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PRELIMINARY

UNEDITED

TRANSCRIPT

House of Assembly

For the period:

3:00 p.m. - 6:00 p.m.

Tuesday March 15, 1977

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

I am pleased to welcome to the House of Assembly four gentlemen from the Community Council of Point of Bay in the district of Exploits. They are the chairman of the council, Mr. Alfred Barnes, the vice-chairman, Mr. Nelson Anstey, the secretary, Mr. Robert Cole and two councillors, Mr. David Perry and Mr. Wilfred March. I know all hon. members join me in welcoming these gentlemen to the House of Assembly.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. minister.

MR. MURPHY: Mr. Speaker, it is with a great feeling of personal regret and sorrow that I bring to the attention of the House today the sudden passing of a very fine gentleman, a man who was associated with this House of Assembly and with the Provincial Civil Service for many years in the person of Mr. Leonard P. Walsh. Mr. Walsh first joined the Government of Newfoundland in May, 1930. He served through various departments, Health and Welfare. In 1940 he went overseas and attained the rank of lieutenant. On his return back he entered the Department of Justice, Sir, and became a magistrate and served in various parts of the Province. Since these days, Sir, I had been personally acquainted with Mr. Walsh. He did serve as executive assistant in the Opposition office to Mr. Jim Greene, who was then Leader of the Opposition, and subsequently, Sir, to the hon. Speaker and to myself when we took over the Opposition office.

Mr. Walsh's background has been something of service all his life and dedication to this Province. His knowledge of the goings on and the happenings in this Province perhaps was more extensive than anybody else, except perhaps the hon. member for Twillingate (Mr. Smallwood) at this time. He came by his political acumen I would say legitimately, because of the fact that his father, who only the other day

Mr. Murphy.

his late father I should say - was mentioned by the hon. member for Twillingate (Mr. Smallwood) as one of the finest debators as a member of the House of Assembly. He represented the district of Placentia East for many years faithfully. He had served very faithfully the jobs that were put for him, and at this time, Sir, when he was just about ready to go on pension, he had served in the latter capacity as Hansard Historian.

So I say, Mr. Speaker, it is with a great amount of regret and personal feeling that I bring to the House today the sad news that Len Walsh passed away suddenly last night. And I would like to extend to his brothers, who are surviving, the deepest regrets and sympathy of this hon. House.

MR. SPEAKER: The hon. member for Twillingate.

MR. SMALLWOOD: Mr. Speaker, for this side of the House I join in perfect agreement with the hon. minister in his references to the death of Mr. Walsh. I knew him very well. We never did see eye to eye politically in a partisan way, in a party spirit, but we were warm, personal friends and for him I had great respect indeed. I had respect for his integrity. I had respect for his ability as a newspaper reporter. He worked for The Evening Telegram as a parliamentary reporter covering the meetings of this House for that newspaper and he did it so competently, so thoroughly, so objectively, so accurately and so fairly that I was moved as Premier to write a letter to the editor of The Evening Telegram saying how much I personally, and I was sure all members on both sides of the House appreciated his objectivity and his accuracy as a reporter.

I had known his father, the late W.J. Walsh. And indeed, as the minister said, it was only the other day in my remarks here that I mentioned the late Billy Walsh, as he was known to all Newfoundland, as an eloquent orator, one of the most eloquent I have ever heard in this House. The late Mr. Walsh was, as the minister has said, a convinced and sincere supporter of the Progressive Conservative Party for which he worked voluntarily and also as an employee. Notwithstanding that fact and my own knowledge of his ardent support of that party, I did not hesitate when a vacancy fell due here in this House for an Editor of Hansard, an Editor of Debates, and notwithstanding some frowns on my side of the House, to recommend his appointment to the Internal Economy Commission, in which I had some influence as a Premier always does, and he was appointed and served competently until illness made it impossible for him to do so.

His father, Billy Walsh, was a Confederate. I visited him at his home near Devon Row and we had a long talk. I was charmed and delighted to discover that Mr. Walsh, who at that time was the veteran politician of Newfoundland although Major Cashin was living and Sir Richard Squires still alive, not much more than that, and Billy Walsh was Newfoundland's veteran politician and I was charmed and delighted indeed to learn from

MR. SMALLWOOD:

him, from his own lips, that he was an ardent Confederate and believed strongly in it indeed.

Newfoundland has lost a good son, an able man, an honourable man, beset with sickness from time to time, but nevertheless always a straight shooter, an honourable man. And what more can you say? What better can you say of any man than that he was honourable, that he was a man of principle, a man of conviction, that he adhered to his beliefs, his convictions through thick and thin in good times and bad? I join with the hon. minister as we all do I am sure on this side of the House in our expression of deep regret at his passing.

STATEMENTS BY MINISTERS:

MR. SPEAKER: The hon. Minister of Fisheries.

MR. W. CARTER: Mr. Speaker, I take this opportunity to advise the House that close to 300 delegates, more than half of them fishermen, will attend a two day Provincial Fisheries Conference which will get underway tomorrow at the Holiday Inn here in St. John's.

MR. WINSOR: The conference, Mr. Speaker, is the culmination of fifteen regional fisheries meetings that have been held around the Province during the past four or five months. Invitations have been extended to the conference to the Federal Fisheries, Marine Services, the College of Fisheries, Memorial University, Newfoundland Fisherman Food and Allied Workers Union, the fishing industry and other groups interested in the fishing industry as well.

At the conference, Mr. Speaker, we hope to unveil some of the programmes and policies we have planned for the fishing industry in the future, as well as listen to comments of the people present, especially the fishermen, and to get their opinions on the various proposals. Guest speaker will be the hon. the Premier, who will address the delegates at a government sponsored dinner to be held Wednesday evening at the Holiday Inn.

This conference, Mr. Speaker, will consist mainly of a number of panels on which there will appear a number of distinguished Newfoundlanders and others as panelist and, like I said, we are giving the fishermen a chance to have some input into the various discussions. The theme of the conference will be, "Our Fisheries, Our Future." Registration, Sir, will start this evening at the Holiday Inn and the conference will officially open on Wednesday morning, tomorrow morning at 9.30 am.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member for Fogo.

MR. WINSOR: Mr. Speaker, now that the minister has come to the final or to the climax of the great number of meetings which he held during the past several months around the Island, and the fisherman are to congregate here tomorrow in great numbers, we on the opposition are very pleased and appreciate the minister's invitation to attend the conference. I do not know if we are going to have the opportunity to sit in as much of the conference as we would like to, because if the House is sitting,

MR. WINSOR: then of course that will take away a great many of our members on this side. And as you look around, Mr. Speaker, almost every member on this side of the House is represented in a fishery district. And that conference is going to be very important and it is one which I am sure we would all like to participate in.

However if that cannot be arranged then we will have to do the next best thing, and as many of us as possible will attend the conference. We appreciate the minister's kindness and I would assume that all of us will be there tomorrow night to enjoy some of the minister's hospitality and to meet some of our friends from each member's district. And by the way, we wish the conference nothing but success.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Hon. minister for Fisheries.

MR. CARTER: Mr. Speaker, I wish to make a further announcement, Sir, regarding the fire that occurred in Burnt Island, the fish plant there, owned and operated by Mr. Eric King which occurred of course this morning. I want to inform the House that officials of the Department of Fisheries have left for Burnt Island to have discussions with Mr. King and to do everything possible to assist him to get the plant back in operation. Also officials of the Federal Fisheries and Marine Services are visiting Burnt Island to discuss with Mr. King the possibility of using the herring plant to process groundfish. Mr. King, I am told, is also planning to contact the Department of Regional Economic Expansion to see if it can obtain assistance in rebuilding his plant. I might also inform the House, Mr. Speaker, that the fire

MR. W. CARTER: also destroyed a small holding unit belonging to the Department of Fisheries but was used by fishermen in Burnt Island. Officials of the Department of Fisheries will be looking at the possibility of replacing that facility.

MR. SPEAKER: The hon. member for Fogo.

CAPTAIN WINSOR: Mr. Speaker, again speaking for this side of the House, we are certainly glad that the minister is taking the steps that he is and doing it promptly. Because, Sir, the fire and the loss of the fish plant at Burnt Islands is a severe blow to the economy of that area and to the fishermen because this time of the year, Sir, is the fishermen's harvest. This is the time of year when fishermen along that part of the coast make their harvest and now to be hit with such a blow as to lose their plant is nothing but a tragedy really.

So we would urge the minister to do everything possible within his power and to persuade the federal government to do whatever he feels should be done to get some kind of a plant back there as soon as possible and get it in operation as quickly as it possibly can be done.

SOME HON. MEMBERS: Hear! Hear!

MR. SPEAKER: The hon. Minister of Fisheries.

MR. W. CARTER: Mr. Speaker, this appears to be the day of the Department of Fisheries for ministerial statements, but I think that I should not let the occasion pass without making reference to a meeting that was held in St. Anthony yesterday, attended by myself and by the hon. member for Lewisporte (Mr. F. White), as well as six representatives of the six major religious denominations in the Province. I am very proud, Mr. Speaker, of the fact that the six major denominations responded to our call for support and as expression of that support offered to have representatives

MR. W. CARTER: from their respective churches appear on the platform with us and to make known their respective stands with respect to the sealing hunt.

The meeting, Mr. Speaker, was extremely well attended. I heard press reports saying 400, but in fact there were closer to 800 people in attendance and a lot of them of course were children who were let out of school for the occasion.

Mr. Speaker, I met with the clergy at ten o'clock in the morning, at which time we discussed the meeting and the purpose for it and the strategy that would be adopted for the meeting. I was contacted by the Royal Canadian Mounted Police early yesterday morning, who informed me that in light of certain events of the previous night that there was a potentially explosive situation developing in the area with respect to the impending departure to the ice fields of one Brian Davies.

At the RCMP's request, Mr. Speaker, I requested a meeting of the Newfoundlanders who were there to protest the other side, the people who were there to support the continuation of the sealing industry. We met at eleven o'clock. I took advantage of the opportunity to advise them that I felt that to take any action that would cause injury to Mr. Davies or any of his group would only aid and abet his cause. My advise to the group was to bite their tongues as it were and to swallow their pride and stick with it, not to do anything that would have the effect of making the protest groups look like martyrs. That advise did not go down too well, Mr. Speaker, and I can understand why. It is not easy to take the kind of abuse that is being thrown at these people and to turn the other cheek. At that time they were rather upset with the position that I adopted. And I was informed, by the way, that the picket line that was put around the helicopters was illegal, and certainly as a Minister of the Crown, a member of this House, I could not condone or encourage law breaking and I advised the group of

Mr. W. Carter:

that fact. The leader of the group, Mr. Roy Pilgrim, later made certain statements to the news media to the effect that he thought maybe I was more on Mr. Davies' side than on the side of the Newfoundland sealers. Well that kind of a comment is not worthy of any further explanation on my part, except to say, Mr. Speaker, that the situation was explosive and I think to have continued the way that they were planning on going would certainly have ended up into a fiasco that would have been very, very much to Mr. Davies' benefit.

At the meeting, Mr. Speaker, there were in attendance not only 700 or 800 people from the area, but also press representing the news media from pretty well most countries in the world, I suppose, from Japan, from Australia, England, the U.S., mainland, Canada, Switzerland, Norway, Germany, France. And the meeting, I might confess was, and my remarks were aimed pretty well directly at the visiting press, hoping that maybe having heard Newfoundland's side of the sealing story that it would have the effect maybe of making them a little less harsh on the seal hunt and on our fellow Newfoundlanders who take part in it.

And I have reason to believe, Mr. Speaker, that maybe it did have that effect to some extent. I had the pleasure after of meeting some of the visiting international journalists who very willingly admitted that now that they were acquainted with the Newfoundland side of the story that maybe things were not as they were painted to be by Mr. Davies, and the Greenpeace and other groups that are protesting the seal hunt.

I am proud this morning to learn that the Newfoundland groups took my advice and did in fact allow the Davies' operation to become airborne, because, like I said, even though it is difficult sometimes to turn the other cheek, but I think to do otherwise would have been very, very much to the advantage of Mr. Davies, and it would have only meant that he would have come back next year with

Mr. W. Carter:

that much more money to spend on the seal hunt, or at least on the operation to prevent the seal hunt.

So, Mr. Speaker, I want to publicly, Sir, thank the members of the clergy who took time out, and who went to St. Anthony and who stood up and took a very, very strong stand for the Newfoundland sealers and for the sealing industry. And I want to thank as well the many hundreds of people in the St. Anthony area who took time out to attend our meeting yesterday and to give us such a rousing reception.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member from Lewisporte.

MR. WHITE: Mr. Speaker, I just want to respond briefly to what the minister has said. I had the pleasure and the opportunity to accompany the minister on the trip to St. Anthony, and it was certainly worth-while to say the least. We arrived in St. Anthony and found that there was indeed a powder keg there ready to explode. Mr. Brian Davies had arrived shortly before we did. In fact, some violence had occurred but not very much. We did not even bother to stop and went directly to the hotel. And I have to commend the minister, Mr. Speaker, on this; he did take the only action that could have been taken at that time, although it came in for some minor criticism from some of the people involved. The situation was dangerous. I am sure that Mr. Davies set out to provoke the people there. When he got off his helicopter, I am told the first things he talked about was, This is a black day in the history of Canada and you people ought to be ashamed of yourselves, and those kinds of things, deliberately in my opinion and in the opinion of journalists who were there, setting out to provoke the sealers and the fishermen, knowing that if he could get a black eye or a broken leg or something like that then he would have a great cause to fight throughout the world.

The meeting yesterday, as the minister said, was certainly worth-while despite some requests that the meeting be boycotted locally. It did not happen, and

Mr. White.

there was a large crowd, particularly the journalists who all turned up, and I was very pleased with that. And I think, Mr. Speaker, this year you are going to see a different slant on the seal hunt from the international journalists. A lot of the people there are people from The Daily Mail in London and from The New York Times and people such as that, and ABC television in the United States had five people there. They expressed the view that they were here at the request of their editors to do an objective view on the seal hunt once and for all. And I get the feeling that the editors are not going to be sending those people back too many more times. And most of the journalists that I talked to, and I talked to a great deal, were not interested in being associated with Brian Davies, and they went out of their way to state that, and I am pleased about that.

The only aspect from a negative point that I would mention, Mr. Speaker, is the lack of information with respect to the seal hunt, and I do not know who can be blamed for it. The federal government did prepare a booklet which some of the provincial officials distributed locally there. But there were some questions asked about the number of pups on the ice and so on, and there was some controversy about that, and, you know, I know the federal government are responsible for tabulating the number of seal pups on the ice, and if they could come up with a better system to determine the exact number of seal pups before the hunt starts each year, a day or so before the hunt, to allay some of the fears of those people who are protesting, it might be very good.

And I heard today on the radio, Mr. Speaker - one final comment - I heard today on the radio that the sealers are in the fat, and I hope they do well.

SOME HON. MEMBERS: Hear, hear!

PRESENTING PETITIONS:

MR. SPEAKER: The hon. member for Burin - Placentia West.

MR. CANNING: Mr. Speaker -

SOME HON. MEMBERS: Hear, hear!

MR. CANNING: - I rise to present a petition from 243 people from the settlements of Boat Harbour and Baine Harbour in the district of Burin - Placentia West and on behalf of the people in Fortune Bay.

First of all, the House will notice how neighbourly we are up there, that one bay comes to the aid of the other.

Mr. Speaker, the prayer of the petition is for the upgrading and subsequent paving of the highway, of the road from the Burin highway to Harbour Mille and the communities of Jacques Fontaine, St. Bernard's, Bay L'Argent, Little Bay East, Little Harbour East and Harbour Mille. Mr. Speaker, apart from being neighbourly my constituents have an interest there because the school children from Baine Harbour and Boat Harbour - I do not know the exact number, but probably over a hundred of them - travel to and from Bay L'Argent daily to school. Again, the doctor who serves the area is in Bay L'Argent, the clergyman for the area is in Bay L'Argent, so there is quite a bit of going back and forth between the two areas.

Mr. Speaker, I heartily support the petition.

I know the road well. Although quite a lot of improvements have been made in recent years, it still needs to be further improved, and I would hope that very soon it would be upgraded and paved to make this road as safe as possible. Mr. Speaker, in that area as in so many areas in Newfoundland today where we have forty children in one bus, and another one behind with perhaps fifty in it, with so many children in one vehicle, well we know the consequences, should there be a serious accident with so many children in one vehicle.

I heartily support the petition. I ask that it be received and tabled and referred to the department to which it relates.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member for Bonavista North.

MR. CROSS: Mr. Speaker, I beg leave to present a petition
in this hon. House -

MR. SIMMONS: Mr. Speaker -

MR. SPEAKER: Order, please!

I believe the hon. member for Burgeo - Bay d'Espoir
(Mr. Simmons) wishes to speak on a previous petition, so if the
hon. member will allow?

MR. SIMMONS: I thank the member for Bonavista North (Mr. Cross)
for yielding. I just wanted to say a word in support of the petition,
and to preamble that by saying how pleased we are to have our colleague,
the member for Burin - Placentia West (Mr. Canning) back in the House.
As members well know -

SOME HON. MEMBERS: Hear,hear!

MR. SIMMONS: As hon. members will know he has been hospitalized with a bout pneumonia, and he has recovered admirably and we are glad to see him. Mr. Speaker, he has spoken of the need for upgrading of the Boat Harbour-Baine Harbour road. I am sorry—the road to the area -

MR. CANNING: No, Fortune Bay.

MR. SIMMONS: Yes. Well I was mentioning in particular the petitioners, the need for upgrading of those roads because of the dependence on them, bus transportation and that kind of thing. I just wanted to rise to support the petition. We had difficulty. Our colleague has been away so long he has forgotten how aggressive you have to be in this House to be heard and we had some difficulty hearing some of the things he was saying. Well, he will soon get back in the stride of things.

The petition once again, Mr. Speaker, draws attention to the need for a plan of action in terms of road improvements, a plan of action that I believe must be somewhere on the books because we were told a couple of years ago that it indeed was on the books, that there was a five year plan to upgrade and pave. I believe the Minister of Transportation and Communications would do the people of this Province, and in particular the members of this House, a big favour if he would make public that particular plan of action, as I say a plan of action which has been on the books for a couple of years if we are to take the word of the government, which I do. I would hope we could see that plan so we would not have to go through this business quite regularly. We would know exactly where we stand. We would know where these roads on the Burin Peninsula are in terms of the government priorities for upgrading and paving.

So I would appeal to the minister to make that list public at the earliest possible opportunity. It must certainly exist. We cannot doubt them on that. It only remains then to pull it out and let us all have a good look at it.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member for Bonavista North.

