending of the Act to provide for the additional district court judges.

In December of 1971, and in January of 1972, the hon. member for White Bay South, in his capacity as Acting Minister of Justice, made a formal request of the then Minister of Justice, Mr. Turner, who I have no hesitancy in saying is one of the ablest Minister's of Justice Canada has had for a long time, and the only one I can remember in my twenty years of practice in law or more who came out of the Magistrates'

Court and went into that Portfolio. It was a very desirable thing to see and a pleasant thing to see. Things have changes, so I do not quite know what the situation is right now. But, and I am always rather hesitant to disclose correspondence between ministers, without the consent of the minister in the other government, indicating that he wishes it to become public, but it was made very clear by the then Minister of Justice of Canada, number (1) insofar as amending the Judges Act was concerned to provide for the additional district court judges, that he was not in a position to say precisely if and when federal legislation would be enacted to accommodate that request.

With reference to the Court of Appeal, he pointed out that it is, of course, a federal concern to appoint and pay the judges for the new courts. But, as I suspected he would, pointed out that the doubling of the number of superior court judges for any province might appear in some quarters to be a very substantial increase if it were effected all at once. The onus right now is very clearly on the province to satisfy the Government of Canada that the need is there.

My view has been, because we went through this in Newfoundland in the fifties, when we finally had the Judicature Act amended to provide for a fourth judge, which is an error in the administration of justice that I prefer to forget. I am sure the hon. member for White Bay South will recall that the Act went unproclaimed during the whole Diefenbaker era, which was not a very flattering thing for this province. During that debate, and the request had been made from time to time during the fifties, the cry that invariably came back from Ottawa was: 'We want pretty strong proof as to the work-load and the need for it.'

My view has been, Mr. Chairman, then as it is now, that if it is the yardstick at all it should be minimized in arriving at that kind of conclusion. The simple fact is, Mr. Chairman, that I believe it is in the interest of the effective administration of justice for this province, to have a separate court of appeal. There is no point in going

and checking the number of appeals that were taken or heard in this province last year and saying; "Ah ha! you only had ten, therefore, we cannot justify paying the salaries of three judges - a Chief Justice of Appeal and two other appeal judges to take ten cases."

My belief is that with a separate court of appeal, the number of appeals would probably quadruple. To me, we can make a good case. In September of 1969, when I occupied the Portfolio that I occupy now, there was a ministerial appointment, Your Honour and Mr. J. Nurse, to do a complete study of the rules of the Supreme Court and of the Judicature Act, with a view to bringing in a new Judicature Act which, as hon. members will understand, really is the bible for the operation of the courts. All the rules and the regulations are in it. It also provides for the number of judges.

As you know, I was not there very long after that, Mr. Chairman, and the understanding I get from you and your fellow worker was that that task for some reason was stopped. I would hope to reactivate it again. It is a massive job, it took approximately three years in Nova Scotia to come up with a new set of rules there. I have reason to believe that in the short months that committee worked, they too had arrived at the conclusion that we should have a separate court of appeal. I do not think that it should take three years to come up with a new set of rules now, or a new Judicature Act, because Nova Scotia fortunately has done most of the work for us. That is where it stands.

Now I have, and I must confess that this is a personal beef of mine, but I am convinced that the Fathers of Confederation in 1867, insofar as the administration of justice was concerned, put one over on the provinces. Maybe you cannot blame them, then maybe nobody realized what it was all about, but you had a situation where the Government of Canada appoints judges, and I would hate to see any change in that. I would never be happy to see superior court judges appointed by any one other than the Governor-General-in-Council.

But they do appoint and they do pay. They pass the Criminal law, all Criminal Laws, they have exclusive jurisdiction the same as they have in the field of drugs. But, having made the appointments, they then saddle the provinces with the cost of administering justice. As I said in a speech recently, so long as that condition continues the Minister of Justice in Ottawa, the Minister of Justice of Canada, will never be able to stand up and point with pride to the kind of administration in this field that we should have in Canada, because there is a tremendous disparity in the administration of justice from one province to another. It is obvious that the provinces such as Ontario and Quebec, where they have a very strong tradition of placing great emphasis and great priority on the administration of justice, (and Alberta and British Columbia) that these provinces are in a position to provide the kind of facilities that you need if we are going to administer justice the way it must be now.

Two years ago, the President of the Canadian Bar Association, after he completed his tour of the ten Canadian Provinces, said that in Charlottetown, Prince Edward Island and in St. John's, Newfoundland he found that the provincial court buildings were totally archaic and totally incapable of functioning the way you would expect in 1970 to find courts functioning.

Some Newfoundlanders got their backs up and said: 'The idea of somebody coming in and making that kind of comment.' But our judges are working under pretty restricted conditions. If and when we have a separate court of appeal it is not my intention to see that separate court of appeal sitting up in some loft or something, They have to have the facilities. The same applies with our District Court Judges. Two or three weeks ago there was a very excellent appointment made to the District Court of Bonavista -

Mr. Hickman.

Trinity-Conception. I would say that the appointment of Judge Noel had the approbation of all practicing lawyers in this province. But having done that, the Government of Canada having made the appointment, I am left with the responsibility of trying to find a place for Judge Noel to do his work. I do not believe that the Orange Lodge or an office in the back of a town council building or some other room that can be found somewhere is the right place to have that kind of work carried out. As of today I cannot tell where the District Court Judge of Bonavista, Trinity, Conception will sit or be set up permanently. I do not know. I pretty well left it to Judge Noel to examine the various larger centres in that far-reaching constituency and to indicate the place he thinks that some facilities can be found and from which he can adequately perform his work.

Mr. Chairman, it seems to me that the history of the administration (this is not peculiar to Newfoundland. I do not say this in a critical sense and I certainly do not say it in a partisan sense) of justice in this province and probably in other parts of Canada has been that you can never get the necessary monies that are required for the effective performance of that great social service unless you first create a crisis. There is not very much doubt in my mind that if a choice has to be made between the new hospital and the new court house, who is going to get the nod, because you cannot have both, unless people security is threatened. This does not do too much for the administration of justice when you have to wait for this kind of crisis because it is a facet of government that in my opinion should wherever possible - I welcome the kind of debate and suggestions that two honourable members have made here tonight. It is the part of government which, in the best interests of the effective functioning of our force, should escape crisis and excessive controversy. It has not happened. Our forefathers for some reason seem

to place a greater emphasis on building court houses than we have had in this century. We have a system that I do not particularly like where we have the Supreme Court and Magistrates Court in the Provincial Buildings in Grand Falls and Corner Brook. They are good court rooms, excellent facilities, excellent equipment, etc. When they were there and I was minister, when one of them was put there, it was done because of lack of funds. The principle is wrong for a court house to be in a provincial building. It is, for the very simple reason that as far as the courts are concerned, the Crown has no more rights no greater rights than the lonely fishermen on the Bill of Cape St. George. It is hard to convey that impression or it may not be when you have your correct facilities. Imagine the impression that would be created if the Supreme Court of Newfoundland were on the third floor of this building.

Well the same philosophy applies in Corner Brook and Grand Falls. My feeling is that if the Government of Canada, in its anxiety, to help certain parts of this nation, the less fortunate parts, in what they call infrastructure and if they are going to assist us in improving the lot of people who are now moving into growth areas as they are, they should not stop at water and sewerage and paved roads, schools and hospitals. There is a fifth dimension and that is court houses. I have to confess that I raised it in Ottawa. Everybody thought it was a good idea. The same philosophy you run into time after time, there is not a vote in a barrelful. This is to me, not right. I would hope that when this new planning committee that was recently announced and the liaison committee that Mr. Marchand has agreed and the joint planning he has asked for and this government have agreed to go along with, I certainly propose to submit to that committee a brief outlining the views that I have expressed here now. We are not talking about hundreds of millions. We are probably talking about something in the vicinity of \$10 million to provide adequate court houses and court facilities in all parts of this province.

Mr. Hickman

There is very little doubt as to the need for the two additional district court judges, one for Gander, Twillingate and one for Burin, Burgeo.

The legal profession seems to be expanding and they are starting to move - lawyers are starting to move into these areas to practice, and more will.

If we can get the kind of legal aid system that we should have throughout Canada, I think it will even be more attractive for a young lawyer coming straight out of Law School to go to these places because he will almost have at least a guaranteed income to start out with and at least he will be able to pay the rent the first year he is practicing.

On the question of legal aid - was there any other question on the judges that I have omitted? On the question of legal aid, as it has been pointed out to this committee, the Legal Aid Programme in this province was initiated by the Law Society of Newfoundland and they have done a fair amount of work without remuneration. The proposal that was put to me, within a couple of weeks after I assumed this portfolio in January, is that if you subscribe to the view that legal aid is a social need, which it surely is, and that there is a responsibility on the part of the state to see to it that that social need is met, then the state has to become involved. If we are going to get the kind of service that we must have, there has to be some payment to lawyers who perform that service. There is no question about it that that is a very sound proposition, Mr. Chairman.

The government decided as a matter of principle, on April 5 of this year, that a scale of fees, considerably below that normally paid on a solicitor/client relationship, quite similar in fact identical to the fees that were approved for the legal aid operation and the Legal Aid Programme in New Brunswick, would be approved here. You may ask: How are you going to be able to handle that this year with the same vote as last year? I have been assured by the Chairman of the Legal Aid

Mr. Hickman

Committee and the member for Placentia East and other members of the Society that with the funds they now have on hand and the vote again this year of \$25,000 that this will be sufficient to carry through the first year's programme. My big worry is next year. I would anticipate that next year

1681

MR. HICKMAN: The vote for legal aid will be considerably higher than this being sought than the amount -

AN HON. MEMBER: Inaudible.

MR. HICKMAN: New Brunswick is \$300,000.

AN HON. MEMBER: Six hundred thousand -

MR. HICKMAN: Six hundred thousand.

AN HON. MEMBER: That is for criminal alone.

MR. HICKMAN: For criminal alone. They do not have legal aid in civil cases in New Brunswick, so far it is just criminal but it is \$600,000.

Now you have to bear in mind, Mr. Chairman, that in New Brunswick every hamlet and village probably has one or two lawyers. Very little of the prosecuting is carried on in that province by the police and that too generates the requirements and the demand, I believe for council to act on behalf of the accused.

The federal government when Mr. Turner was Minister of Justice indicated a willingness and this might be the very year for them to show their willingness to become involved in legal aid. There was an indication given by Mr. Turner that the input for this province could go to \$400,000 a year but I have to confess to the committee that nothing has been heard from that since Mr. Turner's departure nor have we received, or I have not anyway seen them, they might be in the Department, the details as to the kind of involvement they had in mind because I am left with the impression they are going to be very jealous of provincial responsibility vis-à-vis federal. But still if and when this comes to pass I can see where this too will generate more demand among our people for legal aid.

The terms and conditions under which Newfoundlanders are entitled to legal aid now are fairly board. The overriding principle is that no Newfoundlander shall be deprived of legal aid, of access to a lawyer, if it can be shown to the legal aid committee, and they

MR. HICKMAN: are pretty generous in their interpretation, that to have to pay a lawyer would impose an unnecessary burden on the family or would result in their doing without any of the necessities of life. That principle would be difficult to quarrel with.

The one area in particular where the Law Society has been moving with some caution is in the field of domestic or matrimonial law. It is obvious that you do not want to have legal aid to the extent that every time a husband and wife has a row they can run down and go into legal aid and demand that a writ be issued. This would only compound the felony. But a step has been taken in the right direction, in that if a doctor or a welfare officer is prepared to certify that it is in the interest of the health or well-being of either of these parties that they have their matter aired in court and action taken in court or that they need legal advice, then they will qualify.

It is becoming a pretty expensive programme, I believe in Ontario, Mr. Chairman, the legal aid, I know it is running into the millions now. It is going to be another expensive social programme in this province but the need has been very clearly demonstrated. The Law Society have indicated their willingness to continue and we have. There has not been the demand for legal aid that the committee had anticipated. Do not ask me the reasons, nobody quite knows. There was an attempt made by the Law Society to broadcast these facilities. Every magistrate in the province from time to time has circulated and told, you know, given the rules and regulations and asked to make sure that anyone who comes before him who in his opinion should have counsel. He is advised of this, but still the demand has not been that great. But it will grow.

On the question of royal commissions, Mr. Chairman, and I hate to be delaying the committee so long, there was a request made of the province by the Law Society. October 8, 1970, the Law Society formerly requested the then Premier to set up a royal commission

MR. HICKMAN: to look at and to inquire into all the aspects of the administration of Justice, to which they did not receive a reply but I believe they had a meeting. I am not sure of that. On the 3rd. of December they renewed their request again.

