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**VERBATIM REPORT**

FRIDAY, JUNE 6, 1975

SPEAKER: THE HONOURABLE M. JAMES RUSSELL

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: I would like to welcome to the galleries today some thirty-five students from Grade IX, X and XI of St. Edward's High School on Bell Island with Mr. Ken Kavanagh and Sister Veronica Lister. On behalf of all the honourable members I welcome you to the galleries, and I trust that your visit here is most interesting and informative.

PRESENTING PETITIONS

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

MR. S. A. NEARY: You have to recognize me today above all days, Mr. Speaker.

Mr. Speaker, I would like to present a petition on behalf of 200 residents of the Lunar Sub-division, Mount Pearl in the district of St. John's North. By the way of explanation, Mr. Speaker, I would like to point out to the House that I discussed this matter already with the member for the district. As a matter of fact I offered the member the petition to present in the House if he so desired. I think we held a brief discussion outside the House yesterday on the petition. We both agreed that it seems to be -

MR. COLLINS: Did you have a confab on it?

MR. NEARY: I beg your pardon?

MR. COLLINS: Did you have a confab on it?

MR. NEARY: Mr. Speaker, the petition like so many other petitions that have been presented in this session of the House, Sir, deals with the road conditions in the Lunar Subdivision down in Mount Pearl. Residents are bitterly complaining about the condition of their roads, Sir. They are not satisfied with the road conditions commencing at the Ruth Avenue extension and continuing approximately four-tenths of a mile to Lindbergh Crescent. The reasons they give for this petition, Sir, is that in the Wintertime it is virtually impossible to clear the ice and snow off the road. The road is not apparently wide enough. It creates a bottleneck in certain sections of the road, and it is impossible to clear the snow out of it.

They say, Sir, that it is hazardous for an ambulance to get over this stretch of road especially in the Spring of the year, and they are calling for immediate work on this road, Sir, an announced programme by the government or the town council or whoever is responsible for this stretch of road to try and

solve this problem. So, on behalf of these residents, Sir, in the Lunar Subdivision I respectfully present this petition to the honourable House. I support the prayer of the petition and I understand, Sir, that my good friend from St. John's North will also rise in support of the petition. You might say, Sir, it is almost a joint petition we are presenting. I am presenting the petition and the Member for St. John's North will second the motion. I support the prayer of the petition, Sir, and I respectfully ask that it be sent to the department to which it relates.

MR. SPEAKER: The honourable Member for St. John's North.

MR. J. CARTER: Mr. Speaker, in both supporting this petition and in replying to it I would first like to thank the honourable Member for Bell Island for his courtesy in discussing this petition with me at first. It is an unusual petition. By the standards of the petitions presented in this House it is, I would say, a giant petition as well as being a joint petition. However, it was originated by Mr. Melvin Watton of the Lunar Subdivision in Mount Pearl, originally to have been presented to the town council of Mount Pearl. I understand one very much like that petition was presented to the town council of Mount Pearl. The condition of this road was first brought to my attention by Mr. Watton in late March of this year when all road conditions were at their very worst and I went in to check the condition of the road and could see that because of the high banks of snow on either side and the fact that the road had been salted there was no way of affecting improvements at that time.

However, some of the residents wished to have heavy equipment go over the road to smooth it out and I suggested that that would properly be one of the very worst things they could do unless they waited for the surface to dry out a bit. However, the town council of Mount Pearl, the town clerk there, I was in touch with him and he informed me that the situation was very much a matter for their concern and they were keeping a close watch on it. I was assured of their good will and their desire to do something about it as soon as

possible. However, I can quite understand the residents being very concerned and I would like to perhaps explain to this House why I believe the petition came to the notice of the Member for Bell Island. Mr. Watton is an employee of the Trade School on Bell Island and therefore spends probably far more time on Bell Island than in Mount Pearl and therefore quite naturally considers his member to be the Member for Bell Island. Well, I do not think, Mr. Speaker, we should draw strict district boundaries, particularly with the change of districts that is now in effect. I think each of us should undertake to represent as many people as possible.

MR. NEARY: I am not running -

MR. CARTER: However, I do thank the honourable member for discussing it with me first. I echo the concern of the residents and I fully support the prayer but I do understand that the matter is in hand and I am very happy to be able to say that.

MR. SPEAKER: The honourable Leader of the Opposition.

MR. ROBERTS: Mr. Speaker, unless there is some other member who wishes to speak on that petition I would like to present another petition.

MR. SPEAKER: The honourable Leader of the Opposition presenting another petition.

MR. ROBERTS: Thank you, Sir. This petition, Mr. Speaker, is on behalf of the residents of the community of Grandois in my constituency of White Bay North. It is signed by approximately 150 residents of the community. The prayer of the petition, Mr. Speaker, is quite simply stated and has been oft repeated in this House though I believe it is the first time a petition has been presented. The prayer of the petition is that the people of Grandois be provided with a road link.

Mr. Speaker, I support the prayer of the petition and I support it without reservation or hesitation. There are two communities in that part of White Bay North, Sir, the part of the district between Conche in the South and the community of Main Brock to the North of the Croque and Grandios area, there are two communities, Sir, which are

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located on the mainland which do not have roads. One is Croque and the other is Grandios. The road would run from the present highway to Main Brook out to Croque and then two or three miles beyond that to the community of Grandios. I have spoken on it a number of times in the House on estimates and elsewhere. I have had numerous communications with the present Minister of Transportation, who unfortunately is not here today, and with his predecessors, all of them supporting all of these communications supporting a request to the people of Grandios that the road be built. We were

in high hopes, Mr. Speaker, that the road would be built this year. Unfortunately, the government are not going to build the road this year. They are going to build the road only as far as Croque, only half of the job will be done this year. It is not too much to say, Mr. Speaker, that this causes a far greater problem to the people of Grandois than if the road was not built at all because now the road will be by the end of this season, this construction season, within two or three miles of the Community of Grandois. Whereas now it is unattainable, once this road to Croque is built, it will be tantalizingly close but still not attainable at all.

I would in presenting the petition, Mr. Speaker, implore the Minister of Transportation and Communication and his colleagues to find the extra few thousand dollars needed. These people in Grandois, fishermen, about fifty or sixty families I guess in the area now - more in the Summer. Some people from Green Bay District come North to fish on that part of the coast - these people, Sir, have as much right to a road as any other people in Newfoundland and Labrador. They are one of the few communities left who can be hooked up. They can be hooked up at reasonably small cost. I do not have an estimate. It would only be a number of a few thousands of dollars, certainly nothing compared to the sums of money which are being spent elsewhere in the Province on the construction of roads and the improvement of roads.

I do not begrudge any other resident of the Province an improved road or a reconstructed road or a paved road, but I do think the people of Grandois, Mr. Speaker, are entitled to a road link. I present the petition. I do so reluctantly because I had hoped that the matter would have been resolved by the government. Unfortunately, Sir, they have not resolved it. If anything, for the reasons I have explained, they have made the matters worse. I hope the minister will reconsider it. I hope in the generosity of his heart he will find a few thousands extra dollars and give these people in Grandois the same opportunity that almost every other citizen of this Island now has and that is to get in his car at his front door and drive to where he will. I support the petition, Sir.

MR. SPEAKER: Are there any other petitions?

NOTICE OF MOTION:

MR. SPEAKER: The honourable Minister of Tourism.

HON. T. HICKEY (MINISTER OF TOURISM): Mr. Speaker, I give notice I will on tomorrow introduce a bill, "An Act Further To Amend The Tourist Establishment Act."

MR. SPEAKER: The honourable Member for St. John's East.

MR. MARSHALL: Mr. Speaker, I give notice that I will on tomorrow move the following resolution:

WHEREAS many homes within the City of St. John's are constructed upon land leased during the last quarter of the last century for 99 years, many of which leases will expire within the last quarter of this century;

AND WHEREAS the rights of homeowners under the City of St. John's Act to obtain renewals and acquire freehold ownership to the land upon which their houses are located are hard to realize because of the difficulty, time and expense of locating the heirs or representatives of the original landlords and the cumbersome procedures and expense of arbitration proceedings necessary to determine the fair market value of the land as required by the Act;

AND WHEREAS amendments to the City of St. John's Act are necessary in order to enable residents to more easily acquire land upon which their homes are built;

THEREFORE BE IT RESOLVED that this House of Assembly urges the Government to present to this Honourable House legislation which will

- (1) Require heirs and representatives of landlords who are absent from the Province (that is, absentee landlords) within six months from passage of the Act to appoint an agent empowered to act on their behalf for the purpose of signing all documents required to be signed under the Act and in default of such appointment to constitute the Registrar of the Supreme Court as agent of such persons for such purposes; and
- (2) To provide easier, less cumbersome and less expensive means of acquiring freehold titles either by establishing a summary way of determining fair market value or establishing an equitable formula of determining the value of freehold interests.

MR. SPEAKER: The honourable Minister of Education.



HON. G. OTTENPFIMER (MINISTER OF EDUCATION): Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled "An Act To Amend The Newfoundland Teacher Collective Bargaining Act, 1973."  
AN HONOURABLE MEMBER: I would think that one will go through very quickly.

ORAL QUESTIONS:

MR. SPEAKER: The honourable Member for Bell Island.

MR. NEARY: Mr. Speaker, I saw the Minister of Tourism there in his seat a few moment ago. Sir, I presume he can hear what is going on in the House. I would like to put a question to the Minister of Tourism, Sir. Perhaps I will wait until he comes back to his seat, Sir.

AN HONOURABLE MEMBER: Here he is. Here he comes.

MR. NEARY:

I would like to ask the Minister of Tourism if the federal government has yet paid Cabot Group 4 for arranging a press conference to announce the trip of the Norma and Gladys around the world? Can the minister tell us whether or not they have been paid by the Government of Canada yet?

MR. SPEAKER: The Hon. Minister of Tourism.

MR. HICKEY: I have no idea, Mr. Speaker. I am not their accountant, and I do not have any access to their books.

MR. NEARY: Mr. Speaker, a supplementary question. Would the minister then confirm that the cost of this press conference is being paid by the Government of Canada in part or in whole?

MR. HICKEY: I have heard rumours, Mr. Speaker, that it has not been paid by the Government of Canada. But if it is not, I do not know who is paying it. This government certainly is not.

MR. NEARY: Mr. Speaker, a supplementary question -

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

MR. NEARY: - a supplementary question to the minister. Would the minister confirm whether or not Cabot Group 4 was selected jointly by a representative of the External Affairs Department or by the Secretary of State's Department and the minister's own department, if this was a joint decision to employ Cabot Group 4?

MR. HICKEY: Yes, I certainly will confirm that, Mr. Speaker, despite or no matter what the External Affairs Department might say. There was a lady from the External Affairs Department who visited this Province on at least two or three occasions, who was not, I understand, connected with the project or at least not connected directly at this particular time. And, in fact, it was her idea, the whole idea of a press conference. It was also her idea with regards to the Japanese luncheon that we have heard so much about. And I do not know if the fact that she is not directly involved or connected with the project at this point in time has any bearing on views or feelings of some people in External Affairs. If the honourable gentleman, you know, is attempting to drag something out of me, I can set his mind at ease. There is no need to try to draw

anything out of me. What I have stated in this House is gospel. I will not be proven wrong. I do not know who is paying Cabot Group 4. I can only go on the information that is given me. I can only also go the recommendations that are made to me with regards, in the first instance of having a press conference, in the second instance with regards to having a P.R. firm do it, and in the third instance in approving a recommendation that a certain firm do it. Now I regret that this whole project has been smeared as a result of what some people might think to be something wrong. But I assure this House, Mr. Speaker, and I would not deceive this House for one second, I assure this House that there is nothing unpalatable, nothing improper or nothing wrong or underhanded with any facet or any part of the Norma and Gladys project in relation to its dealings with Cabot Group 4.

MR. NEARY: A supplementary question, Sir. Do I understand the minister correctly that he is sticking by a statement that he made outside of this House, quoted in the Evening Telegram that the decision to employ Mr. Brown's company, Cabot Group 4, was a co-ordinated effort between a staff member of the External Affairs Department and the minister's department? Is the minister confirming that statement to be correct?

MR. HICKEY: Mr. Speaker, I am not going to get into any wrangling, and I am not going to get into any technicalities. I am simply saying, and I will restate what I have said before that it was not -

MR. NEARY: Answer the question.

MR. HICKEY: I will answer the question when I am ready and in my own time and in my own manner, Mr. Speaker, and the honourable gentleman, I am not sure which one, should keep his mouth shut and be quiet and listen because people on that side should do a lot of listening and then they will not be making erroneous statements and, in fact, making a damn fool of themselves. It was a prime exhibition we had last night. Mr. Speaker, I am simply stating that the decision to hire Cabot Group 4 was not a personal decision by me. I could not give two damns who does the P.R. for the Norma and Gladys or who conducted the press conference.

MR. NEARY: Was it co-ordinated effort?

MR. HICKEY: Now I know what the honourable gentleman is up to. I could go on for two hours to tell him what he is up to and I tell him now that he will bring forth a mouse and not a mountain.

MR. NEARY: I am trying -

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: (Inaudible).

MR. HICKEY: You are trying to drag something out of me that I am not going to tell you because I am not going to lie to the House.

MR. NEARY: Mr. -

HON. MEMBERS: Inaudible.

MR. NEARY: Mr. Speaker, is the minister aware of a statement that he made outside of the House that the entire cost of this press conference to Cabot Group 4 would be paid by the Government of Canada? Is the minister aware of making that statement? Was he in his right senses when he made this statement? And is it true? Can the minister confirm or deny now whether it is true or false?

MR. SPEAKER: Order, please! This question is out of order. It is a statement of fact rather than a question. It has been phrased wrongly by the Member for Bell Island.

MR. NEARY: Well, Mr. Speaker -

MR. SPEAKER: And it is out of order.

MR. NEARY: Well, Mr. Speaker, could I ask the minister, Sir, if he would please give us a simple yes or no answer?

MR. HICKEY: Yes, indeed.

MR. NEARY: Will the entire cost of this press conference be paid by the Province or by the Government of Canada? And was it a coordinated decision to employ Cabot Group 4, yes or no? That is all. It is just as simple as that.

MR. HICKEY: What is the last part? Was it, what kind of a deal?

MR. NEARY: Was it a joint effort, you know, was the decision taken jointly by the Province and the Government of Canada to employ Cabot Group 4 - Yes or no?

MR. HICKEY: According to my information, Mr. Speaker, I have stated it already and now I repeat it. It was, according to my information, it was a joint recommendation to hire -

MR. NEARY: Well that is all I want to know.

MR. HICKEY: - or to engage.

MR. NEARY: That is all I want to know.

MR. HICKEY: Number two, the Cabot Group 4 will not be paid by my department for this press conference.

MR. NEARY: Who will pay them? Who will pay them?

MR. HICKEY: I assume, I have been told and I assume they will be paid for by the federal government.

MR. NEARY: Mr. Speaker, I do not know Your Honour if this is the opportune time to raise a question of privilege or do I wait until Orders of the Day to raise the question of privilege, breach of privilege of the House, Sir.

AN HON. MEMBER: Inaudible.

MR. NEARY: Can I - I think I have to do it, according to the Standing Rules, Sir, of this House I have to do it immediately,

HON. MEMBERS: Inaudible.

MR. NEARY: at the moment it occurs. And I would like to have a ruling from Your Honour before I proceed. I mean do we interrupt the Oral Question period, Sir, on a matter of the question of the privilege of the House or do we wait until Orders of the Day?

MR. SPEAKER: The honourable member should raise a point of personal privilege in the House at the earliest opportunity.

MR. ROBERTS: Right now.

MR. NEARY: Well, Mr. Speaker, I would like to raise a matter, Sir, that I consider to be a breach of the privilege of this honourable House. It concerns, Sir, certain statements that were made both inside of this House and outside of this House by the Hon. Minister of Tourism concerning the involvement of Cabot Group 4 Limited in arranging a press conference in which the minister announced that the vessel Norma and Gladys would tour the world. The minister, Sir, stated outside of the House that Mr. Browne's company, Cabot Group 4 was -

MR. HICKMAN: On a point of order, Mr. Speaker. What the honourable minister said outside of the House obviously is not a question of privilege insofar as it relates to the questions that have been stated -

AN HON. MEMBER: He just repeated it inside of -

MR. NEARY: He just repeated it inside of the House.

AN HON. MEMBER: On a point of order -

MR. HICKMAN: But if it is within the House -

MR. SPEAKER: Order, please! The honourable the Member for Bell Island in his comments as I recall said certain statements were made inside

and outside of the House.

MR. NEARY: That is right. The minister made certain statements outside of the House, Sir, and confirmed these statements here in the House this afternoon, Sir, that as far as he knew, and I presume he is acting on the advice, the information given him by his officials,

MR. ROBERTS: He cannot hide behind that.

MR. NEARY: And he cannot - my colleague is so right, Sir, that is what I was about to say, the minister cannot hide behind his officials. The minister should know what is going on in his department. And the minister made categorical statements, Sir, that the Cabot Group 4 was hired by the minister and his officials, that the decision was taken jointly - coordinated - I will use his exact words, Sir, he says it was a coordinated effort between a staff member of the External Affairs Department and a member of Mr. Hickey's staff, and the entire cost, which he said he does not know, is to be borne by the federal government.

Now, Sir, I am not allowed to say that is a lie. That is unparliamentary for me to say that. I cannot say it. I only wish I could, Sir. But the information that I have -

MR. HICKEY: Call me a liar.

MR. NEARY: - the information that I have, Mr. Speaker, from the External Affairs Department indicates that the statement made both inside and outside of this honourable House by the Minister of Tourism in relation to this matter is not correct.