MR. CROSS: Mr. Speaker, I beg leave to present a petition in the hon. House on behalf of 351 people of Dover. The prayer of the petition reads, "The petition of the residents of Dover in the Province of Newfoundland humbly showeth as follows: That the people whose names are subscribed to this petition are of full age of eighteen years or over and have resided in the community of Dover for one year or more; That the people whose names are subscribed are dissatisfied with the deplorable conditions of the educational facilities in the community of Dover; That the people of Dover whose names are subscribed to this petition desire that adequate funds be apportioned for the building of adequate educational facilities at Dover at the earliest possible date.

"Your petitioners therefore humbly pray that the provincial government be pleased to see that monies are voted and appropriated to fulfill our humble desire. Your petitioners as in duty bound will ever pray. Signed March 7, Dover, A.D. 1977."

I can only say, Mr. Speaker, that I present this petition with a heart and a half, because I know of the school conditions that exist in the community of Dover, that is the primary and elementary school conditions. I have taken a first hand look at the situation and know the facts. I would say that inadequate is not the word to use in describing the facilities of the primary and elementary schools in Dover. I would say that totally outdated and deplorable would be a little closer to the truth.

The main building was built without much planning, with space added as the need arose. Truly the building can be described as the people describe it, a piece built on a piece on a piece. The school has no art room, no music room, no resource center or gymnasium. A child would have to walk to the Dover Senior High for gym classes, losing instruction time, part of their recess period and sometimes part of their lunch hour. The staff room there is a narrow corridor serving as a general office, duplicating room, storage room and a library.

MR. CROSS: The special education classroom is small, measuring twenty-one by ten feet. The kindergarten class of fifty is using a room which is twenty-five by thirteen and a half. And I would have to explain here that this is twenty-five pupils in the morning and twenty-five pupils in the afternoon. So a class of fifty really using a class of twenty-five by thirteen and a half is not the best.

Heating is inadequate. The school is very drafty. The sewerage disposal is adequate and in excess of 100 pupils are using two toilet bowls. The electrical wiring is inadequate. The building has been declared a fire hazard by the Gander fire chief. That was three years ago, Mr. Speaker. I do not believe that I need to say more. And I would ask that this petition be laid on the table of this hon. House and that it be referred to the department to which it relates.

MR. SPEAKER: The hon. member for Trinity - Bay de Verde.

MR. ROWE: Mr. Speaker, I would like on behalf of my colleagues to support the petition presented by the hon. member for Bonavista North (Mr. Cross) on behalf of the residents of Dover in that particular electoral district. I was outside the House, Sir, when the member indicated how many people signed the petition, was it 350 people?

MR. CROSS: 351.

MR. ROWE: 350 people approximately, Sir. It is pretty easy, Sir, to enter into the realm of debate in supporting such a petition. However, just let the record stand that, you know, it is pretty difficult to understand and realize that there are communities in the Province of Newfoundland and Labrador today that have schools so outdated and in such a deplorable condition as described by the member for Bonavista North (Mr. Cross). It is very difficult to understand that we do have a primary and elementary school, so-called, using the word

MR. ROWE: very loosely, that has no art room, no music room, no gymnasium, inadequate heating facilities and certainly inadequate sewerage facilities.

These are the early and formative years for these students, Sir, and I think such things as art and music and gymnastics, or gym facilities are extremely important in the early formation of the minds and bodies of these school students. It must be very difficult indeed even to carry out the three R process under these existing conditions as described by the member for Bonavista North (Mr. Cross), Sir, so the only thing that we hope for over on this side is that the minister will be able to make monies available to the school boards of this Province this year, in particular to the school board that takes in Dover, and that we will see some improvement in these facilities, if not indeed the building of two new schools to replace the two I believe existing building that appear by the member's description as being nothing more than barns.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear! Hear!

MR. SPEAKER: The hon. member for Terra Nova.

MR. LUSH: Mr. Speaker, I too want to say a few words in support of this petition from 350 residents in Dover, an area of which I am extremely familiar, and extremely familiar with the circumstances that are expressed in the petition. Mr. Speaker, it is certainly sad to know that still throughout this Province that we have many schools that are not conducive to the type of education that we would like to give our students today. And as I have said that Dover is among too many communities actually that have less than desirable facilities. And that is not to say that we have not made great progress in building educational facilities throughout the Province in the past number of years - but, Mr. Speaker, the

MR. LUSH: sad situation is that we still have students going to the kind of facility that the hon. member so capably described and I certainly hope that in the next few years that we can certainly rid of those facilities, particularly in the smaller communities in this Province that have schools without a proper heating system, without proper water and sewerage facilities, and I would hope that the government would certainly take this to heart seriously, and hopefully in the next few years we will be able to improve the facilities not only in Dover but in other areas throughout the Province.

SOME HON. MEMBERS: Hear! Hear!

MR. SPEAKER: The hon. member Twillingate.

MR. SMALLWOOD: Mr. Speaker, I was invited to that very school a few months ago to speak to the students and faculty and did so with great pleasure to myself if not to them. And I am very heartily in support of the contention that they deserve a better school building with more facilities than they have. Please, Mr. Speaker, let there be no misunderstanding or doubt as to my belief in the need for a better school than the one they have. At the same time I continue to marvel over the fact that when in any community in Newfoundland the people are dissatisfied with the quality of the school they have, they feel that it is to the government they ought to address a protest. As a matter of fact my understanding, unless the situation has changed greatly in the last five or six years, my understanding is that all that the government does and can do is come to this House in the estimates and ask the House to authorize the government to pass sums of money over to the overall school authorities.

MR. DOODY: The only thing changed is the amount of money.

MR. SMALLWOOD: The authorities used to be the Roman Catholic Denominational Authority and the Anglican and the United Church and the Salvation Army and the Pentecostal. Now I believe there has been some merging and you have perhaps two great Province-wide -

MR. DOODY: Three

MR. SMALLWOOD: Three, the Integrated, the Roman Catholic and the Pentecostal. And all that the government can do, as I understand it, is pass money over to those authorities and it is those authorities who and who alone can decide where the money will be spent, on which schools, in which settlements and in what amounts. So that, in fact, when the people of the community as for example, the one in this petition today, send the petition saying that they want a better school surely that petition ought, in fact, to go to the Integrated School Board, of - what is it?

What would be the name?

MR. LUSH: Trinity, no I am sorry, Gander -

MR. DOODY: Terra Nova.

MR. LUSH: Terra Nova.

MR. SMALLWOOD: Terra Nova Integrated School Authority. It is they and they alone who can decide where the money they receive from the government shall be spent, and in what amounts and for what purposes. Well the purposes must be as laid down, I suppose in the Education Act. They cannot spend it on anything they like, it has got to be within the ambit of the act. So is there any hope I wonder that the Newfoundland people will ever understand that it is to their school authorities. These authorities are the churches. The fact that you have an integrated school board means only that one or two or three religious denominations have merged, they are still church schools, are they not? Is not the school in Dover owned by the integrated churches? Are not the Pentecostal schools owned by the Pentecostal Church? Are not the Roman Catholic schools owned by the Roman Catholic Episcopal Corporation or whatever is the proper name of the organization?

And surely only they, not this House -

AN HON. MEMBER: They are not integrated.

MR. SMALLWOOD: - Not the government -

MR. MURPHY: There is no politics in that church. "Joe"

MR. SMALLWOOD: - Not the government can decide. Surely it is those school authorities. All the government can do is to see that more money goes to Dover. It becomes necessary for the government (a) to give more money to the whole of the integrated school system and having done that they must also give it in the same proportion to the Anglican or to the Roman Catholic School Authority and also to the Pentecostal.

SOME HON. MEMBERS: Hear, Hear!

MR. SMALLWOOD: Either we are going to have nationalized public schools, in which case we can decide in this House here how much money will go to each individual school, either that or we are still going to leave it to the churches. Now, up to now the law says it is the churches. So that while I am in sympathy with my hon. friend from Bonavista North and in sympathy with the request of those of his electorate

Mr. Smallwood:

in common honesty I have to say it is a pity that Newfoundland people still petition this House for one individual school. I remember a Delegation coming to me from Stephenville one time and they wanted some money for their school, and I said, "Gentlemen I am greatly flattered, but since when did I become a bishop?" It was a Roman Catholic group and I said, "Go to your bishop, do not come to me. All we can do as a government is pass money over that the House of Assembly has authorized us to pass over to your overall Roman Catholic School Authority. You do not come to a politician. We are not bishops and we are not priests and we are not clergymen of any kind." Nevertheless I am in hearty sympathy with that petition. I think it has come to the wrong place because I was there, I met the people, they used to be great friends and supporters of mine. I built the road down there. And put a lot of things down there. In fact, probably the very school that they are complaining about I put there, at least my administration put up the money to put it there.

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, the answer to Question No. 206 on today's Order Paper asked by the hon. member from LaPoile (Mr. Neary). This matter comes exclusively within the jurisdiction of the Government of Canada, and it is administered by the Minister of Justice and Attorney General of Canada, but it has been the subject matter of discussion at Federal-Provincial meetings of Attorneys-General when the views and the concern of government has been made known, indeed of all governments to the man responsible, namely the Attorney General of Canada.

MR. SPEAKER: The hon. Minister of Public Works.

MR. J. ROUSSEAU: Mr. Speaker, the answer to Question No. 112 by the member from LaPoile on the Order Paper of February 15, No. 135 by the same member on February 21, No. 136 by the same hon. gentleman on February 21, No. 137 by the same member on February 21, No. 145 by the same member on February 24, and No. 146 by same member on

Mr. Rousseau:

the Order Paper dated February 24, Question No. 150 by the same member on the Order Paper dated 25th. of February, the same member Question No. 167 on the Order Paper of March 1, Question No. 189 asked by the same member, the member from LaPoile on the Order Paper dated March 7, and finally in answer to Question No. 190 asked by the hon. member from LaPoile on the Order Paper dated March 7th.

MR. SPEAKER: The hon. Minister of Municipal Affairs.

MR. J. DINN: Mr. Speaker, the answer to Question No. 97, the hon. member from LaPoile, it appeared in Orders of the Day dated February 14, 1977.

MR. SPEAKER: The hon. Minister of Consumer Affairs.

MR. A. MURPHY: Mr. Speaker, Question No. 209 asked by the hon. member from LaPoile. Who operates the restaurant concession at the Arts and Culture Centre St. John's? And what are the terms of the concession? I have not the least idea. I do not know who operates that or who that comes under. Tourism?

AN HON. MEMBER: What?

MR. MURPHY: The concession at the Arts and Culture Centre in St. John's?

MR. WHITE: Why do you not find out?

MR. MURPHY: Why? I have enough work to do of my own without doing the work for the hon. member. Sure the least he can do is find out who operates what. He knows it all.

MR. SPEAKER: Are there any further answers to questions?
The hon. Minister of Finance.

MR. DOODY: Mr. Speaker, I have an answer that was asked by the hon. member from LaPoile on February 16. The names of -

SOME HON. MEMBERS: Oh, oh!

MR. DOODY: Mr. Speaker, is there any way of controlling himself?

MR. SPEAKER: Order!

MR. DOODY: Thank you. This is an extremely important question, Sir, and it has earth-shattering significance, and I am sure the hon. member from LaPoile would hate to have any of its impact wasted when every body is breathelessly anticipating the answer. The names and members of the Classification Appeals Board? The Chairman is Dr. D. R. Facie-Crowther, the members are W. F. Haynes, F. C. Anderson, Esau Thoms, and Dr. Susan McCorquodale. The second part of the question was the date of appointment? These people were appointed under Order-in-Council dated March 25, 1976 . The tenure of office - they were re-appointed to the Classification Appeal Board for a period of up to March 31, 1977 when it will be reviewd again.

MR. DOODY: Were appointments made after prior consultation with the Newfoundland Association of Public Employees? The answer in four of the five is no. Was there unanimous agreement between Treasury Board and Nape concerning all the appointments? Once again, no. At the initial establishment of the board NAPE was not consulted. It was not then the policy of government. However a vacancy existed on the board in August - September of 1975 and NAPE was assured that one of its nominees would be appointed. On September 8, 1975 NAPE provided the Chairman of the Classification Appeal Board with the names of three nominees and Dr. McCorquodale was appointed by the Order-in-Council of 1975 dated October 3. Then it also says, "Table correspondence between the Department of Finance and/or Treasury Board and NAPE in connection with the appointments to Classification Appeal Board and I will read all that correspondence also if it is - ah, I will not. I will not waste the House's time. Thank you. Thank you, Your Honour.

ORAL QUESTIONS:

MR. SPEAKER: The hon. the member for Fogo.

CAPT. WINSOR: Mr. Speaker, a question to the Minister of Justice, arising out of the activities at St. Anthony yesterday and this morning. Was it necessary for the R.C.M.P. to read the Riot Act? If so, what comprises a situation where the officers of the Crown have to read the Riot Act? It is something that we are not very familiar with in this Province.

MR. SPEAKER: The hon. the Minister of Justice.

MR. HICKMAN: Mr. Speaker, I have a report from Chief Superintendent Farr which says, "Contrary to media reports a proclamation under section 68 of the Criminal Code of Canada was not made.

MR. SPEAKER: A supplementary by the original questioner.

CAPT. WINSOR: In the light now of the protection given to Brian Davies and his staff and officials there, would there be any protection for the sealers at the hunt should a critical situation

CAPT. WINSOR: arise?

MR. SPEAKER: The hon. the Minister of Justice.

MR. HICKMAN: Mr. Speaker, I really have to answer that question without prejudice because the hon. gentleman is asking me about a matter that comes not within my jurisdiction. The R.C.M.P. under the provincial contract or a certain number thereof, a certain percentage thereof, are responsible for maintaining law and order within the Province or certainly that part of the Province outside the City of St. John's.

I only know what I have read with respect to what transpires at the hunt, outside the limit. But there I understand the fisheries officers who have been sworn - I had a note here somewhere - have certain capacities, certain law enforcement capacities under appropriate federal legislation and do enforce these regulations at the hunt.

Certainly I have never heard of R.C.M.P. officers under the provincial contract either at the front - or there has been from time to time problems in the Gulf off the Magdalen Islands - I have not heard of R.C.M.P. officers who are part of any provincial contract being involved outside there. But certainly within the Province the R.C.M.P. under their contract, have the authority.

Yes, Mr. Speaker, section 36 of the Fisheries Act apparently gives - or regulations - gives fisheries officers certain rights and responsibilities. That is under the federal Act and I presume they do it. But that not being under my purview is pure absolute speculation on my part. I really do not know what they do out there.

MR. SPEAKER: A supplementary, the original questioner.

CAPT. WINSOR: Mr. Speaker, this can become very complicated I know, but should the situation arise - now we have Brian Davies. A lot of his officials down there are not Canadians - where does our jurisdictional control - we have a 200 mile limit now. Does the Provincial Minister of Justice have

CAPT WINSOR: any control or any say as to who prosecutes or what helicopters can operate within that zone or within that limit?

MR. SPEAKER: The hon. the Minister of Justice.

MR. HICKMAN: No, Mr. Speaker, I am afraid I do not. And that is one of the - the hon. gentleman has heard me raise this issue in the House before and it is a matter of concern to provincial Attorney's General as to their prosecutorial role under federal Statutes. There is no question at all that under the Criminal Code of Canada, for breaches of that Code

Mr. Hickman.

within a Province, we have the sole and exclusive responsibility as Provincial Attorneys General to enforce the criminal law. But the Parliament of Canada, particularly during the past few years, has been showing an inclination to take matters that would appear to fall - and I emphasize the word, appear - appear to fall within criminal jurisdiction and putting them in other legislation, the Narcotics Act, the Combines Investigation Act, oh, several pieces of legislation such as that, and that removes from us, not only control, but it has been made very clear to us that we do not have the right to know. For instance, there are no files in my department on narcotics cases. Unless and until a person is convicted then we see them. And I would suggest in answer to the hon. gentleman for Fogo's question with respect to the enforcement of the 200 mile limit and anything that occurs off our shores that is the exclusive responsibility of the Government of Canada, and hopefully - and what I have read in the paper indicates to me, and heard through the media - they intend to do just that.

MR. WHITE: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary by the hon. gentleman for Lewisporte.

MR. WHITE: A supplementary to the Minister of Justice, Mr. Speaker. The minister indicated that he had a report from Superintendent Farr of the RCMP. I wonder if he could indicate to the House how many RCMP officers are in St. Anthony at the moment in view of the fact that on Friday I think there were only eight or nine there? And I wonder if he could tell us how many are there at the moment? And whether or not there was any violence there this morning when Mr. Davies left by aircraft to go out? I have heard some stories that the sealers had to be parted or something to permit him to go through.

MR. SPEAKER: The hon. minister.

MR. HICKMAN: Mr. Speaker, on Friday, March 11th there were eleven RCMP officers. These were part of or attached to the St. Anthony detachment.

Mr. Hickman.

Between then and yesterday additional RCMP officers were sent, an additional twenty-nine, including one commissioned officer was sent there. Then yesterday when it became very obvious that there might be a breach or a serious breach of the peace, the Commanding Officer of the Royal Canadian Mounted Police in the Province ordered that additional men be sent there, and I believe - if I can see the figure here now. I want to be very accurate on this - there was an additional sixty men brought to the scene. And they are still there as far as I know. I have not received any report - the last report I have was around noon today and up to that point there had been absolutely no -

MR. WHITE: There are one hundred.

MR. HICKMAN: There are about ninety, I think, all told.

MR. MURPHY: Twenty- nine and sixty.

MR. HICKMAN: Yes. But it is between ninety and one hundred.

- and that there had been no breach of the peace and no violence or anything. And I might add for the benefit of hon. gentlemen, because I am asked this question from time to time, the decision as to how many men are needed in any part of this Province for the purpose of maintaining law and order is one that is the responsibility of the Commanding Officer of the Royal Canadian Mounted Police or in St. John's or the Chief of Police of the Newfoundland Constabulary. And in my opinion they being professional people are the ones who are competent to make these decisions. And I hope they will continue to maintain law and order in what both the hon. gentleman for Lewisporte (Mr. White) and the hon. Minister of Fisheries indicated was a rather explosive situation yesterday.

MR. SPEAKER: The hon. member for Eagle River.

MR. STRACHAN: A question for the Minister of Mines and Energy, Mr. Speaker. Could the minister tell us whether Eastcan or other

Mr. Strachan.

exploration companies have suggested changes in the oil and gas regulations and whether the minister is taking these suggestions into consideration?

MR. SPEAKER: The hon. minister of Mines and Energy.

MR. PECKFORD: Mr. Speaker, I take any suggestions that come my way from oil companies or anybody else very seriously and I have them under consideration.