In the beginning I was inclined to feel that what we required was that kind of board commission of inquiry. But there are a couple of things that occurred which indicate to me that it might be better to change my mind. (1) Was the appointment of the Steele Commission which takes care of a very important aspect of the administration of Justice in this province. I think it is ninety-six percent of all criminal cases, maybe ninety-eight percent of all criminal cases but it is certainly ninety-six percent of all criminal cases in this province are tried before magistrates. So they are the judges that are closest to the people and with whom the people become involved most frequently.

When that study was taken out and separated there was not that much left for a commission to do. I had no hesitancy at all in confirming to the commission of Mr. Steele, following my appointment, that he was to proceed with his inquiry under precisely the same terms of reference that he had been given before. My understanding is that he is conducting a very searching inquiry and that his studies are going beyond this province. He is involving a lot of people, not just lawyers and judges and law professors; sociologists and others and the magistrates themselves are doing a great deal of work in preparing submissions for the Steele Commission.

I have no idea what the Steele Commission will recommend. But I will be awfully disappointed if the Steele Commission do not recommend and even if they do not it is certainly a matter that will be government policy, we must have legislation to take magistrates outside of the ambit of the civil service. They should not be civil servants. They should be under their own act, similar to the judges act, similar to magistrates' acts in other provinces. They should be

MR. HICKMAN: given absolute security of tenure.

AN HON. MEMBER: Inaudible.

MR. HICKMAN: Well by this Ontario, but judges you know, Mr. Chairman, can only be removed by two-third votes of the House of Commons and Senate. Only once since 1867 has that ever happened and that was many years ago. They almost had to do the same thing four years ago in Ottawa. But even then I was told by Mr. Turner that he had grave doubts, despite the gravity of the charges against that particular judge, whether they could have succeeded because of the natural reluctance of responsible parliamentarians to become involved or even creating the impression that they can bring pressure to bear. But fortunately the issue did not come forth because the man resigned.

But in Ontario

They have a system whereby if a magistrate is guilty of a misdemeanor, and that is about the only thing I can think of, or he becomes chronically sick or a kind of sickness that would not be desirable for a magistrate but he can only be removed by the Lieutenant Governor-in-Council, upon the recommendation of the chief justice and one other judge, and I think up there they have a chief magistrate. But again it is taken totally out of the hands of the Government of Ontario, the Lieutenant Governor-in-Council, they can only act if there is a firm recommendation from this committee, and that probably would be the answer here.

This is what I would hope to see and as I say even if the Steele Commission does not make that recommendation, I look forward to bringing into this House by this time next year, if the commission has completed its final report, an act embodying these principles.

I gather from the comments from my friend across the House that this would receive the unanimous support I suspect of the people in this House. Another reason why I kind of shied away from appointing this overall commission is that just after I assumed office there was an indication from the John Howard Society, I think, in particular, and similar groups, that in their opinion it would not be desirable to have a commission or a study into the correctional facilities which involves something more than the administration of justice encompassed in the terms of reference of an overall commission.

After some inquiry I discovered that correctional, and they are not commissions, that is not the word, that correctional studies or studies into the correctional facilities have already been carried out in New Brunswick, Saskatchewan was completed this week and Nova Scotia is about to be completed. So I appointed the Chief of Police; Judge Charles Roberts, Mr. Frank Simms of the Department

of Child Welfare and Superintendent Fagan to recommend to me what in their opinion should be done in the correctional field, and they made one simple recommendation. Their recommendation was that there should be a study, an in-depth correctional study for the Province of Newfoundland. They pointed out that the way to do it and the way it has proven very satisfactory in Canada is to have this as a joint Federal-Provincial study because it is overlapping jurisdiction. We have nothing to do with sentencing. Now I have heard speeches in this House about the disparity of sentencing and all this sort of stuff. It is the sort of thing that is cause for concern but that like parole falls in the jurisdiction of the Government of Canada and this is why in my opinion there should be this Federal-Provincial study.

So I then made a formal request of the honourable John Pierre Goyer, the Solicitor General of Canada. He has not responded in writing as yet but he has given a very clear indication through one of his senior officials who was here last week that he will go along with this study and the basis will be two appointed by the Government of Newfoundland and two by the Government of Canada and they choose a chairman. I do not want to sound miserly but the beauty of it is that the Government of Canada pays the shot which is something that is not to be overlooked. They have used as chairman in the other provinces some very eminent criminologists or sociologists, I cannot recall the name of the man now, from New Brunswick, but I hope to get him here. He is on the staff of Carlton University. They will evaluate and assess adult and juvenile jurisdictions and recommend with respect to improvements and changes to the present services and the functions and effective correctional programme for Newfoundland consistent with current community needs, crime prevention. It will cover the whole bit,

penitentiary, correctional services.

Now it may not be a very good analogy because in the Province of New Brunswick they had county jails stuck all over the place but I think it is very relevant that the New Brunswick Enquiry recommended that five jails be closed and not replaced, and they were. Apparently it has had a very salutary effect.

Given these two important facets of the administration of justice and the fact that government as a matter of policy believe that there should be a separate court of appeal and an additional trial judge and the two additional county court judges or district court judges we do not have too much left.

AN HON. MEMBER: There is only security left.

MR. HICKMAN: There is only security left. Insofar as security is concerned I am not as yet satisfied that a royal commission per se is indeed necessary to carry out. What I would prefer to do right now and what I have in mind is only a thought - and this is in consultation with the Chief of Police, is having someone take a look at the police methods, police programmes as they are on-going in the Newfoundland Constabulary to see what improvements if any they want to recommend in line with the new techniques.

Both honourable gentlemen have raised a question of whether or not the Newfoundland Constabulary should be expanded. If you want to be full of patriotism and if you want to get lots of votes I suppose the thing to do is say, "Sure, without any further thought, we will expand the constabulary throughout the province." There are an awful lot of things, Mr. Chairman, that have to be taken into account. I have no objection at all to seeing the Newfoundland Constabulary being expanded to look after policing in other parts of the province but I lay down one firm condition, that they have to be as well equipped and as well trained as you can expect the

police force should be and must be to carry out the total provincial policing, and there you will get into a great deal of money.

The Government of Canada each year, through the RCMP in Newfoundland, at no cost to this province spends a minimum of \$1. million on capital accounts. I do not know what they do with it but they do it. They spent \$1. million this past year. The cost to this province of having to take over all these detachment houses and jails and equipment would be pretty high.

AN HON. MEMBER: Do we pay -?

MR. HICKMAN: No.

AN HON. MEMBER: Does it come out of the service contract, maybe?

MR. HICKMAN: We pay. I think it is forty-three per-cent of the salaries of a specified number (I have it here) of the RCMP and maybe when we come to the RCMP vote I can get it. The cost of training an RCMP recruit, I believe, is something between \$10,000 and \$12,000 a year. There is no charge to us on that account. There is no charge to us for the laboratory facilities that we can avail of, no charge to us. They had two boats strategically stationed on the coast, both in the ancient and honourable District of Burin, and it did not cost us a cent, magnificent boats, limited success, very, very limited, that is with respect to an industry that I have heard rumors about.

In other fields, in search and rescue and in transporting the magistrate up the coast, they have had astounding success but sometimes it is foggy and the radar does not work. We have some pretty skillful seamen down there and I would not want to disrupt them. It is becoming less attractive though every year, prices are going up across the water as well.

The candidate down there at one time wanted to build a tunnel. That was his great plank in his platform. He was going to build a tunnel from Point May to our neighbours across the reach. Deservedly he did not get a vote over there. You can imagine all you have to do is station one man at the end of the tunnel. Most undesirable, most undesirable indeed. We cannot have any of that nonsense.

The suggestion of the hon. member for St. John's South as to a pilot project, I must say it is the first time I have heard this suggestion, but it certainly will not be dropped. It is hard to quite know what the people want. I remember three or four years ago the then member for Humber East, Mr. Wells, made a statement and he was talking about, we want the Newfoundland Constabulary out in Corner Brook. Discrimination, you can imagine they way he - The next day I had more telephone calls and wires and letters from Corner Brook saying that we are very, very happy with our city detachment of the R.C.M.P. and we do not want a change. So, you know, I am not plagued with municipal delegations, plagued is not the word, but I certainly do not have to see them like the Minister of Municipal Affairs does. I would say that three times a month they come in and they request either for an R.C.M.P. detachment or an increase in the size of the R.C.M.P. detachment. A municipality in the Chairman's district is from time to time asking us. So you know people should not go away with the impression that it is the great desire of everybody in Newfoundland that we make that kind of change.

What I am going to say now is totally off the top of my head and it cannot be interpreted as government policy. A pilot project and an expansion in Newfoundland Constabulary bearing in mind the tremendous cost may have something to commend it. The place where I would like to see it tried is in Labrador City. It is a purely personal thing, but it is for very obvious reasons. I would very much like to see flash of the Newfoundland Constabulary in that area, the shoulder flash. If we can work on that pilot project, I would think the place to first try to see, because we do have

a Municipal contract. There are only two, one for Corner Brook and the other one for Labrador City. There is where I would like to be able to do it. If we find we can implement it, I would think it would be a very good place to start. I tried, I think, and I hope that, I know that I have been a bit too lengthy too. Here is one of the problems and maybe we will come into the rectifying of these.

AN HON. MEMBER: Inaudible.

MR. HICKMAN: That is right, Mr. Chairman, I admitted that. We have two, Corner Brook, Labrador City - Wabush. Municipalities in the main do not want to be into the policing business. Number one, they cannot afford to pay the kind of salary to attract the police they require. And they get into this shift system. Mount Pearl for instance has a problem right now. They have two municipal policemen.

Baie Verte wrote in. Their request was not for Municipal policemen but rather a stepping up of activities on the part of the R.C.M.P. Goose Bay were in the same thing, not a request for their own police, but a stepping up of the policing by the R.C.M.P. Generally, by in large, when that kind of a request comes in, I find that the R.C.M.P. are fairly alert and quick to respond, once you have initiated an inquiry. In each of these instances this has been done. Occasionally a municipality will hire a policeman. Any time they want to come in and send them in to have some basic training with the Newfoundland Constabulary, it is available. But in the main it has not worked. I remember seeing a

AN HON. MEMBER: - collecting bills

MR. HICKMAN: Well, collecting bills on municipal account is really not the job of a policeman. It is a job of the Deputy Sheriff or it is a job for the Town Clerk. But it is not the job, even if you had a municipal policeman, I do not think the Town Council should use a policeman as a bill collector. They do, but I believe part of it is that they do not realise that they can do it through other channels and avenues.

The last thing, Mr. Chairman, is a question from the hon. member for White Bay South as to whether there will be any new fire halls this year. The answer obviously has to be no.

I will try to answer any of the other questions as best I can as we come to each of the headings.

MR. AYLWARD: Mr. Chairman, before you get into the headings, I would like to have a few words on the Estimates generally here, and the matters mentioned by the minister and the hon. member for White Bay South.

First of all I was a member of that committee appointed by the Law Society to consider the necessity of an appeal court for the Province. As the minister said in his remarks, the recommendation of that committee to the Law Society was that this Province and the Province of Prince Edward Island were in fact the only two Provinces of Canada that in fact lacked an appeal court. We were satisfied after studying the case load and all the relevant facts and data that this Province should in fact have an appeal court and we made the recommendation to the Attorney General at that time. I was glad to see, of course, that representation was made to the Government of Canada to have the required legislation brought in. I share the minister's view as to the necessity for good surroundings for our court of appeal. I do not think, myself, Mr. Chairman, that we should wait for a court of appeal in this Province until we build a new court house, because I think we could be waiting much longer than the need will permit. So, while it may be difficult to find appropriate quarters, I really do feel that this is a great necessity, this appeal court, and while there is need for improved facilities and probably even new facilities, I do not think that we should just wait. I think we should continue to exert the required efforts to see that that appeal court is established.

On the question of Legal Aid mentioned by the two gentlemen who spoke in the debate, I will again like to pay tribute to the wonderful cooperation of the Law Society, Mr. Chairman, in that respect because, as members of the committee know, this programme was a voluntary one and all

services rendered by lawyers from June 1968, when the plan was first implemented, until January 1 of this year were all on a voluntary basis and not one lawyer was paid one cent for any services rendered. Under the system that prevailed, every lawyer was suppose to take a case that was assigned to him, and if that lawyer was unable to handle the case, the plan required the lawyer to whom the case was assigned to himself engage a lawyer to look after the applicant who was referred to him. I know of cases in this Province where lawyers have paid up to \$500.00 to have some person who needed legal aid represented in the courts. Admittedly, this did not happen too often, but it certainly has happened. I want the committee and the members to realize that this grant of \$10,000 a year was to pay only the disbursements of the Legal Aid Committee. In other words, to pay for the secretarial staff and any disbursements. If a lawyer were obliged to travel to any point in Newfoundland to represent an applicant, of course for Legal Aid, his disbursements were paid, but no funds for the service itself.