AN HON. MEMBER: On a point of order, Mr. Speaker.

MR. ROBERTS: No it is not a point of order.

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

MR. SPEAKER: Order, please!

AN HONOURABLE MEMBER: On a point of privilege.

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

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

I would like to inform the honourable Minister of Tourism that a point of privilege takes precedence over a point of order.

AN HON. MEMBER: Inaudible.

MR. NEARY: Mr. Speaker, I might say for the information of the minister if he would just restrain himself for a few moment that I intend to table these two documents that I have in my hand Sir. But, Mr. Speaker, I have in front of me -

SOME HON. MEMBERS: (Inaudible).

MR. NEARY: Yes, all related. I have in front of me, Sir, a letter from the Secretary of State for External Affairs written to my colleague the Leader of the Opposition at my request.



MR. NEARY: I want to read paragraph (3) of that letter, Sir, that contradicts what the minister has been telling this House.

SOME HON. MEMBERS: Read your letter. Go ahead.

MR. NEARY: I am going to read it. Paragraph (3), Sir, contradicts all the statements that the minister has made in relation to this matter. Paragraph (3), Sir: "In connection with the press conference it was agreed once a decision in favour of the voyage had been taken that it should be publicly announced in St. John's and Ottawa, with St. John's to be the focal point for the announcement, and then my official would collaborate. My department was not in any way connected with the employment of or the cost for services performed by Cabot Group 4 Limited."

Let me repeat that, Sir. Let me repeat that.

MR. ROBERTS: Some flunky in the department, was it?

MR. NEARY: This is a letter from Allan J. MacEachern, minister, minister of the department.

MR. BARRY: What party does he belong to?

MR. ROWE: He happens to be the minister who knows what he is talking about.

MR. NEARY: "My department was not in any way connected with the employment of or the cost for services performed by Cabot Group 4, Limited." Now that was not the understanding that we were given here this afternoon, Sir, by the Minister of Tourism, and I submit, Sir, that the minister has violated the privileges of this honourable House and that the House should deal with the minister forthright for either deliberately or otherwise misleading this House and misleading the people of this Province. The matter, Sir, has to be dealt with right away and whatever punishment is involved, Sir, should be handed out by this House. And I am prepared, Mr. Speaker, if Your Honour will rule that there is a breach of the privilege of this House, Sir, I am prepared to move a motion when Your Honour gives his ruling.

MR. HICKEY: Does that work both ways? Will both be punished?

MR. NEARY: Could I table these documents, Sir?

MR. HICKEY: Would the honourable gentleman agree that he be punished if I -

AN HON. MEMBER: This is a point of privilege, sit down.

MR. HICKEY: I am speaking to the point of privilege, Mr. Speaker.

MR. SPEAKER: Order, please.

The honourable the Minister of Tourism.

MR. HICKEY: I suspected when the honourable gentleman rose in his place what he was up to. The Leader of the Opposition did not have the guts to follow through on his miserable, feeble efforts to discredit this project as he has attempted from day one. Now why did he not rise in his place, Mr. Speaker, and create this onslaught that he started out with in place of his colleague today? No, he did not have the decency or the guts. He is loading the gun, Mr. Speaker, and the Member for Bell Island is going to fire it. Well now, that is too bad because you might get hit with some of your own shots.

Let me first of all report to the House, Mr. Speaker, that I have not this session, or ever, or will I ever, state anything in this chamber which is untrue. I will never deceive this House and I have never. I call on the Leader of the Opposition to table the letter he received under the signature of the Minister of External Affairs, the honourable Allan MacEachern.

AN HON. MEMBER: He just tabled it.

MR. HICKEY: He tabled it. Great! The honourable the Member for Bell Island should have read the last paragraph in which the Leader of the Opposition, and I assume if it is the Leader of the Opposition, the External Affairs Department would also include all members of the Opposition in Newfoundland to lend whatever assistance they can, and such assistance would be most welcome in bringing this project to a reality. What the federal minister is actually saying, Mr. Speaker, quit this nonsense, quit this petty nonsense, this interrogation, this investigation about nothing and support the project because it means so much to Canada and so much to Newfoundland.

SOME HON. MEMBERS: Hear! Hear! Hear!

MR. HICKEY: But no, Mr. Speaker, we do not hear anything about that.

MR. MURPHY: Witch-hunts.

MR. HICKEY: We do not hear anything about that, Mr. Speaker, We hear a little bit of McCarthyism, a section of the letter. I am well aware of the fact that the Leader of the Opposition has been trying desperately to try and paint this project to be something it is not to attempt to implicate me because of my friend, Mr. Browne. But let me tell the Leader of the Opposition I will not stop dealing with Mr. Browne because he is a friend of mine and when I have to check with the Leader of the Opposition or indeed this House, to determine who I remain friends with, that day is not going to come, Mr. Speaker. If I have to do that I would rather resign from public life.

SOME HON. MEMBERS: Good idea.

MR. HICKEY: God knows it -

MR. THOMS: We get smeared all day.

MR. HICKEY: The honourable gentleman opened his mouth last night to change feet. Now he better be very careful because I have something in mind for him today too. Far better, Mr. Speaker, far better, Mr. Speaker, for this House, the entire House, both sides, to do whatever they can to bring about this project to a reality because it means so much. They can laugh and sneer all they wish but, Mr. Speaker, I will state now that I will laugh last before this project comes to a successful end.

Now the External Affairs Department who do not want, Mr. Speaker, who do not particularly want to get into the detail of costing on this project, for obvious reasons, At a time when the cost of living is high, at a time when everyone is looking for money, they would rather not get into the detail. But I have informed the officials of the External Affairs Department that I will only remain quiet for so long. I am not going to have myself painted and the government of which I am a part as to paying for things that we are not committed or indeed will not pay for, to involve ourselves or to have ourselves involved in aspects of the cost of this project which we did not agree to or bargain for, that in fact we approved this project because of the lopsided cost sharing formula by the federal and provincial government, because of so little a financial contribution by this Province. It is simply the reason why I took this project to my colleagues and urged them to approve it which they did.

Now, Mr. Speaker, when one gives their word they do not like to go back on it. But I gave my word to certain people, and I will not name them, in the External Affairs Department that I would not get involved in detailed cost and with one qualification, Your Honour, I said unless the External Affairs Department is going to give details then I will not give them, until the project is over or until the project is well underway.

The honourable gentleman who occupies the post of Leader of the Opposition, and I say occupy it because that is all he does, occupies it. He does nothing creditable in keeping with his predecessor to earn the respect or establish its credibility as Leader of the Opposition by involving

himself in such petty, sniping tactics. He does not say anything about the federal contribution for the exhibit that is in the lower deck of that boat on which the original estimate, Mr. Speaker, was \$100,000. He made a big statement that their contribution was \$80,000 only. The exhibit, Mr. Speaker, only the exhibit came in with an estimate of \$100,000. They tried to trim it down and I sat in on a meeting while they were trimming it down. I think they finally got it to \$60,000 and now they are told that they cannot even live with that, that it is going to go to \$80,000-\$85,000 before it is finished.

The honourable gentleman does not have details and will not get details, Mr. Speaker, on what costs outside Canada are going to be involved by the External Affairs Department in its many consulates and ambassadors abroad, wherever this vessel goes. To begin with nobody at this point in time can even put a handle on the cost. Those areas have budgets and the costs are unknown at this point in time but one thing is not unknown, Mr. Speaker, one thing is known quite well by us and by me and that is they will pay the cost of all receptions, of all details of whatever arrangements are to be made, they are not to be borne by this Province.

The honourable gentleman asked about the seaworthiness of the vessel - did not hear anything about that. Because the External Affairs Department simply told them, we have been assured and we are prepared to accept what the provincial government have told us that they have a competent surveyor in the shipping industry who is prepared to give, who is prepared to give a certificate to this vessel.

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

The honourable Minister of Tourism the Chair feels is getting into a debate, and the Chair has not ruled yet as to whether or not a bona fide case has been established, prima facie case, rather, has been established for a point of privilege. If the Chair rules that it is, then honourable members shall have the opportunity to present their arguments re that motion, whatever it might be.

MR. HICKEY: To continue, Your Honour, there are some other details I have to give -

MR. ROBERTS: Mr. Speaker, may I say a word to the question of whether there is a privilege -

MR. MURPHY: Sit down. (Second part inaudible).

MR. ROBERTS: I am asking the Speaker whether I may say a few words. I am not -

MR. MURPHY: You should be ashamed.

MR. ROBERTS: Mr. Speaker, the gentleman from St. John's Center -

MR. MURPHY: Go hide yourself in a glass.

MR. SPEAKER: Order, please!

MR. ROBERTS: Mr. Speaker, the question is whether I may say a few words on the question of whether or not a breach of privilege has been committed or not. I ask Your Honour to say whether I -

MR. MURPHY: The gall of him standing up.

MR. SPEAKER: Order, please!

MR. ROBERTS: - to say whether or not I may address myself to that question.

MR. SPEAKER: Order, please!

No. The Chair is not prepared to listen to the honourable Leader of the Opposition or indeed any other member as to whether a point of privilege has been established or not. The Chair has ruled that the honourable Minister of Tourism is being much too long in addressing a few comments to that point, and will permit him just a couple of more

minutes to finish up.

MR. HICKEY: Thank you, Your Honour. I felt I should give some detail and some background. I will now come to the main point of privilege. The point of privilege, Mr. Speaker is that, the House privilege, whatever you want to call it - it does not make any difference to me - personal privilege, House privilege, not much difference - is that it is alleged that I gave wrong information to the House.

AN HONOURABLE MEMBER: You and I are deliberate liars.

MR. HICKEY: Now, Mr. Speaker, in any statement I made with regards to the cost of this so called press conference, I stated when asked that as far as I was concerned the federal government would bear the cost. Now, Mr. Speaker, I am not about to go into details how we wrangled money from the federal government because it has been proven time and time again that the other honourable gentlemen who were in sitting on this side of the House did a damn poor job of getting money from the federal government. So, I am not about to go into detail as to how this is done.

I at no time said the External Affairs Department would pay for the press conference. I said the federal government. I will state nothing further today other than to repeat, the federal government if Cabot - or better, Mr. Speaker, I had better qualify it by saying this. If Cabot Group 4 is paid, and I assume they do not provide services for free, if they are paid, they will be paid by an agency or government outside this Province. They will not be paid from public funds.

Mr. Speaker, I do not think I should be asked, and if I am asked, I have no intention of going in or providing the detail as to how that might be worked out. I know. I am simply stating a fact. Now, Mr. Speaker, I suggest to Your Honour no case of personal or House privilege has been made against me. I do suggest, Your Honour, very strongly that the honourable Member for Bell Island, who has been used by the Leader of the Opposition, is guilty of a case of personal privilege against me. I move that the honourable gentleman be dealt with so that this kind of harangue will stop and cease once and for all because I am getting sick of it.

If what the honourable gentleman says, that I cannot hide behind

my officials is true, then the honourable gentleman should be in jail for his affairs on Bell Island with welfare.

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

The Chair would ask the honourable the Minister of Tourism to withdraw those remarks -

MR. NEARY: And apologize to the House.

MR. SPEAKER: - with regards to the honourable member from -

SOME HONOURABLE MEMBERS: Inaudible.

MR. SPEAKER: Order, please!

If the Chair is to make rules that are to be hopefully fair to both sides, then I think the Chair is entitled to hear what is being said. The Chair certainly considers the remarks made by the honourable Minister of Tourism with regards to the honourable Member for Bell Island - he should be in jail - as to be unparliamentary. I would ask him to withdraw those remarks.



MR. HICKEY:

I have no hesitation whatsoever, Mr. Speaker, in withdrawing those remarks. I simply used them as an example to prove my point that one is not, is only technically responsible in relying on their officials, and I simply drew a conclusion that if I were guilty, if I had to depend completely and if I were to be found guilty on everything because of my officials so is the honourable gentleman.

MR. NEARY: Point of order.

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

The Hon. Minister of Tourism is speaking to a point of privilege which takes precedence over a point of order. The Chair has already ruled on that once today.

MR. HICKEY: Thank you, Mr. Speaker.

SOME HON. MEMBERS: (Inaudible).

MR. SPEAKER: Order, please!

MR. HICKEY: I have no hesitation, Mr. Speaker, in retracting what I said with regards to the member for Bell Island.

MR. NEARY: No strings attached.

MR. HICKEY: If he were not so touchy, Mr. Speaker, he would accept it in the way in which I offer it.

MR. NEARY: (Inaudible).

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

MR. HICKEY: I have no desire to tarnish the reputation of the honourable gentleman for Bell Island.

MR. NEARY: (Inaudible).

MR. HICKEY: He takes care of that himself most adequately.

Mr. Speaker, I simply ask Your Honour - I have dealt with what I said with regards to the member for Bell Island. There is no malice between myself and the member for Bell Island. That is a dead issue. I simply drew a comparison. And if he wants me to withdraw it again, I gladly will. I hold no malice towards him. I simply say, Your Honour, that he is being used in this particular instance, and I ask him to be man enough, as I have, to retract. I ask

him now to be man enough to stand in his place and retract the charge by inference and innuendo as well as making it quite clearly and clearly stating it against me in terms of my being guilty of privilege of the House. I ask him to do that in all decency.

SOME HON. MEMBERS: Hear! Hear!

MR. SPEAKER: Order, please!

The Chair will take the point of privilege raised under advisement and rule on it later and advise honourable members that they have consumed a considerable amount of time on this point of privilege which should be time for the question period and as a result of that there is only five minutes left for the question period.

The Hon. Member for St. John's North.

MR. CARTER: I have a question, Mr. Speaker, for the Hon. Minister of Justice. At the recent fire in St. Phillip's where the school was practically one hundred per cent demolished, in fact only a very small part of it was saved, it was brought to my attention that the firemen there were harassed when they were trying to put out the fire. In fact, they were stoned and their hoses were uncoupled and tangled.

AN HON. MEMBER: They were what?

MR. HICKMAN: People threw stones at them.

MR. CARTER: Threw stones at them.

MR. DOODY: They were not bombed out.

MR. CARTER: They were bombarded with stones.

I would like to ask the Minister of Justice whether he is aware of this? And if he is, what steps he is prepared to take to see that this can never happen again?

MR. SPEAKER: The Hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, I have to admit that I am not aware of this. The honourable gentleman mentioned it to me. If indeed there is any substance at all to the suggestion made by the Hon. Member for St. John's North which I understand is that whilst firemen were fighting the fire other people tried to impede their work. If that is correct

there will be a most thorough investigation and if the evidence discloses a prima facie case swift action will be taken.

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

MR. ROBERTS: In the absence of the Premier and the Deputy Premier may I ask the Acting Deputy Premier, the Minister of Justice, whether he could tell the House whether the government have yet decided whether they are going to bring before the House at this session legislation similar to the Nova Scotia legislation under which the Public Utilities Commission of that Province recently drastically cut proposed increases in the price of fuel and heating oils?

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

MR. NEARY: Mr. Speaker, I would like to ask the Minister of Mines and Energy what steps have been taken to place the matter of the applications from the Newfoundland Hydro Corporation, applications for increases in rates to place it under the jurisdiction of the Public Utilities Board and not have them exempt as they are now from any investigation by the Public Utilities Board?

MR. SPEAKER: The Hon. Minister of Mines and Energy.

MR. BARRY: Mr. Speaker, as I have said several times in this House and as the honourable member well knows it is not the intent of this government to place the Hydro Corporation under the jurisdiction of the Public Utilities Board. It is

MR. BARRY: our intent to set up a Provincial Energy Board similar to the board which was set up in Ontario, will will have consumer representation, members of the general public on the board and which board will have the power of calling before it the officials of the corporation for explanations with respect to rates, with respect to the efficiency of the operations carried on by the corporation and so on.

But, Mr. Speaker, it does not appear to be feasible to have a Crown Corporation subject to the jurisdiction of the Public Utilities Board as you would a private utility. That is not what the Public Utilities Board was created for. We believe the same objective, the objective of scrutinizing the activities of the Corporation, the objective of keeping the Corporation on its toes, of keeping it efficient and cost conscious, can be achieved by the creation of this Newfoundland and Labrador Energy Board and we are in the process of working out the details of this. It will not be done for this session. I believe the last time I was asked this question I indicated the time period we were looking at was for this coming Fall or early Spring. We have to give the Corporation time to plan for the method of keeping its information and so on, so that it can be in a position to comply with being under the jurisdiction of such a board. It is not something that can be done just with the stroke of a pen overnight. The Corporation has been informed that this is going to be carried out and it will be done. But, Mr. Speaker, this will not mean, I want to stress this, this will not mean that the Corporation is subject to the Public Utilities Board, It will mean that it is subject to a completely different board, an energy board.

MR. NEARY: Mr. Speaker, I wonder if the Minister of Mines and Energy, Sir, could tell the House whether his government have any plans to nationalize, to purchase or expropriate the Newfoundland Light and Power Company thus eliminating a profiteering middleman who distributes power in this Province?

MR. SPEAKER: I will permit the honourable minister to answer the question if he so desires and that will bring the question period to an end.

MR. BARRY: Mr. Speaker, if the honourable member could show me the examples of profiteering that he alleges are being carried out by this Corporation, I will be happy to have them looked at. The Public Utilities Board scrutinizes the operation of this Corporation, is the honourable member saying that the Public Utilities Board is not performing its function as it should be, is this the point being made by the honourable member?

I have said before, I will say again, that -

MR. HICKMAN: The most competent Chairman of a Public Utilities Board in Canada.