MR. STRACHAN: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. STRACHAN: Could the minister tell us whether Eastcan has asked for any concessions either in the regulations or in any further developmental work or projects in exchange for acceptance of these regulations?

MR. SPEAKER: The hon. minister.

MR. PECKFORD: The concerns of the companies are at this point in time confidential to the government, to the Department of Mines and Energy. At such time as we issue the regulations we will be indicating the concerns that the companies have made to us and the government's position relative to those suggestions.

MR. STRACHAN: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. STRACHAN: Mr. Speaker, could the minister tell us whether Eastcan has asked for any concessions to be made to them in return for their guarantee to continue drilling this Summer?

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

MR. PECKFORD: I cannot answer that question at the present time, Mr. Speaker.

MR. SPEAKER: The hon. member for Trinity-Bay de Verde.

MR. ROWE: Mr. Speaker, in view of the fact, Sir, that Brian Davies is very skillful in public relations and has to a certain extent conned the people of Newfoundland and Labrador into certain activities that might cast a bad reflection upon the people of Newfoundland and Labrador, would the minister consider drafting a resolution that could be brought into this House condemning the words and the actions of one Brian Davies and have this resolution brought into the House without debate and passed unanimously by the House supporting the action of the sealers and fishermen of Newfoundland in condemning the actions of one Brian Davies so that they know we are all behind them.

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: I cannot obviously speak for the government on that. It does have a great deal of merit and I am sure that if the hon. gentleman for Trinity-Bay de Verde (Mr. Rowe) and my colleague, the hon. Minister of Fisheries, would meet behind the curtain after, that maybe they can find a wording that would be satisfactory to the House.

May I correct one - the figure that had been asked as to the number of policemen, as of this morning, March 15, there were a total of ninety-five police officers, I mean ninety-five members of the Royal Canadian Mounted Police as of this morning, March 15 at St. Anthony.

MR. SPEAKER: The hon. member for Burgeo-Bay d'Espoir followed by the hon. member for Windsor-Buchans and Baie Verte-White Bay.

MR. SIMMONS: Mr. Speaker, I had some questions for the Premier but he seems to have slipped out. So I will hold these in abeyance for the

MR. SIMMONS:

time being. But I did want to ask the President of Treasury Board a question. I wonder would he just indicate what the latest news is insofar as the Waterford situation is concerned?

MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: The situation at Waterford is as it was at the last report. There has been no change. We have made, as I had indicated to the House a few days ago, a further offer to the unit which apparently was not well received. We have not had any counter proposal from them. We are hoping to. We would like to hear from them obviously. We would like to get the thing settled away. That is in relation to the strike.

With relation to the Waterford situation itself we have been assured by the administration and by the board, by the medical staff and so on that the standard of patient care is excellent, that things are well under control in there, that the morale of the staff and of the volunteers and of the constabulary and the other people who are working and looking after the 400 patients is excellent. And the conditions at the Waterford Hospital are in tiptop shape as far as we understand right now.

MR. SPEAKER: A supplementary.

MR. SIMMONS: A supplementary to the minister, Mr. Speaker. I wonder if he would indicate whether the government or Treasury Board has contemplated intervening in the strike or bringing an end to it? Is it at that point in time?

MR. DOODY: The people at the unit at Waterford are on a legal strike which they elected under their own rights to take. I do not think it is right for government to contemplate legislation or intervention of the - I presume that is the type of intervention that the hon. member meant rather than the conciliation or mediation or what have you which has been ongoing and which has been offered. There are conciliation boards. There are conciliation officers. The hon. minister himself and myself and others have spoken directly to the

MR. DOODY:

executive and to the negotiating people from NAPE.

As for direct government intervention through this House or through some law I think that would be most unfortunate and most inopportune and I do not think that it would be in the spirit of the best interests of the Trade-Labour Movement. Naturally if it comes to a point where patient care is imperilled at any time, if the administration, if the medical authorities or the people on whom we have to depend for advice let us have the impression or the idea that the safety and well-being of the people, the patients

MR. DOODY: at the Waterford is in any danger, that the conditions in there are deteriorating then certainly we will have to reconsider the situation. Right now as I say it is a legal strike, everything is going along according to law. The Constabulary are working well. The hospital staff are working well and the people of the NAPE unit are on a legal strike and that is where the situation stands.

MR. SPEAKER: A supplementary.

MR. SIMMONS: A supplementary, Mr. Speaker. The House, as most of us will know, was on a standby of sorts for two or three weekends, I believe in relation to the Waterford situation. In view of that would the minister indicate whether or not legislation to end this strike had been drafted and therefore is available should the need arise?

MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: There is no need for legislation to be drafted, Sir. If the hon. member would look at the Collective

Bargaining Act you will find under, I think it is section 27, where

a resolution can be brought before the House in the event that a strike is considered to be not in the public interest, and not in the public safety. But anyway

the legislation is already there. It is available if the House needs it and, as I say, it is certainly not the policy of this government to interfere with the rights of a labour union when it is on a legal strike and behaving and doing things in a legal way. It may be the policy of other particular parties, it certainly is not the policy of this Party.

If it becomes, as I say, in the public interest then this government will have absolutely no hesitation in taking the necessary steps to ensure the public safety.

MR. SPEAKER: The hon. member for Windsor-Buchans.

MR. FLIGHT: Mr. Speaker, this question to the hon. Minister of Transportation and Communications. Approximately three weeks ago, February 23rd., I asked a question of the minister with regards to the intention of American Smelting and Refining Company's indicating they are closing down their railroad and transferring their shipments of ore to Botwood by the Buchans - Badger Highroad. The answer indicated that - so that the answer to the question will be; we are contacting the company concerned at Buchans to determine what their plans are and hopefully arranging a meeting with CNR to arrange a rate which they may find economical to them as a mining company, and retain their present means of shipping ore on rail instead of going to the road. Would the minister advise the House as to any results that have come from any meetings held for this purpose up to this point?

MR. SPEAKER: The hon. Minister of Transportation and Communications.

MR. MORGAN: Mr. Speaker, there have been no meetings to date held with the major carrier involved, in this case CNR, based on the fact that we have not received a definite indication from the company concerned and the contacts have been made from the official level of the Department of Transportation with the mining company at Buchans. We have not received a definite indication from the company concerned, the mining company, that they are intending to divert the movement of their ore from Buchans, from rail onto road. But once we do get a definite indication from them and the reasons given for the diversion we will then arrange to contact the major carrier concerned, in this case the CNR, and hopefully arrange with them to give the company at Buchans a more economical and more feasible rate with regards to rail rate if this is the major factor from their change over from rail to road.

MR. SPEAKER: A supplementary.

MR. FLIGHT: Am I to understand that the minister is not aware that Asarco, American Smelting and Refining Company, have publicly stated their intention, named a tentative date and notified the employees concerned that will be affected of their intention to close down the Buchans Railroad and transport the ore by Buchans - Badger Highroad on to Bishop's Falls by road. Is the minister not aware of that situation?

MR. SPEAKER: The hon. Minister of Transportation and Communications.

MR. MORGAN: Mr. Speaker, I am indeed quite surprised that the company has done that because approximately two weeks ago the Director of Transportation, in the Department of Transportation and Communications made contact with, I forget the name of the gentleman, a senior man in the mining company at Buchans and asked him to give us the details of any planned change. And to the best of my knowledge, as of today, we have not received any indication, either in writing or orally or otherwise from the company concerned that they do intend to change. So I am quite surprised that the company has chosen to make a public statement on the matter.

MR. FLIGHT: One more supplementary, Mr. Speaker.

MR. SPEAKER: One further supplementary.

MR. FLIGHT: By way of preamble, Sir, I would indicate to the House that it is a fact, Asarco have declared in writing to their employees their intention of closing their railroad operation, Millertown Junction to Buchans and transfer their ore on an effective date. The date escapes me.

MR. FLIGHT:

I think it was the first of June but I can verify that for the minister later today. So in view of that, now that we are aware, now that I am aware of the fact that they do indeed intend to close their railroad - and by the way, Mr. Speaker, it will take six round trips per day to transport the ore from Buchans to Botwood - now in view of that and in view of the fact the company has stated their definite intentions, has the Department of Transportation determined yet or can they determine before that effective date as to whether or not the roadbed is capable of handling the type of loads that we are about to see go on it. I am thinking mainly of the Buchans-Badger Highroad. It is very badly deteriorated right now.

MR. SPEAKER: The hon. Minister of Transportation.

MR. MORGAN: Well, Mr. Speaker, I earlier expressed in this Assembly the concern of this administration with regards to the movement of bulk shipments over the Trans-Canada Highway. I referred then to the situation involving Bowaters at Corner Brook whereby they are now shipping their pulp all the way from the Glenwood area to Corner Brook by road. The unfortunate thing about the whole matter is the fact that we have, in attempts to negotiate with CNR and to help the CNR and Bowaters come to some kind of an agreement with regards to rail rates, that the company concerned could not reach an agreement with the CNR, which is the major carrier, to a point where they could get a rate that was found by them to be feasible and economical and satisfactory. In other words, the company concerned, Bowaters, as an example, found that trucking would be a more feasible mode of transport to them than rail because of the high rail rates.

So if the company at Buchans, the mining company, is now going to definitely plan to move their goods from rail to road, it means that we will have to again intervene. And that is all we can do as a Province, intervene between the major carrier which is responsible to the federal government, the CNR, and to try and have CNR reduce their rates to the point where they are satisfactory to the mining company. Now I know the mining company is using part of their own facilities, but the major

MR. MORGAN:

carrier will be CNR. If this cannot be reached there is only one alternate mode, one alternate means and that is for - or solution I should say-is for us, as a Province, to again make representations to the Ministry of Transport in Ottawa which we have been doing practically every month to increase the subsidization that is being paid to the rail freight activity in this Province so they can arrange - and I am talking about the CNR rail freight activity - to reduce the freight rates that are being charged in this Province in particular with regard to bulk shipments.

MR. SPEAKER: The hon. member for Baie Verte-White Bay.

MR. RIDEOUT: Mr. Speaker, I have a question for the Minister of Health, and I would refer him to a statement made by his office, I believe it was March 8, relative to the abuse of Medicare in the Province. The minister in his statement said regulations were recently issued which would permit the Commission to charge patients directly for medically unnecessary services. I wonder if the minister could give us some details of those regulations, some explanation of exactly what the regulations are and how your department intends to implement such regulations.

MR. SPEAKER: The hon. Minister of Health.

MR. COLLINS: That is exactly what the regulations say, Mr. Speaker, what the hon. member just said. It gives the Medicare Commission, not the department, gives the Medicare Commission the authority to collect from patients who have received medical services unnecessarily.

MR. RIDEOUT: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. RIDEOUT: Mr. Speaker, I wonder if the - I know it is not the minister's department but I assume the Medicare will answer to his department - I wonder if the minister could tell us how the Commission intends going about determining whether or not an abuse occurred, whether the onus will be only on the patient or if there will be some onus on the medical practitioner himself? How will the exact determination of abuse, in fact if any has occurred, how will that be assessed?

MR. SPEAKER: The hon. Minister of Health.

MR. COLLINS: Mr. Speaker, I am not a technician and I am not an accountant. The Medicare Commission have been given the authority to bring about some improvement in terms of the Medicare plan. And as I said in the closing section of that statement, it is incumbent, I think, upon all of us in Newfoundland to realize that if there are abuses or overservicing to the extent which the report which the Medicare Commission gave to me some time ago would indicate, then it is incumbent upon me as the minister and upon all Newfoundlanders to ensure that the Medicare Programme is not abused any further than is

MR. H. COLLINS: possible to control. Otherwise we all know what the implications are.

MR. SPEAKER: A supplementary.

MR. RIDEOUT: Mr. Speaker, I realize all the things the minister is not, but I wonder would he undertake to lay before the House a copy of those regulations so that at least we could have a look at them?

MR. SPEAKER: The hon. the member for Eagle River followed by the hon. the member for Burgeo - Bay d'Espoir.

MR. STRACHAN: A question for my old friend the Minister of Tourism.

AN HON. MEMBER: Hear, hear!

MR. STRACHAN: I think his first one. Could the minister tell us what criteria he uses in setting the boundaries of the open and closed management zones? And whether if his department created a mistake or an error in setting these boundaries he would consider changing these boundaries?

MR. SPEAKER: The hon. the Minister of Tourism.

MR. HICKEY: Mr. Speaker, I will have to take the first part of the question under advisement. I think I would have to say to the second one that if it is shown very clearly that there was a mistake in setting the boundaries, surely we would be flexible enough to entertain any suggestion of change. However, in saying that I am not conceding that there has been any error.

MR. SPEAKER: A supplementary.

MR. STRACHAN: Could the minister or would the minister agree that the changing of the Red Wine River in Labrador into the open zone, the now open zone, would be such a change which his department made considering it had made an error. That river was the only river which hunters could use to get into the Red Wine Mountains where the caribou herd was. In changing that that was in error previously held within a closed zone.

MR. SPEAKER: The hon. the Minister of Tourism.

MR. HICKEY: Mr. Speaker, until I have an opportunity to check that out I think I had better take the Fifth Amendment.

MR.STRACHAN: Mr. Speaker, I am dissatisfied with the answer and I wish to debate it on the Late Show.

MR.SPEAKER: The hon. the member for Buzgeo - Bay d'Espoir followed by the hon. member for Conception Bay South.

MR.SIMMONS: Mr. Speaker, I have a question for the hon. the Premier. He was out of the House last week when the subject of the out of court settlement to J.G. Bailey of Baie Verte arose. I would hope he is familiar with that settlement. It was a settlement by Lab Liner to Mr. Bailey's firm for a contract that was not honoured and Mr. Bailey's firm took Lab Liner to court and subsequently there was an out of court settlement approximating \$250,000. I would ask the Premier first of all if he is aware of that and at what point he first became aware of that particular out of court settlement or in particular when he first became aware of the dilemma that Mr. Bailey was in as a result of the breach of contract by Labrador Linerboard ?

MR. SPEAKER: Hon. the Premier.

PREMIER MOORES: The answer is, Mr. Speaker, that last week was the first I was aware of that particular contract. I have had a preliminary look at what happened. I have been assured by those people who are concerned that whilst it was an unfortunate situation, the cancellation of the contract, that in fact there was no great rip off attached. There was apparently a great deal of money lost by Mr. Bailey himself as well as by Linerboard Mill. As I say at this time I really do not have enough detail on it to answer the question, probably as fully as the hon. member would like, but when I get it I will gladly pass it on.

MR.SPEAKER: A Supplementary.

MR.SIMMONS: Mr. Speaker, my information is that the Premier had occasion to talk to Mr. Bailey about this between the time that his contract was called off and the time of a settlement. Would the Premier confirm that he indeed did have a telephone conversation with Mr. Bailey concerning this particular subject.

PREMIER MOORES: To my knowledge Mr. Speaker, I have never met Mr. Bailey.

MR. SIMMONS: By telephone.

PREMIER MOORES: No, to my knowledge I have never talked to the gentleman by

Premier Moores.

telephone. My memory may be in error but I certainly do not remember any call with Mr. Bailey.

MR. SPEAKER: A supplementary.

MR. SIMMONS: Mr. Speaker, a further supplementary. My information is that the Premier met with Mr. Bailey to discuss this matter.

MR. SPEAKER: Order, please!

I must draw the hon. gentleman's attention to two factors. One that one may only state such facts as are necessary for the question but specifically I am referring to the rule that no hon. member may impugn the accuracy of information conveyed to the House by a minister. I draw that to his attention and ask him to rephrase his question.

MR. SIMMONS: Thank you. Would the Premier then confirm or deny that he met with Mr. Bailey and discussed this particular item with Mr. Bailey?

MR. SPEAKER: Order, please! I would suggest the hon. gentleman's rephrasing of the question still

Mr. Speaker.

leaves it within the ambit of the rule referred to in Beauchesne, page 148 to the effect that, "No hon. member in asking a question may impugn the accuracy of information conveyed to the House by a minister."

MR. SIMMONS: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. SIMMONS: Well again, Mr. Speaker, there is no attempt here to impugn the Premier's honesty on the matter, but I would ask him if he would refresh his memory on the subject and probably check with his appointment's calendar and then inform the House as to whether he indeed did meet with Mr. Bailey concerning this matter.

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: Yes, Mr. Speaker, I will gladly do it. But as I said before, I honestly do not recall having met with him, and I will check and see if I did. But irrespective of if I had and if there had been any discussion, any meaningful discussion, Mr. Speaker, I would have remembered it, but absolutely not. I do not know where the hon. member got his source of information from. Maybe he would like to say, because I generally am not sure of what he is talking about.

MR. SIMMONS: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. SIMMONS: I cannot preamble. I will talk to the Premier probably outside and give him the information I have.

Will the Premier indicate whether he in anyway had any input into the ultimate decision to pay Mr. Bailey an out of court settlement approximating \$400,000?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: Mr. Speaker, the answer is absolutely not, because I do not even remember - not the out of court settlement - I do not even remember Mr. Bailey. And I would like, Mr. Speaker, not to remember the member if that was possible.

ORDERS OF THE DAY:

MR. HICKMAN: Mr. Speaker, I understand that the hon. Minister of Fisheries and the hon. member for Trinity - Bay de Verde (Mr. Rowe) have had a quiet meeting behind the curtain, and they crave the indulgence of the House to be able to introduce a motion relating to a gentleman named Davies without having to give the required notice, and to have the resolution passed without any debate thereon which I gather requires unanimous consent.

MR. SPEAKER: Does the House grant unanimous consent, number one, for the motion to be presented without the usual twenty-four hours notice, and that it be voted on without debate?

MR. SMALLWOOD: Mr. Speaker -

MR. SPEAKER: The hon. member.

MR. SMALLWOOD: Can we first hear it?

MR. SPEAKER: If somebody will read the motion.

MR. W. CARTER: Mr. Speaker, I, in line with the suggestion put forward by my friend, the member for Trinity - Bay de Verde (Mr. Rowe), I move, seconded by the hon. member for Lewisporte (Mr. White) that this House unanimously condemn the actions and insulting statements of one Brian Davies and others who are engaged in attempting to destroy the Newfoundland sealing industry. And we further move that the hon. House reaffirm its support of the sealing industry and extend our best wishes to our fellow Newfoundlanders who are presently engaged in the seal hunt.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Is the House ready for the question? Those in favour "aye." Contrary "nay." I declare the motion carried.

MR. HICKMAN: Order 2.

MR. SPEAKER: Order 2.

Motion second reading of a bill, "An Act To Amend The Legislative Disabilities Act." (Bill No. 6).