Now, anyone who has any concept of legal costs today, and I notice the member from Bell Island has already made his views well known on this, knows

MR. AYLWARD: how far even this grant of \$25,000 would go if the services rendered were to be paid for from the grant. The only monies paid to any lawyer for legal aid is the salary that has been paid to Mr. Chalker who was appointed as a legal aid officer in January of this year.

I hope, Mr. Chairman, that legal aid will never in this province end up in a situation where there is just one man or two men or even three men administering all of the legal aid, because it will take on this idea of a public defender. My own view is that this would not be the best means of serving the people who need legal aid. I would like to see myself every applicant entitled to legal aid to have the right to select his lawyer. This, of course, is what the committee suggested to the government and this is the whole basis of what we are now negotiating with government.

We hope that they will arrange this scale of fee and the scale will be, of course, as the minister has just said, considerably less than the prevailing rates. Then when any person has been found entitled to legal aid, that individual will be able to engage any lawyer who is prepared to accept legal aid assignments. This, I think will be a step in the right direction.

I do not know myself, Mr. Chairman, how far really this grant plus what funds are on hand in the legal aid committee will go to cover the cost of this service. I sincerely trust that if more money is needed, which will certainly, probably next year, that the required funds will be forthcoming. But I think it is only fair to say that we, the government, have in the past only paid lip service to legal aid because really \$10,000 in a province such as this, with a population of now one-half a million people, is really insignificant, particularly when you consider, as I said before, that the Province of New Brunswick is spending \$600,000 alone on legal aid in criminal matter.

MR. ALYWARD: In Nova Scotia, for example, this year a sum in excess of \$400,000 will be spent and to think that we can provide the needy of this province with proper legal representation with \$10,000 or \$25,000 or \$50,000 is really ridiculous.

So I would like the committee to appreciate that even the scale of fees negotiated with the minister referred to between the government and the legal aid committee or the Law Society, this only represents payment to lawyers for services rendered under the present plan. My own hope then is that the society will see fit in the future to broaden the plan and, of course, if the government would see fit to find sufficient funds to pay for a broaden plan. Because what the government are prepared to pay for is the services now provided, that is to people under the present plan. This plan of course is not, in my opinion, as adequate or as comprehensive as I would like it to be. But, of course, it is a start and we must start somewhere. So people should not get the wrong idea that all legal aid is only legal aid as it is presently covered by the plan.

My final remark, Mr. Chairman, is with respect to the magistrates. I would like myself to pay tribute to the magistrates. I think the magistrates of this province have done over the years an exceptionally good job and some of them under very, very trying and difficult circumstances. I do not know what the terms of reference in detail of this commission are but I feel that one very, very important matter, as far as the magistrates are concerned, is the question of pay.

I feel myself that the magistrates should have an adequate income that they can live on. Today it is very, very costly for a man to bring up a family in any part of Newfoundland and the magistrates being the leaders in the community are always called upon to make certain donations to various causes. They have a lot of expenses, Mr. Chairman, and my own view is that the salaries paid to the magistrates in the

MR. ALYWARD: outposts really are not adequate. I would like to see further sums allocated myself for the magistrates salaries. Because as for myself when I had visited the various parts of the province and the magistrates have spoken to me, as I am sure they do to any lawyer visiting their courts, they make known to you the financial difficulties which they experience. I think, for example, for a magistrate to have to sit up and act as a judge in a case where lots of times R.C.M.P officers who are of a very high rank are prosecuting, probably sergeants or staff sergeants, and these men in some case are receiving more money actually than the magistrate himself. Now I am not quarrelling with the salary they receive but I do feel that the magistrates salary should be certainly as high as the government can possibly afford, because these men should live with great dignity in the communities and they should be free from any pressures at all and they should have no financial worries and anything we could do to alleviate this I am sure would be appreciated by the magistrates.

AN HON. MEMBER: Inaudible.

MR. ALYWARD: Oh, I am glad to see that, Mr. Chairman, I did not know. I thought it was just whether they should be or from whom the future appointments should come, whether it should come from all lawyers. Well, I am very, very glad to see that is included because, I think, that is one of the most important matters that probably faces in the administration of Justice because these men should be paid a very, very good wage or a very, very good salary of course so that they can live in dignity.

That is all, Mr. Chairman, thank you.

MR. NEARY: Mr. Chairman, I did not intend to get into this debate but I thought after listening to the honourable member for Placentia East and the honourable member for St. John's South that I could not resist getting in before members of this House and the people who are listening to this debate get carried away with the pious self-righteous

MR. NEARY: attitude that was just stated there by the member for Placentia East concerning the Law Society and the lawyers in this province, the do-gooders.

Mr. Chairman, is the honourable member aware that when legal aid was first introduced in this province that the Law Society to offset the adverse publicity that they were getting over the high cost of legal fees in real estate transactions in this province decided that they would introduce a form of legal aid on a voluntary basis - on a voluntary basis, Mr. Chairman. Surely the honourable member must be aware of that.

There was to be no provincial grant, no money involved. It was going to be voluntary. The next thing we know, Mr. Chairman, the Law Society is up to the government with its hand out and the taxpayers have to lash out \$10,000 for legal aid and we paid it for the last three or four years.

The honourable minister can look at me all he likes but it is a fact. I am stating a fact.

AN HON. MEMBER: Inaudible.

MR. NEARY: Well the honourable minister must be getting cross-eyed then. I am sure he was looking over this way maybe he needs his glasses changed.

Mr. Chairman, I am deadly opposed, I am deadly opposed to lashing out any more taxpayers' money to the Law Society for legal aid in this province. I think if we are going to have a legal aid programme in this province the government should run it themselves.

Let the Department of Justice provide the lawyers. The next thing you know Mr. Chairman, we will have another scandal like we have with Medicare. with the doctors, \$115,000 a year. That will only be chicken feed compared to the lawyers if they can get their clutches on the public chest.

Mr. Chairman, if the law society in this Province is as sanctimonious and self-righteous as the honourable member says it is. Why did they not carry out the recommendation of the Kostazek Royal Commission and reduce the legal fees involved in real estate transactions in this Province? Why does not the Minister of Justice use his influence to get the Law Society to clean up their own house as was recommended by Mr. Kostazek? Why? Mr. Chairman, I would like to hear the honourable minister get up and tell us why he does not use his influence to get this done. Do it, instead of passing out Q.C's. Why not do something to help the poor people of this Province? Get the cost of legal fees and real estate transactions down to ten dollars what it should be, instead of anywhere now from \$600 to \$1500. Great scandal, Mr. Chairman.

The honourable member for Placentia East wants to do something for this Province. I am sure he does or he would not be sitting in this House. There is a challenge for him. There is a challenge for the member for St. John's South and a challenge for the Minister of Justice. The honourable member for Cambridge is over studying law in England. When he gets back to this Province -

MR. MARSHALL: Mr. Chairman, a point of order. On a point of order this type of the honourable member for Cambridge, there is a certain amount of decorum and dignity in this House that I think is lacking in this type of reference that is being made from time to time. Standing Order 52, says that "no member shall speak --- nor use offensive words against any member of this House." Quite frankly I think this type of reference to other members, members in this House are, the Honourable Minister of Finance

or the Honourable Minister of Justice or the honourable member for Placentia East or what have you. I do not think, Your Honour, that this particular type of reference to members of this House by any manner other than the normal accepted appellation should be allowed.

MR. ROWE: The point of order by my honourable friend, the Government House Leader, is exceedingly well taken. Of course, it is obvious that sometimes in the House the flurry of activity in the House members are going to lose their tempers and whatnot. But I am in total agreement with what he has to say. As long as, Sir, he can prevail upon some of his own high-ranking ministers and members to stop using vile terms against this side of the House.

MR. BARRY: Order. Order. In the point of order the honourable member must restrict himself to talking to the point of order. So, with respect to the point of order raised it is a proper point of order. The Chair recognizes that in the heat of debate references are made however a continual reference of this nature, when it becomes apparent that it is being used to refer to an honourable member, then it is the opinion of the Chair that such continual use is unparliamentary.

MR. NEARY: Mr. Chairman, if I may continue. The honourable member for Placentia East mentioned the figure in his reference to Legal Aid in New Brunswick, \$400,000, \$600,000 in another province. Is the honourable member inferring that the taxpayers of this province lash out \$400,000 or \$600,000 to the lawyers in this Province who are already, Mr. Chairman, the highest paid in Canada. Is this what the honourable member is suggesting? Mr. Chairman, I would suggest if these honourable and learned gentlemen are sincere, the honourable member for St. John's East who just took his seat is genuinely sincere in trying to help the people of this province, why does the honourable minister not use his influence to get the high cost of legal fees and real estate transactions in this province reduced down to ten dollars? What is considered to be a reasonable charge?

Mr. Chairman, while I am on my feet I want to talk about the correctional facilities in this province. When I first became minister of Social Services & Rehabilitation, Sir, I got the feeling that the Department of Justice bitterly resented the fact that the Department of Welfare was looking after the probation services in this province. Sir, dealing with the Department of Justice on probation matters and on parole matters was like dealing with a foreign government. They just did not want to have anything to do with it. They did not want to hear about it. As a consequence of that policy, Sir, that I would say is my opinion, I dealt with it when I was Minister of Social Services & Rehabilitation for three and a-half years.

As far as adult probation in this province is concerned, it is practically non-existent. I tried to build it up when I was there. But it is practically non-existent. Now, granted, Mr. Chairman, every welfare officer is supposed to be doing or is a probation officer, can do probation work. But, Sir, it does not work out that way. The welfare officer and the social worker is too busy, he has too many other things to do. I always contended, Mr. Chairman, that this was the responsibility of the Department of Justice, should not be in the Department of Social Services & Rehabilitation. I am not trying to cut down the minister's empire and build the empire of the Minister of Justice. I think it rightly belongs to the Minister of Justice.

Mr. Chairman, can you imagine the Solicitor General of Canada coming down to Newfoundland and having to sign an agreement for looking after parolees with the Department of Social Services & Rehabilitation and not with the Minister of Justice. I am inclined to agree with the honourable minister that there should be a fact-finding study made of correctional facilities in this Province. You know today, Mr. Chairman, as far as juvenile facilities are concerned, when a young fellow runs afoul of the law today or a young girl runs afoul of the law today the

only facilities that we have in this province where we can put these young boys and girls are in the Boys Training Home over at Whitbourne, the Boys Training Home at Pleasantville, and the Girls Training Home in on Waterford Bridge Road. Now, Mr. Chairman, these are not correctional institutions as the minister knows. Although every once and a while on radio and television and in the newspapers I hear them referred to as correctional institutions, They are not correctional institutions, Mr. Chairman, not by any stretch of the imagination. If they were correctional institutions the Government of Canada would not pay fifty per cent of the cost of operating these institutions under the Canada Assistance Plan.

That is why Mr. Speaker, we have such poor juvenile facilities in this province because we

1701

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MR. NEARY.

have always tried to cover up the fact that these are not correctional institutions so that we could qualify for fifty per cent of the cost of operating them from the Government of Canada. I claim Mr. Chairman that the Department of Justice should have its own facilities. When a boy or girl, juvenile, sixteen, seventeen, eighteen years old, continues to run afoul of the law, continues to get into trouble, you know, Mr. Chairman, where they end up. I am sure, Mr. Chairman, that you do know where they end up. Your Honour is practicing law in this province and he is in daily contact with the courts, with what is happening to these boys and girls. They wind up down in Her Majesty's Penitentiary, Mr. Chairman. There are boys and girls inside the walls of the penitentiary tonight that in my opinion should not be there. They should be in some other kind of institution. The hon. Minister without Portfolio is looking at me and I think probably in his mind he is probably agreeing with it. He does not agree with me, Mr. Chairman. The honourable minister does not agree that there are boys and girls, sixteen, seventeen, eighteen years old down in the penitentiary tonight that should not be there. The honourable member does not agree with that. I thought the honourable member had a kind heart. I can see now that he does not.

I think, Mr. Chairman, what the minister is doing is a step in the right direction. I would like to see separate correctional facilities operated by the Department of Justice for boys and girls in this province, apart from the institutions that are operated by the Department of Social Services and Rehabilitation. These are homes and training schools, not correctional institutions, Mr. Chairman. I hope that the minister will not delay in setting up this fact-find authority because I think it is very necessary. I would like to see the members appointed immediately so they can start working on this great problem.