MR. BARRY: Yes, that is acknowledged right across Canada that we have as a Chairman of the Public Utilities Board, the most competent of any of the Provinces.

MR. NEARY: That is not the issue.

AN HON. MEMBER: That is not the issue.

MR. BARRY: And, Mr. Speaker, that is exactly the issue.

MR. NEARY: The advantages of privilege.-

MR. SPEAKER: Order, please!

MR. NEARY: - should go to the taxpayers.

MR. BARRY: This Public Utilities Board is set up - this Public Utilities Board is set up to scrutinize the activities of private utilities -

MR. NEARY: That is not the point. Do not -

MR. BARRY: - to ensure that they do not engage in profiteering, that they do not recover any more than a reasonable return on investment.

MR. NEARY: They made \$4.6 million last year.

MR. BARRY: Mr. Speaker, I can only assume that this honourable member in his usual underhanded way, through the backdoor, is trying to impugn the performance of this board. Now, Mr. Speaker, I want to express government's confidence in the activities of this board. I want to say that we have not been shown why it is of advantage or benefit to the people of this Province to nationalize Newfoundland Light and Power.

MR. NEARY: What did they do in Ontario?

MR. SPEAKER: Order, please!

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ORDERS OF THE DAY:

MR. SPEAKER: Motion (3). bill no. 72.

On motion of the Honourable Minister of Justice, a bill,  
"An Act To Amend The Newfoundland Engineering Profession Act,"  
read a first time, ordered read a second time on tomorrow.

On motion of the Hon. Minister of Justice, a bill, "An Act Further To Amend The Fire Prevention Act," read a first time, ordered read a second time on tomorrow, carried.

MR. HICKMAN: Presently by leave.

MR. SPEAKER: Presently by leave?

MR. NEARY: No, Mr. Speaker, we have the whole Summer to do the business of this House.

MR. HICKMAN: Okay.

MR. SPEAKER: On tomorrow.

MR. HICKMAN: Okay.

MR. NEARY: The Fall too if necessary.

MR. HICKMAN: Motion 5 -

On motion of the Hon. Minister of Industrial Development, a bill, "An Act To Provide For The Establishment Of The Labrador Coastal Development Corporation," read a first time, ordered read a second time on tomorrow, carried.

MR. HICKMAN: Presently by leave.

MR. NEARY: Why not do it now?

MR. DOODY: We got the whole Summer to do it -

SOME HON. MEMBERS: Inaudible.

MR. NEARY: .... this is a different matter altogether.

MR. HICKMAN: That is right.

MR. NEARY: Why the priority?

MR. SPEAKER: Order, please!

AN HON. MEMBER: Inaudible.

MR. HICKMAN: Motion 6.

On motion of the Hon. Minister of Forestry and Agriculture, a bill, "An Act Further To Amend The Agreement Approved And Confirmed And Set Forth In The Schedule To The Bowater's Newfoundland Act, 1938, And To Make Certain Statutory Provisions Relating To That Agreement," read a first time, ordered read a second time -

MR. NEARY: Presently by leave.

MR. HICKMAN: On tomorrow.

MR. SPEAKER: On tomorrow, carried.

AN HON. MEMBER: Inaudible.

MR. HICKMAN: Motion 7.

On motion of the Hon. Minister of Forestry and Agriculture, a bill, "An Act Respecting The Keeping Of Dogs," read a first time, ordered read a second time -

HON. MEMBERS: Inaudible.

MR. SPEAKER: Order, please!

AN HON. MEMBER: The year after next.

MR. SPEAKER: Order, please! The Chair is trying to hear what is being said and the honourable members to my left and to my right keep interrupting. If they insist I would suggest they leave.

AN HON. MEMBER: On tomorrow?

AN HON. MEMBER: Yes.

MR. HICKMAN: Motion 7.

MR. SPEAKER: We just did Motion 7.

MR. HICKMAN: Motion 8.

On motion of the Hon. Minister of Forestry and Agriculture, a bill, "An Act To Provide For Livestock Insurance And To Create A Livestock Owners Compensation Board," read a first time, ordered read a second time on tomorrow, carried.

MR. HICKMAN: Motion 9.

On motion of the Hon. Minister of Finance, a bill, "An Act Further To Amend The Increase Of Pensions Act, 1974," read a first time, ordered read a second time -

MR. NEARY: Presently by leave.

MR. HICKMAN: On tomorrow.

MR. SPEAKER: - on tomorrow, carried.

MR. HICKMAN: Motion 10.

On motion of the Hon. Minister Of Municipal Affairs And Housing, a bill, "An Act Further To Amend The Department Of Municipal Affairs And Housing Act, 1973," read a first time, ordered read a second time on tomorrow.



On motion of the Hon. Minister of Municipal Affairs and Housing, a bill, "An Act Further To Amend The Local Government Act, 1972," read a first time, ordered read a second time on tomorrow.

On motion of the Hon. Minister of Mines and Energy, a bill, "An Act To Amend The Regulation Of Mines Act," read a first time, ordered read a second time on tomorrow.

On motion of the Hon. Minister of Mines and Energy, a bill, "An Act To Limit The Financial Responsibility Which May Be Incurred By The Province In Respect Of Newfoundland And Labrador Hydro Without Reference To The Legislature," read a first time, ordered read a second time on tomorrow.

On motion of the Hon. Minister of Social Services, a bill, "An Act To Amend The Welfare Institutions Licensing Act," read a first time, ordered read a second time on tomorrow.

On motion of the Hon. Minister of Social Services, a bill, "An Act Respecting Day Care And Homemaker Services, " read a first time, ordered read a second time on tomorrow.

On motion of the Hon. Minister of Transportation and Communications, a bill, "An Act Further To Amend The Motorized Snow Vehicles And All-Terrain Vehicles Act," read a first time, ordered read a second time on tomorrow.

On motion of the Hon. Minister of Fisheries, a bill, "An Act To Ratify, Confirm And Adopt A Guarantee Agreement Made Between RoyMarine Leasing Limited And The Government And Fishery Products Limited," read a first time, ordered read a second time on tomorrow.

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

A bill, "An Act Respecting The Transfer Of Certain Lands From Reid Newfoundland Limited And Mines And Forests (Newfoundland) Limited To Her Majesty in Right of Newfoundland."

On motion clause (1) through clause (3) carried.

MR. CHAIRMAN: Shall clause (4) carry?

MR. NEARY: Mr. Speaker, I would like to ask the minister is there any special reason why the government picked on this date of July 23, 1974? Why not, you know, August 23, 1975? Any particular reason for that date?

AN HONOURABLE MEMBER: Inaudible.

MR. HICKMAN: Oh, yes. It was the date of the conveyance, when the lands were conveyed to the government.

AN HONOURABLE MEMBER: Inaudible.

MR. CHAIRMAN: Shall the recitals carry?

MR. NEARY: Mr. Chairman, before they are carried, I wonder if the Minister of Justice could tell us whether Reids have been paid any money yet or will they be paid now once this bill becomes law? Have they been paid and if so how much have they been paid?

MR. HICKMAN: Mr. Chairman, I cannot answer the exact amount which they have been paid but the amount of money which was negotiated, you know, to pay Reid in return for the land is to be paid over a three year period. So, there was a payment in 1974. In 1975 there is a payment this year, and I believe next year. I can get the exact figures for the honourable -

MR. NEARY: Is it in the estimates?

MR. HICKMAN: It is in the estimates, yes.

MR. NEARY: Well, how much was in there for Reid?

MR. HICKMAN: I do not remember offhand.

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

A bill, "An Act Respecting The Provision Of Funeral Services."

On motion clause (1) through clause (9) carried.

MR. CHAIRMAN: Shall clause (10) carry?

MR. ROBERTS: Mr. Chairman, on clause (10), it is a general question but I think it is in order. As Your Honour will understand, I was not able to ask the question at second reading stage.

I think I know the answer but I would like for the minister please - I guess the Minister of Justice has inherited this one. His new-made colleague seems to have flown the coup unless that is he coming behind.

AN HON. MEMBER: He had to leave for the N.M.A.

MR. ROBERTS: Had to leave for the N.M.A. Well, I think, the minister then is in better hands than I am at present having to deal with the Minister of Justice. Would the minister just give us an assurance that many people, as he knows, feel strongly on this point - that there is no way under this regulatory power or elsewhere in the act that it can be made mandatory in the usual circumstances that a deceased person's remains be embalmed before burial? I understand that to be the policy but I want to be certain on the point.

MR. HICKMAN: It is the policy, Mr. Chairman, and again I discussed it with the Hon. Minister of Health before he left. And I was waiting for the appropriate time to give that assurance that there is nothing in this act which makes it obligatory in any way that the person who wants to proceed or have a funeral in this manner as they always traditionally hold them in Newfoundland, through the church, is obliged to use any undertaker.

MR. ROBERTS: I thank the minister, Mr. Chairman. And a further question along the same lines. Has there been any consultation with - there is at least one group, I am not sure how large it is or anything else. I think they call themselves a Memorial Society. They feel, as do many people, very strongly about some of the issues which can be dealt with in this type of legislation. Have there been any consultation with that group? Have they been sent a draft bill? If so, what is their position?

MR. HICKMAN: So I will not mislead the committee, my understanding and the advice that I received some time ago from the Hon. Member for Carbonear was that there were indeed meetings with this group. I think they are sort of centred at Memorial or they meet at Memorial University.

MR. ROBERTS: Many of the members are active.

MR. HICKMAN: And they had no objection to this piece of legislation. I do not know how many times they met or where.

MR. ROBERTS: Mr. Chairman, again I thank the minister and, you know, there is no real way he can know of nor can any of us of how many times they met. Let me again ask a further question which could also be dealt with under Clause (17), Sir. Is it still possible in this Province when this act becomes law to have a funeral without engaging the services of a funeral director? And there is an exception in Clause - no, Clause (17) deals with people acting as funeral directors who are not funeral directors, you know, in certain narrowly defined circumstances. But what I want to know is if a person wishes, and we are dealing, as the minister would appreciate, with a matter which has public health aspects, very real public health aspects which has legal or forensic aspects. But those are covered now by the requirement that there must be a death certificate and magisterial enquiries or coroners' enquiries, you know, in certain cases or in certain circumstances. But we are dealing with matters that touch upon the very deepest feelings and feelings that come at a time when matters are felt even more deeply by persons than they normally would. Is it still possible and will it be possible for a person or persons to bury deceased people, deceased persons, without recourse to the services of a funeral director?

MR. HICKMAN: I believe the honourable gentleman means as it is today. As I understand it that is a repetition of the first question the honourable gentleman asked.

MR. ROBERTS: No, no. The first one was about embalming.

MR. HICKMAN: Oh!

MR. ROBERTS: About a law coming in that everybody must be embalmed.

MR. HICKMAN: Well again, as I said, I felt that that was an all-embracing question, and I gave an all-embracing answer that to my knowledge there is nothing in this legislation. The Hon. Minister of Health assured me before he left that this legislation is to apply to

people who hold themselves out as funeral directors and embalmers. But in so many, not so many any more, but in certain areas of the Province where there are no funeral directors or funeral services or licenced funeral directors that if anyone wants to continue to follow the existing tradition of simply going to the clergyman and saying, will you please bury me, here is the death certificate, this act does not prohibit in anyway that that be done.

MR. ROBERTS: But, Mr. Chairman, the minister has not allayed my fears.

MR. HICKMAN: (Inaudible).

MR. ROBERTS: The laughter is that the minister said that maybe he can but others of us who are mere mortals find it difficult to go to a clergyman, and I think I quote the minister precisely when he says, here is my death certificate, please bury me. It is like a former

colleague of mine in the House who used to inveigh against, in his words, strikes against the dead and the dying with reference to the hospital disputes. But let me come back because I am not sure I made my point clearly and certainly the minister has not satisfied me, Sir.

As I understand the law, now that is a qualification, it is lawful today in this Province for a person to be buried without engaging the services of a funeral director. The law requires a death certificate and it requires some very, you know, there are also some rules about where a body may be buried and there are health aspects as well in that. Then as well, there are rules or indeed there is protection of the criminal code governing the disposition of remains, of a person's remains. But the minister said as I heard him just now, Mr. Chairman, that nothing in this bill would change the situation in an area of the Province where there is no funeral director. I am concerned with the situation here in St. John's where there are a number of funeral directors. Indeed, my neighbour for eight or ten years was certainly a well-known funeral director, Mr. Geoffrey Carnell whose firm is a very well known one and very active in this kind of work. The point is, will it be possible for a person or a family, whoever is in charge of the disposition of a person's remains, to bury those remains or to dispose of them by cremation without having to hire a funeral director if that family so wishes. Have I made the question clear?

MR. HICKMAN: Yes indeed.

MR. ROBERTS: Okay, and perhaps the minister could deal with it.

MR. HICKMAN: I am looking for, Mr. Chairman, and I have to confess I am looking for the answer here and this bill, it is the first time I have seen the thing, I draw the honourable gentleman's attention to section (17).

MR. ROBERTS: Section (18).

MR. HICKMAN: (17).

MR. ROBERTS: (17). But that only deals with areas where the services of a licensed funeral director are not available.

MR. HICKMAN: Notwithstanding anything contained in this act for the purpose of serving the public in sparsely settled areas of the Province where the services of a licensed funeral director are not available -

MR. ROBERTS: Yes.

MR. HICKMAN: Well now, let us take St. John's. The service -

MR. ROBERTS: Yes, it would not apply to St. John's where services are available.

MR. HICKMAN: No, no, I am using it in reverse. St. John's is a place where the services of a licensed funeral director are available, right?

MR. ROBERTS: Right.

MR. HICKMAN: The Board may, subject to the regulations, issue permits to perform the services of a funeral director to persons who are not licensed as funeral directors under this act.

MR. ROBERTS: But that is -

MR. HICKMAN: I am just wondering if -

MR. ROBERTS: That only says they can issue licenses to unqualified persons. -

MR. HICKMAN: That is right.

MR. ROBERTS: - where there are no qualified persons.

MR. HICKMAN: That is right, yes.

MR. ROBERTS: But what I want to know is if I die tomorrow and if my family say they do not wish to engage the services of a funeral director -

MR. HICKMAN: Can they go out -

MR. ROBERTS: Is this Board that we are now creating going to say, you shall not, you must retain a funeral director.

MR. HICKMAN: Well, all - I cannot speak for what the Board intends to do but -

MR. ROBERTS: But have they the power to do it?

MR. HICKMAN: Well, a very cursory look at this act here this afternoon, I cannot find a power conferred upon the Board to make regulations in



that field. Now, if the honourable gentleman sees one there that he would like to point out to me -

MR. ROBERTS: Well, Mr. Chairman, I share the minister's -

MR. HICKMAN: - - - legislation, it can be done.

MR. ROBERTS: The conclusion of the minister's cursory glance, mine a little more than cursory but still I would not claim, Sir, to be expert in any area of the law, in particular, the proposed act, the section (10) now before the Committee. Well, could the minister give us an assurance that it is the policy of the minister. I mean a lot of people feel very deeply on this issue.

MR. HICKMAN: Right.

MR. ROBERTS: And they may not hundreds and thousands of them but it is an important issue of, really, of human rights because I believe, Mr. Chairman, that a person subject to the criminal law where it is relevant and subject to the -

MR. HICKMAN: Health.

MR. ROBERTS: - public health requirements, a person has the right to do as he wishes with the remains of his earthly body. I mean that. A person should be able to will it to the university for uses, medical, you know, in the anatomy courses. We have an act now to permit that in Newfoundland. It is standard. It is model act across Canada. I would like to see a provision put in that I may do that by direction that is binding upon my heirs and executives, although I cannot do that now. I can cut them out of my will if they do not do it my way but I cannot make them do it. You know, what is it? The property in, it is an offensive phrase but it is the legal phrase, the property in a dead body, as Your Honour will agree, rests with the personal representatives of the deceased. There is a first year law for a case. That is about as far as I got in that area of the law. But can the minister assure us that the policy is firm. You see, what we are doing, Mr. Chairman, and what this regulatory power does, the minister is right insofar as he goes when he says that all we are doing is sort of conferring upon a group of men and women who now practice as funeral directors and embalmers, we are incorporating them

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and that is a good thing. We are not debating the principle of the bill but we would agree the principle is a good thing - upgrade standards, protect the public, provide for disciplinary measures, all very good. But at the same time in most of these incorporation acts

we are getting into closed shops situations. Now I can see where no man practice as a funeral director or no woman, unless he or she has been licenced, I mean that is the pith and substance of the legislation, but I do not want to see the other side of that, whereby this board which under section (10) has certain powers, and I do not want it to sneak in in any way, where that board can then say it is now mandatory that before a person's remains can be buried in this Province a funeral director must be hired and all I ask of the minister is his assurance as a matter of policy, and that is as far as he can go, that that is not the policy of the ministry and if it should come about that people try to do that, that the ministry will take the steps that are necessary to prevent it. That is all I ask really. I think it is a very reasonable request.

MR. HICKMAN: I have no hesitancy in giving the honourable gentleman and this Committee that assurance. Their regulations I presume would have to be approved by the Lieutenant-Governor in Council, would it not? I hope.

MR. ROBERTS: No, Minister only, and I mean we all know how these things get rushed through.

MR. NEARY: Mr. Chairman, things are really getting pretty dead in this House now, Sir. My colleague is absolutely right, Sir, the Leader of the Opposition, that really what he is talking about is the high cost of dying and the Leader of the Opposition is merely trying to pin the minister down to making a commitment that once this bill is passed that it will not be compulsory -

MR. HICKMAN: Right.