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, the bill itself is very straightforward, and the doctrine of res ipsa loquitur I would suggest applies. The position is that under Section 15 of the Legislative Disabilities Act, "Any person being a qualified and registered medical or dental practitioner, who is not a full-time employee of the Government of Newfoundland, is entitled to received remuneration from the Crown directly or indirectly and not have to forfeit his or her seat in the legislature. I have forgotten when that amendment came in but it was, I suspect, before I was elected to this hon. House in 1966. But it is obvious as to the reason for it, that under - I guess it was at the time of the dental health plan, which was in the early 1960's or late 1950's - in order for dentists

Mr. Hickman:

to receive remuneration or doctors under MCP this amendment to The Legislative Disabilities Act (Bill No. 6) was necessary. That, Mr. Speaker, only covers the majority of doctors and dentists, but I think all dentists except one in Newfoundland practice independently. We have one hon. member, the member from Mount Scio (Dr. R. Winsor) who is a dentist but this new bill does not apply to him because he is already covered under Section 15 of the old Act. I believe there is only one - Section 15 of the old Act it is in the explanatory note - it says "Any person being a qualified and registered medical or dental practitioner performing the professional services for and accepting remuneration from any public department, institution, Board, Commission or other constituted public body provided that in any of the cases mentioned in this paragraph the medical or dental practitioner is not employed exclusively and for his whole time upon the work mentioned in this paragraph, and occupies the position of an independent medical or dental practitioner."

So obviously as all doctors and all dentists in Newfoundland receive money from government departments this piece of legislation was necessary some time ago.

Now we have a situation, Mr. Speaker, where we have doctors as opposed to dentists, medical doctors who are employees of the Crown on a full-time basis, namely those who work in cottage hospitals and those who are district medical officers. And in that category we have one very illustrious member of this House and that is the hon. gentleman from Exploits (Dr. Twomey) who was elected to the House last year, and under the Law at the end of the expiration six months from the date of the return of the writ he was compelled to cease and desist receiving any further monies from the Crown for medical services. And this he has done. If ever there was a man in Newfoundland elected to a House with a clear mandate from the voters as to what they wanted done with the Legislative Disabilities Act (Bill No. 6) it was the hon. gentleman from Exploits -

SOME HON. MEMBERS: Hear, hear!

MR. HICKMAN: - who the first time around was not as definitive as he should have been in saying to his people who, I think, I can say they not only look up to him as one of Newfoundland's outstanding medical doctors, but it almost reaches the stage where they worship him in the area that he has been serving for so long - how long doctor?

DR. TWOMEY: Twenty-seven years.

MR. HICKMAN: Twenty-seven years, Twenty-seven consecutive years. I think, he has been practicing medicine as a servant of the Crown for approximately thirty years but I understand he had the very good fortune as all doctors should have in onetime serving along the South Coast on the Lady Anderson. That in my opinion should be compulsory for all doctors, all dentists, all politicians, and if we have not got a Lady Anderson now, which we have not, I am sure that we can find one, in fact I will have a word with the hon. Minister of Tourism.

SOME HON. MEMBERS: Oh, oh!

MR. HICKMAN: No but I was thinking about another ship, another great ship, a sailing ship that could sail along the South Coast.

AN HON. MEMBER: The Norma and Gladys.

MR. HICKMAN: In any event, Mr. Speaker, if I may get back to the bill and I realize I was wandering and I was very much out of order, I shall not do it again - this bill takes care of the situation where - and the only member of this House that is covered right now by it is the hon. member from Exploits (Dr. Twomey) who is a district medical officer in the Botwood area, and certainly when this House is not in session - obviously when this House is in session he is not entitled to nor should he receive remunerations from the Crown for medical services - but when this House finally adjourns in the hot Summer days of July, and we all go about our business, and the people of Exploits, and in particular the people of the Botwood area, want the learned and lovable and competent doctor, the hon. member from Exploits, to meet his commitment that they extracted from him

Mr. Hickman:

so forcibly and effectively in the recent by-election, they want him to practice medicine and so he should.

Now, Mr. Speaker, I have to confess to an oversight on my part, I learned this as a young lawyer that confess and avoid is an extremely proper approach in matters like this, last year -

AN HON. MEMBER: It was good for the soul.

MR. HICKMAN: It is good for the soul, it is good for the teaching profession, it is good for everyone.

AN HON. MEMBER: You are good at it.

MR. HICKMAN: Add I am good at it.

Well the hon. member, well no I will not single out members, the Newfoundland Teachers' Association asked last year if

MR. HICKMAN: the act would be amended to permit teachers who are members of the House of Assembly and who are employees of the school board to receive remuneration from that board when the House is not in session. I had to confess that it was not a matter of any great policy decision on the part of the government, that by the time I got around to giving it any serious thought this House had adjourned. But the matter is still with us and it was brought to my attention by one hon. gentleman of the teaching profession, who sits opposite, there are several, but one hon. gentleman brought it to me, and there will be as part of this bill, and I have the distributed to hon. members opposite a copy of an amendment in committee which will form part of the bill, which provides that any employee of a school board who is employed during the period when the assembly is not sitting, this would enable teachers, for instance, I suggest, I would hope that the teaching profession get the occasional request to do substitute teaching when the House is on session and anyway that provision will be contained in the act.

There are two others. One is an interpretation provision only which says any member, maybe I had better read it to the House now so we will know what we are debating; Subsection 8 of Section 3 of the Legislative Disabilities Act is repealed and the following substituted, quote; (8) Any member of a school board within the meaning of the Schools Act, or any member of a hospital board within the meaning of the Hospitals Act 1971 (8 A) any employee of a school board who is employed during the period when the assembly is not sitting; and three (8B) any person appointed to the Board of Regents of the Memorial University of Newfoundland who is employed during the period when the assembly is not sitting. Eight is purely a housekeeping technical amendment because

MR. HICKMAN: under the present act school boards are referred to as boards of education, whereas under the Schools Act they are now referred to as school boards. And again it used to be boards of health and now under the Hospitals Act they are referred to as hospital boards. There is no significance to that at all. (8A) is the one that is designed to permit and will enable members of the teaching profession when the House is not in sitting to receive remuneration and be employed by school boards in the Province. Because, Mr. Speaker, the Legislative Disabilities Act, and I am sure the hon. member gentleman from Twillingate who has brought in so many of these amendments is far more familiar than I am with the act, but under section (2) of the act it is provided that a person elected to the House of Assembly shall not receive any profit or emolument from or under the government of the Province or from any legislature or from any board or public body, the members whereof are appointed by the government. That is the reason why the amendment is necessary because school boards are appointed by the Lieutenant-Governor in Council. true on the recommendation of their particular denomination.

Memorial University, the other provision deals with Memorial University, and there it is more to clear up almost a difference of opinion between solicitors. My understanding is that Memorial University professors, we have one or more in the House now, have been granted leave of absence and have been able to sit in the House, and if they wish to receive remuneration for teaching when the House is not in session it has been interpreted that they have been entitled so to do. And I think that they are right and I think that they have been entitled. But there is a conflicting opinion from a solicitor who advises Memorial University, indicating that because the Board of

MR. HICKMAN:

Regents are appointed by government, therefore the Board of Regents falls within the category or the definition as set forth in section 2 of the Legislative Disabilities Act. I do not think they do, but in case they do this last one (8B) is designed to clarify any possible difference of opinion or doubt that may be expressed or involved. So, Mr. Speaker, I would ask the hon. gentlemen if in debating this bill if we could debate it not only as to the clause that is presently

MR. HICKMAN: - contained in the bill that has been circulated, but also the amendment which will be put to the Committee in Committee, and which will form part of the bill if passed by this hon. House, as being one and the same and probably should have been included in the bill, a reprinted bill, but the effect is the same. I move the second reading.

MR. SPEAKER (DR. COLLINS): The hon. member for Burge-Bay d'Espoir.

MR. SIMMONS: Mr. Speaker, the minister in introducing the bill has referred quite properly to the member for Exploits (Dr. Twomey), the member that it would directly effect at this particular time, and he has made us aware also that in Committee we will have the proposed amendment relating to teachers, and other employees of school boards. Well of course it is well known that I was involved in the teaching profession. There are a dozen or so in the House, the member for Terra Nova (Mr. Lush), the member for Bonavista North (Mr. Cross), the member for Humber Valley (Mr. House), the member for Baie Verte - White Bay (Mr. Rideout), the member for Trinity - Bay de Verde (Mr. Rowe), the member for Stephenville (Mr. McNeil) at one time taught. I must be missing others but were some of the people who in one form or another were involved in the teaching profession, the member for Menihek (Mr. Rousseau), I should not forget, and perhaps others that I have missed as I have gone along.

MR. RIDEOUT: Bonavista North too.

MR. SIMMONS: Yes, the member for Bonavista North I have mentioned. The Minister of Mines and Energy of course I should not forget at all, because he and I had the privilege of working together for two or three years on the same school staff. The point I want to make, Mr. Speaker, having heard the minister talk about the amendment as it affects the member for Exploits and as it will affect teachers, one is placed in an awkward position, I am particularly as a former teacher and perhaps a future teacher once the electorate take care of me here. You cannot help but wonder out loud though whether

MR. SIMMONS: this is a 'me-too' act or a 'to-me' act. It is certainly designed for the latter but it could have some advantages for the former. Whether it is a 'me-too' act, Mr. Speaker, or a 'to-me' act, the fact is that we are here debating today whether or not to allow a member of this House, a member who is elected by a decisive majority nearly a year ago, allow him to legally receive remuneration in respect of his office as a MHA. That is what it amounts to. It is unfortunate that this was not done before the event. My comments are not at all aimed at the member for Exploits, He knows very well, as I took time to say it when I addressed myself to the Address and Reply, the amendment, took time to say in what high esteem I hold him and still do.

I want to make a comment about this whole Legislative Disabilities Act. We now have an example where after the fact we are asked to make an amendment which will take care of a situation retroactively. I submit, Mr. Speaker, that the Legislative Disabilities Act and the Conflict of Interest Legislation needs a new look. Someone needs to sit down, and it is not the people - well perhaps it is the people in Justice-but what I started to say it that it is not the drafters as such because as I understand it they are given instruction as to what government would like to have in the legislation and then they just put it into the right words. I will come back to that. Before it gets to the drafting stage I would hope that somebody would sit down and rethink this whole business of Conflict of Interest Legislation and the Legislative Disabilities Act because in answer to the Minister of Public Works the two are more related than perhaps meets the eye at first glance. We had an example not too long ago with the gentleman sitting next to the member for Exploits, the member for Kilbride as he now is, where he was representing government in a European loan situation,

MR. WELL: That is not correct.

MR. SIMMONS: The information is to that effect, but I am glad to hear that that is not the case.

MR. WELLS: A point of privilege, Mr. Speaker. The member for Kilbride did not represent the government, but represented the European underwriters who require as part of the thing an opinion from a solicitor in Canada.

MR. SIMMONS: Yes, the minister now that he reminds me, of course, is only right but it triggers

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my memory on the very point and helps reinforce what I am about to say about the conflict of interest situation.

MR. SPEAKER (Dr. Collins): Order, please!

The hon. member made an explanation so I do not think I need make any ruling in terms of the point of privilege.

The hon. member.

MR. SIMMONS: But it does, Mr. Speaker, raise questions - not at all about the member's integrity, I am not suggesting that for a second - but it does raise questions about whether a sitting member of this House should be allowed, permitted under law, to do business with the government in a matter of such large financial magnitude. It raises questions for me, and I believe that that is just one of many examples we could raise on the subject. I would like to see a complete look at the legislative disabilities. I think this piecemeal business, this patch approach, this patch-work approach, is going to take care of the particular problem as it affects the member for Exploits (Dr. Twomey), and I believe we on this side of the House are going to be most happy to accommodate the present situation. But it goes deeper than that. And I would like to see government delegate some body or bodies to take a finetoothed comb look at legislative disabilities legislation and conflict of interest legislation.

You see, Mr. Speaker, there is another group that we have not yet mentioned but which needs mentioning. There is that whole band of people in the civil service. Now some of them are senior people who advise government on matters of policy, deputy ministers, and directors of various divisions and a whole category to be spelled out. But by and large, Mr. Speaker, the mass of people in the civil service and in Crown corporations, in quasi public service, should have the opportunity to participate more fully in the electoral process, indeed should be allowed to stand as candidates for office. Now some of them on the periphery of the civil service, for example, people in district

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vocational schools have either gone and gotten leave or else taken the chance, and they have run for office, and as I say, usually taking a chance. But these people should not do it in some second-class way where they have the hope that everything is going to work out for them. They should do it under law. They should do it because the law says, "You are as first-class if you are a typist in the Department of Health if you want to run for office or want to get out and lick envelopes or otherwise lick stamps or otherwise get involved in the activities of a political organization, be it the Progressive Conservative or the Liberal or the NDP, you name it." These people should be as free. Now the fact is, Mr. Speaker, they are not nearly as free. Indeed I have information which has come to me as a result of the past by-elections, the past three by-elections, where employees of Newfoundland Hydro had some very specific instructions from a politician, very specific instructions. And the instructions, Mr. Speaker, were that you should not get involved, not get involved in the political process. Now I am not talking about as candidates even. I am talking about attendance at meetings and being publicly associated or even associated with a political party in the activity of preparing circulars and just being a party worker. They had direct instructions, Mr. Speaker, the Newfoundland Hydro people did during the last by-elections not to get involved.

Now, Mr. Speaker, these instructions came from the a minister of the administration, the same administration, when their colleagues were in Opposition, that said that they were going to bust her wide open when they got in.

MR. ROBERTS: Hear, hear!

MR. SIMMONS: They were going to see to it that every citizen of this Province were able to exercise their democratic rights in terms of being party workers or in terms of being candidates, the whole bit, Mr. Speaker. They were going to open her wide up. Instead

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of that, Mr. Speaker, instead of that they have closed her up. They passed the word down the line, including in writing, Mr. Speaker, in case somebody doubts the word - and I will produce one of those days. I would do it today were I not here, were I where the information is. I have it in writing, Mr. Speaker, an instruction. I have not read it for six or seven months so the wording escapes me.- But the essence of it, Mr. Speaker, is pretty clear. I do not know if there are any implied threats. There probably were not. That would be unfair and perhaps untrue to suggest that. But , you know, when somebody sits down and writes a memorandum which says, "Do not get involved," they got a reason for doing it. And you ask why? Where is the legislation?

Mr. Simmons:

There is no legislation that prevents involvement, but if you get a very strong hint, particularly a hint on paper, about what you should or should not do -

MR. NOLAN: Or even by word of mouth.

MR. SIMMONS: Or even by word of mouth, for instance, Oh well, Mr. Speaker, that opens a complete can of worms. Because talking about the district of Exploits, the stories that we could tell, we who followed the - I wish the Minister of Industrial and Rural Development were here now, because I would rather say this in his presence than in his absence - but those of us who went into Phillips Head - Phillips Head? - the member for Windsor-Buchans (Mr. Flight) and I happened to go into Phillips Head and happened to follow the minister and the candidate for the district there by two or three hours, we happened to arrive just after, and the conversation that was quoted to us, that transpired between the minister and an individual there about his chances of obtaining financial assistance for a piece of equipment staggered the mind, Mr. Speaker,

It has been referred to, I am not divulging anything particularly new, because I think the Leader of the Opposition had access to the same information in a separate conversation with that gentleman. But the intimidation, Mr. Speaker, the outright intimidation that went on on that occasion just staggers the mind that it could happen in our system, that such outright open intimidation in the presence of witnesses for the sake of a vote, that it could go on in Newfoundland, in Canada, in a Western democracy, in 1976 as it was.

The member from Windsor-Buchans knows what I am talking about. It just staggers the mind to realize that you live in a situation like that.

AN HON. MEMBER: We all do it.

MR. SIMMONS: Now, Mr. Speaker, that is just one example, and there are many others of what price votes. If that is the price of them I do not want to have any. And I believe I speak for most people in this House.

SOME HON. MEMBERS: Hear, hear!

MR. SIMMONS: What price votes? What price election?

I am sure, knowing the integrity and the reputation of the member from Exploits (Dr. Twomey), I am sure that if he heard that conversation he would have rejected it. I am sure that it was said behind his back because that, Mr. Speaker, you know, words escape you because you cannot imagine that kind of intimidation going on where the ballot is supposed to be secret, where a man is supposed to be able to use his own free judgment. My God, we were supposed to have gotten away with that - or not only gotten away with it, but done away with that here seventy, eighty years ago. Imagine the gall to suggest to a fellow that his chances at qualifying for government funding depended on his political persuasion or how he exercised his franchise. Or imagine the situation that I brought out in the House a year or so ago, Mr. Speaker, on the same subject, and I have again correspondence on this particular one, where a senior political appointment of one of the department's of government leaned pretty heavily, and I have it in writing, leaned pretty heavily, Mr. Speaker, just before the September, 1975 election which we will all remember, leaned pretty heavily on a group of people that were applying for government funding.

Many may ask why do we need legislation? Why do not these people out there, those typists in the departments or I will call them junior, what I mean is not senior, not civil servants at the policy influence level, you know, what is wrong with a girl who types in the Provincial Building in Grand Falls, what is wrong with her in her spare time exercising her democratic freedom to be involved in a political party? What is wrong with it? Why can we not have in the appropriate legislation something which says directly, openly to these people, We want you to participate and here is your authority.

Now, Mr. Speaker, I am essentially making the same speech that these guys now in government made when they were over here about

Mr. Simmons:

how they were going to open her wide open, they were going to see to it that everybody in this Province had the opportunity. And what are they doing instead? Intimidation! Intimidation, Mr. Speaker. Telling Hydro people to watch their P's and Q's, not to get involved; telling a man who wants government funding, Be careful how you exercise your franchise; telling a group that had its tentative application approved for government funding to watch their public profile before an election or the funding would be cut off, as

MR. SIMMONS:

it was by the way. I make a plea, Mr. Speaker, - I am sure I share the views of all my colleagues on this side of the House and I believe most of the people in this House, most of the members of this House - I make a plea for legislation which affirms what surely is a basic democratic right, which affirms that whether you work with Newfoundland Hydro or with Newfoundland and Labrador Housing or with any department of government for that matter, you have the same right, not only in theory, Mr. Speaker, but in practice, to get out there and become actively involved.

Now what I am saying is not particularly new, Mr. Speaker. It has been tested. Indeed it has been tested by people in the Premier's office; people who hold some very senior positions, Mr. Speaker, have been given leave as recently as the last provincial election.

MR. F. WHITE: Dave Butler.

MR. SIMMONS: Mr. Dave Butler was given leave, was he not?

MR. WHITE: Yes, he worked here three weeks. Carried the Premier's coat.