MR. HICKMAN: With regard to that last comment of the hon. member for Bell Island, the plan is to have - I would anticipate that this would be done within the next couple of weeks as soon as the man the Solicitor General has in mind for chairman is contacted. I still do not have a formal acceptance yet. I am only speaking from memory now but I want to firstly set the record straight. There has been no reluctance to my knowledge in the Department of Justice, not during my tenure of office, towards the department accepting responsibility for correctional institutions as they relate to juveniles. This now is subject to correction what I am about to say. I have a feeling that the correctional facilities were transferred from the Department of Justice at the request of the Department of Welfare about twelve years ago. At that time those involved in correctional work (I believe Dr. H. Pottle did some study on that as well many years ago and initiated the first study) came to the conclusion that the then Department of Welfare was better equipped to carry out the kind of correctional programmes that were envisaged in the 1950's and 1960's. I do know that when I assumed this portfolio the first time that Judge Roberts was on the staff of the department - he was not but his predecessor Judge Butt was on the staff of the Department of Welfare and we made a change and brought him under the jurisdiction of the Department of Justice.

I just want to mention this and I know we want to get on the estimates because I can see my honourable colleague down there waiting to get on with his. There was a very excellent meeting of the John Howard Society about ten days ago. The first meeting I attended a few years ago of that society, there was not that much interest in this province in correctional philosophies and needs. But we went down the other night to the Newfoundland Hotel (they told us that it was the largest meeting that they ever had) and the ballroom was just about filled, not filled with just a lot of retired people who had a very valuable contribution to make but quite a large number of students and young people were in that hall.

Mr. Hickman

I do not want to flatter my hon. colleague, the Minister of Social Services and Rehabilitation but without a note in front of him, he gave what was described by Mr. McCombe of the Solicitor General's Department and Mr. Miller of the National Parole Board and those in attendance, the best and ablest dissertation on correctional philosophies and on correctional needs that I have ever heard.

I do not embarrass him. He is a modest man. I can only say that everybody in this honourable House would have been very, very pleased indeed to hear the response that came to his - he could not prepare for it because it was a panel discussion and his comments had to arise out of a speech that had been made by Mr. McCombe. The president got up and said, "at long last we have a Minister of the Crown who understands the kind of correctional philosophy and improvement and the change of direction that this province must have. Somebody suggested to him afterwards that his speech should be published. I was greatly surprised that it did not have a note in front of him. It was a tremendous performance. What this committee will recommend as to which department shall assume responsibility over the correctional facilities, I do not know. If their recommendations indicate that the Department of Justice is better equipped to do it and it makes sense what they recommend, it will be done.

I do not think anybody in Newfoundland can take too much pride in the facilities we have to look after juveniles now but that is probably better debated under the estimates of Social Services and Rehabilitation. We are still responsible for it. I cannot think of anything else Mr. Chairman.

MR. WOODWARD: Mr. Chairman, just to be very brief, I want to touch on a few points before I get into the working of the Labrador Coast. I would like to first touch on legal aid, a subject that I am not too familiar with. I have heard little about it so far. This is what I am

Mr. Woodward

going to talk about. What publicity has been given to legal aid in this province other than in the City of St. John's or the City of Corner Brook where you have a number of lawyers? How many of the citizens throughout the province or the outlying areas, the out-harbours and coves and the Labrador Coast do know what there is such a thing as legal aid in the Province of Newfoundland?

MR. HICKMAN: Let me answer that, Mr. Chairman. Goose Bay is one of the places where there is a great deal - but there are some parts of the Island of Newfoundland which do not appear to be as fully aware as the people of Goose Bay. There is a fair amount. Is that not right? There is a fair amount provided in the Goose Bay area, particularly.

MR. WOODWARD: Well I am sure the honourable minister will agree, if we take into consideration the expense of lawyers travelling into Labrador that the budget of \$10,000 in a number of cases would over-burden the expense.

MR. HICKMAN: No, this is what caused one of the problems. Lawyers were doing this at their expense, except the travelling. They would go down and be gone for five days at a time. I would hope that the honourable member is grateful for the legal aid services that have been provided in Goose Bay.

MR. WOODWARD: I am, Mr. Chairman, very grateful for it. I feel that there are a number of cases. I have not yet heard of a legal aid case in Goose Bay. I will believe you if you say that there was a legal aid case. I am sure that there are a number of cases, maybe more pressing and more needy in the communities north of Goose Bay that could probably use legal aid, than the citizens of Happy Valley, Goose Bay. I think that if there should be a legal aid programme of any magnitude in this province then again it should be for the whole of the province and

Mr. Woodward

not necessarily confined to the areas where we have lawyers. As you know we do not have a resident lawyer in the whole of Labrador. There are a number of notices which I have seen. There is an office in one place or another. I discovered that this was only a travelling lawyer who was doing business from a briefcase

and did not necessarily establish an office as such.

AN HON. MEMBER: There is one in Labrador City, is it not?

MR. WOODWARD: Is there one in Labrador City? I stand to be corrected if there is one.

HON. MEMBERS: Inaudible

AN HON. MEMBER: There is one down there.

MR. WOODWARD: How recent?

AN HON. MEMBER: Three years.

MR. WOODWARD: Well, it is new to me. I did not know there was. We do not have one in the Goose Bay or the South or the North of Labrador. I did not think they had a lawyer practicing law as such. We have a lawyer employed by the company.

AN HON. MEMBER: Inaudible.

MR. WOODWARD: In private practice in Labrador?

AN HON. MEMBER: Inaudible

MR. WOODWARD: I have known the certain gentleman to travel quite widely into that area and I was under the impression that this was the case. So, I think, Mr. Chairman, that the Minister of Justice in his wisdom possibly will look into the possibility of legal aid in the event that there is such a large programme that it will be widely spread throughout the Province to give the citizens of the whole of this Province the opportunity to avail of this service. I do not particularly care how it is set up, but if there is a need which he expressed, Sir, as a very great social need for legal aid in the Province of Newfoundland and Labrador, I hope that it will be publicized and it will be spread throughout the whole of the Province.

We have, getting back to policing, and I would like to ask the minister, maybe he can make a note of this, Mr. Chairman? that we ran into a number of problems in a number of communities. I understand the difficulties of travelling on the Labrador Coast and the great cost and expense of having possibly a police officer in each community. But we have on several occasions

had communities that have not had visits from police officers, due to the fact that they could not get into the community and the expense of going into the communities either by the R.C.M.P. Aircraft or some other commercial means. There was a number of communities that were not policed for a long period of time. Naturally, I suppose in this case here is that, as in lots of cases, they saw the R.C.M.P. officer come in with the magistrate and act as the Crown Prosecutor. Did the arrest, act as a Crown Prosecutor and consequently left maybe with the prisoner, or acquittal, from the community. This do happen in lots of cases in the communities. So one thing I am going to ask the hon. minister. What criteria is set under the contractual agreements with the R.C.M.P. in Newfoundland? What size of a community would constitute having a police officer in the community? And, in the event that we have a number of communities, is it possible that there could be some regular visits set up or some routine visits set up to visit the communities where there are no police officers?

I think possibly this is one of the important things, I understand where you have isolation and where you have great distances to travel that you do not necessarily do the same thing as you do here on the Island portion of the Province. I am quite familiar with the great Northern Peninsula. As a youth, I saw maybe a couple of Newfoundland Majors and the R.C.M.P., but after the road to St. Anthony and down that area where you travel through possibly every small community and then you get regular policing. This is impossible on the Labrador Coast and I am sure my colleague from Labrador South will bear me out on this. So we have been thinking in terms of what criteria should be set and not necessarily having a police officer in each community but then again having some regular system set up and monitored by the Department of Justice so that they do get policing over a period of time. I think this is only fair to ask and maybe the hon. minister can answer me that question, Mr. Chairman.

As far as magistrates are concerned and I think that over the last couple of years we have been more than happy with the service and the people on the coast have been more than happy with the services that have been provided by the magistrate, making his periodic visits maybe every two weeks through the whole North and South of Labrador. This I suppose has been a big improvement. But then again, he was aided by the use of the R.C.M.P. aircraft.

These are my comments, Mr. Chairman. Perhaps the honourable minister would feel free to answer.

MR. HICKMAN: May I answer these questions when we come under the item "RCMP."

MR. WINSOR: Mr. Chairman, I do not know if I am in order now dealing with the magistrates but the honourable member for Placentia East deviated from the heading and the item called. I agree with my colleague from Labrador North on legal aid. I do not think there is sufficient publicity given to what is available to many of our people as far as legal aid is concerned. It is not more than two or three weeks ago I had a man approach me from Fogo District and he was quite concerned because he had to appear before the magistrate and he wanted to get a lawyer. I said, "Well, why do you not apply to the legal aid." He said, "Legal aid, what is that?" The man never heard of it and I do not think our Justice Department, I do not think our magistrates, I do not think they are doing a very good job in explaining to the people exactly what is available to them as far as legal aid is concerned. But that is just in passing. Mr. Chairman.

What I intended to rise for was to ask the honourable minister if he has given any thought to re-instating or appointing a magistrate in the Fogo District or the Twillingate District. Now for years there was a magistrate stationed at Twillingate but for some reason or other I believe the services were withdrawn and the people from that area Fogo, Twillingate, Green Bay and all down to LaScie and maybe as far as Harbour Deep in the bottom of White Bay have to travel, if they have to appear before a magistrate they have to travel all the way to Gander.

AN HON. MEMBER: Springdale has a magistrate.

MR. WINSOR: Springdale has a magistrate. Fine, I am glad to know it

but nevertheless I do not know if there was ever one stationed on Fogo Island before. The honourable member for Fortune may be able to tell us whether he had to appear before a magistrate during his bringing-up days or growing up days in that area, but I do not recall.

MR. EARLE: I never had that privilege.

MR. WINSOR: Never had that privilege well I think that is one to his credit. But, Mr. Chairman, in Twillingate there was always a magistrate stationed at Twillingate I think prior to the Commission of Government days and later than that.

MR. HICKMAN: Almost to 1960 when Mr. Curtis, the member for Twillingate, withdrew the magistrate.

MR. WINSOR: He withdrew it. Well, shame on him. But nevertheless I think it is about time now that the honourable minister should take note and reconsider the appointment of a magistrate either at Twillingate or Fogo. Now if the honourable minister says that the work load there is not sufficient to justify the placing of a magistrate either at one or the other places, I would say the member for Twillingate and maybe the member for some other part of that area of Green Bay have the honour to represent the most law abiding citizens of this province.

MR. GILLETT: Mr. Chairman, I had not intended to get into this debate either because that is like my colleague, the honourable member for Fogo, we know so little about the law that we should keep away from it as much as possible. But when he mentioned a magistrate at Fogo and Twillingate it seems to me that there was always a magistrate at Fogo years ago.

MR. HICKMAN: I cannot remember but I thought there was.

MR. GILLETT: Magistrate Scott was there for years. But Twillingate always had a magistrate and he was, in most cases, a resident of

Twillingate. Skipper Frank Roberts after he retired was made a magistrate but you see we are all God-fearing, law-abiding citizens down there. So eventually the magistrate, the last magistrate we had I suppose was Magistrate Walsh. I remember Magistrate Walsh telling me that most of the work that he was doing was fixing up unemployment insurance papers and what not for people, actually no concrete clerical work, magisterial clerical work. Today we have the services once a month, I believe it is, of Magistrate White from Cander. He comes out and goes to the Orange Hall. Our court house was burned, as you know, and we are hoping to get another one. I have this to bring before the government if and when the time is right. But he comes out once a month and most of the cases, I would say, are traffic cases. The RCMP must be one of the biggest collectors of revenue for the province but most of the cases now I would say are traffic cases.

Recently we have had a considerable amount, far, far too many I believe, cases of school tax. This is something that I think is going to have to be changed and people on welfare and what not have been summons for their school tax. However, this is all I am going to have to say, Mr. Chairman, because I think it has been very well covered particularly by our learned friends. This is an expression I have learned since I came here that a lawyer is a learned friend. But I just did want to speak on behalf of Twillingate and in answer to the proposition, I presume put forward by my friend, the honourable member for Fogo.

Now we still have a residence there if you are interested, Mr. Chairman. The United Church has it rented now and we have our second clergyman in it but it still does belong to the second, you know, United Church minister. We have two ministers.