MR. NEARY: - To employ the services of a funeral director, whether it is in St. John's or over in Harbour Grace where my honourable and, I was going to say learned, my honourable friend the Member for Harbour Grace practices as a funeral director, that it not be compulsory, This is the point the Leader of the Opposition is making that -

MR. HICKMAN: That is right, Well, I have given that assurance.

MR. NEARY: Right. Okay. Fine. Now so we have that assurance now and we have the minister on the public record as saying that this will not be

so whether it is in an urban centre or in the rural part of Newfoundland, that it will not develop into a closed shop.

Now, Sir, would the minister enlighten us on paragraph (b) of section (10) prescribing courses of training and educational requirements for the licencing of persons to practice embalming in the Province. Where will these courses be run? Will they be run at the vocational schools, at the College of Trades and Technology, Will the university that is so strapped for money, who have just introduced a music course and who run courses in Newfoundland folklore at the university and all kinds of other courses, will this course be run at Memorial University? Will they now bring in somebody from Europe or the United States to run a course in embalming and funeral direction? Will these courses be sponsored by Canada Manpower? Will Canada Manpower now set up a branch to run courses to give students financial assistance to run courses in embalming?

Finally, Sir, what about on-the-job training? There is provision here for apprentices. Will the Department of Manpower and Industrial Relations, my friend the Minister of Manpower and Industrial Relations, will he direct his Director of Employment, if he has one over there, or Director of Apprenticeship Training, will he now direct this gentleman to run an apprenticeship programme, on-the-job training for embalmers? Just what sort of training will this be? Will the minister tell us what course this training will take and, Mr. Chairman, will the minister also tell us when he is on his feet if there is a grandfather clause in this legislation? What about all the people now who are practicing funeral directors in this Province, will they automatically be licenced? Do they have to undergo any training? How did they become experts in embalming and in -

MR. ROBERTS: Cosmetology.

MR. NEARY: - in providing funeral services, Did they take courses? Did they just get the knowledge of burying people from practical experience?

MR. HICKMAN: Are you still asking a question?

MR. NEARY: Yes, Sir. I hope the minister is making notes - I hope the minister is making notes, I am asking a whole series of questions.

MR. HICKMAN: I got all three written down.

AN HON. MEMBER: A serious matter.

MR. NEARY: Will they have to write this exam or will they just automatically be given licences? Will they be called in now by the Minister of Education and told that they have to write an exam, and unless they can pass the examination as embalmers that they will not receive their licence? And how can you revoke a licence, Sir? How can you suspend the licence of a funeral director or an embalmer? On what grounds? Could the minister tell us, for instance, if a licence could be suspended? If the funeral director lost the body, lost the corpse would his licence be suspended? Would that be considered to be a violation of the act and of the regulations? The Minister of Industrial Development can laugh at that, but, Sir, -

MR. DOODY: I am not laughing.

MR. NEARY: - I have heard -

AN HON. MEMBER: Inaudible.

MR. NEARY: - I heard, Sir, that - and my colleague the Leader of the Opposition made reference to the fact that we now have an Act whereby you can donate your body to the University for research.

MR. DOODY: I heard yours was rejected.

MR. NEARY: They have a branch in the new Medical School, I think, where they - what is that called, anatomy?

SOME HON. MEMBERS: Inaudible.

MR. NEARY: Anatomy courses. And two bodies -

AN HON. MEMBER: Inaudible.

MR. NEARY: - I do not know if this is true or not, Sir, but I am told that two bodies were sent from New York to the Medical School and they were lost enroute and have not been found yet.

MR. DOODY: Yes, they are. They are in the Liberal caucus at Ottawa.

MR. NEARY: No.

AN HON. MEMBER: How true.

SOME HON. MEMBERS: Inaudible.

MR. NEARY: Well, Mr. Chairman, I am told this, I do not know if it is true or not, and it is very unlikely I guess that it could happen in the Province, but sending bodies in and out of the Province, Sir, is very likely that it could happen. And I am told that it did happen in the case of these two bodies that were shipped from New York to our Medical School here. And I do not know whose responsibility it is. Is it the responsibility of the Medical School? Were these bodies shipped from New York to the Member for Harbour Grace or to Mr. Carnell or to Caul's Funeral Home?

MR. DOODY: I think they are on the payroll.

MR. NEARY: Or were they shipped - well everybody else is on the payroll over there. I do not know if they had beards - if they had -

AN HON. MEMBER: Inaudible.

MR. NEARY: - maybe they are the ones who are teaching folklore, I do not know - well, Sir, I understand -

MR. CHAIRMAN: Order, please!

MR. NEARY: - they are from Brooklyn the two gentlemen who are teaching Newfoundland folklore at the University, or New York. But, Sir, would they be shipped directly to the Medical School? Would they be obligated to take delivery of these corpses at the airport or at the railway station or however they shipped them or would they be shipped in care of a funeral director in Newfoundland? This is a very interesting question, Sir. And if they were lost, as I am told two bodies were, would the funeral director in Newfoundland then lose his licence? Would he be suspended?

MR. HICKMAN: They would call in the CPR.

MR. NEARY: And what about - I beg your pardon?

MR. HICKMAN: We would call in the CPR to replace the CN.

MR. NEARY: These are some of the questions, Mr. -

SOME HON. MEMBERS: (Inaudible).

MR. NEARY: These are some of the questions, Sir, that I would like to see answered. Every person who is not less than nineteen years of age and has complied with the requirements of this Act -

AN HON. MEMBER: Inaudible.

MR. NEARY: - complied - and the regulations for the grant of it - why nineteen, Sir? The voting age in this Province is now eighteen.

MR. HICKMAN: The age of majority is nineteen.

MR. NEARY: And the age of majority is still twenty-one.

MR. HICKMAN: No, nineteen.

MR. NEARY: Nineteen is it? Well nineteen. The age of majority is nineteen.

MR. ROBERTS: You vote before you obtain your majority...

MR. NEARY: That is right. You can go out and vote, but you are not considered to be eligible to take a course in embalming or in funeral direction. And what will these courses entail, Sir? I mean there is quite a bit of emphasis here on licencing and courses, but what will they entail? You know, how would you determine whether a funeral director has passed the course or not? Would the Minister of Education or the Minister of Manpower go down and examine the stiff, look at the body, judge it on the basis of the make-up? You know, I have often gone to a funeral home, Sir, and I have heard people say -

AN HON. MEMBER: Inaudible.

MR. NEARY: - I have heard people say, Sir, and they really mean well when they say this, that I never saw him look better. That is probably what we will be saying about the Minister of Industrial Development, I never saw him look better. But they do say this, Sir, because the make-up rejuvenates the individual and makes him look very good. Well is this how they will pass their exam?

Will they have to go down, Sir, at the Health Sciences Complex when it is completed and watch autopsies being performed.

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: No. Then what?

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: Nothing to do with it.

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: All right, Sir. Well, I cannot wait, Sir. I am waiting with bated breath here to hear what the Member for Harbour Grace has to say about these questions I am raising, Sir. Because I am sure that he is a walking encyclopedia on -

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: He has it on funeral direction. I do not know if he has a license. I do not think there is any such thing as a license yet, is it?

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: There is a license now. Where do you get your license to now?

AN HONOURABLE MEMBER: In Nova Scotia.

MR. NEARY: In Nova Scotia. Well then, the Member for Harbour Grace, Sir, is probably the most qualified person in this Province to talk about funerals. I would say, Sir, before this year is over he will probably be talking about his own political funeral. But, Sir, I will take my seat. I am anxious to hear what the honourable Member for Harbour Grace has to say in answer to some of these matters I have raised which I think are quite important.

MR. YOUNG: Mr. Chairman, yes probably I will get - I do not know if I can tell it in full detail, Sir, but I will do my best. As for training, first I will go back to what the Leader of the Opposition, one of the questions the Leader of the Opposition asked. I was on this committee when these things were drawn up, and there was -

AN HONOURABLE MEMBER: Inaudible.

MR. YOUNG: This bill was drawn up or prepared -

MR. ROBERTS: By funeral directors?

MR. YOUNG: Yes. It was done by the Department of Health in consultation



with the Memorial Society. I am sure that they are at least in agreement with just about everything that is here.

As for training, Sir, you train here now - In Newfoundland you get the license from the Department of Health. If you want to advertise as a certified embalmer, you must practice at least one year as a certified embalmer. Now, there are not many embalmers outside of St. John's who are certified embalmers. Personally I went to -

MR. NEARY: Certified by -

MR. YOUNG: By the Department of Health

AN HONOURABLE MEMBER: Inaudible.

MR. YOUNG: Yes, they are. I am a certified embalmer.

AN HONOURABLE MEMBER: By our Department of Health?

MR. YOUNG: Your Department of Health.

MR. ROBERTS: It is not my department but perhaps -

MR. YOUNG: By the Department of Health, the Government of Newfoundland Department of Health downstairs will certify that I am a certified embalmer. When I get - I have made out an application -

MR. ROBERTS: When was the honourable gentleman certified?

MR. YOUNG: Pardon?

MR. ROBERTS: When was the honourable gentleman certified?

MR. YOUNG: In 1969.

MR. ROBERTS: Before Alex was minister and not -

MR. YOUNG: I do not suppose it matters.

MR. ROBERTS: First part inaudible. I never certified the honourable gentleman.

MR. YOUNG: I will circumsise you. I went to Nova Scotia. I trained there.

MR. ROBERTS: When they had the honourable gentleman, they threw away the best part.

MR. YOUNG: Perhaps that is it, yes. I came back and I wrote an examination, and I was - I do not know. Probably the man, the man, the examiner who I wrote the examination for was probably afraid to look at someone dead, you know. So -

AN HONOURABLE MEMBER: Inaudible.

MR. YOUNG: Afraid to look at a remains. So, I do not think he knew too much about embalming, the fellow who certified - you know what I mean.

MR. ROBERTS: Well, there was an examine -

MR. YOUNG: Yes.

MR. ROBERTS: - and the honourable member was certified following that?

MR. YOUNG: Now, at the present time in Newfoundland, you go up to Carnell's or some - these people went away and got their training. I am sure every man at Carnell's is a certified -

HONOURABLE MEMBER: Inaudible.

MR. YOUNG: I can practice in Nova Scotia because I learned in Nova Scotia.

MR. ROBERTS: Embalming there any different than embalming anywhere else?

MR. YOUNG: No -

MR. ROBERTS: Could the honourable gentleman go to Ontario?

MR. YOUNG: I cannot. I have to go and write for a license up there, you see.

MR. ROBERTS: Well, that is all.

MR. YOUNG: Every Province has a different -

MR. ROBERTS: Lawyers have the same thing.

MR. YOUNG: Yes, that is it. I mean I am probably not qualified - Now, getting back to embalming, Sir. That is where the training is involved. You are asking - the honourable Member for Bell Island said, what would disqualify you from practicing. Well, there are headaches in this too also. There was one person last year in this Province who should be if we had had this act in, disqualified from practicing as a funeral director.

AN HONOURABLE MEMBER: Inaudible.

MR. YOUNG: No, he was a member of the Atlantic Association, Funeral Directors Association and they -

MR. ROBERTS: That is a trade association.

MR. YOUNG: Yes, I know. But he would be allowed to practice in Nova Scotia now because of this act -

MR. ROBERTS: Is somebody now practicing ..... who should not be practicing.

MR. YOUNG: If we had these rules and regulations, he would not be allowed to do it. I would say yes.

AN HONOURABLE MEMBER: What grounds did they have to do that sort of thing?

MR. YOUNG:

Well, I do not know. It was a court case and I do not know if I should speak of it. But, for instance, look, I know - let me speak about Nova Scotia, no, New Brunswick last year, There was one person, a funeral director who lost his licence by a funeral arrangement made in Toronto with an expensive casket. And it was discovered that after that casket came down for that person to be buried in New Brunswick, that the funeral director switched caskets and put him in a much cheaper casket.

MR. ROBERTS: The New Brunswick funeral director.

MR. YOUNG: Yes.

MR. ROBERTS: That is criminal fraud.

MR. YOUNG: Yes, and therefore he was disqualified and barred from -

MR. ROBERTS: He should have been put in jail.

MR. YOUNG: Yes, well I do not know if he was or not. So these are some the things. Now the requirements with regards to a funeral -

MR. ROBERTS: You do not need a board just to take care of that. The fellow should have been put in jail.

MR. YOUNG: Well, I do not know if he was or not. But he also lost the right to practice in New Brunswick and there are quite a few more of these things. Losing bodies and so forth, I do not know - the only requirements that we have in Newfoundland probably by the Department of Health today to ship a remains out of Newfoundland is what TCA or Air Canada or EPA tell us.

MR. ROBERTS: Two first class air fares.

MR. YOUNG: No, I think they require that human remains must be embalmed.

MR. ROBERTS: Or medically sealed as embalmed.

MR. YOUNG: Yes, medically sealed - then, Sir, you were asking -

MR. ROBERTS: Two first class air fares.

MR. YOUNG: No we go by air freight now, All air freight now.

MR. ROBERTS: It used to be two first class air -

MR. YOUNG: Yes, but all air freight now. And something else you asked there, concerning if you can have a private funeral, you know what I mean, do it on your own. Now I do not know if there is anything to stop you from doing it, but where would you in St. John's today and there is no act there at all,

be able to conduct a private funeral.

MR. NEARY: Inaudible.

MR. ROBERTS: Inaudible.

MR. YOUNG: No, you know I mean the services there and who would have the equipment, you would have to go and hire the equipment from your funeral director.

MR. ROBERTS: You could go dig a grave in your backyard if you want to.

MR. YOUNG: I do not think so.

MR. ROBERTS: There is no law against it.

MR. YOUNG: I think there is.

MR. ROBERTS: Is there a law requiring you to be buried in a true burying ground?

MR. YOUNG: Yes. Yes.

MR. ROBERTS: I do not think there is. Who approves a burying ground? The Health Department Department approves their location.

MR. YOUNG: Well I mean I have got no -

MR. ROBERTS: I know -

MR. YOUNG: What other question was asked?

MR. ROBERTS: .....if there is any loophole? I know of no law which says a person must be buried in an approved burying place. It is a good point to check.

MR. YOUNG: I do not know. But I suppose we are really on a more or less the religious denominational thing and -

MR. ROBERTS: Some people's religion is no religion.

MR. YOUNG: Yes. Well I do not know whether - I have never run into these.

Usually on the Mainland now most of the cemeteries are convened and run by civic officials.

MR. ROBERTS: The churches do not require a funeral director to serve as -

MR. YOUNG: No. No.

MR. ROBERTS: ..... in St. John's. They open the grave. They do not have to hire a funeral director -

MR. YOUNG: To open the grave.

MR. ROBERTS: - to open the grave at Mount Pleasant Cemetery, I mean, or Holy Sepulchre or Mount Carmel, is it, on Topsail Road?

MR. YOUNG: I do not know if there are more I could answer. I mean ask me and I will try to, I am sure that -

MR. ROBERTS: I thank the honourable - This is more lively than most of the matters the ministry have brought before the House, Mr. Chairman. I might add it is at least of equal importance with much of the legislation. I thank the gentleman from Harbour Grace, he and I had passages at arms and at arms length but, you know, not on this matter, but the Minister of Justice might look into it or somebody who has had occasion to look up the law on the matter. I do not think there is any requirement in Newfoundland that a body must be buried only in a, or can be buried only in an approved burying place.

I know of, now I know of places for example in St. Anthony, Sir Wilfred and Lady Grenfell and three or four other people, their cremated remains, but I mean it is still what is left of a human body after the cremation, are buried in a cairn or in a special place across, atop a hill called Tea House Hill and there is a plaque there. I know in Williamsport, just south of, between Hooping Harbour and Harbour Deep and White Bay, there were four people killed in a plane crash, five I am sorry, four of them were Japanese working at the whaling plant at Williamsport and there is a Shinto Memorial, I use the term memorial, I do not know what the term is in the Shinto belief, but anyway there is a Shinto Memorial there that was placed there by the Japanese because the men who were killed adhered to the Shinto faith. I do not think there is a requirement,

requirement nor to my -

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Well my friend reminds me, you know, crypts in churches - I know of a case where, you know, a bishop or a high church official has been interred in a crypt in a church. I mean that is an old tradition going right back I suppose to the Catacombs and to St. Peter's in - the Popes, Sir, are interred in St. Peter's in Rome, you know, which is the Pope's church as Bishop of Rome. The - I think it is. Is St. Peter's in Rome, the City of Rome or the Vatican?

But in any event, Mr. Chairman, you know, there is -

AN HON. MEMBER: What about Westminster?

MR. ROBERTS: - whether or not - well, Westminster Abbey - maybe the honourable gentleman for Harbour Grace could answer this question for me. I have always wondered - he has been - has the honourable gentleman seen Westminster Abbey or some of the English churches? Well, you know, they are covered with - and this is relevant to regulations, Your Honour. There is a point here about regulations. I mean we should have regulations on this point. You know, the floor is covered with plaques, here lies - well the famous one is Pepys in St. Paul's, you know, it is written on his tomb "If you would see his monument look about you." He was the architect of that great Cathedral. But bishops and men and women are - you know - plaques there, some of them very old. It is a great industry to go along and to make brass rubbings to, you know, to rub the brass with a - the same thing we used to do with pennies and a bit of lead - Your Honour doubtless out in Boyarles of an evening as a young lad would take a penny or a nickel, depending on the state of affluence at the moment, and, you know, put a bit of paper over it and rub it with a lead pencil and get the impression. I hope Your Honour did not pass it for currenny for Your Honour then would have been open to a forgery charge. But I have always wondered are people actually buried because the floor is only a foot or two

deep. You can go underneath the floor of Westminster Abbey down into the crypt and you pay your - it used to be six pence but they have now gone decimal in England since I was there, and I suppose it is fifty new pence or fifty pence or whatever they call it. But, you know, do they actually bury people there or what? Does the honourable gentleman know? I do not know. I always wondered. But any way, maybe we should have a power - I suppose, Your Honour, So anyway, maybe we should have the power - I suppose, Your Honour, this is a little digression from the rules and regulations.