MR. SIMMONS: Mr. Dave Butler was given leave for three weeks during the last campaign. Secretaries, I believe, in the Premier's office - at least one in the Premier's office was given leave for three weeks to go out and work actively on the campaign. Now, Mr. Speaker, you cannot make -

MR. SMALLWOOD: Would the hon. gentleman yield for a moment?

MR. SIMMONS: Sure, of course.

MR. SMALLWOOD: When the clerks or officials in the office of the Premier or if any minister of the Crown is given permission, a leave of absence for a week or two or three or four in the course of a general or any other election, is that only to operate in the interest of the party that is in power at the moment or would the same right be given to go and work for the other party? I mean, if

MR. SMALLWOOD:

not, why not?

MR. SIMMONS: Yes, exactly, yes. Of course the former Premier, the member from Twillingate, all too well makes the point that I am making, that it is chalk for one and cheese for the other. That the reason the Hydro people were given a warning, Mr. Speaker, is not because that politician had any suspicion they were going to get out and help the Tories. Oh no, that was not the reason. The reason was because it was a well known fact that the persons that that memorandum was aimed at were known supporters of the Liberal Party. At the risk of getting them fired, Mr. Speaker, let me say that they worked very effectively for us anyway.

AN HON. MEMBER: Hear, hear!

MR. SIMMONS: Indeed I will tell the member for Exploits (Dr. Twomey) that if he will check his polls, one set of polls which last time he lost - he lost it just a bit more heavily this time - and it is in no small measure the results of some Hydro workers who put in a real effort despite a written instruction or written suggestion, I should say, that they not get involved.

The member for Twillingate (Mr. Smallwood), Mr. Speaker, capsules very well in his question the nature of this problem. Let us stop making chalk of one and cheese of the other. Let us practice in government what we preached in Opposition - what they preached in Opposition. Let us open her up now, Mr. Speaker, and make it democratic not only in law, because the law in effect says now that people may participate fully.

AN HON. MEMBER: Let us do away with the act now.

MR. SIMMONS: But let us make it more positive, let us affirm the right in print. Now you may want, Mr. Speaker, I would be the first to concede that you may want to spell out a category of people who

MR. SIMMONS:

should not, while they hold office, while they hold a point of office - I am thinking of a deputy-minister, for example - you may want to spell out legislation that says that this category of persons, because of the tenderness of the post, the intimacy, the intimate acquaintance with government policy, their influence on government policy, you might want to say that group should not while they hold appointive office, run for elective office. In other words, they could have the option they now have - resign if you feel strongly you want to run as a candidate, by all means resign. That is possible because I could see that some senior people, very much involved in the policy evolution, the policy development of government, would have difficulty working after the fact. If, for example, a deputy minister ran for elective office, was defeated, and then the next morning had to walk back into his office and relate to the minister, who happens to be a member of the other party, the government party, as opposed to, say, the non-government party which he ran as a candidate for. Now I can see that that would create particular problems. But there is no earthly reason why, Mr. Speaker, ninety-five, ninety-eight per cent of the civil service and the quasi civil service, the crown corporations personnel, no reason at all why these

MR. SIMMONS: people should not have the right in fact, as they do now theoretically although they are being intimidated on every occasion- no reason why they should not have the right in fact and in law, in positively stated law - no reason why they should not have the full right to participate as party workers and/or indeed as candidates for any political party, be it the party in power or some other party.

Now I make a strong plea, Mr. Speaker, to those on the government side who when they were in opposition espoused the very thing I am espousing right now. They preached it up and down this country, Mr. Speaker, that they were going to change that, that they were going to do away with this nonsense whereby a man, because he was a junior employee of a department of government, could not have his full right as a democratic citizen. They were going to do away with that, Mr. Speaker. Well, look at the record. Look at what happened in Exploits to the Hydro people. Look at what happened in Exploits to the man who was looking for government funding. Look what happened in another part of this province during the general election of 1975 and, Mr. Speaker, that particular case I documented very well and I have an affidavit in my possession which will attest to what I am saying on that particular subject. I do not think we need the affidavit because the minister concerned knows full well what I am talking about as do other members of this House.

Now, Mr. Speaker, that is a disgraceful, a despicable situation for this day and age in which we live. This amendment, Mr. Speaker, together with the amendment of which the minister has given notice he will introduce in committee, goes part way to doing what has to be done when it comes to the legislative disabilities legislation. I say it goes part way, because it makes being elected to the House available to more people. Now the doctors who are receiving remuneration from the government, now

MR. SIMMONS: the teachers, members of the Board of Regents, those people are not debarred from sitting once these amendments go through their proper procedure in this House. But, Mr. Speaker, there are other people too who are effectively being prevented from being members of the House of Assembly. A part of it is the monetary problem, but that is really another issue and as much as I would like to go into it, it is not an issue for today, for this particular amendment. But there are people, Mr. Speaker, in other ways who are being effectively prevented, some of the more ordinary people. I am not thinking particularly of doctors and lawyers and teachers and profession people generally, as we sometimes call them. But this legislation has to be opened up. After all, the intent of the legislation surely - surely the intent of the Legislative Disabilities Act is to guard against any abuses of the system. That is what it is there for. It is not meant to be restrictive in terms of making public office available to people, whether dentists or doctors or teachers, that is not the purpose of the legislation, or lumbermen, or loggers or fishermen or plumbers. It is not to debar people. But the effect of it as we are finding now with the amendment that will affect the member for Exploits, the effect of the legislation is that it does indeed debar people, as we are showing. If the law were being strictly enforced the member for Exploits would not have run. Not that he was not allowed to run. There is nothing wrong with running. He is perfectly within the legalities there, but he would not be allowed to receive remuneration. I would think if Treasury Board is observing the letter of the law up until this minute they have not paid him any remuneration.

MR. WHITE: That is what he said in the statement.

MR. SIMMONS: The minister said that, I believe. Did the minister indicate as much?

MR. WHITE: Yes.

MR. HICKMAN: Six months in office - six months since the return of the writ.

MR. SIMMONS: Yes, right, yes. Again the point I make is that it is too bad we need this kind of an amendment. I am saying now that today it is a doctor, tomorrow it could be a plumber, tomorrow it could be somebody else who in a way that we cannot conceive now is affected in just the same way that the member for Exploits has been affected. I say the way around that is not the piecemeal approach, and we have no objection to tidying up this one and I believe my colleagues and I will be voting for it, That is not our point at all.

We are making the larger point that the need is certainly demonstrated once again today for

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somebody to be delegated by government to have a very close look at the whole legislative disabilities legislation. Open her wide up so that plumbers and loggers and fishermen and civil servants can have the same access to this House that we are now giving doctors and dentists and teachers.

SOME HON. MEMBERS: Hear, hear!

MR. HICKMAN: (Inaudible).

MR. SIMMONS: The minister again misses part of what I have said. You see, in normal circumstances we would not need this legislation on account of a doctor. It so happens that the doctor concerned is receiving other remuneration from the public treasury. Now I cannot, Mr. Speaker, because I am not at all knowing, I cannot conceive, I say to the Minister of Justice, I cannot conceive of the set of circumstances where a plumber would be placed in the same situation, or a logger or a fisherman. But there may well be, if you had a situation where one of these categories of people were receiving somehow - I do not know how - some remuneration from the provincial government, the provincial treasury, in some form or another. That is what I am saying. So instead of something very specific like this addressing itself to a doctor or a dentist or a member of the Board of Regents at Memorial or a member of a hospital board in Corner Brook or a member of a school board in Bay d'Espoir, instead of that, why do we not look at the larger problem, Mr. Speaker. Why do we not say, "Look, this act is not to restrict people, not to stop people from becoming members of the House, but rather it is to stop abuses." So let us address ourself to the abuses that could arise so that a person is not receiving at both hands from government as it were." Let us do away with that abuse. I do not know about doing away with it, but let us make it difficult to abuse the use of public money in that way. And at the same time, Mr. Speaker, let us leave it

Mr. Simmons.

wide open in terms of who may sit in this House. Because this private club approach, Mr. Speaker, that we have here now, where if you are a lawyer and can commute between your office and Confederation Building, between your office and the House of Assembly, it is okay. Let us do away with this privileged membership status. I exaggerate to make my point, but I believe the point is a very valid one, Mr. Speaker. Let us once and for all open it up so that every member, every qualified citizen of this Province, no matter what his professional category, no matter what his job description, no matter where he lives in this Province, let us put our money where our mouth is. Let us really once and for all say what we have been pretending all along, that every citizen of this Province can be a member of the House of Assembly at least insofar as law is concerned. Now there are other things that you got to do. You got to get yourself elected and that kind of thing. But that is another quintal of fish, another set of details.

MR. WHITE: That is the hardest part.

MR. SIMMONS: But in terms of law, Mr. Speaker, let us see to it once and for all that all people in this Province have the same access to sitting here, whether you are a fisherman, or a teacher, or a logger, or a doctor, no matter what your job description may be. And I say to members of this House, and to you, Mr. Speaker, that the Legislative Disabilities Act right now has the potential to prevent people, particularly people in the civil service - my God, I say, the potential - has the very real potential to prevent a person in the civil service who by virtue of the fact he is receiving remuneration, for example, has the very real potential to discourage him or to obviate, to rule out his even thinking about running for elective office. There is a double pronged problem there, Mr. Speaker, if I may come back to the civil servant just for a moment. There is the business of running for office. That one needs to be ironed out.

Mr. Simmons.

You would have to spell out categories of people probably, or those who should not be allowed to run while they are still employed. But there is the other category of problem, Mr. Speaker, about who can get actively involved in the workings of a political party. Is it only a person who is a Mr. Dave Butler? Is it only a person who is a secretary in the Premier's office, because she happens to want to work for the "right" party? Or should it not be a secretary in some other office, or perhaps in the Premier's office who wants to work for the Opposition. The word I am getting is that more and more people close to the Premier want to work for the other party.

SOME HON. MEMBERS: Hear, hear!

MR. SIMMONS: And we welcome them. Indeed, Mr. Speaker, I have news for the Premier, if he is within hearing of my voice; some of them are working for us now.

MR. DOODY: Your usual reliable sources?

MR. SIMMONS: Ah, Mr. Speaker, as the minister knows, my sources are usually fairly reliable.

MR. WHITE: Ah, ha!

MR. SIMMONS: And the -

MR. DOODY: You will find out one of these days.

MR. SIMMONS: Last week, Mr. Speaker, the business of the Labrador Linerboard is an example where my sources were very reliable. The minister had no choice, but the very next day come out and confirm that what I said was true about the out of court settlement.

MR. PECKFORD: It was public knowledge, boy.

MR. SIMMONS: Mr. Speaker, the minister of Mines and Energy says it was public knowledge. It may be, but his colleague the Minister of Finance did not know anything about it or so he told the House last week.

MR. DOODY: Not the details.

MR. PECKFORD: Do not be silly, do not be silly.

MR. SIMMONS: We will try not to be silly, Mr. Speaker, but the company somewhat compromises me at times. It is difficult, Mr. Speaker.

SOME HON MEMBERS: Oh, oh.

MR. SIMMONS: Ah, Mr. Speaker, I know I have hit a nerve but we have sources, we have people working for us., Mr. Speaker, who do not have leave of absence. They are working for us almost day and night. Sometimes they have to phone at night because they are afraid that if they phoned during the day they might compromise themselves. But my phone is listed, Mr. Speaker, and they know where to find it, they use it fairly often and the result is we

MR. SIMMONS: get a fair amount of fairly reliable information. Some of it needs to be checked out, but that is par for the course. What needs to be checked out we do not use the next day, we use the following day. Because if you wait the second night you will get a call from a second secretary, or a second civil servant, who will either confirm or contradict the information you got the first night. It is a good network, Mr. Speaker, and it works very effectively and I would like to publically thank all those people who have been giving us so much help.

SOME HON. MEMBERS: Hear, hear!

MR. DOODY: You need all the help you can get.

MR. SIMMONS: I am like the Minister of Finance, I do need all the help I can get and I receive it rather gladly in the hope of getting more, Mr. Speaker, and so far our sources have not been cut of. I realize that this afternoon I have put the ministers more on guard. For example, Mr. Speaker, talking about public knowledge and the role of the civil servant. One would think for example, Mr. Speaker, that an issue such as the closure of hospital beds was very public. Is that a fair statement, or is it not? The minister announced it here and he came in and he announced a number of times that twenty beds were closing here in answer to questions.

MR. COLLINS: I never heard a word about it.

MR. SIMMONS: And so on and so forth. Yes, the minister did hear a word about it and I am going to tell him right now where he heard about it. I am going to tell him exactly where he heard about it. I am going to tell him exactly where he heard about it. As a matter of fact that is my whole point, exactly my whole point. Mr. Speaker, the Minister of Health says that he never heard about it. Well, he heard about it at least once after and

MR. SIMMONS:

I will tell you when. Because you see, Mr. Speaker, I went looking about two weeks ago for some-

MR. DOODY: For a bed.

MR. ROWE: His wit is devastating.

MR. SIMMONS: Mr. Speaker, if I had twice the -

MR. SIMMONS: Mr. Speaker, if I had twice the wit of the Minister of Finance I would be a half-wit.

SOME HON. MEMBERS: Hear, hear!

MR. SIMMONS: I would be a half-wit.

MR. MURPHY: To take him on you would have to be a half-wit.

MR. SIMMONS: I cannot say anything unkind about my coach, because he has agreed to go to Mount Pearl with us so we can loose the game.

MR. MURPHY: And I guarantee, you can play center on the first string. Now be quite.

MR. SIMMONS: Mr. Speaker, two weeks ago I went looking for some routine information on how many hospital beds had been closed. Now, Mr. Speaker, that was public information for a number of months, except I had not collated or collected the information so I was not sure how many had closed at St. John's General, and St. Anthony, Gander and so forth. So I went looking for it, I had my girl call a girl in the Department of Health to ask for what is a pretty routine piece of information and my girl told me, and I can only quote the words or the essence of what she said. She said, "I get the feeling I am getting the runaround I have phoned three times and I keep being told that, you know, hang on." Well eventually I got the information, Mr. Speaker, the minister came across the floor one day a week or so ago and gave me the information.

MR. H. COLLINS: I did not go all the way across the floor.

MR. SIMMONS:

Now, Mr. Speaker, -

MR. DOODY: You left him alone -

MR. SIMMONS: No. Yes, exactly, Mr. Speaker, what kind of instructions do you have in those departments--and I will give you two other similar examples in a moment-- what kind of instructions do these people have? Are they instructed that whenever they hear from an opposition MHA, no matter how routine the request is, have they got to refer it to the minister?

MR. SPEAKER: A point of order.

Mr. Hickman:

The rule of relevancy does mean something, and I do submit the question of the secrecy of the lack of secrecy of public servants and those who used to be obliged at one time to take an oath before - I do not know how many years ago, long ago - is not relevant to the present bill that is before this House.

MR. SIMMONS: To the point of order, Mr. Speaker. I was, I believe, being very relevant. I was speaking to the Legislative -

AN HON. MEMBER: Speak up!

MR. SIMMONS: Mr. Speaker, I was speaking to the Legislative Disabilities Amendment, and I was making the case for freedom of all civil servants to participate fully without any intimidation direct or implied. I was using an example which I believe strongly is fairly direct intimidation, Mr. Speaker. And I believe it is well within the purview of the discussion, the debate we are having, and I would submit that it is quite in order.

MR. SPEAKER (DR. COLLINS): Order, please! The rule of relevance, of course, is there, but relevancy is not easy to define. And as long as an hon. member's remarks bear on the subject under discussion wide latitude is allowed. And I would say the hon. member's remarks, insofar as he is citing examples which he considers to be related to the Disability Act, are in order.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (DR. COLLINS): The hon. member from Burgeo-Bay d'Espoir.

MR. SIMMONS: I thank Mr. Speaker for the ruling, and advise the Minister of Justice that he is very ill-advised when he takes advice from the member from St. John's East (Mr. Marshall) even on points of order.

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: Mr. Speaker, I could quote a number of examples this afternoon of instances where we have gone after, we as an opposition, have gone after what is public information except that we, rather than take the time to compile the information ourselves, we call the appropriate department of government, and I can single

Mr. Simmons:

out departments of government in particular, but I do not think I will now, but it is obvious that some departments of government have direct instructions from their minister that if you hear from a politician on the other side of the House let us know, no matter how routine the information is.

A few days ago my colleague, the Leader of the Opposition, and I both and separately phoned a department of government, well this will be no secret when I say what we are looking for, so I will say the Department of Finance, looking for information about interest rates that we had paid on loans. Now, Mr. Speaker, that must be fairly public information, our bond issues during the year is fairly public information. And we were told directly, or the Leader of the Opposition was told in this case, "that he would have to check it out." A director of the Department of Finance told the Leader of the Opposition "That he would have to check it out before he could make the information available." And, Mr. Speaker, this is public information. What percentage? What rate are we paying for the bond issues in Europe, and in the States and so on?

MR. PECKFORD: On a point of order, Mr. Speaker.

MR. SPEAKER (DR. COLLINS): A point of order.

MR. PECKFORD: Just earlier the Government House Leader brought up a point of order relating to relevancy. It would seem to me that the present course that the hon. member from Burgeo-Bay d'Espoir (Mr. Simmons) has embarked upon does fall outside the rule of relevancy. He has zeroed in and has made very little connection with the whole business of secrecy as it relates to this bill that is before the House now. He has not tried to tie in the relevance between his particular point now and what it has to do with the principle of the bill under discussion. He is talking strictly about a telephone conversation as it relates to a department, and whether or not he was able to extract the information he wanted immediately. He has no attempt in the last two, to three, to four minutes to connect that with the principle of this bill. And on that basis, Mr. Speaker, I

Mr. Peckford:

submit that the hon. gentleman is out of order.

MR. SIMMONS: To the point of order, Mr. Speaker. I believe Mr. Speaker ruled on the same point of order within the last two minutes, but if it is indeed a new point of order, Mr. Speaker, let me say again what I said, and I will say it more slowly so the Minister from Green Bay (Mr. Peckford) can understand it, very slow in other words, Mr. Speaker.

MR. SPEAKER (DR. COLLINS) Order, please!

MR. SIMMONS: I will say, Mr. Speaker -

MR. SPEAKER (DR. COLLINS): Is the hon. member speaking to the point of order?

MR. SIMMONS: Yes, Mr. Speaker, I am speaking to the point of order. A few moments ago I said something which I shall now repeat, Mr. Speaker, that the matter of the freedom of the civil servant -

MR. PECKFORD: Now he is trying to connect it.