MR. AYLWARD: Mr. Chairman, before we move on, I think that we should

set the record straight. My honourable friend from Bell Island he seemed to take onto himself the credit for really the formation and the instigation of legal aid in this province. Now he may have done a lot of things but he had as much to do with either the formation or the implementation of legal aid in this province as he had to do with the last moon mission.

I can speak with some degree of knowledge on the legal aid because I had something to do with it. I have every reason to believe that as knowledgeable as he is in various fields that he did not play too big a part in that last moon mission. Now he played the same part as far as legal aid in this province is concerned and if he really wants to help the needy of this province and help people who are in need of representation in the courts and legal advice, I certainly suggest to him that the proper way would be to support the efforts of everyone concerned in trying to obtain legal aid for the people of the province. Whether the lawyers in the Justice Department or the lawyers anywhere do it, it does not matter that much to me. I do not mind and I am sure the

1713

MR. ALYWARD: Law Society, all they want to see is these individuals entitled to legal aid.

Now to equate the question of legal aid with the legal fees probably gives him a great topic for a debate and he may certainly steal a few headlines but, Mr. Chairman, I say that is very, very cheap. If we are debating legal aid and he understands the issues involved, I think, he should confine his remarks to these issues.

Now the matter mentioned by the honourable member, I think it was Labrador North, about legal aid being just for St. John's. I agree entirely with his remarks and in fact when the programme was implemented that was one thing we tried to make clear that legal aid would not be something just for St. John's and Corner Brook. But as everyone who knows anything about Newfoundland knows that the highest concentrations of populations are St. John's and Corner Brook and as a result of course lawyers settled at Corner Brook and at St. John's. We have two legal aid offices there. But in no way whatsoever was the plan restricted say to the Avalon Peninsula nor to the immediate vicinity of Corner Brook.

But the fact that the lawyers are there of course, you know, explains that probably people receiving legal aid, the most of them live within the area of the legal aid office. But for your information I will say that all requests come from various parts of the province and they are handled by mail and everything else.

Now the other question you mentioned which was a very, very good one and this was, you know, do the people in all the outports of Newfoundland know what service is available. I agree entirely with him that a great number of them, in fact large numbers of them do not. I, myself, felt that even the magistrates did not know what service is available.

So we had mimeographed the plan and the programme and had it distributed to all the magistrates. I asked the magistrates myself

MR. ALYWARD: in a letter if any important case came before them, where a person is charged with a serious type of offense and they felt that they required legal aid, even if they did not know enough about the plan, to contact the office and try to ascertain whether the individual himself qualified.

So we have circularized the magistrates and in fact the President of the magistrates, the Association of the Magistrates, Mr. Wicks phoned me and asked me to address the convention of the magistrates that will be held here in St. John's at the end of the month to explain the matter to them. In this way, we try to get across, you know, to the magistrates the programme as it is.

But we are only scratching the surface. I mean do not let anyone get the idea that even if we provide more money for the plan as it is presently constituted, we are doing all that much. We are still only scratching the surface as far as what they are doing in other provinces. I do not propose to delay you any further on this, Mr. Chairman.

MR. HARVEY: Speaking of legal aid, Mr. Chairman, I would like to make reference to how that pertains to the people I represent in Labrador South. I would have to agree with my colleague from Labrador North that legal aid, I do not know if he went as far as I will go in saying that legal aid is probably a word that we have not even heard, let alone how it operates or functions, in some areas of Labrador South.

We have no lawyer in Labrador South. No magistrate. No courthouses. In fact -

AN HON. MEMBER: Inaudible.

MR. HARVEY: Well, I do not know, if you wanted and I will go into this, I have a note here for that later. We have two R.C.M.P. officers, one stationed in Cartwright and one stationed in the Straits Area not an adequate number of officers for an area of 400 miles stretching from Rigolet in the North down to L'Anse-au-Clair in the South. The R.C.M.P. officer in Cartwright has to cover an area from Cartwright

MR. HARVEY: going north to Rigolet, a distance of about ninety miles to the north down south he has to go to Black Tickle, Charlottetown and Port Hope Simpson, a possible distance of another 200 miles covering five or six communities.

If you had some reason to bring a charge against somebody or somebody had broken the law, I would think that by the time the officer had gotten there, you know, you would have forgotten what the charge was. But there is a need, a definite need for more policing of the Labrador Coast. I could go on to say that I know a man who was charged with an offense sometime last winter and this man is assumed, I suppose guilty, until break up until he can come out to court somewhere on the island of Newfoundland or until the judges go in there, I am not quite sure what happens. But I am sure it is not regular, on a regular bases. This is something that could happen, Mr. Chairman, that a man could be arrested or whatever the case might be and is assumed by the community guilty until proven innocent. It should be the other way around. I am not sure what has happened now, I have not followed it up. But it comes that way, it happens that way in a community.

MR. CHAIRMAN: Order! With respect to matters which are presently before the courts, I think, it is out of order to discuss the matter until the court has dealt with the matter. If I understand the honourable member correctly and to forestall the question of the other honourable member, this is a present case you are referring to?

MR. HARVEY: I did not identify any case, Mr. Chairman, I am just saying that somebody that I knew this winter, it was an example that I was using, no specific case. But this could happen in either one of the communities along the Labrador Coast, as we have no resident magistrate or courthouse or lawyer to in fact bring this man to justice and to prove whether he was guilty or innocent. Like I have said, it is

MR. HARVEY: reversed. It seems that in a small community that if you are arrested for some offense and not tried and not proven innocent, then you are guilty until you are proven innocent, which is the exact reverse of what the law stands for here.

I would certainly agree with, like I have said, my honourable colleague from Labrador North said, we do need some more policing of our communities on a regular basis, probably something set up through the Minister or Justice Department and more knowledge. more knowledge given to the rural areas on the legal aid programme.

MR. W. N. ROWE: Mr. Chairman, before you carry 712-01, during my brief stay as Acting Minister of Justice there was some pretty urgent inquiries made to me by some of the staff down in the Supreme Court concerning salaries and inadequacy of salaries and the inability to get proper staff, in a very long letter from a very esteemed gentleman Mr. Mercer the Registrar of the Court which the honourable minister has probably seen. I am wondering if the honourable minister has taken any further action or has he had an opportunity to do so with a view to straightening out not a mess as such but a situation which

1717

certainly needs some looking into I think with regard to salaries, extra staff and this sort of thing.

MR. HICKMAN: Mr. Chairman, there were two or three branches of the department -I do not know what the word is, I was going to say discriminated against it is hardly so but the reclassification, I know very little about it, how the reclassification committee moved. I do know that in certain branches of the Department of Justice there was no consultation with the Head of the Branch in trying to assess the value of the services performed. There were several inequities and as far as I know we have them all cleared up, except one. There is an appeal procedure, hopefully that one will be taken care of.

MR. WELLS: Mr. Chairman, there is something I would like to ask the minister. If in this 712 - 01 Supreme Court salaries does that include the salaries of bailiffs up in the sheriff's office? I suppose it does. Are there any plans to increase the number of bailiffs in that office, I think at the moment we have two, if I am not mistaken. There would seem to be room for at least one other or possibly two because there is considerable delay sometimes in the service, it seems in the St. John's area, to say nothing about outside, because of course of a considerable number of writs issued out of the district court as well. The same bailiffs have to serve all these processes and sometimes with delays of even a month or two.

MR. HICKMAN: Yes, Mr. Chairman, the Treasury Board has approved another post for a bailiff for the sheriff's office.

On motion total subheads 712, 713 carried.

Subhead 714.

MR. WELLS: Mr. Chairman, a question of the Minister. In preliminary remarks I did not get into this whole business of magistrates and their salaries because that is the subject matter of the Steele Royal Commission. But I notice here, of course, the increase in the 1972-73 estimate over 1971-72. This of course is salaries. I am wondering if it now is the practise

for the magistrates or their association to negotiate with the department on the subject of salaries or is it still based on the increment system?

MR. HICKMAN: Mr. Chairman, it is not based on the incremental - I do not know which context the honourable member used the word "negotiate". I think the honourable member for White Bay South will know what I mean when I say that the magistrates associations are not quiet on that question of salaries. The salaries now, there was an increase granted since the House last met. The salary scale for magistrates at this time is on the - \$10,644 to \$14,268 Within that status, that is right. That was not a step raised the last one, that was a general raise for the magisterial service.

The legally trained magistrates are on the scale \$13,584 to \$18,192 Again there are steps - I th'nk it should also be pointed out that magistrates live in government houses at a subsidized rent of \$35 a month. This is not to say that magistrates are adequately paid. We still pay I believe the lowest salaries to magistrates anywhere in Canada.

While I am on my feet on that, one thing that I have done since I have assumed this portfolio again is to reactivate the programme of training magistrates in law schools, those who have the undergraduate qualifications for admission. I am somewhat disturbed, I do not say this in a critical sense, because of a critical situation that is arising, that the programme was not continued, with the two years we have lost, they have put us in a bit of a spot.

Fortunately, the first magistrate, who have gone through on that programme, Magistrate Scott, graduated last month from Dalhousie Law School with very high marks indeed. He has now returned and will be re-entering the magisterial service. He has never left the service. Magistrate Trahey has completed his second year and there will be another magistrate going this year.

I think of the magistrates presently in the service, we have exhausted those now available to go. The law school has been most cooperative

bearing in mind they have something like 600 or 700 or more than that, 700 applications at least this year for Dalhousie Law School, which means you practically have to have straight "A's" to get in. They have been very good, they will take any magistrate this province sends who has had two or three years of Arts, as a mature student. They are doing very well.

There will be, we have vacancies in the magisterial service. Right? Harbour Breton, is vacant. Placentia will become vacant, I would say within the next few weeks. The magistrate is on an extended time. He has been extended once. I am told that one of the St. John's magistrates will go on pension this year although he has not advised us officially. St. Anthony is without a magistrate. He was moved to Bonne Bay and the Bonne Bay magistrate was moved to Corner Brook. The man in Bonne Bay is now going to Law School. So there are four or five We advertised - the advertisements have been running I would say about every six months for the last three years, for magistrates.

We ran advertisements calling for applications, not only in Newfoundland, we ran them across the way too for legally trained magistrates. We have appointed one, Magistrate Coombs who is a graduate, I would anticipate that we may have another. Then we ran advertisements calling for applications from men or women with undergraduate degrees. I would say we have received in the vicinity of 100 applications from people in that category.

What I am hoping to do there - the plan is that the senior officials in my department will very carefully go through all these, as they have already started to with these applications. We will get them down to about twenty. Then I would hope to refer these twenty applications to the Board of Recommendations; not quite in their turn of reference but they have indicated they would be prepared to go through them.

MR. HICKMAN: The Chairman is the Deputy Minister of Justice. The two nominees of the Benchers are Mr. Sterling and Mr. Phalen. The lawyer with less than five years' practice is the chairman. The Corner Brook lawyer, the present lawyer, is Mr. Poole.

AN HON MEMBER: Edward Poole?

MR. HICKMAN: Yes, Edward Poole.

AN HON. MEMBER: Inaudible.

MR. HICKMAN: I think. You recall the terms the way they were set up. It is an excellent board. There is one thing that I commend them for is there were certain recommendations in their hands, made for consideration three months ago and they kept it confidential as a board must. This is the way I would like to see it.

But I would hope, Mr. Chairman, that there will be some appointments four or maybe five new magistrates soon. I am getting a little anxious over the delay in getting this through. We had to run the add a second time. There was a misprint or something in salary and we had to start all over again. But I am kind of anxious to get this done. It is not fair to magistrates to move them after school opens in September. I am anxious to get these men appointed and get some training before the shuffle starts. I will be discussing that at the magistrates convention next week.

MR. ROBERTS: A moment or two ago he said he was going to make some further reference to St. Anthony. I know that there was an undertaking given by the Deputy Minister insofar as the Deputy Minister can give an undertaking that St. Anthony would have a magistrate. There will be one there when the new crop or crops is that the word?

AN HON. MEMBER: Is the house all right now?

MR. ROBERTS: I do not think so, Mr. Chairman unless something has happened to the house. It is still, in most sense - the last magistrate we had permanently stationed at St. Anthony, before magistrate Langdon, was magistrate Scott, who went on to greater things after, teaching the physical education at

Prince of Wales. Obviously that was not his fort.

AN HON. MEMBER: He was a better magistrate.

AN HON. MEMBER: He was a failure.

MR. ROBERTS: Right! He is a better magistrate I can assure you that teaching the physical education was like trying to educate the hon. minister. A difficult task. One could only give him credit for trying. But the important point is that there will be one in St. Anthony.

AN HON. MEMBER: I guess you are going to have to do some work on that house.