I would like to come back - where is the Minister of Justice gone? That man needs a seat belt, Mr. Chairman. He needs a cue. Here he is piloting a piece of legislation through Committee stage, the place where there are detailed regulation, detailed discussion. There are only two, four, six, seven - I think we should have a quorum count, Sir, while we find the Minister of Justice and ask him to return. I am serious. I mean it is his legislation, Mr. Chairman. Could we have a quorum call please, there are not fourteen in the Chamber at present.

MR. ROBERTS: It is three minutes.

MR. NEARY: The time is up, Sir, Adjourn the House.

MR. CHAIRMAN: We have a quorum.

MR. ROBERTS: Thank you, Mr. Chairman. I am -

MR. MURPHY: Here comes the kindergarten.

MR. ROBERTS: - if the honourable gentleman

opposite - no, Sir, I took a pledge not to engage in provocative debate even with the honourable gentleman -

MR. MURPHY: I am glad you took a pledge for something.

MR. ROBERTS: - even with the honourable gentleman from St. John's Center. If he wants to play his gutter politics, as always, he will play it alone.

MR. SPEAKER: Order, please!

MR. ROBERTS: Mr. Chairman, as I was saying -

AN HONOURABLE MEMBER: Inaudible.

MR. CHAIRMAN (STAGG): Order, please, gentlemen!

I would not want this to get out of hand. So, I suggest to honourable gentlemen that they are dealing with section 10 which is fairly broad. We can have very broad debate on it. However, I do not think it is broad enough to cover insulting remarks between honourable members.

MR. ROBERTS: Thank you, Mr. Chairman. I wonder if the minister now that he is back with us, and I am glad to see him here, could let us know - this is another contentious point - could let us know whether there is any provision in the regulatory power, or for that matter in the act - because I would prefer the minister to deal with it now. If not, I will come back to it on the title and the general clauses. There are a couple here yet. For the association, perhaps the gentleman from Harbour Grace might know the answer because I would assume he is familiar with the act and as he has told us he has been involved in helping to prepare it, you know, have it drawn up and brought forward - whether there is any provision which would allow this board or the association, but I am particularly concerned with the board because the association of funeral directors is still a private body. I do not know whether it is incorporated or not but you know, it has not got any existence under this legislation or any other that I am aware of except possibly the Companies Act, if it is under that Act, but whether this board can set the fees which, not which the members pay to have their license. They have that power, Sir. That is quite clearly spelled out in this section we are now debating. I mean, that is legitimate enough, twenty-five, fifty dollars a year to pay the board's printing costs and the board's other costs whatever they may



be, but whether they have the power to set fees and if so what power. I think this is a - the minister is looking through the act as an I, but the difference is I am not sponsoring the act. I can find no power in the act but we are a little wary of legislation which the administration bring in. I had a comment today given to me by a gentleman who referred to the Wildlife Act as being sort of a mini-War Measures Act, you know, so we are very tender. We are going to scrutinize very carefully at this committee stage.

Is there any power, or if not, is there any thought that we will end up with a situation whereby people, funeral directors, cannot offer their services except at certain minimum levels. I ask that because there are disciplinary powers, you know, and I would not want the situation where a funeral director set up and if the going rate for a funeral was, say, \$100, he was able to, by being an efficient operator and perhaps not taking quite the same profit margin, he would be able to offer his services at say \$80, I would not want to see the situation where either that was prohibited or alternately was not prohibited but he ended up being disciplined by the board. This is always a danger, Sir, with these closed shop arrangements that this legislature has created and other legislatures have created.

I sometimes think we should have a generic act to make these things clear because there must be twenty of these statutes on the books of Newfoundland now, Sir. My own profession, Your Honour's profession of the bar is the ultimate example of closed shops, union shop, closed shop, so forth and so on. It is a dangerous power and I think more and more people are coming to feel that these powers should be exercised with great discretion or great caution. Perhaps the minister could address himself to that point if he would, Sir.

MR. HICKMAN: Mr. Chairman, there is nothing in this act which gives the Association or members of funeral directors the right to set minimum scale fees. Indeed I believe there is a body of law developing now on the interpretation of the Combines Act and also a bill that is either before the House of Commons or -

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MR. ROBERTS: The House of Commons.

MR. HICKMAN: I forget the number of it - that in order for professional societies to avoid any penalties under that act, they must provide by legislation -

the Province can confer upon a professional society the right to set minimum scale fees. That is within the competence of the provincial legislature. Unless the provincial legislature does that and they can prove that a group have acted as a combine to set fees, my understanding is that this will constitute defense. Most surely there is nothing in this act at all to give them that power.

That is right, keep her going by all means.

MR. NEARY: Mr. Chairman, the minister did not indicate, Sir, anywhere, I do not think, in his answers who would comprise the Board. How would the Board be selected? On what basis would the -

MR. HICKMAN: - - - is a matter of principle -

MR. NEARY: No, Sir, no, I am asking the - The Board is referred to all the way down here in section (10), (11), (12), (17), the Board. Will the Board - Is the minister introducing this bill now just to find jobs for defeated Tory candidates after the next election?

MR. HICKMAN: Do not be so silly!

MR. NEARY: Will they qualify to be members of the Board?

MR. HICKMAN: Do not be so -

MR. NEARY: The same as Mr. Peddle became the ombudsman? Will the minister tell us if there will be any -

MR. HICKMAN: This is out of order, Mr. Chairman.

MR. NEARY: Tory hacks or -

MR. HICKMAN: I refer you back to clause (3).

MR. NEARY: Clause (10) we are dealing with now.

MR. HICKMAN: We are not. Clause (3) sets forth the constitution of the Board.

MR. NEARY: Clause (10) says the Board may subject - the Board, I want to know who the Board will be.

AN HONOURABLE MEMBER: - Defeated P.C. candidates -

MR. NEARY: Will the Board be political party hacks, flunkies?

Will the Board be defeated Tory candidates?

MR. CHAIRMAN: Order, please! Order, please! I suspect the honourable gentleman has made his point. However, the point of order

has been raised by the Minister of Justice and I feel that he is correct. The Board, the definition of it has been dealt with on second reading and also the clause dealing with it in particular has already passed. So, the honourable gentleman is out of order at this point.

MR. NEARY: Well, I must apologize to the Chair, Your Honour. I was not in the House. I was outside of the House on second reading of this bill and I apologize to the Chair. I was in Harbour Grace last night when this bill passed through second reading.

MR. ROBERTS: Arranging the honourable gentleman opposite's demise.

MR. NEARY: I was arranging the demise of the honourable Member for Harbour Grace. But, Sir, -

MR. YOUNG: Some choice!

MR. NEARY: And I accept Your Honour's ruling. Perhaps one of my colleagues would enlighten me as to just how the Board will be picked. But, Sir, -

MR. ROBERTS: Well, after the next election, this side will be picking the Board anyway.

MR. NEARY: No, well, maybe not. But, Sir, I am interested in another matter, Sir.

MR. EVANS: Shot down again!

MR. CHAIRMAN: Order, please!

MR. NEARY: Unless there are no applicants, unless there are no applicants for examinations, we are told in the act, that the Board shall hold at least one examination in each year. I wonder if the minister would indicate to us whether the Board intends to travel around the Province? Will the examination of embalmers and funeral directors just merely be confined to St. John's or will the Board be authorized to travel outside of - I know what Your Honour - Your Honour is going to say it is section (11) I am dealing with. Well, it is also covered under section (10) I think prescribing the procedure of the Board.

MR. ROBERTS: It is quite in order, Your Honour.

MR. NEARY: - perscribing the procedure of the Board, perscribing the procedure of the Board or such committee of the Board as may be constituted for the purpose of a hearing of complaints and so forth. So, I will deal with complaints.

MR. ROBERTS: Section (10) deals with the place of meetings.

MR. NEARY: Yes, I know. But the law clerk seems to think that I am on the wrong, on the wrong -

MR. ROBERTS: The law clerk - (Inaudible) - as the honourable gentleman from Bell Island well knows is accessible.

MR. NEARY: That is right. Well, I do know a little bit about parliamentary procedure and I think I am perfectly within my rights and Your Honour, I think, would probably agree. But if there are complaints, if there is a complaint, for instance, from Corner Brook -

MR. HICKMAN: This is an absolute abuse of the rights of the House.

MR. ROBERTS: Mr. Speaker, to a point of order, Sir. The honourable the Minister of Justice just said that this is an absolute abuse of the rights of the House. Now, Sir, that is contemptuous of Your Honour because Your Honour is persiding impartially and efficiently and effectively. If there was any abuse to the privileges of this House, Sir, Your Honour would be the very first to, as I can attest with some vim and vigor, to enforce them. I think the Minister of Justice - we on this side clearly heard it, Sir. Your Honour may well say that Your Honour did not hear it - but we clearly heard the Minister of Justice Sir. Now, if he does not understand the act, Sir, then he should welcome the questions. If he does understand it, then he should answer the questions. But in either event, Mr. Chairman, if there is anybody out of order Your Honour is the first to do the right and proper thing. Surely, Sir, the honourable gentleman opposite should be directly to withdraw those remarks and refrain from making them again.

We are not particularly concerned whether in his opinion, Sir, this is an expeditious use of time or not. We are concerned, Sir, with the rules of the House with answering to our constituents.

Mr. Chairman (Mr. Stagg): Order, please!

While I thank honourable gentlemen for their guidance and direction in carrying out the duties of the Chair, I think it all arose as a result of my appearing to challenge the member for Bell Island in his remarks which appear to be directed more towards Section 11 rather than Section 10 with which we are dealing. He then hastened to attempt to make his remarks relevant, and I was satisfied that he, at least, was making a good attempt. The remarks of the Minister of Justice may have been intemperate. However, I am not prepared to chastise him other than to say that. And basically at this point it would be a disagreement between honourable members and probably the Chair will have to be exceedingly vigilant so that proceedings do not deteriorate.

MR. NEARY: Mr. Chairman, I want to go back to 10 (1)(a), Sir, respecting the holding of meetings including the place, time, notice and order of business to be conducted at such meetings. Now, Sir, this administration, when they were campaigning in two provincial elections in 1971 and again in 1972 said, made a statement, a solemn promise to the people of this Province that they intended to bring government to the people, to bring government to the people.

MR. HICKMAN: Sir, on a point of order. This House, I am sure, has been patient. Your Honour has been very, very patient. If to the few brave souls who still remain in the galleries, if this is not -

MR. NEARY: There is no quorum in the House, Mr. Chairman.

MR. HICKMAN: - if this is not an apparent attempt -

MR. NEARY: Could we have a quorum call, Mr. Chairman.

MR. CHAIRMAN (Mr. Stagg): Ring the bells.

We have a quorum.

MR. NEARY: Mr. Chairman -

MR. CHAIRMAN (Mr. Stagg): Order, please!

The rules are silent on the comments of members during these quorum calls, However, I believe we should not carry on conversations

with people other than those who are certainly within the confines of the Assembly itself. I ask honourable members if they might keep that in mind.

MR. NEARY: Mr. Chairman -

MR. CHAIRMAN (Mr. Stagg): The Hon. Minister of Justice was speaking on a point of order.

MR. HICKMAN: In committee, we are now getting into a debate on the principle of the bill which cannot be permitted in committee and is not permitted in committee, and secondly the Hon. Member for Bell Island is being irrelevant. It is hard, Mr. Chairman, it is hard to even believe that we are discussing the bill that is presently before the House. And if ever I have seen an attempt to slow down the business of this House! The Hon. Leader of the Opposition said earlier that this was not a very important bill. He was very critical of the administration by extension for bringing it in. Now we suddenly find a deliberate attempt to take up the whole session of this afternoon's sitting of the House on a bill that went through that was debated fairly and extensively last time. Why was there a sensible debate - I pose the question: Why was there a sensible debate last night?

MR. NEARY: Mr. Chairman, to that point of order.

MR. CHAIRMAN: Order, please!

MR. NEARY: Could I speak to that point of order?

MR. CHAIRMAN: I have all the debate I need on this point of order and I suggest to the Minister of Justice in this case and to other honourable members that rising on a point of order is not an opportunity to make a long speech and a person should -

MR. HICKMAN: Inaudible.

MR. CHAIRMAN: An honourable member should direct himself incisively and concisely to the point and then resumed his place. Now the point of order raised by the honourable minister is quite correct.

MR. NEARY: The length of time it takes me to -

MR. CHAIRMAN: The Member for Bell Island, at least while I act by the Chair, will not be permitted an irrelevant preamble to a relevant point which is what he was doing. The intimation is that the point he was making was relevant. Well his points leading up to his relevant point were irrelevant. So the honourable member may proceed but with relevant matters.

MR. NEARY: I am not quite sure whether I understand Your Honour's ruling or not but I will try, Sir, to be as relevant as I can.

Regulations 10 (1) (a) respecting the holding of meetings including the place, time, notice and order of business to be conducted at such meetings. Now, Sir, so far we have seen no evidence whatsoever of a promise that was made a couple of years ago of bringing government to the people and I sincerely hope, Mr. Chairman, that this will be the first indication by the administration, Sir, that they now intend -

MR. HICKMAN: Mr. Chairman, on a point of order, Your Honour has just ruled that the honourable gentleman from Bell Island is totally irrelevant, and to get up now and talk about this participatory democracy or whatever it is the honourable gentleman is talking about and try and relate this to clause 10 of the Embalmers and Funeral Directors Bill and their power to make regulations, nothing could be more irrelevant.

MR. NEARY: To that point of order, Mr. Chairman.



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

MR. NEARY: Mr. Chairman, to that point of order, Sir.

AN HON. MEMBER: Sit down. Sit down.

MR. CHAIRMAN: Order, please! The honourable member has made the same point he made before and it has to be irrelevant. I have already ruled that it was irrelevant, now the honourable member challenged my ruling which would bring in the Speaker and -

MR. NEARY: I challenged your right to give a ruling before we could speak on a point of order.

SOME HON. MEMBERS: Inaudible.

MR. CHAIRMAN: Order, please! This afternoon began on a pleasant note and I am still in a rather pleasant mood and it is going to be rather difficult for honourable members to change that. However, they certainly seem to be trying to do so and the honourable member being the experienced parliamentarian that he is, I think that is well acknowledged, knows that the point he is making with regard to 10 (1) (a) does not deal with matters that 10 (1) (a) is designed to cover. So if the honourable member is irrelevant I may have to invoke section 45 of the Standing Orders.

MR. NEARY: Mr. Chairman, under section 10 - and I accept Your Honour's ruling, I intend to ask some questions within the narrow outline just given to me by Your Honour - the board may, subject to the approval of the minister, make regulations and consistent with this act or with the Department of Health Act (1) (a) respecting the holding of meetings, including the place, time, notice and order of business to be conducted at these meetings.

I sincerely hope, Mr. Chairman, that the minister in his wisdom, Sir, will not merely restrict meetings to -

MR. HICKMAN: Mr. Chairman, so as we will not get bogged down in Committee, on that point of order again, the honourable gentleman is not asking a question, the honourable gentleman is getting into a debate on the principle of the bill which is not permitted in Committee. It is as simple as that. And I take issue with Your Honour's comment a few minutes ago that the honourable gentleman from Bell Island is a recognized parliamentarian. That is not correct.

obviously he does not know the fundamental rule of Committee

MR. NEARY: Mr. Chairman, under that point of order, Sir, I would submit or suggest to Your Honour that he now invoke rule number 45 as Your Honour suggested that he would there a few moments ago.

MR. HICKMAN: Rule 45? What rule is 45?

MR. CHAIRMAN (STAGG): Order, please!

Well, the rule which I was referring to actually I was referring to from memory and my memory was faulty. It is section 51 (b) which deals with persistence in irrelevance and if that - if honourable members wish to persist in irrelevance, of course, I will involve section 51 (b). Section 45 to which I referred I think may have been -

MR. NEARY: Your Honour was wishing he was out of the Chair.

MR. CHAIRMAN (STAGG): The wish may have been father of the thought there. That is a motion that the Chairman leave the Chair.

MR. NEARY: Mr. Chairman, I am trying to get the minister to give me some information concerning meetings.

MR. HICKMAN: All right. Then sit down and I will give it to you.

MR. NEARY: Well, the last ten minutes I have been trying the minister has been up ten times on points of order.

SOME HON. MEMBERS: (Inaudible).

MR. NEARY: With respect, Mr. Chairman, to the holding of meetings. Will meetings be restricted to St. John's or urban centers along the Trans-Canada Highway or will meetings be held all over the Province?

MR. HICKMAN: I have the question.

MR. NEARY: Will they be held in Labrador City? Will they be held in Labrador South?

MR. HICKMAN: They will be held -

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: Will they be held over on Bell Island? Will they be held up in Harbour Main? What is the policy? Where will the meetings be held?

MR. DOODY: Patching, matching and dispatching.

MR. NEARY: I beg your pardon?

MR. DOODY: Patching, matching and dispatching.

MR. NEARY: Mr. Chairman, this is a fair question. Will the meetings be held in a church hall? Will they be held in the courthouse? Will they

he held in a funeral director's parlor?

AN HONOURABLE MEMBER: No, in the cemetery.

MR. NEARY: Thank you, Sir.