MR. SIMMONS: No, Mr. Speaker, I am not now trying to connect it, I am now trying to connect it in the way that the minister can understand it, that is the difference. Mr. Speaker, the matter of intimidation of people in the government service relates directly to their access to participate in a democratic system which I am talking about under the Legislative Disabilities legislation. I submit it is quite in order.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please! As I mentioned in the other ruling, the establishment of relevancy is not easy. It is required of an hon. member in debating a bill to discuss the issue. The points he brings up may not be readily apparent at the beginning, but it is required that the hon. member ultimately and without undue delay do show the relevancy to the debate. I think the hon. member should now establish the point in this particular regard that he is making. I would ask him to continue, but with that point in mind.

SOME HON. MEMBERS: Hear, hear!

MR. SIMMONS: Mr. Speaker, what we need is not a patchwork amendment but a new act, Mr. Speaker, which will prevent intimidation of public servants, which will allow them full access to the democratic process, which will allow them to run for elective office, with some exceptions that I have made reference to, which will allow them to be normal people in the conduct of their jobs so that the information is public they do not have to run to a minister whose favor they thought they have to curry to get information to say that the sun is shining today. That is what is going on, Mr. Speaker. People have been intimidated and are being intimidated.

MR. MORGAN: Not now, but they were years ago.

MR. HICKMAN: Now if they were they were not in here.

MR. SIMMONS: Perhaps not today but last Friday they were, last Friday.

SOME HON. MEMBERS: Oh, oh!

MR. ROWE: There he goes again.

MR. SIMMONS: Last Friday. The minister would not know. He knows so little about what is going on the Trans-Canada, I doubt he knows much about his department.

MR. MORGAN: They were intimidated years ago.

MR. WHITE: He flies over it all the time.

MR. SIMMONS: A place, Mr. Speaker, I drove over during the weekend. It is criminal for anybody to expect people to go over that highway. It is a death trap, continuing death -

MR. MORGAN: Blame it on Ottawa.

MR. SIMMONS: Yes, blame it on Ottawa.

MR. WHITE: They do not know. They fly over it.

MR. SIMMONS: The first thing the government should do, Mr. Speaker, is replace that minister so somebody can do something about it.

MR. PECKFORD: On a point of order, Mr. Speaker.

MR. SPEAKER: Order, please!

MR. WHITE: Here he comes.

AN HON. MEMBER: Oh, oh!

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

MR. WHITE: Here he comes.

MR. SPEAKER: Order, please!

MR. PECKFORD: The hon. member for Burgeo-Bay d'Espoir (Mr. Simmons) in saying that the Minister of Transportation and Communications should be replaced is going to have a very difficult time in trying to connect that statement with the principle of this bill. And therefore I suggest that he is out of order once again.

MR. SPEAKER: The hon. member for Lewisporte.

MR. WHITE: To that point of order, Mr. Speaker. It has been established here in this Chamber that if people on the opposite sides of the House are interjecting in the debate then one can expect to be answered back. It is the old tit for tat rule, Mr. Speaker, that has been applied many, many times.

SOME HON. MEMBERS: Here, here!

MR. HICKMAN: Mr. Speaker, let me draw Your Honour's attention to how this alleged tit for tat arose. The hon. gentlemen opposite, having

MR. HICKMAN:

just listened to Your Honour's latest ruling, gets off on a question of intimidation, again which has nothing to do with the bill before the House. If this brings on a response that arouses a tat, then I say, Mr. Speaker, the point of order would have to be raised forthwith, and it was not. And clearly, the Trans-Canada Highway has nothing to do with the Legislative Disabilities Act.

MR. PECKFORD: It would make no difference anyway.

MR. HICKMAN: Yes.

MR. SIMMONS: To the point of order. Mr. Speaker, I could not agree more with my good friend the minister. I withdraw anything I said about the Minister of Transportation. He is a nice fellow. There is no question about that, Mr. Speaker. I am told some people think so. I withdraw it. Without qualification, I withdraw it. If I may continue, I am -

MR. SPEAKER: Order, please! Yes, the hon. member may continue. The point of order has been taken care of.

MR. SIMMONS: Thank you. Mr. Speaker, one must laud your successes, however small. For some people they are very small.

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: Mr. Speaker, now what would be a small point for a high school debater is a monumental one for a kindergarten debater.

Mr. Speaker, in conclusion, in conclusion, Mr. Speaker, I believe strongly that the Legislative Disabilities Act and the conflict of interest legislation, which are more connected than would meet the eye and it would take some time to lay out the connections, I believe that both should be rewritten. We will support this patchwork approach to take care of the present situation because we are anxious, because of the particular esteem in which we hold the member for Exploits (Dr. Twomey), we are anxious to dispense with this because we know it must in some respects be embarrassing of sorts for him, and we are anxious to have this one

MR. SIMMONS:

dealt with. But we do appeal to the government to give indication that they will at the earliest opportunity arrange for a full review of the two bits of legislation I have mentioned with a view to tidying it up, opening it up for the civil servant so that he can have the same right that other people have in this Province to participate in political parties, the

MR. SIMMONS: same right which this party espoused when it itself was in opposition.

MR. SPEAKER(DR. COLLINS): The hon. member for Conception Bay South.

MR. NOLAN: Mr. Speaker, this bill, "An Act To Amend The Legislative Disabilities Act," it is very difficult for me to believe frankly that even those that may be directly affected on the other side of the House are going to vote for this one as it is presently presented to this House. For example, from knowing hon. members, for example, my good old friend the member for Mount Scio and the hon. member for Exploits, surely they must realize that by merely passing this bill and agreeing with it as it is without going into it in much more depth, and a much broader bill, in fact a brand new bill, a new act, that we are merely confirming what many people in this province think of the members of the House of Assembly anyway, and that is that they are in there out to look after their own bag. That is what we are doing here. It is not mentioned here, but lawyers are provided for under the Legislative Disabilities Act. They can provide their valuable legal services on financing for the province and so on. Nothing wrong with that, but all right to say that doctors can carry on their practice?

Let me ask the Minister of Justice a question.

Mr. Speaker. There are members for example on this side who will be affected by this particular amendment, Bill No. 6. Let me ask the Minister of Justice why he did not bring it in in the last session when the members opposite were also affected, or is it only now that it is a matter of great urgency when we happen to have fortunately a very fine man who is the member for Exploits? Why is it a great matter of urgency now?

MR. HICKMAN: It is not urgent.

MR. NOLAN: Oh yes, it is urgent and the hon. leader knows it is urgent right now. The fact is it is a discriminatory bill in the

MR. NOLAN: worst possible order and I am sure our friend from Bonavista knows so too.

MR. MORGAN: Is it?

MR. NOLAN: You disagree that it is not discriminatory? Mr. Speaker, does the hon. member wish to say that? If he does now is the time for him to say it. This bill could have been brought in last time. If you really had the best interests of the people at heart who were affected by the Legislative Disabilities Act, there would have been a brand new act devised by now and that is what we would be studying here before this House at this moment and not this piecemeal, patchwork bit of nonsense we have here. It is a shame. The hon. leader opposite when he was referring to the hon. member for Exploits referred to him as an illustrious member, an illustrious doctor. Who will disagree? I certainly would not. I am sure that no member on this side of the House would, and I am sure that none of the people in his district would as well, and all those who have known him over the years.

But surely the hon. member for Exploits, my good old friend from Mount Scio over there with whom I have spent many an evening in years past discussing who could be in the House, who could not be in the House, who should be in the House and all the rest of it, surely he has seen this bill in front of him now for some weeks. Surely he must have discussed this in his caucus and so by the way must have the hon. member for Exploits. Did the hon. members opposite take the approach, well, fine, fine, this covers me right here. That is fine. This covers the member for Mount Scio. It covers the member for Exploits. There are a lot more people in this province outside the professional categories in which the hon. gentlemen are involved in. How many spoke up on that particular issue? Did my friend from Mount Scio, Mr. Speaker, say, "Well, alright that is fine. I agree with this in part?" But how about - Are there not any illustrious plumbers in this province,

MR. NOLAN: loggers, fishermen who might be getting money one way or another from the government? Do they have any rights, and if so, who cares about them? Stenographers, civil servants of all kinds - Do we not realize what we are doing here? We are merely confirming what many people in this province believe about us anyway. Mind you, often times when they look at us and when they think about this bill they are not merely saying, "It is your fault on this side." They look at us.

Mr. Nolan:

all in one collective little bunch here, all set to protect our own little empire. It is very dangerous. For example, supposing someone who is not covered by this particular amendment wanted to run for the Liberal Party in a by-election, or the P.C. Party, or the NDP Party, or the Minister of Finance's private party, whatever that is -

MR. DOODY: (Inaudible).

MR. NOLAN: But the thing is, are they not really under the gun, Mr. Speaker? They had no guarantee, no assurance when they decide to run that if they are elected that immediately the amendment will come before this House that will make the necessary provision for them to be paid. I mean, this is the form of political blackmail, do you not realize that, Mr. Speaker? We are making chalk of one and cheese of the other right here and now. But we are not apparently willing to do anything about it. We do not want to. What we want to do now is say, yes, fine. We want to say that the teachers are going to be all right, those employed by school boards will be all right, any person appointed by the Board of Regents of Memorial University of Newfoundland who was employed during the period when the Assembly is not sitting, they will be all right. Will our friend from Mount Scio (Dr. Winsor) and our good friend from Exploits (Dr. Twomey) stand up in this House and say, No, I will not go along with this until the people in my constituency are also afforded the same opportunity, the same protection as I have. Will the hon. member do that? Because if he does not, then it will certainly appear that while he is covered here, and our friend from Exploits is covered here, and our friend from Terra Nova (Mr. Lush) is covered here, how about the other people who are not covered?

How many people are barred as a result of the Legislative Disabilities Act? I am talking about anyone in the civil service who wants to run, working for any government agency, that is what I am talking about. Surely the hon. member knows that.

AN HON. MEMBER: It is different.

MR. NOLAN: It is different? Yes, they are out and we are in, that is the difference!

SOME HON. MEMBERS: Oh, oh!

MR. STRACHAN: On a point of order, Mr. Speaker.

MR. SPEAKER (DR. COLLINS): A point of order.

MR. STRACHAN: Mr. Speaker, the member from Bonavista South (Mr. Morgan) is asking questions, or shouting questions across the floor of the House and he is not sitting in his in his own seat, Surely he should be in his own seat when he shouts questions.

SOME HON. MEMBERS: Hear, hear!

AN HON. MEMBER: Get out there, boy!

MR. SPEAKER (DR. COLLINS): Order, please! If hon. members wish to engage in debate they should do so from their own seats, from their own place. So I would ask hon. members to observe this rule.

The hon. member from Conception Bay South.

MR. NOLAN: Yes. I believe although the hon. minister was not sitting in his right place, I believe he asked a question, or he tried to, that he believed. Maybe he does not see it the way I do. But I mean I cannot imagine our good friend from Mount Scio (Dr. Winsor) who has people in his own district who are barred from sitting in this House right now under the Legislative Disabilities Act, they are going to lose income. Now income to those people, Mr. Speaker, is just as important to them as it is to the hon. member from Mount Scio, just as important to them as it is for our hon. friend from Exploits (Dr. Twomey), just as important perhaps more so to them than it is for our hon. friend from Terra Nova (Mr. Lush). And if we attempt to avoid addressing ourselves to this particular question then again we are merely reaffirming what so many people out there think about us in this House anyway. And here they are, the same old crowd looking after themselves first, and the devil with the rest of us.

Now what the hon. House Leader opposite should have done today was the bringing in a brand new act in this regard. Surely there would have been provision where there are those who

Mr. Nolan:

were involved within the public service who may be in selected categories one way or another, where you would have a situation where then the House of Assembly may very well decide that they should not be involved. Well that should be something for a discussion here in the House of Assembly. But I am sorry to say that this bill when it hits the press, as it will, will appear to the people out there that we have a selected little group and they are protecting themselves and the rest of the people, they are not organized on this - see this is not something that people usually organize on, because it is only when some poor devil is unfortunate enough to be elected, and he finds himself in the House, for example, hon. members here in the last session,

Mr. Nolan.

they were barred after a six month period, I believe, teaching.

Is that correct? But I did not see my hon. friend opposite jumping up last session with an amendment such as this. Oh, no!

We had to have the election in Exploits first before it became a matter of real urgency, before it became a matter of importance and for discussion in this House. Then it is important. How anyone can suggest to me that this is not one of the most discriminatory bills ever to appear before this House! I am expecting to see every person opposite who is exempted by the Legislative Disabilities Act stand up and address themselves to what is here, speak for those that are not exempted because if they do not, Mr. Speaker, then I can guarantee you they are not going to be able to forget it. It is as simple as that.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Dr. Collins): The hon. member for Lewisporte.

MR. WHITE: Mr. Speaker, I am not going to speak very long on this particular piece of legislation or amendment, but I want to say a few things. I know this must be a bit embarrassing for the member for Exploits to have to sit here in the House and indirectly be the subject of a debate, because that is essentially what he is, the subject of debate indirectly. A few weeks ago we will recall that there was a story that appeared in one of the papers that some of the people on this side of the House were upset with this particular bill, this particular amendment to the Legislative Disabilities Act. Now we see that those particular members have been looked after. I refer to the teachers in respect of the amendment that has also been brought in with respect to them. But, Mr. Speaker, there is a larger issue with respect to this, the Legislative Disabilities Act. When I got involved in politics and made my decision to run in Lewisporte district, prior to the September, 1975 election, I

Mr. White.

decided to run based on the knowledge that if I won the election I would not be forced to leave my job, But I ran based on the idea that I would leave my job if necessary to be a full-time member of the House of Assembly. I could not work in the broadcast business in terms of being a journalist and at the same time be a member of the House. I mean that is fairly natural, fairly fair. So really in a sense, you know, being a member of the House could deprive me of a job outside if I were to continue on. But I could have continued on in the broadcast business, you know, as a manager of a station, as I was at the time. Nobody asked me to leave. As a matter of fact they tried to keep me to stay on, but I did not have time. I found out that after I got elected, the phones started to ring, the letters started to come in, and it was a full-time job for me to be a member of the House of Assembly. I have made it a full-time job. I intend to keep making it a full-time job, and I think that any member who represents the kind of rural district that I have it is a full-time job. You have to keep going continuously, weekends included, to keep up with the work, that is providing you generate any work. Now if you do not want to generate some work, you are not going to have much work. If you do not go out and see your constituents and visit with them and write down their problems, and talk to them and meet with councils and come up with suggestions and all this kind of thing, then you are not going to have any work to do. But if you really want to do a job, then you have got to put some time and effort into it, and it is a full-time job.

Now, Mr. Speaker, to give you an example of how I carried on my work last Summer, and this is relevant to this bill. I have an apartment in Lewisporte, on top of the drugstore there, and one of the bedrooms of that apartment is my office. I have a desk there, and I have some chairs and so on for my constituents to come in and visit me, and when I go out on weekends they do that, and when I am not

Mr. White.

in for the House of Assembly I am living in the district, and, you know, it is full-time. Now in Central Newfoundland the member for Exploits (Dr. Twomey) ran in the election and was elected, and I always wondered how the member would be able to look after his constituents and at the same time be a medical doctor in the hospital in Botwood knowing full well, Mr. Speaker, that the people of Exploits district wanted the hon. member to carry on his medical practice while at the same time representing them in the House of Assembly. That was one of the issues in the election. But, Mr. Speaker, what most members may not realize is, unlike me and unlike other members on this side of the House and probably on that side as well,

MR. WHITE:

the member for Exploits(Dr. Twomey) has somebody to help him do his work. In Botwood at the moment there is a gentleman by the name of Dennie Billard who has been hired by the Provincial Government as an executive assistant to the Premier, and he is looking after a lot of the problems of that particular district in the Premier's name and of course in the member's name for Exploits district. Thirty miles away, Mr. Speaker, thirty miles away in the Provincial Government Building in Grand Falls there is an executive assistant to the Premier there who has a secretary, Mrs. Hornell. There is also an executive assistant to the Minister of Industrial Development there, Mr. Len Simms, who has a secretary and thirty miles away, out in Botwood, there is an executive assistant to the Premier. Now I ask you, Mr. Speaker, if we need to look after that area, Grand Falls in particular, one town, one town - and I am sure hon. members who represent urban districts here in St. John's and other places know the kind of demands that are made on them. They are not the same as rural areas where you have no councils in a lot of respects. There are only three or four or five councils in my entire district and I have twenty-two communities. So I wonder, Mr. Speaker, if the government is being fair to all members.

Now I want to say something now, Mr. Speaker, and to alleviate this particular problem there is one thing the government could do, and that is to set up an office in districts where members want offices set up to look after their constituency. I would like very, very much Mr. Speaker - I am not standing here today and asking for a raise in pay. I am not saying that. I do not want that. I am not talking about that at all. I can make it on my own. I can make it with what I am getting. It is difficult, but I can. But I am saying that in order for the government to be fair to all members of the House, that the least we can expect is an office in our constituencies paid for by the government to which we can go to do our work and with a secretary

MR. WHITE:

when the House of Assembly is not in session.

MR. SMALLWOOD: Paid for by the House of Assembly.

MR. WHITE: Yes, Sir, paid for by the House of Assembly, not paid for by the government. The member for Twillingate (Mr. Smallwood) has brought this to my attention. So I would say, Mr. Speaker, that the government should take this under advisement because it is very important. Here I am, the elected representative of 10,000 people and I operate an office in a bedroom in an apartment in my district because that is all I can afford at my own expense. And yet we have government workers who are not elected by the people in the same area who are provided with adequate office space. It is total discrimination, Mr. Speaker, and it should be put to an end.

Now I undertook this year, I undertook this year to do a survey of all the legislatures in the country. I wrote to all the Speakers in every legislative assembly from here to British Columbia and asked them to detail to me the conveniences, if you would, that members are entitled to in various provinces of the country. And in just about all the provinces, they are given office space plus accommodations for a secretary, financial accommodations for a secretary in their districts, just about all of them. In Quebec they really go to the extreme with it, in my opinion. They provide for an executive assistant to a member as well as a secretary.

So I would ask the members opposite to consider this. I would like some support with respect to this. And I want to make it very clear, Mr. Speaker, that I am not standing here today asking for more money for members. I do not want anybody to get that impression or that opinion. But I am standing here saying what a lot of my constituents are saying to me - how come you cannot get an office to serve Lewisporte district in your own constituency when in the district of Exploits there is a full-time executive assistant hired

MR. WHITE:

who has a full-time secretary? Thirty miles away there is an executive assistant to the Minister of Industrial Development has a full time secretary, an executive assistant to the Premier working almost in the same office. It is total, outright discrimination and we should not have to stand for it and I hope that something is done about it.

SOME HON. MEMBERS: Hear, hear!