MR. ROBERTS: I think, Mr. Chairman, the Administration should do some work on the house. St. Anthony has a dreadful housing shortage. Medical are always looking for houses for doctors. The house is not adequate. It is really quite old. I think it goes back to commission time, or perhaps even earlier. But, something needs to be done. The IGA in the past provided housing, but all I hear from them consistantly is their shortage of housing so forth and so forth. So I do not think we can count on them.

MR. W. ROWE: Two points, Sir, before we move on. One a statement, one a question. We might have on this side of the House, when we were in power there might have been a certain tendency to be a little more friendly to your friends when certain appointments were being made. For example QC's. But I do not think and perhaps the hon. Leader could correct me if I am wrong, I do not think we ever sank to the level where the President of our party was on a Board of Recommendations

AN HON. MEMBER: Oh that is terrible!

MR. W. ROWE: Oh now, terrible!

AN HON. MEMBER: You should better check with the Law Society on that. They were making the recommendations, remember.

MR. W. ROWE: The Board of Recommendations, Sir

AN HON. MEMBER: Inaudible.

MR. W. ROWE: I asked the hon. minister if his Board of Recommendations was continued. He said yes. So I am assuming that he has continued it in full force. You know, the way that we had. The idea was that this Board of

Recommendations would make recommendations to the government. Now is the hon. minister saying that the Law Society nominated him, or the government nominated this particular gentleman?

MR. HICKMAN: The Law Society nominated two. One had to be from Corner Brook and one under five years.

MR. ROBERTS: So, there were four. Two were nominated by the Law Society Mr. Sterling and Mr. Phalen and two were selected by the government. Is that what happened? That is what we understood.

MR. HICKMAN: I understood that Mr. Poole was appointed by the government.

MR ROWE: Perhaps the minister could check into it. I am assuming, in the failing of other evidence to the contrary, that the government's nominee on the board is Mr. Poole, who is the president of the Progressive Conservative Party, and who makes recommendations to the government, which is getting a little dodgy, Mr. Chairman. I must say for a clean, Mr. Clean Minister, Mr. Clean Government, now, Mr. Chairman, all coming in full of idealism, never going to resort to patronage nor anything like that, you would think, Mr. Chairman, they would have kept their skirts a little cleaner for a decent interval anyway, at least until the burial was over. Sir, obviously as soon as the previous administration died, they immediately started. But I just make that point, Mr. Chairman. We will probably have an opportunity in the future to make similar points, I am sure, on other matters.

The question I wanted to ask is; what restrictions or constraints have the government imposed upon magistrates who have gone through law school at public expense and then came back to go into the magistracy again? What restrictions to keep them from going out into practice? You know, this is going to be very attractive for magistrates to go into practice, I would submit.

MR. HICKMAN: I am sure the honourable member has seen the contract. They are under a contract. I cannot vouch for magistrate Cramm because he left after I did. Magistrate Scott is under a contract that he must come back and serve in the magisterial service or in any other appointment that the

minister may deem necessary. I wish we had a few more lawyers kicking around now for the Crown side, in the department too. I think it is for a term of, I was going to say ten years. I know it is a minimum of five years. My theory at least is that if you have a man who has been in the public service, such as magistrate Scott for twenty odd years, and he is now, my guess is 47 years of age, by the time he is 52 or 53 it is highly unlikely that he is going to give up his pensionable service to go, and if he does well that is a calculated risk.

I do not appreciate the comment with respect to Mr. Poole.

MR. W. ROWE: I am sorry if the hon. minister does not.

MR. HICKMAN: No, I do not. There have been an awful lot of questions put to me as to why I have not put an end to certain retainerships that have still been going on that are very, very political in their nature and they are still there and I have not done it. Mind you that is fair game. While I am on that, and this is not government policy because nobody brought it to the attention of the government, I rather like the system that is followed by the Government of Canada very assiduously. I do not really call it patronage that for the ordinary work that is to be done that any lawyer who has his degree is competent to do. I believe we should look very carefully at the practice followed. I am sure that members on the other side will not agree with it now. But there is a whole list given to them of lawyers. Let them, the commissions and the others, make their own choice rather than dishing it out. But in so far as Corner Brook was concerned, bearing in mind the seniority of the lawyers out there, I was very anxious to have another

junior member of the Bar on that commission. It was not done without consultation with the lawyers in Corner Brook, or some of them. There was no objection, in fact the only expression I received from Corner Brook and from the two major firms there was that they were rather pleased with the appointment, he is a very mature man and a very good, excellent lawyer.

AN HON. MEMBER: (Inaudible)

MR. HICKMAN: Right, he happens to be an excellent lawyer.

On motion, total subhead 714, carried.

Item 715-01

MR. NEARY: Mr. Chairman, I would like to ask the minister if they have a social worker at Her Majesty's Penitentiary now? This was always one of the minister's complaints when he was on this side of the House.

MR. HICKMAN: My complaint?

MR. NEARY: Well, somebody on this side, I thought it was the hon. minister. If they do not have a social worker there, is it the minister's intention to appoint one in the foreseeable future?

MR. HICKMAN: I will find out the answer and give it before we close, if I may revert back to it at the end.

MR. CHAIRMAN: Shall the total for subhead 715...

MR. ROBERTS: Mr. Chairman, on the total, would the minister care to say - I notice every item in the equipment and supplies for the penitentiary and the jails is down or is the same, with the exception of one which is increased by \$15,000 from \$10,000 to \$25,000 and that is 03-05 industries and vocational. Are the government planning some fairly major - it is obviously an increase over last year, \$25,000 is still not a great deal of money, but would the minister care to say anything on that point? 715-03-05, industries and vocational. It is probably one of the more noteworthy aspects, the rest is housekeeping.

MR. HICKMAN: Thank you so much.

MR. ROBERTS: Oh! at least.

MR. HICKMAN: The increase is proposed for prisoners pay to bring prisoners in line with the other provincial prisoners. This was the amendment that we put through to the Act the other day, where for certain activities - not that they are going to get paid full-time salary for being in the penitentiary, but they will get paid for certain work.

AN HON. MEMBER: Pensionable?

MR. HICKMAN: Not pensionable. I realize, under the heading of total, I was hoping that somebody would ask me about the construction and alterations to the penitentiary.

MP. ROBERTS: I will ask the minister about that.

MR. HICKMAN: We are at long last, I am very pleased to announce this, we are going to build the gymnasium at the penitentiary this year. This has been a - it was in last year's vote and there was some - I do not know what happened. I recall asking the then minister what it was for and there was an exchange over here and someone said it was for locks of something, in any event, it is being done this year. We will get more than \$142,000 worth of buildings out of that money. It is going to be a concrete block structure, the inmates will be doing some of the work. The Trades College have offered to co-operate in certain supervisory capacities and the Department of Public Works. With a bit of luck it should be completed by the end of this year. Thank you for asking.

MR. ROBERTS: MR. Chairman, now that I have asked the minister, let me take a step further on the total and ask if the erection of the gymnasium, really they must find a better word. It is like something out of Auschwitz or Dachau you know, gymnasium. Are there any plans or where do we stand on this perennial question of the new penitentiary? Putting \$150,000 into the present institution is a relatively substantial investment, warranted I agree, but relatively substantial. Where do we stand on it? I do not want to go on, I can go through it at length, but maybe that is not necessary right now. Could the minister give us some

indication of the administration's thinking. Do they plan to continue the present institution indefinitely? Is there some plan to provide a new institution, if so, what kind? I would suggest and submit that it perhaps should be a medium or perhaps a minimum security institution as opposed to the present one, which I believe would be I suppose medium tending towards maximum security.

Can I raise again the question of the Archambault recommendation? Is this being pressed with Ottawa? The whole question, have Ottawa responded at all or are we still in the unfortunate trap that we have been in for years? The minister wish to say something, but I wonder - I will give him the opportunity anyway of saying what he wants. \$150,000 is a fair amount of money, is it an indication of the fact that the present 'pen' will continue to serve its present purpose for a number of years?

MR. HICKMAN: I thank the hon. Leader of the Opposition for reminding me of that. He was out of the House when I indicated the correctional commission be appointed on the Federal - Provincial...

MR. ROBERTS: I have heard.

MR. HICKMAN: Yes, so obviously there will not be any policy decision made re: the penitentiary until we find out from them precisely what they have in mind. The building of this gymnasium should certainly not be interpreted as being a policy decision on the part of government to maintain the present penitentiary forever.

To start off with, it is in the wrong location. We should not have a penitentiary in the centre of the city. It should not be providing the kind of medium - maximum security, I do not think that is really necessary. We are not, as the committee is aware any prisoner serving a sentence of two years or more passes out of our jurisdiction and is taken over by the 'Feds' and is taken to Dorchester. The commission that the hon. Leader of the Opposition referred to, the federal commission that recommended a change in sentencing policy which

was conditional upon the Government of Canada building medium security penitentiaries in various parts of Canada.

AN HON. MEMBER: They have a couple.

MR. HICKMAN: Springhill is finished and I think there is one in British Columbia. My recollection is, it is purely recollection, that the cost of these institutions escalated beyond all expectation and when the then Solicitor General departed, Mr. Pennell, his successor called a halt, which is unfortunate. The Deputy Minister from my department went up at my request last week to take a look at Springhill. He reports that in his opinion the Springhill institution is capable now of taking care of many of our needs. They have first-class programmes that you cannot

Mr. Hickman.

possibly implement in a penitentiary where the average stay I think is twomonths. It is still very much up in the air. That is about the only thing I can tell the committee at the present time.

On motion total Subhead 715, carried.

MR. ROWE (W.N.): The question of fees, expense of witnesses, i.e., which we have already passed, jurors' fees and other expenses - what is the present fee paid in respect of those people? I am sure it is too low. I am sure that people are out-of-pocket, which they should not be.

MR. HICKMAN: It is too low. It is \$4.

MR. ROWE (W.N.): Is it the intention of government to increase that or is it the minister's intention?

MR. HICKMAN: Obviously, it is not my intention this year, with that vote.

MR. ROWE (W.N.): Cannot it be done by legislation?

MR. HICKMAN: No, no it does not have to be done by legislation. The vote this year is not the same as last year.

MR. ROWE (W.N.): There are other ways.

MR. HICKMAN: Yes there are. I really had not given it any thought. The honourable member is quite right when he says that the fees being paid to jurors at this time are incomparably low, Grand Falls and Corner Brook in particular. You have a man who is working on shifts in a mill and he has to go and serve on jury duty for \$4.

MR. ROWE (W.N.): A man loses a week's work because of it.

MR. HICKMAN: Oh, yes if he gets involved in a lengthy criminal case, he could lose a week's work. It is all very well to give great speeches to people that have been privileged and honoured to be called upon to serve as a juror and stand between the oppressed and the oppressor.

MR. ROWE (W.N.): It is more of a privilege if you do not starve in the meantime.

MR. HICKMAN: That is right, all of which is very fine but at the same time you should not starve in the process.

MR. MURPHY: Mr. Chairman, is it not a fact that some one on weekly pay, rather than hourly pay, receive their pay anyhow? Is there something on the employer that he was obliged to release the employee to serve on this?

MR. ROWE (W.N.): There are problems -

MR. MURPHY: Hourly pay, I can understand.

MR. ROWE (W.N.): Yes.

MR. ROBERTS: Mr. Chairman, I am sorry. Your Honour was a little quicker than I was. It is an old question again and perhaps the minister might give us some indication. Are we going to have a Foreigners Act?

MR. HICKMAN: No!

MR. ROBERTS: Maybe the minister would like to think about it. We will be here another year. I assume he will be there another year. We will ask him about it then.

MR. HICKMAN: Okay, thank you.

MR. ROBERTS: (Inaudible)

MR. ROWE (W.N.): On 13, Mr. Chairman, does the department have a certain number of claims outstanding? I mean how can you estimate? There are two claims outstanding and this is the estimate for them.

MR. HICKMAN: Outstanding for two years.

MR. ROWE: Well why is that? Who is the board?

MR. HICKMAN: The board is Mr. Herbert Morgan, Q.C., Chairman, Thomas O'Rielly, S. O'Neill, Frank O'Dea (I am pretty sure it is Frank O'Dea)

MR. ROBERTS: Why have the claims been outstanding?

MR. HICKMAN: Do not ask me.

MR. ROWE (W.N.): I mean is it the committee's fault or the government's fault?

MR. HICKMAN: Oh, no the committee was only appointed within this past - just after I assumed office. This was brought to my attention. There are two claims now that have been there for some time.

MR. ROWE (W.N.): (Inaudible).