MR. HICKMAN: This, Mr. Chairman, is the worse evidence of filibustering and wasting of the taxpayers money since I came into this House -

MR. NEARY: Mr. Chairman, I want to remind Your Honour that we are told, Sir, that the House will adjourn today until next Thursday.

MR. HICKMAN: Right, because the House Leader, Your House Leader and I agreed that there are certain pieces of legislation that could be easily, passionately, effectively, intelligently, debated and passed this afternoon. He and I underestimated the total lack of intelligence -

MR. NEARY: Mr. Chairman, this is a very important piece of legislation -

MR. HICKMAN: - of the honourable Member for Fell Island.

MR. NEARY: A very important piece of legislation.

MR. HICKMAN: It certainly is.

MR. NEARY: And I am prepared, Sir, to carry on the business of this House without interruption. But, the government sees fit to adjourn the House today until next Thursday.

MR. HICKMAN: Right.

MR. NEARY: Now, that is the crowd are talking about priorities and getting on with the business of this Province.

The minister perhaps can tell us where and when these meetings will be held. Will they be held in courthouses, public halls, recreation centers?

MR. HICKMAN: Yes.

MR. NEARY: They will?

MR. HICKMAN: Yes. The ones that you are going to attend will not be held in any of these places. None!

MR. NEARY: Will they only be held prior to a provincial election?

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: Mr. Speaker, this is pretty serious business we are talking about here. Now, would the minister give me a couple of answers. Perhaps

if I get the answers I am looking for, we can go on to section (h).

MR. HICKMAN: Mr. Chairman, let me try to give the answers. Number one, any half-wit, any half-wit would know that a piece of legislation like this one that simply confers upon the board the power to make regulations, that there is nobody but the board itself when it is duly constituted would have the slightest indication or intention as to where -

MR. DOODY: Not every half-wit.

MR. HICKMAN: I said every half-wit.

MR. DOODY: Yes, but it is not every half-wit. It is one half-wit.

MR. HICKMAN: No, no. Even a half-wit, you know, is an improvement on no wit at all - would know that a board does not have that power.

In the meantime, Mr. Chairman, I move that the Committee rise report progress - and I say that with tongue in cheek - and ask leave to sit again.

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

MR. CHAIRMAN: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed Bill No. 50 without amendment, and have made some progress on Bill No. 52, and ask leave to sit again.

MR. SPEAKER: The Chairman of the Committee of the Whole reports that they have considered the matters to them referred and report having passed Bill No. 50 without amendment, and Bill No. 52 with some progress, and ask leave to sit again.

On motion report received and adopted.

MR. HICKMAN: Mr. Speaker, I move that when this House adjourns this afternoon it adjourn until Thursday at 3:00 of the clock.

MR. NEARY: Boo! Why not carry on with the business of the House? Let us talk about unemployment...

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

MR. SIMMONS: They are avoiding Private Members' Day.

MR. SPEAKER: It is moved and seconded that the House at its rising do adjourn until tomorrow, Thursday at 3:00 of the clock. Those in favour "Aye", those against "Nay", carried.

MR. ROBERTS: On a point of order. That is not a debatable motion. Is it an amendable motion? I think there are precedents that that motion has been amended, Sir.

MR. SPEAKER: No.

MR. ROBERTS: Well, okay.

MR. SPEAKER: The motion is carried.

MR. HICKMAN: Now let us go back so that the public can see just how interesting these gentlemen are, We will go back to Committee of the Whole again. The Committee of the Whole.

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

COMMITTEE OF THE WHOLE

MR. CHAIRMAN: Bill No. 52.

A bill, An Act Respecting The Provision Of Funeral Services."

MR. NEARY: Welcome back. Sir, I am very concerned about Section (g) of Regulation No. 10 "limiting the granting of licences to residents of the Province." We have seen this happen in the case of

the dentists, Sir, and the doctors. I do not know about lawyers, yes, lawyers too. When -

MR. HICKMAN: Mr. Chairman, I wish to rise on a point of order. The honourable gentleman is getting in - this is really debating the principle of the bill, and you cannot debate the principle of a bill in Committee. That is such a fundamental rule that has been invoked - we have not invoked it on this side of the House like it used to be.

MR. ROWE: The granting of licences.

MR. HICKMAN: No, Mr. Chairman, the time to debate that is when you are debating the principle of the bill. And, Mr. Chairman, I ask Your Honour's indulgence and ruling that -

MR. NEARY: Mr. Chairman, to that point of order. The Minister of Justice, Sir, who raised the point of order may be aggravated, irritated, upset, bored, browned off, may feel that the should be on the Bench and not in the House, but, Sir, that was not a legitimate point of order. I am dealing

with a specific section, Sir, of this act. That is the whole purpose of Committee of the Whole, to deal with the act item by item. I am not debating the principle of the bill, Your Honour.

AN HONOURABLE MEMBER: You are.

MR. NEARY: I am dealing with limiting the granting of licenses to residents of this Province. I am dealing with a specific section of the act, Sir, not the general principle of the bill. I will submit I am in order, Sir. This has been the tradition of this honourable House down through the years.

MR. HICKMAN: No, completely opposite. Completely opposite.

MR. NEARY: No, Sir, it has. The Minister of Justice knows that. If he does not like the heat he can get out of the kitchen. Resign, go away.

MR. HICKMAN: There is no heat. I know what -

MR. NEARY: Mr. Chairman, I am speaking to the point of order, Sir.

MR. HICKMAN: Have you not finished yet?

MR. NEARY: No, I am not.

MR. HICKMAN: Oh, good! But why will one of your honourable colleagues not help you - -

MR. NEARY: Sit down. Sit down while I am speaking to the point of order.

MR. HICKMAN: - and say something in five words that takes you an hour.

MR. NEARY: Mr. Chairman, has the Minister of Justice taken leave of his senses, Sir!

MR. HICKMAN: I am -

MR. NEARY: Maybe he should call in reinforcements. If he is unable to lead the government in this House, Sir, let him turn his responsibility over to the Minister of Mines and Energy or to the Minister of Education.

MR. CHAIRMAN: Order, please! Order, please! The honourable member may direct himself to the point of order. However, his other comments are irrelevant. It may be that I am wrong, not inconceivable, highly

unlikely maybe, perhaps, in my own opinion, at least. However, I believe that the honourable member is relevant. If we are dealing with section (10)g which deals with the limiting of granting of licenses to residents of the Province and his discussion is pertaining to that, I see no reason why we cannot hear him. I have heard the reverse argument at times when we are speaking to the principle of the bill that members should not direct themselves to specifics, and specifics that should be more elaborately dealt with in committee. So, if we accept both arguments the honourable members would not be able to speak with anything. So, I will hear the honourable member.

MR. NEARY: Thank you, Mr. Chairman. This is a matter of life and death, Sir, as far as I am concerned, section (g). But what I am asking the Minister of Justice to clarify, Sir, is why it was necessary to put clause (g) into this act limiting the granting of licenses to residents of the Province and what is done in other Provinces of Canada? Is this clause in keeping with what we see in similar legislation in other Provinces of Canada, Sir? Why is it there? Will it be considered as an invasion of peoples' human rights? What will Doctor Bhattacharya, whatever his name is, what will he think of it? Does this restrict the free movement of qualified people in Canada? We are a Province of Canada, Sir. There are no boundaries, no borders, no immigration. Cannot people who are qualified move back and forth from one Province to another? The Member for Harbour Grace took his training over in Halifax and he can practice in Halifax but he tells us he can also practice in Newfoundland. Well, why is that so? Why is his license valid here when he did his training in Halifax? Is he the exception to the rule?

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: Yes, Sir, you do have to answer all of that because these are legitimate questions.

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: I beg your pardon?

AN HONOURABLE MEMBER: Inaudible.



MR. NEARY: So, Sir, what I want to know, Mr. Chairman, what I want to know is why this clause was put into the act. Is it going to be considered as a breach of Mr. Diefenbaker's constitution, his bill of human rights, Canadian Bill of Human Rights. Can, for instance, a person in Ontario who wants to come into Newfoundland to practice, can he under the Canadian Bill of Human Rights come into this Province and bury people if he is qualified and he has a license and he is registered in Ontario?

Mr. Chairman, the reason I am making this point, Sir, is because Provinces are getting away from this type of thing more and more. If my friend, the Minister of Manpower and Industrial Relations was here he could tell you.

AN HONOURABLE MEMBER: He is here.

MR. NEARY: He is here. Well, he can tell you, Sir, that a number of meetings have been held with Ministers of Manpower and Ministers of Labour right across Canada to try to get uniform standards right across Canada so that electricians, so that their certificates can be recognized out in B.C. If you have a certificate in B.C. it will be recognized in Newfoundland. But here we are going right back to the old system again. Should we not be getting away from this? Will the Minister of Justice clarify this matter and give me some answers.

MR. HICKMAN: The clarification is very simple, Mr. Chairman. Number one, maybe we are proud. I realize and I am proud to be on the opposite side from the honourable gentleman from Bell Island. For some strange reason we believe we have an obligation wherever possible to protect Newfoundlanders, to provide jobs for Newfoundlanders.

I am delighted that the - and I would ask the press to note that an honourable gentleman from whatever side of the House he sits on, who takes issue with this clause. Secondly, I am told by the learned gentleman the president of the Atlantic Provinces Association of whatever you call yourself, funeral inspectors and embalmers, that this legislation contains a similar clause, the clause is similar to that contained in the legislation of Prince Edward Island and the Province of New Brunswick and these were the two acts that were followed, I understand, as closely as possible in preparing this act.

This is, may I also point out, simply permissive. It say the board may not shall.

MR. NEARY: Well, Mr. Chairman, I thank the honourable minister for his answer, Sir. I wish to point out as the minister pointed out to the press that for an administration, Sir, that believes in creating employment for Newfoundlanders, their track record is not very, very good in that regard.

MR. HICKMAN: Are you against this clause? Vote against the clause.

MR. NEARY: Everybody who has a pin striped suit and a black briefcase and a mid-Atlantic accent can get a job with this government and have gotten jobs.

MR. CHAIRMAN: Order, please!

MR. NEARY: High paid jobs.

MR. CHAIRMAN: Order, please!

Well, my ability to keep order is exceeded by the honourable gentleman's ability to breach order, breach rules of order, and he has succeeded on a number of occasions now to be irrelevant. His last remarks of course were irrelevant.

I believe the hammer of section 51 (b) may be about to fall.

MR. NEARY: Well, Mr. Chairman, I was merely reacting to a statement made by the acting Premier, the Government House Leader. But the acting, acting Premier, Sir, did not give me a satisfactory answer to my question.

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: I know, Your Honour, I know that I cannot force the Minister of Justice, the acting, acting Premier to give me a satisfactory answer. The Minister of Justice is going to give me whatever answer he sees fit.

But I am not satisfied with the answer, Sir, because -

MR. HICKMAN: Move an amendment.

MR. NEARY: I would like to move an amendment but I am not going to.

If we were debating unemployment or the cost of living, Sir, or vandalism or the offshore fishery, maybe I would move an amendment.

But, this bill is completely irrelevant except, Sir, except - no, that is not a proper statement for me to make. It is not irrelevant.

The bill is very, very relevant and this section (g) is very, very -

MR. CHAIRMAN: Order, please!

MR. ROBERTS: Is Your Honour -

MR. CHAIRMAN: I am going to read section 51 (b) to the honourable member. "Mr. Speaker or the Chairman, having called to the attention of the House, or of the Committee, to the conduct of a member who persists in irrelevance or needless repetition (in this case I particularly direct the honourable member to the irrelevant section) may direct him to discontinue his speech, and if the member continues to speak, Mr. Speaker may name him, or, if in Committee, the Chairman shall report him to the House."

Now, the honourable member has been irrelevant not on the same topic but on a number of topics persistently for the past half hour or so. I suggest that there are many things here that he could be relevant. He could have relevant debate. But, I have on at least four occasions been forced to -

MR. NEARY: Why do you not name me? Go ahead.

MR. CHAIRMAN: - bring it to his attention that he was irrelevant, and I am not going to be insulted by the honourable gentleman this afternoon either.

MR. NEARY: Well, Mr. Chairman, I do not know what you have to do to get information from the Minister of Justice. I asked the minister about ten times, Sir, and I have not gotten an answer yet, why it was so necessary to include this clause (g) in the legislation. Is it an invasion of peoples' human rights?

MR. HICKMAN: No.

MR. NEARY: Well, the minister says no now. Well, get up on your feet and say no. Get up and give us an explanation.

MR. HICKMAN: No.

MR. NEARY: Well, Mr. Chairman, that is what I asked the minister. Now, let us see what we have apart from the respecting the maintenance of the register. Prescribing the procedure of the board, or such committee of the board as may be - hearing of complaints. I do not know if there are any other questions, Sir, I have in connection with section 10. Oh yes, remuneration. I presume that will be left up to the board.-

MR. HICKMAN: Right.

MR. NEARY: - to determine what remuneration will be paid the members of the Board. I presume though that the minister would hope that it would be in keeping with government policy, with policy that is already established, you know, where members of various government boards get fifty dollars or seventy-five dollars a meeting.

MR. HICKMAN: This money is not coming out of the public purse.

MR. NEARY: The money is not coming out of the public purse. Not one red cent of the taxpayers' money will pay for this Board.

MR. HICKMAN: No, of course not.

MR. NEARY: Well, Sir, I am certainly glad to hear that.

MR. HICKMAN: It comes out of the fees that they pay themselves, personal fees that they pay -

MR. NEARY: Well, get up, get up and tell us.

MR. HICKMAN: I just told you.

MR. NEARY: I am asking for clarification.

MR. HICKMAN: Any monies that this association has, Mr. Chairman, they will have to raise their own way and the only way that this act provides for it is by the charging of fees, their profession. There is no money coming out of the public purse.

MR. NEARY: Very good, Sir. We can carry it.

MR. CHAIRMAN: Shall clause (10) carry?

MR. ROBERTS: Mr. Chairman, I only have one question I think relating to clause (10) and again it is a matter of the policy and the regulations as they affect that policy. There is nothing in here about cremation which is one of the two accepted methods of disposing of dead bodies. Could the minister please give us his assurance that - See, I am suspicious, Sir, I mean let me be quite candid, not of the minister or the gentleman from Harbour Grace. I am suspicious of this legislation and I want to be sure and certain that nothing is being put through with us unaware. Could the minister give us his assurance that whatever

the state of the law in Newfoundland is today with respect to cremation - I think it is lawful to cremate a body in Newfoundland today but I do not believe there are crematoriums in Newfoundland - could the minister give us his assurance that whatever the state of the law is -

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: The minister can listen either to me, Mr. Chairman, or the gentleman from Harbour Grace.

MR. HICKMAN: I am trying to.

MR. ROBERTS: It would be difficult to listen to both of us. Oh! I know the minister is trying to listen but if the gentleman from Harbour Grace wants to say something, I will stand aside and let him.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Okay. Could the minister give us his assurance, first of all, that there is no regulatory power conveyed by section (10) to interfere with cremations and secondly, that whatever the law is today with respect to cremation of human remains in this Province that it will be not only unaltered by this bill, if we should adopt it and it becomes law, but that it will be unalterable by this bill or by the funeral directors and embalmers - I am sorry - the Embalmers and Funeral Directors Board?

MR. HICKMAN: Mr. Chairman, I would hope that I can answer it much quicker than the honourable gentleman asked, of course. This law does not alter in any way any existing laws or any existing regulations and I have to confess I do not know what the existing regulations are if there are any that may deal with cremation in Newfoundland. It is, I understand, the unalterable right of the family to decide on the disposal of the remains of a person.

MR. ROBERTS: No, it is the personal representative.

MR. HICKMAN: Or the personal representative of the person who dies. But this bill does not change that.

MR. ROBERTS: On that line I thank the minister, accept his assurance. No problem there. He again mentioned the point to which I adverted earlier that in this law, in this Province, I am not sure if it is

statute law, I suspect it is common law that it is the right of the personal representative of the deceased to decide on the disposal of the remains and that is so notwithstanding the deceased wishes although I believe, I believe an order or whatever it is under the Human Tissues Act takes precedence. If I direct that my body in part or in total be disposed of under the Human Tissues Act I think that maybe the gentleman from Harbour Grace would know because he would have more occasion of being familiar with it than most of it would, that that is binding on my personal representatives. They have no choice except to - is that so?

MR. YOUNG: Yes.

MR. ROBERTS: Yes. If I say my eyes go to the CNIB eye bank under the Human Tissues Act, but it is a good point because, you see, we have an eye bank now. Doctor McNicholas, I think is it, runs it over at the Grace Hospital. And kidneys are very - can be, transferred is not the word I want - transplanted kidneys and you know, parts of bone. You can have bone tissue banks and so forth. Would the minister indicate to us whether we should make this mandatory?

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Many jurisdictions have to. It has to be done quickly because of course if there is to be disposal of remains it will have to be done speedily. I do not know what the practice is - what, twenty-four, forty-eight hours from death to burial is a rule in this Province?

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: No, there is no law but I mean it is -

AN HONOURABLE MEMBER: - strict licenses.

MR. ROBERTS: Yes, some of the Jewish people, I believe, require that burial be before sundown on the day in which death occurs. But there is no statute law. But could we have a piece of legislation on that matter -

MR. HICKMAN: Aubrey Senior. Aubrey Senior.

MR. ROBERTS: What has Aubrey Senior got to do with it?

MR. HICKMAN: He offered to accommodate the Chairman who has to catch a plane.

MR. ROBERTS: Oh well I mean move the adjournment if the Chairman has to go catch an airplane. I am all for it.

MR. HICKMAN: I do not want to take responsibility for having the whole afternoon of this House wasted.