MR. WHITE: Now, Mr. Speaker, there is a deeper question with respect to this bill that I hope we debate sometime in this House. I do not know if members here have been watching the United States in recent days. But the Congress of the United States has now moved to bring in legislation prohibiting members of Congress from receiving additional monies outside of their congressional allotments. Now members of Congress in the United States are paid pretty well as it is. They make \$57,000 a year as salary and they get free trips to wherever they want to go in the country. They get \$200,000 a year for executive assistants and all this kind of thing. I am not talking about what they receive in comparison to what we receive. I am talking about _____

Mr. White.

the principle of the thing, that they are moving now to bring in legislation - I do not know if it has already been brought in - to bar members of Congress from receiving additional remuneration from that which they received in the Legislature and that is what we have to aim for here in this House, to eventually get to the stage where a member who runs for elected office in the highest court in this Province receives only that which he is entitled to receive from the House of Assembly. And I am not saying that a man who is rich cannot come here in this House, of course that is not what I am saying. But what I am saying is that if a man comes here poor, he remains poor, and he does not come here to get rich. And, Mr. Speaker, I hope that as time goes by, we can stand here in the public forum and debate this issue about members, what they should be entitled to, because I believe that members who come to this House should be full-time and not spending half the time working somewhere else.

SOME HON. MEMBERS: Hear, hear!

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

MR. SMALLWOOD: Mr. Speaker -

MR. HICKMAN: Oh, sorry.

MR. SMALLWOOD: I want to say a word -

MR. HICKMAN: Sorry, I thought everybody had finished.

MR. SMALLWOOD: No.

Well, I would like to congratulate the hon. gentleman who just spoke on a spirited and a very sensible speech. I am worried by this piece of legislation. In the history of parliamentary government, under the British system, there has been a very definite evolution. It was an evolution from something to something, from control of Parliament, which was supposed to be the representative of the people, control of Parliament by the King, which meant by the government, by buying them. They were bought like cattle. First of all they hired all kinds of civil servants to run and let them remain civil servants, and

Mr. Smallwood.

continue to draw their salary. If they were not civil servants, and were not drawing salary, they were given salary. They were given sinecures of all kinds. But the purpose was to get a Parliament that was subservient to the King, in other words subservient to the government, in other words a tool of the government. From that to an independent parliament, independent of the government, indeed a parliament on which the government were dependent, not the other way about, and that is democracy, a government dependent on the people's House, the House of Assembly, elected by the people, representing the people, and the government to be answerable to that House and to be dependent on that House, and that House to control them from top to bottom, inside out, and that House to be independent.

Now it was from the former to the latter that the whole history of the British system of government has tended. Here in Newfoundland that purpose was frustrated to such an extent that one of the great personalities of our House of Assembly, Sir Frederick Carter, a great Conservative by the way, introduced legislation which became known and is known yet as Carter's purge. We all know what a purge here. We know what a purge is, do we not? A purge was needed, and the purge was administered in the form of legislation passed by the House at the urging of Sir Frederick Carter, the great Sir Frederick Carter, Prime Minister of Newfoundland. And Carter's purge is represented today in the Legislative Disabilities Act. Now what would be ideal in the narrow view and in the short run for a government would be to have as candidates, when they were a political party and a general election came up, to have as candidates a bunch of people who were drawing their pay from the government, not from the House of Assembly now, from the government. There is a big distinction. Every one of us here is drawing his salary, his sessional indemnity - and it is not really a salary, it is an indemnity, it is

MR. SMALLWOOD:

an indemnification of his expense in being a member - draws his indemnification or his indemnity from the House of Assembly, not from the government. The government, a political party, could run as its candidates, a big majority of them, civil servants or others who are under government pay. Now that has often been done. I myself many a time asked school teachers to run as candidates, and they ran and they were elected. I myself asked numbers of magistrates to run and they did so. But it became a little difficult to do so because it was necessary for them in every case to resign their jobs as teachers or as civil servants or as magistrates.

So I brought legislation into this House providing that a magistrate or a civil servant if he resigned in writing and put the date on it and stated that the purpose of his resignation was to enable him to run as a candidate for election to the House of Assembly, then that man, if defeated, could go straight back to his job, because he had lost his job by resignation, he has lost his salary and the only pay he was to get then was from the House of Assembly by way of sessional indemnity and expenses. If on the other hand he were lucky enough, or unlucky enough, to be elected and he took his seat in the House and he served a term or two or three or five, and was still of an age that did not bar him from resuming his job, he was entitled, and he is by law today - I assume that this act is still on the statute books, the one that I brought in - is entitled to go back to his job. But while he was during the period of his resignation and his being a candidate and being elected and taking his seat, or being a candidate and being defeated, during that time no salary from the government; all he could get was his sessional indemnity from this House. In other words, he was

MR. SMALLWOOD: not an employee of the government, he was an employee of the people by being a member of the House, He was not getting paid by the government but by this House. Now why not change that? you could do it by bringing in one act covering it all and saying, Any civil servant, any employee of the government, can resign and be a candidate and be elected and continue to draw his government pay, in addition to which if he is elected he can begin to draw his House of Assembly pay; let him draw both. Now that could be a blanket act brought in in that form, or it could be brought in piecemeal as the present bill is. It is a piecemeal bit of legislation.

It says that a medical doctor - and it is proposed, I believe the Minister of Justice, the Attorney General, has told us here today in introducing this bill that he intends in committee to introduce some refinements that would include others besides the medical gentleman who are mentioned in the bill as it stands at the moment. That is piecemeal, that is circumventing Carter's purge that is circumventing and helping to destroy, in part destroy, at least in part, destroying the great principal that a man, unless he is a minister of the Crown, should not draw salary from the government. If he is a member of this House he should draw only his sessional indemnity.

Now having said that, let me say again in fairness, every doctor virtually in Newfoundland today is drawing a salary from the government, is he not?

MR. SMALLWOOD: virtually every doctor in Newfoundland and virtually every dentist - right? Are we, in following this great principle of an independent parliament, independent of the government, not made up as to a majority of its membership of government employees, if we are to follow that principle, are we to follow it to such an extent that no doctor may apply, no dentist may apply, because he has to give up his pay, his government pay? It seems like an awkward choice to make. And yet there is an hon. gentleman who sits beside me here, who is drawing what we all draw, every member of this House, including Mr. Speaker, every member of the House is drawing the same sessional indemnity. Not a nickel not a ha'penny difference between all of us. We are all getting exactly the same salary and he is getting it too, salary, indemnity, call it what you like.

He could walk out of this House tomorrow, he could resign his seat in this House and go out and begin at once to draw twelve thousand dollars a year, a thousand dollars a month more, by way of salary than he is now getting as a sessional indemnity. He is contributing a thousand dollars a month for the privilege of being a member of this House. Now, normally there was a time when members did not get any pay at all. But at that time you had to be a rich man before you could afford to be a member of parliament. One of the great reforms was to give parliamentary indemnity, indemnification, at least to meet part of the cost of being a member. But here is an honourable gentleman who is now paying for the privilege. Unlike every member, I take it, of this House, he is paying for the privilege to be a member. That is not right. That is not fair. But if that is not fair, is it fair to take another hon. member and pass a special bill and make it law here so that he will continue to draw his government salary and this hon. member is not allowed? If the Bill be amended and the grievance in his case, and there may be others, I do not know, I happen to know of his case - is remedied, that is fine as far as it goes. What you have done then however, is vitiate to some extent Carter's purge. And to some extent you have more, a larger, still larger proportion of all the members of the House drawing their pay from the government. Now how far will

MR. SMALLWOOD: you go? How far will you go? Lawyers, and I know that in the case of lawyers it is not a very new thing. The Attorney General of England, if he served one day as attorney general, immediately went on an enormous pension for life. And the Attorney General of England could go out an practice law, and did so, practice private law. That was the right because lawyers being the ones who draft the laws that parliaments pass, lawyers made sure that they were well protected, will looked after, if you like. There were well protected.

Now we are going to protect doctors, and we are going to protect dentists, and we are going to protect teachers. May we all look forward to the day when everybody in the House will have two sources of income: one, his sessional indemnity as a member; and two, his salary from the government. Well, there may be a case for that. I do not know what the case is. I, somehow, well of course the answer is this, let every doctor, let every dentist, every teacher, make up his mind before he offers himself for election, whether he can afford it. I am getting so much now as a doctor, I am getting so much now as a dentist, I am getting so much now as a teacher, I am getting so much now as a government engineer, I am getting so much now as a civil servant, I am getting so much now from the government in one way or another, and if I get elected to the House of Assembly I know what my sessional indemnity will be; it will be five, eight, ten, twenty, thirty thousand dollars a year, less than I am making now. So I will not

MR. SMALLWOOD: run as a candidate, I choose to continue to draw my bigger income. On the other hand if he says, "Well, life is not all just income. There is great fun in being a member of the legislature. You are looked up to. You are someone. You are one of fifty-one out of half a million people. I will make that sacrifice." Then of course when you are running as a candidate you do not know but you might become a minister. If your party wins you have a fair chance that you will get a ministerial salary, which is lawful and which is right and proper that he should. I am not happy about it. I want the hon. gentleman who is here from Exploits, I want him to stay here. If we defeat this bill, if this House defeats this bill - the government will not defeat it as they brought it in - but if the House defeats the bill I suppose what would happen is that the hon. gentleman would have to sit down and commune with himself and say, "I am drawing this much from the House of Assembly. I was getting this much as a medical doctor and medicine is my profession. I have put my life in at it. I thought I would come into the House and add something to the wisdom of the House, but if I have to give up my work and my income as a medico I cannot do it. I would have to resign my seat." I would not want that to happen. I have heard only once from him since he came in and his speech was entirely civilized, a decent, civilized, superior type of speech and I want to hear more from the hon. gentleman. But much as I want that, I want even more that this House should be independent and that we should not be place men. We should not become place men. I am sure there are hon. members who know the meaning of that term.

Well, I ~~am~~ not happy about it. I am unhappy, yet I see the practicalities. Will we in effect say no more teachers in this House? Will we in effect say no one in this House except people who are sufficiently independent financially to come in and be satisfied with their sessional indemnity? Now there is another

MR. SMALLWOOD: answer; make the sessional indemnity much more than it is and then let every man make his decision, every doctor and every lawyer. I know a lawyer here in this House, in fact I know two lawyers, who if - I know three lawyers in this House, I know four lawyers - there are only four here and all four of them could make two and three and four times as much income each year just practicing law as they get as members of this House, their sessional indemnity. A lawyer today who cannot make \$50,000, \$60,000, \$70,000 or \$80,000 a year has something the matter with him. But do we want a House made up of lawyers, made up of doctors, made up of dentists, made up of civil servants?

I am not happy about it. If this party decides— I do not know what decision, I was not at caucus today, I was too late and I do not know what yet. No-one has told me what the party position is. I have heard some opposition from a couple of speakers and I am expressing a kind of opposition myself, an unhappy opposition to it, and I suppose I will be a faithful party man and vote for it almost hoping that we will be defeated because I do not want to see the dentists and the doctors excluded. On the other hand, if they would make the decision, "I will serve Newfoundland and I will serve at a lower rate of pay than I am able to earn as a lawyer," - the hon. member for St. John's East is over there, my dear friend, my strong admirer, my strong supporter, is here working as a - I do not say we are going to get this done. The minister has to close the debate so perhaps the smart thing is for me to move the adjournment of the debate? No? All right, in that case I will not move it. I will just say that is all I have to say and perhaps he can get the thing done so that we can have a vote.

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

MR. HICKMAN: May I say to the hon. the member for Twillingate that I share his views and I certainly share the views of the

MR. HICKMAN: hon. member for Lewisporte, when I say that we should not - and we have had in this province and in this country, in Newfoundland since day one, in my opinion, laws that have not been conducive to enabling people, men and women, who wanted to seek election in this House to run for office because the financial sacrifice, apart from everything else, has been just too much to expect.

Now, Mr. Speaker, to refer to some of the comments made by hon. gentlemen opposite. The hon. member for Twillingate has had more experience in bringing in the - May I say first, this is what I was going to say before I forget it so as to set the hon. gentleman from Twillingate's mind at ease, the official spokesman, the lead-off speaker for the hon. gentleman opposite, indicated that whilst the opposition would vote for this bill they did not particularly like it because it is only piecemeal. But as I say, Mr. Speaker, the hon. gentleman from Twillingate has seen more piecemeal legislation in the last twenty-three years come in as an amendment to the Legislative Disabilities Act than any of us here, all of us put together, going back to - I think the first amendment was in 1951.-

MR. NOLAN: And that was always wrong.

MR. HICKMAN: I do not know. Since I have been here I recall an amendment in the Fall election of 1966.

MR. SPEAKER: It being six o'clock and according to the rules I leave the Chair until 8:00 P.M.

I N D E X

ANSWERS TO QUESTIONS

TABLED

MARCH 15, 1977

MAR 15 1977

Answer to question no. 112 asked by
Mr. Neary (Lapoile) on order paper
dated February 15, 1977

Question: What is the estimated out-migration of Newfoundlanders to other provinces of Canada during the calendar year 1976.

Answer: The following are preliminary figures from Population Estimates and Projection Division, Statistics Canada and on Subject to Change.

1975-76	<u>Immigration</u>	<u>Emigration</u>	<u>Net Interprovincial</u>	<u>Net Migration</u>
	+995	-2.200	+800	-400

The figures indicate that between June 1, 1975 and May 31, 1976 the province had a net loss of 400 persons. This figure is not exact since Emigration and Interprovincial have to be estimated.

MAR 15 1977

Answer to Question No. 135 asked by
Mr. Neary (LaPoile) on Order Paper
dated February 21, 1977

Question

- (a) Names of those persons who are presently members of the Minimum Wage Board
- (b) Per diem allowance payable to members of the Board
- (c) Travel, meal and accomodation expenses entitled to on a daily basis
- (d) Annual salary in connection with the performance of their duties as members of the Board

Answer

- (a) Chairman: Vacant
Member: Harold W. Duffett
Member: Frank Taylor
- (b) Members:
\$25.00 for less than half day, \$50.00 for half day,
\$105.00 for normal working day, \$140.00 for more
than normal working day
Chairman:
\$40.00, \$75.00, \$150.00 \$200.00 for corresponding
periods
- (c) Travel, meals and accomodation expenses in accordance
with Treasury Board Regulations
- (d) No salary paid to Chairman or any member of Board

MAR 15 1977

Answer to Question No. 136 asked by
Mr. Neary (LaPoile) on Order Paper
dated February 21, 1977

Question:

1. The number of complaints of unfair labour practices received by the Department of Manpower and Industrial Relations during the calendar year 1976, to date.
2. Number of charges laid.
3. The number of employers and employer's organizations who have been convicted under the Unfair Labour Section of the Labour Relations Act.

Answer:

1. Two complaints of unfair labour practices have been received.
2. Nil
3. This information is not compiled by the Department of Manpower and Industrial Relations.

MAR 15 1977

Answer to Question No. 137 asked by
Mr. Neary (LaPoile) - on Order Paper .
dated February 21, 1977

Question:

1. How many work stoppages occurred in the calendar year 1976.
 - (a) illegal strikes
 - (b) legal strikes
 - (c) lockouts

2. Number of man hours lost because of these work stoppages.

Answer:

1. 48
 - (a) 33
 - (b) 15
 - (c) 0

2. 1,486,736 man hours

Answer to Question No. 145 asked by
Mr. Neary (LaPoile) on Order Paper
dated February 24, 1977

MAR 15 1977

QUESTION

All correspondence, including letters and telegrams addressed to the Federal Minister of Manpower and Immigration, or any other Federal Government Department, supporting or protesting the importation of European workers by the Iron Ore Company of Canada.

Also table copies of all replies received by the Minister in connection with this matter, either from the Government of Canada or Iron Ore Company of Canada.

ANSWER

Nothing in writing pertaining to the importation of European workers by the Iron Ore Company of Canada has been exchanged between the Federal Manpower Minister and the Department of Manpower and Industrial Relations. However, officials of both Departments have been in close consultation with each other on this matter.

ANSWER TO QUESTION NO. 146
ASKED BY MR. NEARY (LaPoile)
On Order Paper dated February 24, 1977

MAR 15 1977

QUESTION:

List current assets of the Workmen's Compensation Board including:

- (a) Cash on hand
- (b) Dollar value of property
- (c) Dollar value of all investments (stocks and bonds, etc.)

ANSWER

Current assets of the Board as at 31st. of December 1976 (subject to audit) are as follows:

On deposit in Banks	\$ 375,460.56
Temporary Investments	4,650,000.00
Investments (at book value)	29,798,151.60
Accounts Receivable	1,536,610.18
Accrued Interest	608,407.73
Building under construction at Forest Road, St. John's	140,971.17
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	\$37,109,601.24
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MAR 15 1977

ANSWER TO QUESTION NO. 150 ASKED BY
MR. NEARY (LA POILE) ON ORDER PAPER
DATED 25 FEBRUARY, 1977

QUESTION

Names of the members of the Labour Relations Board as of the current date, showing in each case:-

- (a) the date on which he was appointed
- (b) the term of his appointment
- (c) title of position held in his case
- (d) per diem allowance, travel, meals and accommodation expenses
- (e) annual salary in connection with duties performed by members of the Labour Relations Board

ANSWER

	(a)	(b)	(c)
Leo D. Barry	7.10.75	two years	Chairman
A. F. Caule	1.1.77	two years	Vice-Chairman
F. W. Russell	1.1.76	two years	Member
R. Gosse	1.1.77	two years	Member
G. Gillingham	1.1.76	two years	Member
J. Walsh	1.1.76	two years	Member
W. A. Alcock	1.1.77	two years	Alternate
M. J. Pinsent	1.1.76	two years	Alternate

(d) Per diem allowances paid to members on the following basis \$25 for less than half-day, \$50 for half-day, \$105 for normal working day, \$140 more than normal working day. No salaries are paid. Travel, meals and accommodation expenses paid in accordance with Treasury Board Regulations.

(e) The Chairman of the Board is paid \$8,000 per annum. The Vice-Chairman of the Board is paid \$5,000 per annum. No per diem allowances are paid to the Chairman or Vice-Chairman.

Answer to Question No. 167
Asked by Mr. Neary (LaPoile) on
Order Paper dated March 1, 1977

MAR 15 1977

QUESTION:

Since January 1972 what lawyers or law firms within the Province of Newfoundland have been engaged to carry on legal work for the Workmen's Compensation Board of Newfoundland, showing the amount paid during the said period to each lawyer or law firm and the nature of the legal work carried out by each?