MR. HICKMAN: I do not know if we should debate that amount or not because it is still subject to adjudication. I would not like the committee to get the idea that it is like the British schools that there is a \$15,000 limit for two claims. These are the only two and the act was proclaimed I think in 1969 or in 1968.

MR. ROBERTS: (Inaudible)

MR. HICKMAN: There was a decision made - I know what the hon. Leader of the Opposition is referring to. Two or three years ago there was a decision made to have this Workmen's Compensation Board, was it not, deal with it on an ad hoc basis.

MR. ROBERTS: I know. I know.

MR. HICKMAN: That is what it was.

MR. ROBERTS: Principles were to be followed assessing, once you assumed liability, in assessing the measure or the quantum of damage.

MR. HICKMAN: But anyway they are entrain now and let us hope that that vote is adequate.

MR. ROBERTS: Very interesting. Are counsel allowed to appear before the board?

MR. HICKMAN: Yes.

MR. ROBERTS: Very interesting.

On motion total Subhead 716, carried.

MR. MURPHY: Mr. Chairman, if I may, 718-01, I want to get into this matter of province-wide representation by the constabulary again. I have spoken about it for many years. I would like at this time to pay tribute to the constabulary for the part they have played in the

Boys Club, the contribution they have made. I have argued over the years that the contribution could have been much greater if they were given the chance to work with youth in the province. I believe it is one way we have to save money on correction homes and that is by investing a few dollars into areas such as the Boys Club. I would just like to take the opportunity, Sir, to congratulate the constabulary and the committee who have worked very actively in this Boys Club. I think it was a tremendous effort they put into the whole affair.

MR. HICKMAN: I would like to concur with what the honourable minister said. This activity of the Police Brotherhood in the Boys Club in Mundy Point has simply worked miracles. Two years ago there was really no communication between the two groups. This year they are sponsoring one of the boys of Grade XI from the Boys Club in Charlottetown. The applications they have had from this group of boys - that is there only problem. Two years ago there was no communication, now they want to be police officers. Great credit should be -

MR. ROBERTS: Mr. Chairman, I think we should join in the commendation first made by the hon. member for St. John's Centre, the Minister of Provincial Affairs. May I add also that the Police Brotherhood have done (I am not sure now whether they are now doing or whether they have ceased this particular activity) very good work in sponsoring the Avalon Renettes which is somehow connected with the sea cadet movement. I cannot be more specific than that. I know it is connected with the sea cadet movement.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: Well as a bachelor I have no idea what the honourable gentleman is referring to, Mr. Chairman. They did do or have done and for all that I know are doing excellent work in sponsoring this organization. The story of the Police Brotherhood has been one of the success stories of recent times. They began as a militant group.

Mr. Roberts

The hon. member for St. John's South was and I suppose still is their counsel which should lead to some interesting negotiations whenever the police contract comes up again. They have expanded far beyond that. The new Police Act in measure is their accomplishment. The new Police Pension Act, again introduced last year, was in measure their accomplishment. I think these other activities such as the hon. member for St. John's Centre and the Minister of Justice have referred to are very much their accomplishment. It is surely a heart-warming thing to see a group go beyond their own narrow interests. It is valid and valuable. It is heartening to see them go beyond that and work in much larger communities. I think it is only fitting that the committee, the people of the province should recognize this and pay the tribute it merits.

MR. JOWE (W.N.) While we are on

1733

this tribute wave length, Mr. Chairman, I would also like to pay a public compliment to the Newfoundland Constabulary. I think, and I say this in all conscience, I think that we are endowed here in St. John's with one of the best police forces, in many respects, in the whole of Canada and I say it in one particular respect, in this day and age now with television and urban unrest being televised left, right and centre and you see the actions of some police forces around, particularly in the United States. We saw in Chicago for example some pretty brutal techniques being carried out by a police force in that city. We have seen in our own country of Canada some police forces going somewhat beyond the call of duty in quelling so called riots or disturbances, in Toronto for example. In Vancouver where they have a facetious mayor, in my estimation, and the police force apparently carried out his directions to the "T."

Here in this province, Sir, and in the City of St. John's I have been a witness at two events which could have turned very nasty and would have turned very nasty indeed were it not for the common sense, the training and the skill with which the Newfoundland Constabulary handled the situation. One of them was a certain political gathering down in the stadium in 1969, honourable members will remember where a certain gentleman no longer with us was elected leader and certain dissidents who supported another gentleman who is still with us, though for how long nobody knows, there was a certain amount of friction between these two groups of people and I saw from a good vantage point the Newfoundland Constabulary handle that volatile, tense, inflammable situation with tact, common sense and a great deal of skill.

Then subsequently I saw another unpleasant situation develop outside the premises of the U.S. Consul on King's Bridge Road where once more in a garbage dumping ceremony which turned a little nastier

than anybody expected, I think, the police force, the Newfoundland Constabulary, once more handled the thing in a perfect way, a perfect way, Mr. Chairman. I do not believe there were any injuries. There might have been a minor one or two but there were no injuries in either of those cases and I do not believe - Is there any case at all in the history of the Newfoundland Constabulary or the recent history where a person has been injured, for example, by a policeman in the course of their duty? I have never heard of a case yet we have good security. We have good law enforcement here in this city. I think that a public tribute to their common sense, to the instructions and direction given by the management or staff of the police force and the manner in which the men, the rank and file carry out these instructions by using in many cases their own discretion is in itself, Sir, a commendation and a compliment to the excellence of that police force, and I would like that to go on the public record.

MR. WELLS: Mr. Chairman. I deeply appreciate myself the remarks that the honourable member for White Bay South has made with regard to the constabulary. I am not associated with them now but I was for a time and he is very correct. There is no question about it, they are an excellent police force and deserving of public commendation. To hop back for a moment to the remarks I made earlier with regard to the constabulary and the idea of their perhaps policing other parts of Newfoundland as well, this is not to denigrate the RCMP and the valuable service they are providing to Newfoundland but I think the very nature of the constabulary, it is essentially an urban police force, a city police force. The RCMP is organized on different lines and I feel, with great respect to them, that they are not as equipped to handle urban policing as a police force such as the Newfoundland Constabulary which has a background and history of urban policing here in St. John's and, of course, in the past,

before Confederation, they policed outside as well.

But I certainly wish to associate myself with the remarks of the honourable member for White Bay South and I appreciate his having made them. It may be considered when I say something about the constabulary that I have been too close to it to see the wood from the trees and that I am bound to say something complimentary and therefore I do appreciate his remarks perhaps all the more as he has not been as closely associated perhaps as I have been. But certainly they are a force which deserve commendation and certainly deserve the commendation of this House.

On motion, 717 carried.

718(02)(03):

MR. ROBERTS: Who is the police surgeon now? Still Dr. Anderson?

MR. HICKMAN: I do not know but I will come back to it.

MR. ROBERTS: The honourable minister has his officials hidden outside, is that the answer? That is pretty sly. He is allowed to have them in the committee if he wants to.

MR. ROWE(W.N.): He should not be putting on his brave front, he should get his officials out with him.

MR. ROBERTS: He can have them in the committee if he wants.

MR. HICKMAN: I do not need him in here. He is perfectly happy out there where he is and I am perfectly happy in here.

718(03)(02):

MR. ROBERTS: I would be very interested as to why it is down \$7,000?

MR. HICKMAN: Yes, I remember it now it is the Cornwall Clinic, Dr. Wells.

MR. ROBERTS: Dr. Wells is a police surgeon.

MR. HICKMAN: Dr. Andy Wells of the Cornwall Clinic.

MR. ROBERTS: What are his duties?

MR. HICKMAN: He looks after the police and fire department and does periodic examinations.

MR. ROBERTS: Medical fitness examinations and this sort of thing.

MR. HICKMAN: That is right or recruitment and what not.

MR. ROBERTS: He is just paid this no matter how much or how little work is done. It is not fee for services.

MR. HICKMAN: I understand he does a great deal of work.

MR. ROBERTS: I do not know. I mean I have never been a police surgeon.

MR. HICKMAN: (Inaudible).

MR. ROBERTS: Oh, if somebody is brought in in the middle of the night and needs medical help -

MR. HICKMAN: He has to make a judgement decision as to whether or not he should be transferred to a hospital.

MR. ROBERTS: I see. That is interesting and I thank the minister and the gentleman. Why are supplies and gasoline for vehicles down \$7,000 and for that matter, Mr. Chairman, uniforms and accoutrements which is a sort of word normally the treasury board secretariat does not allow to stay in the estimates, but the accoutrements of the police and constabulary are down a matter of \$12,100 and I notice that motor vehicles are up \$12,000? Perhaps the minister either by himself or with the aid of his ghost writer in the sky, in the back, could expound upon this briefly. We might as well, we are going to go until eleven o'clock, hooking off these estimates.

MR. HICKMAN: 718(03)(04) provides for the replacement of sixteen vehicles. Well, the uniforms have been ordered and I can give you a detailed breakdown of the cost of the uniforms and the cost of serge, the cost of lining and pocketing and cotton.

MR. ROBERTS: No, but what I am asking, Mr. Chairman, is why we are down \$12,100.

MR. HICKMAN: I do not know but that is a very accurate figure.

MR. ROBERTS: I do not doubt that it is an accurate figure but I am wondering why it is down.

MR. HICKMAN: I do not know unless we got a better price this year than we did last.

MR. ROBERTS: Oh, that is pretty good. Better uniforms?

MR. WELLS: I understand that there was a contract negotiated with certain new types of equipment such as the doing away with the great acquisition of pockets, this sort of thing, so that last year because of the change in equipment I have no doubt

MR. WELLS: the price was up somewhat this year. With some of that equipment still in use it may not be necessary to buy such an amount.

MR. ROBERTS: I thank the honourable gentleman, between himself and myself helping the minister we will get the minister through his estimates somehow tonight.

MR. HICKMAN: he is lost.

MR. ROBERTS: I do not find it hard to lose the honourable gentleman, it is a pleasure.

MR. HICKMAN: The contract price with the United Cotton Mills and that is the actual price for this year. There are new uniforms in the Fire Department this year too.

MR. ROBERTS: Mr. Chairman, the question I asked the honourable gentleman from St. John's South did answer or gave an explanation. What the honourable gentleman from St. John's South said, Mr. Chairman, and it seemed to make good sense as last year, he is correct. There was a new contract negotiated between the Police Brotherhood on one hand and the government on the other and part of that was new equipment, the gray coats which were cumbersome and heavy and generally unsuitable were replaced by parkas. What I am getting at is that last year was a one-shot deal.

MR. HICKMAN: That is right.

MR. ROBERTS: That is why this year it is down. The honourable member for St. John's South supplied it, I thank him and as I have said, Mr. Chairman, between the honourable gentleman and myself we will get the minister through his estimates yet.

MR. HICKMAN: Ah, I will struggle along somehow.

MR. MURPHY: Mr. Chairman, if I may make reference to these vehicles, unfortunately the Minister of Supply is not in his seat tonight but I thought he made a very excellent suggestion the other day with regard to the R.C.M.P. with their vehicles, as having the station wagon type instead of the ordinary sedan if there is an accident somewhere just put a person in the back there and still there is room for -

MR. MURPHY: I wonder if the honourable minister would take note and perhaps - we have one. I do not know if we have any more than one station wagon in the city at the present time.

MR. HICKMAN: There is one with traffic control and the fire department has one. The suggestion from the honourable the member for Harbour Main, the Minister of Supply, was and I think a very good one that the R.C.M.P. have looked into the feasibility of equipping some of their highway patrol detachments with ambulances. I would not think they would cost any more. They are no harder to drive, it is only the same size as a station wagon.

MR. ROBERTS: If the minister is going to buy sixteen vehicles for \$30,000 - less than two thousand dollars each

MR. HICKMAN: Yes. We are talking about the RCMP now. The RCMP in connection with renewing their contract. In buying their new vehicles they get a few of the station wagon type which may be converted into ambulances -

When the hon. member for Harbour Main raised it, I made a note of it and I directed that an inquiry be made.

MR. ROBERTS: Mr. Chairman, how many vehicles do the constabulary operate? They get sixteen new ones this year. How long do the police keep their vehicles? How long does a police car last?

MR. HICKMAN: They keep them on an average for three years.

MR. ROBERTS: Really. They get three years out of them?

MR. HICKMAN: Yes.

MR. ROBERTS: Does that mean there are forty-eight then, Mr. Chairman?

MR. HICKMAN: No, no. I do not think they could buy enough last year.

MR. ROBERTS: That is what I am getting at. I mean, it was \$18,000 last year. That is nine or ten vehicles, \$2,000 each.