MR. ROBERTS: Mr. Chairman, I resent that. This is not a waste of time. It is legislation that has come before the House. Every question which I have asked, I submit, is relevant, worthwhile and of importance. If the honourable gentleman thinks it is not important that may explain why he is having such difficulty getting the committee to agree. If the honourable gentleman would come before the committee with a little humility and a little desire to help, he would not have this problem, if he showed a little willingness to try to answer reasonable questions. The honourable gentleman, Sir, should not be Uriah Heep but he should exercise a little judicious humility. Would he be good enough, Sir, to answer the question - by the way-what right has the Acting House Leader got to say who takes the Chair of the House? The Deputy Speaker takes the Chair because we elected him. Well, the gentleman from Grand Falls is in the Chair now. I do not quarrel with it. May I ask by what right the gentleman from Grand Falls takes the Chair of this House?

MR. HICKMAN: Any honourable gentleman has the right to go in the Chair.

MR. ROBERTS: No, Sir! No, Sir! Your Honour, I realize, is not aware of it. I have no objection at all to Your Honour taking the Chair. I think it is a marvellous thing. But might I ask by what right Your Honour sits in that Chair at present? The Acting House Leader, Sir, has no right to name the officials at the table. They



are officials of the House, Sir. Is there a Standing Order or something on it. I notice that the honourable gentleman's advisers are checking that point. You know the Speaker and Deputy Speaker, Sir, are elected by the House.

MR. HICKMAN: Of course they are. And you know that ever since the honourable gentleman has been a member of this House when we have had to accommodate from time to time the Speaker of the Deputy Speaker when they have been away some backbencher on the government side has simply been invited to go in and not too long ago the honourable gentleman from Fogo.

MR. ROBERTS: Mr. Chairman, the Acting House Leader, Sir, would do well to contain his temper. There is a clear procedure. Of course, there are precedents.

SOME HON. MEMBERS: (Inaudible).

MR. ROBERTS: I will not have to find the rule.

SOME HON. MEMBERS: (Inaudible).

MR. ROBERTS: I just want to make sure - I know what the rule is. It is printed in the Standing Orders. I want to make sure that the rule has been followed that is all. Perhaps, Your Honour, would care to read the rule, Sir.

SOME HON. MEMBERS: (Inaudible).

MR. ROBERTS: Yes, now we are getting there. I do not know what the new number of it is.

MR. NEARY: He is the Government House Leader, you know. Let him do his own homework.

MR. HICKMAN: What are you talking about?

MR. OTTENHEIMER: It is quite out of order, I think, to talk to the officers of the House like that.

MR. NEARY: It is quite of order for him to be doing what is he doing.

MR. OTTENHEIMER: Not at all.

MR. NEARY: (Inaudible).

MR. OTTENHEIMER: Not at all. That is what the law clerks are for. That is part of their purpose.

MR. NEARY: (Inaudible).

MR. OTTENHEIMER: It is quite out of order to -

MR. NEARY: (Inaudible).

MR. ROBERTS: Mr. Chairman, I have the floor and it is out of order for the Minister of Education to be -

MR. HICKMAN: And the member for Bell Island.

MR. ROBERTS: - interrupting me and so forth. Your Honour is having a look at a point and I think that Your Honour should rule upon the point of order which I raised and then once that is - now if Your Honour wants to look at it, it is Standing Order 43 (c), and I submit, Sir, on a point of order that Standing Order 43 (c) has not been followed and therefore I submit, Sir, Your Honour has no right to sit in the Chair at present, and I would submit, Sir, that the appropriate action be taken forthwith. I shall read Standing Order 43 (c): In the absence of the Deputy Speaker and Chairman of Committees of the House, Mr. Speaker may, in forming a Committee of the whole House, before leaving the Chair, appoint any member Chairman of the Committee. Sir, the honourable the Speaker has not appointed Your Honour to be Chairman of the Committee.

MR. CHAIRMAN (Mr. Senior): Order, please!

Under Standing Order 43 (c) it reads as follows:

In the absence of the Deputy Speaker and Chairman of Committees of the House, Mr. Speaker may, in forming a Committee of the Whole House, before leaving the Chair, appoint any member Chairman of the Committee.

MR. ROBERTS: On a point of order, Mr. Chairman. That has not been done.

MR. HICKMAN: Yes, it has.

MR. ROBERTS: No, Sir, it has not been done.

MR. PECKFORD: Technicality, technicality.

MR. ROBERTS: The rules of the House are not technicalities.

MR. NEARY: How can a man who is not Chairman run the committee.

MR. CHAIRMAN (Mr. Senior): Order, please! It is moved and seconded -

MR. NEARY: The House is automatically adjourned.

MR. CHAIRMAN (Mr. Senior): Order, please!

MR. ROBERTS: Sir, You Honour has no right to sit in that Chair. There is no Chairman, Sir.

MR. CHAIRMAN (Mr. Senior): Order, please!

MR. NEARY: You have no authority.

MR. ROBERTS: There is no Chairman, Mr. -

MR. NEARY: The House is adjourned.

MR. ROBERTS: Sir, you have no right to sit in that Chair. You have no right, Sir. The Deputy Speaker has left the Chair and he must return forthwith, Sir. Here he comes now. Thank you, Sir.

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

MR. CHAIRMAN: Mr. Speaker, the Committee of the Whole have considered -

SOME HON. MEMBERS: Inaudible.

MR. SPEAKER: Order, please!

MR. CHAIRMAN: Mr. Speaker, the Committee of the Whole have again considered the matters to them referred, have made progress and ask leave to sit again.

MR. SPEAKER: The Chairman of the Committee of the Whole reports that they have considered the matters to them referred and report having made progress and ask leave to sit again.

On motion report received and adopted.

MR. NEARY: Mr. Speaker, we have no quorum in the House.

MR. SPEAKER: Call in the members. Would the Clerk count the House please? There is a quorum.

MR. HICKMAN: Motion 18.

AN HON. MEMBER: What was that?

MR. HICKMAN: Motion 18.

On motion of the Hon. Minister of Fisheries - To move: That this Honourable House doth concur in the Report of the Committee appointed pursuant to Standing Order 84 (a) presented on May 5, 1975.

MR. SPEAKER: The Hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, I move that the Report of the Committee appointed pursuant to Standing Order 84 (a) to prepare and report a list of members to compose a Standing Committee of the House be adopted - that the House doth concur in the Report and the committees named therein be appointed.

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

MR. ROBERTS: Mr. Speaker, my colleagues and I intend to vote against this motion. That is an unusual step to take, Sir, on what normally is a procedural motion, one which is adopted without any debate, or if debated, not debated very extensively. But, Sir, in view of the actions by the government I feel we have no choice except to vote against it.

Now, Mr. Speaker, the Committees named in the Report of the Committee on Standing Orders - I am sorry, the Committee appointed

under Standing Order 84 (a), the Committee on which I served were to seven in number. In respect of six of them, Mr. Speaker, the formula followed in determining who would serve on those Committees was that the Committee, the five members who sat on the Select Committee chaired by the gentleman from St. Barbe South, the Minister of - what is he minister of these days? - Industrial Relations and Manpower, and I believe the Minister of Municipal Affairs was on the Committee, the Government House Leader was on the Committee, and there was some other honourable gentleman from the other side who -

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Was it the honourable gentleman from Bonavista South? and myself were the five members.

The procedure we followed, Sir, in respect of six Committees - the Government's Services Committee, the Social Services Committee, the Resource Committee, the Privileges and Elections Committee, the Standing Orders Committee and the Miscellaneous and Private Bills Committee - was that it was first determined

how many members were to be on the committee. In most cases, Sir, that was determined by Standing Orders but not in all. Then it was determined how these were to be apportioned among the two parties in the House. That apportion was suggested by the Chairman, quite properly and there was some discussion and it was agreed, all cases. Then a spokesman for each side of the House named the members which he thought should be appointed to the Committee. In each case, Sir, for those six committees, those recommendations were accepted.

I spoke in behalf of the honourable gentlemen on this side. In each case in respect of the six committees, the suggestions I made were accepted and accepted unanimously. Equally I believe the Government House Leader, but an honourable gentleman speaking for members opposite suggested whom they wished to see serve in their side on the committee and in each case those motions were accepted unanimously.

The same procedure was followed with the Chairman because, of course, Sir, although there is no chairman named in the report of the committee, though there is no chairman named - by the way, I noticed the report has been signed by the Minister of Justice as chairman. Was he chairman or was it the gentleman from St. Barbe South - St. Barbe South, yes?

AN HONOURABLE MEMBER: The Minister of Justice.

MR. ROBERTS: The Minister of Justice. That is a good reason then why he signed it as chairman.

In each case, Mr. Speaker, the member first named, and in three cases it is noteworthy it is the Minister of Fisheries who is really about the only gentleman over there who can get involved in most things, the gentleman first named served as chairman of the committee. A very standard and straightforward process. So, in six committees, there is no question, there is no quarrel, there is no disagreement. All of the members were appointed with the unanimous concurrence of all of the members of the Select Committee, and the Chairman in each case was appointed again with the unanimous support of each of the five men who served on the Select Committee.

Then, Sir, we came to the Public Accounts Committee. Here, Sir, we ran into a different situation. Standing Orders provide that seven men serve on the Select Committee, seven members. I note and it

is an inferential point but I think it is important, one of those gentlemen has now entered the ministry. The gentleman from St. John's South, of course, has been sworn as Minister of Health. He is listed as a member of the Public Accounts Committee but it is really quite out of order for any member of the ministry to serve as a member of the Public Accounts Committee. Perhaps we should begin by dealing with that point.

MR. HICKMAN: He is going to be replaced.

MR. ROBERTS: But, we are about to make a motion. The Minister of Justice says he is going to be replaced. That is fine. But, we are about to make a motion that appoints him to the committee. Would it not be simpler, you know, just to agree right now as to whose name should replace that and then we will amend it by leave and debate the -

AN HONOURABLE MEMBER: Bill Marshall.

MR. ROBERTS: Are we agreed on the gentleman from St. John's East?

AN HONOURABLE MEMBER: Yes.

MR. ROBERTS: Is there agreement. The gentleman from St. John's East is -

MR. HICKMAN: I do not know. Wait now. Wait now. Hold on.

MR. ROBERTS: Something is -

MR. HICKMAN: No, no. He says - the honourable Member for Trinity -

MR. ROBERTS: Trinity North.

MR. HICKMAN: North.

MR. ROBERTS: The honourable gentleman from Trinity South is in the ministry temporarily. So, Trinity North. Could we amend the report in that - that is fine, thank you.

Now, as I was saying, when we came to the Public Accounts Committee, the Standing Orders of the House, Sir, provide that seven members shall serve on the Public Accounts Committee.

AN HONOURABLE MEMBER: Inaudible.

AN HONOURABLE MEMBER: Carry on.

MR. ROBERTS: Oh, I mean, I can carry on. But, is the gentleman - the Minister of Justice got permission to carry on. I want to be sure.

MR. HICKMAN: No, I am not speaking.

MR. ROBERTS: I know the honourable gentleman is not speaking but he is

listening. Now, Sir -

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

The thing is correct. But although there seems to be general agreement that the gentleman from St. John's East will replace the gentleman from St. John's South -

MR. ROBERTS: Oh, that is fine.

MR. SPEAKER: But, there is really no motion to that effect. So, we need something for the record.

AN HONOURABLE MEMBER: ... the honourable Member for Trinity North.

MR. SPEAKER: Oh, I am sorry. Trinity North.

MR. ROBERTS: Trinity North ....

AN HONOURABLE MEMBER: Right, Trinity North.

MR. SPEAKER: It is moved and seconded that the honourable Member for Trinity North replace the honourable Member for St. John's South on the Public Accounts Committee. Those in favor, "Aye". Those against, "Nay". Carried.

MR. ROBERTS: Thank you, Mr. Speaker.

It really would have been better if we had had the gentleman from St. John's East because I think he would bring much more to the committee than the gentleman from Trinity North who is in a sort of a quasi ministerial position. I do not know if that should influence - because he is on the - you know, there is an exemption in the Legislative Disabilities Act, of course, but he is parliamentary assistant to the Premier. I do not know whether that makes him a minister within the sense of collective responsibility or not, but certainly, Sir, he does not come to the committee untainted by, in a parliamentary sense,



by receiving some emoluments, legitimately of course, other than those to which he is entitled in his capacity as a member of the House. But if the minister insist then I suppose you know it is not for me to quarrel. The rule and the reason I accept it, the reason I accept the nomination is that members on each side have the right to nominate who is to represent them and that, Sir, is one of the traditions which was breached by the honourable gentlemen opposite as part of a concerted conspiracy. I do not know why they came to the decision they did, but they came to the concerted decision, and I venture to suggest that they had conspired together outside the House, outside the Committee room before they came into the Committee room, but in any event they did not accept a nomination which I made as a member of the Committee for a member to represent the Opposition.

My nominees I had announced some time ago. Indeed, Sir, I had announced them when we were debating in this House, a Private Member's motion that a Public Accounts Committee be set up. I announced then that I would be nominating the honourable gentleman from Hermitage to serve on the Committee, and the honourable gentleman from Bell Island to serve on the Committee.

The honourable gentleman from Bell Island, I further announced, would be nominated by me to serve as Chairman of the Committee. But in any event, Sir, the honourable gentlemen from the government side, three of them ministers, the fourth on the hitch- he hopes, the gentleman from Bonavista South - the four of them, Sir, decided not to accept the nomination. In so doing they breached a very old tradition, one which I regret, I am not going to go on for a long time, Mr. Speaker, but the fact remains that there is a long tradition in Select Committees and in Standing Committees, that the leader of each group in the House, and we have only two groups, nominates those of his colleagues who are to serve. When the gentleman from St. John's Centre served as Leader of the Opposition, in the Thirty-Fourth General Assembly I guess it was, following the departure of the present Member for St. Mary's from the House at that time, if a Select Committee was struck or if a Standing Committee was set up, in each case consultation was held and whomever the honourable

gentleman named, served on the Committee and those of us opposite, whether we liked it or not, really, you know, that was the way the game was played. We may not have liked it always. But I mean I -

MR. MURPHY: You did not accept it.

MR. ROBERTS: No. Was there a case where it was not accepted?

MR. MURPHY: I have no idea.

MR. ROBERTS: No. I appreciate the fact that the honourable gentleman has no idea but I say there was no such case. I say the tradition is an honourable one and an ancient one, that when it comes to a Select Committee or a Standing Committee, where the members, although they are appointed by Your Honour or appointed sort of upon nomination, that the spokesman for each group nominates and speaks for the people and sets for the people who are to serve in respect of that group.

MR. MURPHY: We never had any.

MR. ROBERTS: No, we may not have had Standing Committees, that I do not know, As a matter of fact I think we probably did, But we certainly did have a number of Select Committees and in each case the Opposition representative was named by the Leader of the Opposition, am I correct? I am.

Mr. Speaker, this time the government majority by a vote of four to one, the four gentlemen voting in favour of it, my voting against it, decided not to accept my nomination. In the rules of the House, Your Honour, one cannot file a minority report. There is no minority report from a Select Committee. But, Sir, I can dissent from the report and I do so now.

Just to go on with what happened then with the rest of the proceedings, five men had been named, the sixth member and the seventh member, the gentleman from Hermitage and the gentleman from St. Barbe North in each case were named by the Committee in a vote of four to one, I found myself in the quite unique position of voting against my colleague the gentleman from St. Barbe North being on the Committee, voting against my colleague the gentleman from Hermitage being on the Committee, and I would

do so -

MR. HICKMAN: You voted for the gentleman -

MR. ROBERTS: I voted for the gentleman from Hermitage to be on the Committee.

AN HON. MEMBER: Right.

MR. ROBERTS: That is right. I will come back to where I voted against him to be Chairman, but that is the second half of this sordid tale in which the honourable gentlemen opposite participated.

Now, Mr. Speaker, the point needs to be made, because the same concerted conspiracy, and I would call it a sordid conspiracy, Sir, one which goes against the traditions of this House, was entered into with respect to the nomination of the Chairman. Honourable gentlemen opposite, speaking I believe through the lips of the Premier, had made a commitment on the debate, on the Public Accounts Committee, and I am not sure whether it was

the Premier or some other gentleman speaking for the ministry that in Newfoundland the Chairman of the Public Accounts Committee would be nominated by the Leader of the Opposition, as he was earlier in this General Assembly when the gentleman from Labrador North was nominated by me to serve, as is done in Ottawa, as in done in every single Province where there is a Public Accounts Committee. That undertaking was made in this Chamber. It was not behind the curtain, Sir. It was not a private understanding. It was made publicly here in this House. And, Sir, when it came to the crunch, when it came to the test honourable gentlemen opposite reneged on their word, reneged on their commitment. I voted against it, Sir. I voted against the gentleman from Hermitage serving as chairman, not that I do not have full confidence in him to be chairman, I do. But, Sir, he was not my nominee, and I voted against him, and I shall vote against this report now for exactly that reason.

Now, Mr. Speaker, why did honourable gentlemen opposite not accept my nomination? Have they suddenly felt that I should no longer have the right to nominate? That cannot be so. They accepted my nomination for the gentleman from Hermitage to be a member. They accepted my recommendation for members representing this side of the House on each and every other of the seven standing committees without any exception, without any question. No, Sir. It is obvious that the reason why the honourable gentlemen opposite did not accept it - and they had made up their minds to do it in advance, it was a concerted conspiracy, had been agreed to it advance - was that they did not want the gentleman from Bell Island to serve on the Public Accounts Committee. Now, Sir, if there was no other reason why he should serve on the Public Accounts Committee, and there is, that in itself is reason enough.

MR. NEARY: Hear! Hear!

MR. ROBERTS: Because the Public Accounts Committee, Sir, is the watchdog, and there is a great deal for it to watch. If the honourable gentleman from Bell Island served on that committee he would make it a much more effective committee.

MR. NEARY: I did serve on the committee.

MR. ROBERTS: Yes, the honourable gentleman did serve on the committee. It is only this time, the last time we have been at it, that honourable gentlemen opposite have decided, because they cannot stand the sort of probing questions which the honourable gentlemen opposite, Sir, the honourable gentlemen opposite cannot stand the truth.

SOME HON. MEMBERS: (Inaudible).

MR. ROBERTS: Now, Sir, the honourable gentlemen have a majority, five to two on the committee. There is no fear of their losing control of the committee, Sir. Even the honourable gentlemen opposite can keep control of a meeting at which they have five votes present and we, Sir, have two votes present, one of whom is chairman and thus does not vote unless there is a tie in which he has a casting vote, the same position as Your Honour is in with respect to the whole House because, of course, the rules of the House apply, holus-bolus, to the proceedings of committees. So, Sir, what it boiled down to, in words of simple truth, was a personal vendetta against the gentleman from Bell Island and to carry that through the Minister of Justice, the Minister of Municipal Affairs, the Minister of Manpower and Industrial Relations and the gentleman from Bonavista South breached one of the older traditions of this House and other Houses, one which, I submit, should be maintained, a good tradition and not only that, Sir, reneged on their commitment, their publicly given commitment. Sir, I think that is shameful. I think it speaks a great deal about the mentality of the gentlemen opposite when it comes to these public issues. They are afraid. They are hiding something, Sir. There can be no other single conclusion. The Public Accounts Committee - we saw an example earlier today, Sir, of the sort of thing that needs to be gone into by the Public Accounts Committee where the Minister of Tourism makes a statement and repeats it here in the House under questions. It is directly contradicted by a written assertion by the Secretary of State for Canada.

SOME HON. MEMBERS: (Inaudible).

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: (Inaudible).

MR. SPEAKER: Order, please!

MR. ROBERTS: It is, Sir.

MR. HICKMAN: On a point of order.

MR. SPEAKER: Order, please!

MR. HICKMAN: On a point of order!

MR. SPEAKER: Order, please!

MR. ROBERTS: The Speaker is on his feet.

MR. SPEAKER: Order, please!

The Hon. Leader of the Opposition is certainly out of order. That point was raised as a point of privilege, and it has not been ruled on yet and I would certainly ask the Hon. Leader of the Opposition not to refer to that particular matter.

MR. ROBERTS: Thank you, Sir.

Well, I had no intention of referring to the matter which is under advisement by Your Honour pending a ruling but I would think that there are a number of issues which should be referred to the Public Accounts Committee. Many of them have been raised by my colleague whom we often ask on our side because he is so good at it to raise issues in this House.

MR. NEARY: The secrets are there and they have to be dug out.

MR. ROBERTS: Yes, Sir.

Now why are the honourable gentlemen opposite afraid?

MR. REID: Are we going to tell him?

MR. ROBERTS: Mr. Speaker, honourable gentlemen opposite can tell me whatever they wish. They will have an opportunity to speak, the same opportunity as I have, and this is a debatable motion, and I believe it should be debated because what is happening here is something that goes very much, Mr. Speaker, to the root of

the effective functioning of this House. Now we have heard a great deal, Mr. Speaker, in this session, and some of us, including myself, have been guilty of conduct that we should not have conducted, (the syntax scans) and we have been called to account for it, and we have paid our price. That is fair enough.

Mr. Speaker, what we are talking of here is a deliberate attempt by the government to hamstring the functioning of the Public Accounts Committee. A deliberate attempt by them to overthrow one of the older traditions of Parliament. A deliberate attempt by them to prevent an important Committee from functioning effectively. That is what they are up to. There is no more to it and no less to it. They cannot stand, they are afraid of the gentleman from Bell Island. They are afraid of him. They have five to two on the Committee, the gentleman from Bonavista South, the gentleman from Bay de Verde, the gentleman from St. George's, the gentleman from Harbour Grace, the gentleman now from Trinity North, all of them estimable members, heavyweights by any Parliamentary measure. They have five members on the Committee, the Opposition have two, one of whom is Chairman. So the actual voting strength of that Committee, Sir, is five to one. Despite that - and my colleague would have been Chairman except that he could not speak, except as Chairman he could not vote. He could vote only in the event of a tie and with five to one it is not likely there would be a tie, not very likely, somewhat unlikely, but they have moved to try and keep him off the Committee. That is wrong, Sir. It is a shameful display by honourable gentlemen opposite who used to talk of participatory democracy, who used to talk of Committees of the House. And here we are, Sir, today, Mr. Speaker, this is the forty-seventh sitting day of this session of the House of Assembly and we are bringing in a motion now to set up Standing Committees. These Committees will never function, Sir. It is a farce, because the Administration does not want them to function. If they had wanted them to function they would have brought this motion before the House the day it was tabled, May 2, and they would have set up the Committee a great long time before they did. Sir, I say that

the honourable gentlemen opposite not only have conspired to keep the gentlemen from Bell Island off the Committee, to keep him from being Chairman, and I have given my reasons why I believe they have arrived at this conclusion, but they have conspired to prevent the Committees from functioning.

Sir, here we are - it is well known that this House, possibly this Administration, is in its dying days. We are to adjourn today by a motion we have passed until Thursday next.

MR. NEARY: Why did it open at all?

MR. ROBERTS: Why open again? Well all we have done is confirm Ambrose Peddle.

MR. NEARY: That is right.

MR. ROBERTS: What a marvelous accomplishment for the House of Assembly to come together for.

MR. NEARY: \$28,000 a year.

MR. ROBERTS: That is all we have done.

MR. NEARY: Will not give the Liquor Commission employees a fair wage.

MR. ROBERTS: We had the Fisheries report tabled. We are not being allowed to debate it, Why?

MR. HICKMAN: The Minister of Fisheries is away.

MR. ROBERTS: Because the Minister of Fisheries - on official business, I will grant that one - is away. He is gadding about. We have been on recess for a whole month, while the Premier gadded about. Now the Minister of Fisheries is gadding over to England or to Scotland.

MR. BARRY: And the Leader of the Opposition.

MR. ROBERTS: The Leader of the Opposition was out because he was kept out by motion of the House.

SOME HON. MEMBERS: (Inaudible).

MR. ROBERTS: Now, Mr. Speaker, - yes that is the only way the honourable gentleman opposite will get me out. That is the only way he will get me out. Now, Mr. Speaker - he will go to his eternal reward I hope.

Now, Mr. Speaker, -

MR. YOUNG: What did he say?



MR. ROBERTS: Now, Mr. Speaker -

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Is the honourable gentleman going to run -

MR. SPEAKER: Order, please!

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. ROBERTS: Mr. Speaker, I am not allowed to ask if the gentleman for St. John's Centre is going to run in St. John's Centre, We all know he is not when the time comes.

Now, Mr. Speaker, as I was saying the government have throughout this session of the House conspired in every way they could and used every trick and device and artifice they could to try to prevent the Committees of the House meeting.

MR. BARRY: Adjourn the debate.

MR. ROBERTS: This - well when it is 6:00 o'clock we will adjourn the debate. Is it in order? I move the adjournment then, Your Honour.

MR. SPEAKER: It is noted that the Hon. Leader of the Opposition has adjourned the debate. Before the House adjourns I intended to make a ruling with regards to the point of privilege on Monday, but since the House is adjourned until Thursday, I think I shall make it now. I have read carefully the documents tabled by the Hon. Member for Bell Island. I have obtained and read a transcript of the comments made by the Hon. Member for Bell Island and the Hon. Minister of Tourism, and certainly cannot find any proof whatsoever that the Hon. Member for Bell Island has established a prima facie case. There is certainly a difference of opinion as to alleged statements being made inside, and that is in a sense of procedural viewpoint the only ones that the Chair is concerned with right now, although some mention was made of comments made outside of the House. The Chair rules that there was no prima facie case established. There was a difference of opinion between two honourable members.

MR. MURPHY: What about the actions aimed at the minister - may I ask, Mr. Speaker, at this time about the blackguardism and the

McCarthyism we are saddled with in this House.

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. MURPHY: Is there any action to be taken on it?

MR. NEARY: On a point of order, Mr. Speaker. Your Honour knows full well that the statements made by the minister are unparliamentary, and that the minister should withdraw and apologize to the House, Sir, for such uncouth statements.

MR. SPEAKER: Order, please! The Minister of Social Services, the honourable Minister of Social Services referred to some points which he felt were made. The Chair does not recall such points being made. The points should have been dealt with perhaps at the time the honourable Minister of Tourism raised them. As far as the Chair is concerned the whole matter is dealt with.

MR. ROBERTS: What about the point of order, Sir?

MR. NEARY: What about my point of order?

MR. BARRY: The House is closed.

MR. NEARY: The House is not closed.

MR. ROBERTS: The Speaker is in the Chair.

MR. SPEAKER: The Chair just made a ruling that the words made by the honourable Minister of Social Services -

MR. ROBERTS: Are in order?

MR. NEARY: Are in order, Sir?

MR. F. ROWE: McCarthyism?

MR. NEARY: McCarthyism and that sort of thing?

MR. ROBERTS: Mr. Speaker, the point of order was that -

MR. SPEAKER: Order, please!

MR. ROBERTS: The gentleman from St. John's Centre used the words blackguardism and McCarthyism, and the point of order raised by - there is no doubt he used them - the point of order raised by my friend from Bell Island was whether these words were in order or not and his submission of course that the words are not parliamentary.

MR. SPEAKER: Order, please! The words themselves certainly are not parliamentary. The Chair does not particularly feel that the honourable Minister of Social Services directed them at any particular member.

MR. NEARY: Yes, Mr. Speaker, the Minister of Social Services directed his remarks at me, Sir.

MR. ROBERTS: And they were never withdrawn.

MR. NEARY: Remarks that were not used -

MR. SPEAKER: Order, please!

MR. NEARY: - not used by the Minister of Tourism.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Inaudible.

MR. SPEAKER: Order, please! The Chair has made a ruling. If the honourable members to my right or to my left for that matter do not agree with the ruling then they can appeal the Chair's ruling.

MR. NEARY: Mr. Speaker, I appeal Your Honour's ruling.

MR. SPEAKER: The motion is that the Speaker's ruling be upheld, those in favour "Aye", those against "Nay". The motion is carried. The motion to adjourn has already been put so I leave the Chair until tomorrow, Thursday at three o'clock.

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Mr. Hickey gave notice that on tomorrow he would ask leave to introduce a bill, "An Act Further To Amend The Tourist Establishment Act."	6430
Mr. Marshall gave notice that on tomorrow he would move the following resolution:	
WHEREAS many homes within the City of St. John's are constructed upon land leased during the last quarter of the last century for 99 years, many of which leases will expire within the last quarter of this century;	
AND WHEREAS the rights of homeowners under the City of St. John's Act to obtain renewals and acquire freehold ownership of the land upon which their houses are located are hard to realize because of the difficulty, time and expense of locating the heirs or representatives of the original landlords and the cumbersome procedures and expense of arbitration proceedings necessary to determine the fair market value of the land as required by the Act;	
AND WHEREAS amendments to the City of St. John's Act are necessary in order to enable residents to more easily acquire land upon which their homes are built:	
THEREFORE BE IT RESOLVED that this House of Assembly urges the Government to present to this Honourable House legislation which will	
(1) Require heirs and representatives of landlords who are absent from the Province (that is, absentee landlords) within six months from passage of the Act to appoint an agent empowered to act on their behalf for the purpose of signing all documents required to be signed under the Act and in default of such appointment to constitute the Registrar of the Supreme Court as agent of such persons for such purposes; and	
(2) To provide easier, less cumbersome and less expensive means of acquiring freehold titles either by establishing a summary way of determining fair market value or establishing an equitable formula of determining the value of freehold interests.	6430
Mr. Ottenheimer gave notice that he would on tomorrow ask leave to introduce a bill, "An Act To Amend The Newfoundland Teacher Collective Bargaining Act, 1973."	6431

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Oral Questions	Page
Query as to whether the Federal Government has yet paid Cabot Group 4 for arranging a press conference to announce the trip of the <u>Norma and Gladys</u> around the world. Mr. Neary, Mr. Hickey.	6432
Confirmation sought that the Federal Government would pay the cost of the press conference in whole or in part. Mr. Neary, Mr. Hickey.	6432
Confirmation sought that it was a joint decision of the Government of Newfoundland and the Government of Canada that Cabot Group 4 be hired. Mr. Neary, Mr. Hickey.	6432
Query as to whether Mr. Hickey is confirming a statement carried in the local press that the decision to hire Cabot Group 4 was coordinated by a staff member of the External Affairs Department and the Department of Tourism. Mr. Neary, Mr. Hickey.	6433
Query as to whether the effort was coordinated. Mr. Neary, Mr. Hickey.	6434
Query as to whether the entire cost of the press conference will be borne by the Province or by the Government of Canada. Mr. Neary, Mr. Hickey.	6435
Query as to who will pay Cabot Group 4. Mr. Neary, Mr. Hickey.	6435
<b>Breach of Privilege of the House</b>	
Mr. Neary claimed that whereas Mr. Hickey had claimed inside and outside the House that the Department of External Affairs would bear the cost of certain work done by Cabot Group 4, the Minister of External Affairs denies his department was in any way connected with the employment of Cabot Group 4, and that this constituted a breach of privilege of the House.	6436
Mr. Hickey	6440
The Question of Privilege was taken under advisement by Mr. Speaker.	6448
<b>Oral Questions (resumed)</b>	
Query as to ministerial awareness of an incident involving the stoning of firemen and interference with their equipment while fighting a school fire at St. Phillip's and what course of action is to be followed to see that it does not happen again. Mr. Carter, Mr. Hickman.	6448
Query as to whether the Newfoundland Government has yet decided to bring before this House legislation similar to that of Nova Scotia under which the Public Utilities Board of that province recently drastically cut proposed increases in the price of fuels and heating oils. Mr. Roberts	6449
Steps taken to place applications for increased rates from Newfoundland Hydro Corporation under the jurisdiction of the Public Utilities Board. Mr. Neary, Mr. Barry.	6449
Plans to expropriate Nfld. Light and Power. Mr. Neary, Mr. Barry.	6450
<b>Orders of the Day</b>	
The following bills passed first reading and were ordered read a second time on tomorrow:	
"An Act To Amend The Newfoundland Engineering Profession Act;"	6452
"An Act Further To Amend The Fire Prevention Act;"	6453
"An Act To Provide For The Establishment Of The Labrador Coastal Development Corporation;"	6453

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Orders of the Day (continued)	Page
Second readings (continued)	
"An Act Further To Amend The Agreement Approved And Confirmed And Set Forth In The Schedule To The Bowaters Newfoundland Act, 1938, And To Make Certain Statutory Provisions Relating To That Agreement;	6453
"An Act Respecting The Keeping Of Dogs;"	6454
"An Act To Provide For Livestock Insurance And To Create A Livestock Owners Compensation Board;"	6454
"An Act Further To Amend The Department Of Municipal Affairs And Housing Act, 1973;"	6454
"An Act Further To Amend The Increase Of Pensions Act, 1974;"	6454
"An Act Further To Amend The Local Government Act, 1972;"	6455
"An Act To Amend The Regulations Of Mines Act;"	6455
"An Act To Limit The Financial Responsibility Which May Be Incurred By The Province In Respect Of Newfoundland And Labrador Hydro Without Reference To The Legislature;"	6455
"An Act To Amend The Welfare Institutions Licensing Act;"	6455
"An Act Respecting Day Care And Homemaker Services;"	6455
"An Act Further To Amend The Motorized Snow Vehicles And All-Terrain Vehicles Act;"	6455
"An Act To Ratify, Confirm And Adopt A Guarantee Agreement Made Between RoyMarine Leasing Limited And The Government And Fishery Products Limited."	6455
The House Resolved itself into a Committee of the Whole	6456
"An Act Respecting The Transfer Of Certain Lands From Reid Newfoundland Limited And Mines And Forests (Newfoundland) Limited To Her Majesty In Right Of Newfoundland."	6456
On motion that the Committee report having passed the bill without amendment, carried.	6456
"An Act Respecting The Provision Of Funeral Services."	6456
On motion the Committee rose, reported progress and asked leave to sit again.	6490
Committee of the Whole	6491
"An Act Respecting The Provision Of Funeral Services." (No.52)	6491
Mr. Roberts questioned by what authority Mr. Senior had taken the Chair.	6502
Spoken to by Mr. Roberts, Mr. Hickman, Mr. Neary and Mr. Roberts.	6502
On motion the Committee rose, reported progress on bill No. 52 and asked leave to sit again.	6505
On motion of the honourable the Minister of Fisheries to move: That this Honourable House doth concur in the Report of the Committee appointed pursuant to Standing Order 84 (a) presented on May 5, 1975.	6506
Mr. Hickman (acting House Leader) moved adoption of the report.	6506
Mr. Roberts	6506

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Orders of the Day (continued)	Page
Mr. Roberts moved adjournment of the debate	6519
Mr. Speaker ruled that a prima facie case of breach of privilege of the House (see pages 6436 - 6448) had not been established by Mr. Neary against Mr. Hickey.	6519
Point of order raised by Mr. Neary alleging that Mr. Murphy used unparliamentary language. Spoken to by Mr. Neary and Mr. Roberts.	6520
Mr. Speaker ruled against the point of order.	6521
Mr. Speaker's ruling upheld on appeal.	6522
Adjournment	6522