AN HON. MEMBER: Why does not the hon. minister bring in his deputy minister?

MR. HICKMAN: I do not need a deputy minister.

MR. CHAIRMAN: I believe we have deviated somewhat from the item under

discussion, 718-03-02 is the item now being considered.

MR. ROBERTS: I still have not had an answer. Why is the vote down \$7,000?

The requested vote under 718-03-02, supplies and gasoline for vehicles

MR. ROBERTS: the 1972-1973 estimates, Sir, are \$31,000, the revised figure for 1971-1972 is \$38,000. The actual for 1971-1972 may have been a little different.

MR. ROWE, W.M.: Probably higher.

MR. HICKMAN: Mr. Chairman, we have the contracts, I can give you a breakdown of it and what the total cost will be for 718-03-02.

MR. ROBERTS: We are on 02, the minister is just reading 03.

Why is it down \$7,000 which is roughly -

MR. HICKMAN: I do not know. I do not know.

MR. ROBERTS: Look could the honourable gentleman ask his deputy minister where he is out hiding in the Common Room, Sir.

MR. HICKMAN: I will let you know.

MR. ROBERTS: All right but he will have to let us know tomorrow then. we will have to let the department stand over until tomorrow.

On item 718-03-04, now with my question on the motor cars, Mr. Chairman

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Is the Deputy Minister whoever is hiding out in the Common Room listening? It would be easier if the minister would ask -

MR. HICKMAN: If the Deputy Minister is out in the Common Room, if he is listening would he please advise Mr. Cummings as to how many motor vehicles we have with -

MR. ROBERTS: Fine. Then, Mr. Chairman, can we let 718-03-04 stand until the deputy minister -

MR. HICKMAN: We cannot.

MR. ROBERTS: No, Mr. Chairman, it is not an unreasonable question and the minister is entitled to have his officials here with him if he wishes. It has been the practice of the committee I suppose for 120 years now, we are quite willing to have it on.

Hold on now, here is the Law Clerk now. The suspense is killing.

MR. HICKMAN: He took a slash from Treasury Board and that is the only reason.

MR. ROWE, W.N.: Oh now!

MR. ROBERTS: Haw, haw, haw now we are getting there!

MR. ROWE, W.N.: The Minister of Finance -

MR. ROBERTS: The Deputy Minister bears his heart.

MR. HICKMAN: The only difference is we have to live with it. We have now gone out on seventeen dollars.

MR. ROBERTS: Mark that down, we will see how much they live with next year.

MR. HICKMAN: Yes.

MR. ROBERTS: But, Mr. Chairman, have the Law Clerk carried in the information about the number of cars, if not, he will have to make another trip. I do wish the minister will bring his deputy in, it would be easier. The Law Clerk is slim and handsome now. But can we find out how many cars there are?

MR. HICKMAN: Inaudible.

MR. ROBERTS: All I want to know is how many cars the Constabulary have.

MR. HICKMAN: Right I have no objects to this, Mr. Chairman.

MR. ROBERTS: I mean we will ask the gentlemen who guards us so well, the constabulary men.

MR. HICKMAN: Anyway.

MR. CHAIRMAN: Is it the wish that the honourable members would like this stand over until the question is answered?

MR. HICKMAN: I will get the answer.

MR. ROBERTS: Let it stand, Mr. Chairman, I mean what is wrong with letting it stand?

MR. CHAIRMAN: The Chair has to take the direction of the honourable members.

MR. HICKMAN: The vote, Mr. Chairman, is to provide for the replacement of sixteen vehicles that is what we are discussing. Why is the committee asked to vote \$30,000. The answer is very simple. We need sixteen new vehicles and we are getting sixteen new vehicles.

MR. ROBERTS: The minister tells us they need sixteen, but they may need six or they may need sixty-six. They have only got four cars now Sir, do they need sixteen new ones? The question is relevant and appropriate. I do not know how many cars the constabulary have. The minister tells us they need sixteen new ones and that is his request to the committee. He tells us also that the constabulary cars last for three years which would indicate that there are forty-eight vehicles. I do not know how many cars the Newfoundland Constabulary have. I did not even know they had a station wagon.

MR. HICKMAN: We will have that answer for the committee before -

MR. ROBERTS: When we do, Sir, we can come back and pass the vote, no objection at all.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Yes, he would make a better Minister of Justice. He will get there yet.

AN HON. MEMBER: The member for St. John's South at least he can answer the questions.

MR. ROBERTS: I bet he knows how many cars the constabulary have. How many have they got, Mr. Chairman?

MR. WELLS: About sixteen or seventeen.

MR. ROBERTS: About sixteen or seventeen. So it is one hundred percent replacement this year.

MR. ROBERTS: Mr. Chairman, 719-02-01 - Corner Brook one we want to talk about is the one they just called, Mr. Chairman.

MR. HICKMAN: Will I answer the other question first, Mr. Chairman.

MR. ROBERTS: Yes, of course.

MR. HICKMAN: Sixteen patrol cars, one police van and one jeep

MR. ROBERTS: Sixteen police cars, one van, one jeep, is that it?

MR. HICKMAN: One police van, one jeep and three to four motor cycles.

MR. ROBERTS: So then it is proposed...

MR. HICKMAN: It is a replacement.

MR. ROBERTS: To replace the entire fleet this year. Well all right, maybe that makes sense. Why are they all being replaced this year? Some were bought last year, Sir, I am not saying they should not be, but I do not know. Maybe the minister could tell the committee how much milage goes on them.

MR. HICKMAN: I do not know how much milage goes on them.

MR. ROBERTS: But the minister should know, Mr. Chairman, they are his vehicles.

MR. HICKMAN: All right, I will go out and check the milage tomorrow. I will check the speedometer and all of it.

MR. ROBERTS: We will let the item stand then until the minister has checked the speedometers.

AN HON. MEMBER: Odometers.

MR. ROBERTS: Odometers.

MR. HICKMAN: The vehicles are being replaced at the request and upon the expert advice of a gentleman named Simmons, who is in charge of the police garage. When he arrives at a judgement decision based on his many years of experience, that a vehicle is no longer operatable except at tremendous cost to governemnt, he then recommends a new one.

MR. ROBERTS: Well then, can Mr. Simmons come before the Committee and tell them, Sir?

MR. HICKMAN: I am telling the Committee now, that there are sixteen vehicles required this year, that this is based on the advice that we received from these people. I asked that the Committee approve and I undertook to get the breakdown with which I have furnished the Committee. Having furnished that breakdown in my judgement, 718-03-04 should carry.

MR. ROBERTS: But, Mr. Chairman, before we rush to carry it, I do not quarrel with Mr. Simmons. He works up at the Joint Services garage I believe...

AN HON. MEMBER: The hon. Leader is suggesting that all the policemen should be on foot.

MR. ROBERTS: I certainly am not, anymore than I am suggesting that the hon. gentleman should make sense. I would not dream of suggesting that to the hon.gentleman.

Mr. Chairman, as I was saying and I am quite serious, quite serious. The minister comes in here and he asks for enough money for sixteen vehicles, well and good. Then, I ask the minister how long the cars last. I do not know how long the constabulary use their vehicles, Sir, I have never been in one as their guest or as anybody else's guest. Then it turns out that the minister says that he thinks they last four years. That makes sense, but then, all of a sudden it turns out that we are replacing virtually the entire fleet this year. Again, that may make sense, but could the minister give us some information beyond parroting one of his officials. He has good officials, one of the officials a man who works very well in the Joint Services garage, tell him...

MR. HICKMAN: Who else? I am not going to go out...

MR. ROBERTS: I am not saying the minister has to know, if he wants to go and check the odometers, let him.

MR. HICKMAN: But I will not.

MR. ROBERTS: No, I know he will not. Mr. Chairman, what I am asking is whether the minister will get us some information. That is all I want, some information. I repeat my request, I can only make a request to the Committee, whether we could let the item stand until we get the information? It is only information. The House Leader shakes his head, All right, if they do not want to give us information I cannot make them, Sir. There are enough of them over there to out-vote us. We will put

it to a vote.

MR. HICKMAN: The information, Mr. Chairman, that was requested by the hon. the Leader of the Opposition I have furnished this Committee.

MR. ROBERTS: I have requested further information, Mr. Chairman.

MR. HICKMAN: It is all the information that I can furnish.

AN HON. MEMBER: It is a question for the Order Paper.

MR. ROBERTS: It is not a question for the Order Paper.

AN HON. MEMBER: It is a question for the Order Paper.

MR. ROBERTS: Mr. Chairman, look, when we come to historic sites we...

MR. A.J. MURPHY: Sit down! let us stop this foolish obstruction.

MR. ROBERTS: Mr. Chairman, Mr. Chairman...

MR. MURPHY: Sit down and do not be making a fool of yourself.

MR. ROBERTS: I am not going to sit down for the hon. Minister of Provincial Affairs. I would not sit down for that hon. minister.

Mr. Chairman, I am quite serious...

MR. MURPHY: Yes, you are gone serious.

MR. ROBERTS: Mr. Chairman, the hon. member for St. John's Centre, it is amazing how his blinkers change. When he was over here...

MR. MURPHY: When his blinker was over here his mouth was sealed tight.

MR. ROBERTS: Now that he is over there his mouth is wide open.

Mr. Chairman, to come back to this item, all I ask of the minister, now that he has gotten us the information about how many cars the constabulary have, and he has revealed in response to questioning that they propose to replace virtually the entire fleet, I do not quarrel with him. All I am asking is that he get the Committee some information, Sir, so the members of the Committee can make some judgement. It maybe, and I am prepared to assume it will be that every-one of these vehicles needs to be replaced. Police cars get a great deal of driving. I suppose they might get what, thirty, thirty-five, forty, forty-five, fifty thousand miles a year. But, could the minister get us some information? That is all I am asking.

If the hon. minister says he got some information, it is true, he did. We now have another question, that is what the Estimates are about, Sir. That is all that estimates are about. If the hon. gentleman will undertake to get us the information I would be quite content.

MR. HICKMAN: I have told the hon. Leader a dozen times that I would undertake to get it.

MR. ROBERTS: That is the first time I heard the hon. gentleman say that, Sir, about that particular question. Now that he has made the undertaking I will gladly agree to let the matter stand.

AN HON. MEMBER: Is there a tender?

MR. HICKMAN: No, I do not...

MR. ROBERTS: We will come to tenders. I think it should stand until we get the information. I am not prepared to vote for it until I have some way of judging the minister's performance, Sir.

MR. MARSHALL: Mr. Chairman, I feel that the minister has given all the information that he can give. He has answered the question in as full a manner as he possibly can in the circumstances. I feel that the lateness of the hour is making the hon. the Leader of the Opposition a little bit facetious in his remarks. If he has any other enquiries he is perfectly at liberty to place a question on the Order Paper. So, I move that this motion be carried.

MR. ROBERTS: Mr. Chairman, I wish to speak against that motion. I am not being facetious, I am being perfectly serious. The minister came before this Committee and he asked for an amount of \$30,000, or he is asking for an amount of \$30,000. I am sorry! Was there some word from the hon. gentleman?

MR. MURPHY: Yes, Sir, there is a "draft Clyde Wells" on the go now.

MR. ROBERTS: I am all for it. I am all for it.

Mr. Chairman, as I was saying, the hon. minister asks for a vote of \$30,000. Fine. In response to a little questioning from

this side he tells us that there are sixteen vehicles proposed to be purchased. Fine. In response to a little further prodding, a little further questioning he reveals that this is virtually the entire fleet, the entire whatever you would call it, all the cars and vehicles they have for the constabulary. Again, fine. Now, all we want to know, and I am not being facetious, I think we are entitled to the information, all we want to know is whether the hon. minister could tell us on what standards it is done. I am asking the question because...

MR. HICKMAN: (Inaudible)

MR. ROBERTS: I will give the hon. gentleman the answer - we are speaking to a motion now because, the hon. gentleman's colleague has presumed to lecture us and is now assiduously studying his Standing Orders. He may or may not find something, we will see. Actually it is about eleven o'clock and if I recall Standing Orders Your Honour must now leave the Chair of the Committee, and so we will carry on when next the order is called.

AN HON. MEMBER: (Inaudible)

MR. ROBERTS: Well I think the Chairman must leave the Chair. I am subject to his ruling, but I want to debate the motion. We now have a motion and it will be debated when next the order is called, Sir.

MR. CHAIRMAN: It being now eleven o'clock the Chairman must rise.

On motion, that the Committee rise and report having passed certain Estimates of expenditure and ask leave to sit again, Mr. Speaker returned to the Chair.

On motion, report received Committee ordered to sit again on tomorrow.

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