ANSWER:

See attached statements

Workmen's Compensation Board

1972 - Thomas E. Williams, Consultation with Safety Officers, drafting summons and attendance at Court.	\$ 157.00
Thomas E. Williams, Drafting Amendments to Workmen's Compensation Act	100.00
Thomas E. Williams, Consultations, written opinions and drafting letters on various matters.	245.00
Thomas E. Williams, Third Party cases, drafting summons, opinions and attendance at Court.	340.50
Thomas E. Williams, Consultations, Third Party claim and safety writs for construction projects.	220.00
Williams & Williams, Drafting Sub-lease of rental space	760.00
Williams & Williams, Attendance at Workmen's Compensation Board Inquiry - Sept. to December	4,125.00
	<u>\$5,947.50</u>

Workmen's Compensation Board

1973 - Stirling, Ryan, Goodridge, Caule, Gushue & Goodridge, representing Mr. Leonard Hughes, Commissioner at Workmen's Compensation Board Inquiry .	\$ 175.00
Williams & Williams, Consultation and Research.	337.50
Williams & Williams, Consultation, Travelling, serving of summons and attendance at Court in respect of Construction Projects Limited.	1,101.96
Williams & Williams, Meetings with Board, drafting opinion and research.	160.00
Williams & Williams, Research, drafting and legal opinion.	325.00
Williams & Williams, Legal opinions and consultations.	159.00
Williams & Williams, Legal opinion Conflict of Interest Act. Consultation on two claims.	285.00
Williams & Williams, Legal opinions, prosecutions, Third Party case, drafting of letters.	580.00
	<hr/>
	\$3,123.46
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Workmen's Compensation Board

1974 - Williams & Williams, Consultation and opinion on claim.	\$ 50.00
Williams, Williams & Coombs, Consultation and opinion on claim.	20.00
Williams, Williams & Coombs, Researching, drafting and legal opinion.	160.00
Williams, Williams & Coombs, Legal research and legal opinion on claim.	340.00
Williams, Williams & Coombs, Prosecutions, attendance at Court.	350.00
Williams, Williams & Coombs, Prosecutions, attendance at Court, legal opinion and acquiring Commissioner of Oaths.	565.00
Williams, Williams & Coombs, Legal opinion research and prosecutions.	541.40
Williams, Williams & Coombs, Third Party case.	40.00
Williams, Williams & Coombs, Registry Search and legal opinion.	75.00
Williams, Williams & Coombs, Report and legal opinion.	350.00
Williams, Williams & Coombs, Legal fees, travelling expenses, prosecution at Harbour Grace.	845.25
Williams, Williams & Coombs, Prosecutions 1973 and 1974.	1,471.50
	<u>\$4,808.15</u>

Workmen's Compensation Board

1975 - Williams, Williams & Coombs, Professional advice on claim.	\$ 60.00
Williams, Williams & Coombs, Retainer fee April 1975 to April 1976.	5,000.00
Williams, Williams & Coombs, Prosecutions and attendance at Court.	158.50
Williams, Williams & Coombs, preparation and issuance of writ. Obtaining of default judgement.	100.45
Williams, Williams & Coombs, Prosecution and attendance at Court - Fatal claim.	1,247.74
Williams, Williams & Coombs, Drafting of Agreement in connection with a claim.	75.00
	<hr/>
	\$6,641.69
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Workmen's Compensation Board

1976 - Williams, Williams & Coombs, Retainer fee 1976	\$5,000.00
Williams, Williams & Coombs, Consolidation of Workmen's Compensation Act	4,000.00
Williams, Williams & Buffett, legal fees in connection with purchase of property on Forest Road re new office building	1,661.00
Williams, Williams & Buffett, Consolidation of Workmen's Compensation Act and latest amendments.	1,047.36
	<u>11,708.36</u>
	<u>\$11,708.36</u>

Answer to Question No. 189
Asked by Mr. Neary (LaPoile)
On Order Paper dated March 7, 1977

MAR 15 1977

MAR 20 1977

Question:

- (1) Names of current members of the Workemn's Compensation Board.
- (2) List salaries separately for each member of the Board by title.
- (3) Are members' salaries paid from Workmen's Compensation Board funds or directly from the Public Treasury?

Answer:

- (1) William J. May
Richard A. Fagan
Andrew G. Rose
- (2) Salaries:

William J. May, Chairman	\$32,066
Richard A. Fagan, Commissioner	24,883
Andrew G. Rose, Commissioner	24,883
- (3) Salaries of Board Members are paid from the Accident Fund of the Workmen's Compensation Board.

Answer to Question No. 190

Asked by Mr. Neary (LaPoile)

On Order Paper dated March 7, 1977

MAR 15 1977

Question:

Does the Workmen's Compensation Board maintain a disaster fund? If so, what is the amount of this fund?

Answer:

- (1) The Workmen's Compensation Board does maintain a Disaster Reserve Fund.

The amount in the Disaster Reserve Fund as of 31st. of December, 1976 was \$353,097.00

MAR 15 1977

QUESTION NO. 97 BY MR. NEARY (LA POILE) - ORDERS OF THE DAY DATED FEBRUARY
14, 1977

MR. NEARY (LA POILE) - To ask the Honourable the Minister of Municipal Affairs and Housing to lay upon the Table of the House the following information:

QUESTION:

Has the Government taken any action on the recommendations of the Kostaszak Report on the cost of home construction and housing in this Province including legal fees and real estate charges for transferral of properties, and, if so, which of the recommendations made have been implemented?

ANSWER:

The Report makes a number of recommendations, however, only certain portions of these fall within my jurisdiction. Concerning land development, the report recommends a committee to study land banking, the establishment of a central authority for land development and the development of programmes for regions. These proposals have been met for the most part with the creation of the Newfoundland and Labrador Housing Corporation and its on-going land banking and servicing programme.

The Honourable Member for La Poile made particular reference to the recommendations relating to legal fees and real estate charges. The Commission directs its recommendations on legal fees in the report to the Newfoundland Law Society. Real Estate charges and other aspects of the Report are not within my ministry.

PRELIMINARY

UNEDITED

TRANSCRIPT

House of Assembly.

For the period:

8:00 p.m. - 12:45 A.M.

Tuesday, March 15, 1977

The House resumed at 8:00 p.m.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

The hon. the Minister of Justice.

MR. HICKMAN: Mr. Speaker, before Your Honour left the Chair at 6:00 p.m. I was saying that I recalled in 1966 an amendment to this earth-shattering piece of legislation.

The matters raised by the hon. the member for Burgeo - Bay d'Espoir and the hon. the member for Conception Bay South, the philosophical matters - and the hon. the member for Lewisporte - are matters, no question about it, that are becoming very topical in 1977. Up until two or three years ago nowhere in Canada could you find anyone who would be prepared to give an inch at all insofar as permitting public servants to become involved politically. But lately we have seen some very slow moves in that direction.

But, Mr. Speaker, there is one of the problems that the jurisdictions that have attempted to grapple with this have found is classifying those in the public service who should or should not be permitted to take leave of absence, run in an election, get themselves defeated and come back to the position where they were before. Because these restrictions that have been imposed upon public servants for generations under the British Parliamentary system have been there because of what politicians have regarded for centuries as a fundamental right that civil servants must be totally and absolutely impartial, because that is what the whole democratic process of government is about.

There is a very strong body of opinion in Canada today that voting a government out of office and voting another one in does not mean a thing, that the public that - well in Canada in particular - that the public service has become so strong that they are the opinion makers and that - and I think that the Diefenbaker era was a first-class example of that, where there was a repudiation of the

MR. HICKMAN:

St. Laurent administration.

Mr. Diefenbaker became Prime Minister, found himself with a public service that had been built up over twenty-five years, and unless he wanted to take the very drastic action of almost changing the public service entirely, which he could not do today anyway because of the fairly strong public service unions, he found himself being thwarted by the opinion makers who for twenty-five years had been making policies that the the people of Canada said, We no longer want that, we want changes. So what happens? The voter that the hon. the member for Conception Bay South (Mr. Nolan) was so concerned about says, Look, we just went through the horrendous, and expensive, and exhilarating experience of an election. We voted in the Right Hon. John Diefenbaker with the largest majority that a Prime minister has ever had in the House of Commons, but there is no change in the policies.

And why was there not? I say basically, and it is even moreso today than it was in the days of Diefenbaker, is that the civil service has become so strong, government has become so big, that the individual minister or group of ministers sitting around a cabinet table really cannot grapple with all the policy-making issues that are facing governments in the free world today.

So what is happening is that you get the public service becoming stronger and stronger. But that does violence to that fundamental principle that a public servant must be totally and absolutely neutral.

Mr. Speaker, there is no question about it, that any student of political history today in Canada has to come to that inevitable conclusion that parliaments and governments are sluffing off more and more responsibility on to the non-elected representatives and I say that is not fair to the voter, Mr. Speaker. It is not fair to the voter to be put to the expense and get out and work for changes and find that these changes cannot be brought to pass.

MR. HICKMAN: Now let us take it the next step, where the public servants are entitled to resign, take leave of absence or whatever you wish, go into politics, get defeated and come back and say, I want my job back but I want to work for the very people whom I have just been out for three weeks fighting.

Let me give you - no, I will give an example - but

MR. SIMMONS: Dave Butler. Dave Butler.

MR. HICKMAN: Let me give an example.

MR. SIMMONS: Dave Butler.

MR. HICKMAN: I will give the example of anybody, of a public servant who is in the field, field officers. They are out in the hon. gentleman's district in White Bay, Bay Verte and they are out fighting for three weeks, fighting against any amount of issues, maybe the policies of government in education. And this gentleman, because he is an educational field worker or he is in the educational field, that probably would be the issue that he or she fights the election on. But he is defeated. The party he is running for is defeated. So he comes back in office, and he not only has to convince his minister that I will now do my duty and that is to carry out without question the policy that the voter has instructed you to carry out - he maybe be able to satisfy the minister but do you think that person would ever be able to satisfy the voter? I do not think he or she could, and that is why, Mr. Speaker, that is why in the studies that have been done the reason why this legislation has been changed piecemeal in Newfoundland and in other provinces and in other parts of the British Empire, is that we are not yet ready.

Now I do not think that the voter is yet ready to believe that we can still maintain the total neutrality of the public servant by opening the doors and saying, Every public servant can get out and walk and run and come back in in case she is defeated. They know when they are

MR. HICKMAN: going what the law is. They know the kind of occupation they are getting into.

Now, Mr. Speaker, listening to a couple of hon. gentlemen opposite one would think that in Newfoundland we have this restriction of freedom. There was a restriction a few years ago which to my knowledge - and I would stand subject to correction, any hon. minister can put up his hand or sneeze or anything if I am wrong - but up until a few years ago there used to be that vote of secrecy. Remember the oath of secrecy that every public servant had to take, even to the most menial one? If you recall two or three Irish doctors went back home in the late '50's rather than take that oath of secrecy. Now to my knowledge the Moores' administration has never followed that practice. And, Mr. Speaker, I am not aware

Mr. Hickman:

of any evidence of intimidation. I am aware of evidence of loyalty. I am very much aware of the fact that in this Province of Newfoundland we have a strong public service that is getting stronger and stronger by the day, I would like to think that the public service of this Province is comprised of men and women who say, "We will advise the government, but we will carry out the government's policies as if they were ours," because that is what the public service is all about, and we do have the young men and the young women, particularly in the last ten years -

AN HON. MEMBER: And they are getting less and less productive.

MR. HICKMAN: No, they are not getting less and less productive, Mr. Speaker. I take issue with that. I think that these young men and women we have been attracting from the Public Administrative Courses at Memorial University of Newfoundland in the last two or three years are very productive indeed, very strong public servants, and who are prepared - all you have to do is come in this building almost any night of the week and you will see what the productivity of the public servants in Newfoundland is. You will see them in there working night after night, no overtime, and just working to get a job done.

MR. SIMMONS: Are you saying you cannot control the the public service?

MR. HICKMAN: No, Mr. Speaker, what I am saying is that we cannot do anything that publicly will give the voter the impression that when he or she votes to change a government that there is not a change without any question. That is what I am saying.

MR. SIMMONS: Mr. Speaker, does this mean -

SOME HON. MEMBER: ... point of order that is all right.

MR. HICKMAN: Now, Mr. Speaker, -

MR. SIMMONS: - the minister will recommend the firing of Mr. Dave Butler?

MR. HICKMAN: Let me have a very quite look, Mr. Speaker, at a - there was a study - Ontario which probably got the most progressive legislation of any of the Canadian provinces with the

MR. HICKMAN:

exception of maybe Quebec -

AN HON. MEMBER: A little Conservative.

MR. HICKMAN: A little Conservative - they had a study done in 1974 on the political rights of Ontario public servants, and they did a review of the political activity of public servants between elections, there are two columns, of the various provinces, and they had a whole list. I will just read them very quickly solicit funds, donate funds, speak or write on platform policy, associate position, canvass, speak or write on political subjects, participation in a riding association, and hold membership in a party. Nova Scotia, totally no for the whole works.

MR. NOLAN: Does that include lawyers?

MR. HICKMAN: Everybody.

New Brunswick, no entirely. Prince Edward Island no. Ontario, yes to the donation of funds, yes to canvassing, yes to speaking or writing on political subjects, and yes to participating in riding associations. Manitoba, Saskatchewan, and British Columbia -

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: Good Progressive.

MR. HICKMAN: Good Progressive Conservative Government. Then we get into the - you notice the three I read first, all the noes were all Liberal Governments at the time.

SOME HON. MEMBERS: Oh, oh!

MR. HICKMAN: No two, P.E.I. and Nova Scotia. Then when we got into the Prairie Provinces, it is obvious that there are some yeses.

SOME HON. MEMBERS: Oh, oh!

MR. HICKMAN: Now the point I am making, Mr. Speaker, is this, that Newfoundland, Mr. Speaker - I am being harassed again.

MR. SIMMONS: We are not harassing you.

MR. HICKMAN: I am being harassed. But, Mr. Speaker, the point I am trying to make is this, that despite the protestations opposite there is a freedom, there is a freedom in this Province

Mr. Hickman:

that we should be very jealous of; there is a determination on the part of the government to try and carry out as best we can the policies that the voters want. I have got a great deal of sympathy with the suggestion from the hon. member from Twillingate (Mr. Smallwood) that was sort of, I think, no it was not, but the hon. member from Twillingate when he says that we should be paying sufficient emoluments by way of sessional indemnity to members of the House that there will be no doubt that politics will be open not just to the very rich and not just to very poor. And there is very little doubt in my mind that we are heading in that direction very much so in Canada. The United States are trying to move away from it, trying to move away from it.

AN HON. MEMBER: They just passed a law.

MR. HICKMAN: Trying to move away from it, But as one senator says, We can pass all the laws, that opening statement, we can pass all the laws we like, but somebody is going to say if we walk across the White House lawn we are in breach of a conflict of interest position, because the taxpayers still paid for that lawn.

Now, Mr. Speaker, in concluding my few remarks may I repeat again, there was a lot of talk from the hon. member from

Conception Bay South aimed at his friend, the hon. the member of Mount Scio (Dr. Winsor). May I repeat that the existing legislation protects the hon. the member for Mount Scio. This new piece of legislation does not help him, it does not hinder him, it has got nothing to do with it. What it does, Mr. Speaker, is insures that one of Newfoundland's finest medical practitioners, who went straight to the people of Exploits and put it to them, make no mistake about that, as to what do you wish, and they made it very clear, as the hon. the member for Lewisport (Mr. White) said this afternoon, that they wanted the hon. member from Exploits (Dr. Twomey) to practice medicine when he is not in this House. And, Mr. Speaker, this is what this bill is doing.

SOME HON. MEMBERS: Hear, hear!

MR. HICKMAN: We will also, Mr. Speaker, we will also, Mr. Speaker, in committee do the same for the members of the teaching profession and clear up a couple of doubts there may be on the interpretation sections with respect to Memorial University. I move second reading.

MR. SPEAKER: Is it the pleasure of the House that the said bill be now read a second time. Those in favour "aye", contrary "nay". In my opinion the "ayes" have it.

On motion a bill, "An Act To Amend The Legislative Abilities Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 6)

MR. SPEAKER: Order, please! In order to prevent any misunderstanding, when I asked when this bill is to be read a second time, an hon. member to my left said, "Presently by leave." And whether leave was granted or not I need to know so that we will avoid a wrangle later on. I understood that it was. But then I heard what I consider might be a dissent. I do not know and I need to know.

AN HON. MEMBER: Presently by leave.

MR. SPEAKER: Presently by leave. Agreed.

Order (3). It is moved and seconded that Bill No. (9) entitled, "An Act To Establish The Newfoundland Statistics Agency" be now read a second time.

The hon. President of Council.

MR. T. FARPELL: Mr. Speaker, this is a very powerful piece of legislation. I have not the time to get into it fully and I will not waste too much time in the House tonight. The explanatory notes, I think, are pretty clear for it. The three main points in the bill; one would be to empower this agency to obtain information from individuals, businesses and publish said information for the edification of the public and ourselves; and two, it also has provisions to protect the confidentiality of this information and also penalties for misuse of the information or wrongful disclosures; thirdly, they would be empowered to establish liaisons with other agencies of a like nature in Canada, or provinces with reciprocal powers and with reciprocal areas of protection for the individual and the secrecy of the information. I think basically that is what the bill is all about.

MR. SPEAKER: The hon. member for Burgeo-Bay d'Espoir.

MR. SIMMONS: Mr. Speaker, I have a feeling this bit of legislation here is one of those documents that looks so innocuous up front when you look at it before it goes into effect, and then after the fact or into the fact, into the experience of the administration of this act you find they just got all kinds of ramifications that nobody, including the drafters, had dreamed about. Mr. Speaker, there are a couple of fairly serious implications of this bill. The minister has alluded to one when he talks about the importance of confidentiality and secrecy and that kind of thing, and protecting the information that has been given.

I perused the bill when we got it a few days ago. I am not at all familiar with the ins and outs of it.

Mr. Simmons.

It seems to me that the drafters of the legislation have taken some care in ensuring the confidentiality of the information. That is well and good. That kind of thing has been done before, but it has not stopped, Mr. Speaker, it has not stopped information - and I use examples that are outside of this provincial jurisdiction, but I use them as examples. I am not indicting the government for this. I am not blaming the government for this. But I go and give my name even, just my name and address to someone for a particular purpose, a very specific purpose, and I find that that name and that information gets sold together with thousands of others, gets peddled to some fellow who wants to send me household mailers about knives manufactured in Japan somewhere. And if I want information on that I would like to have the freedom either to get it in caucus or -

MR. DOODY: Get knived in caucus.

MR. WHITE: They are new.

MR. SIMMONS: Actually the Minister of Finance is way off again. It is the Tories that had the Knight of the Knives, not the Liberals.

MR. WHITE: Coates, the Knight of the Knives.

MR. SIMMONS: The Knight of the Knives. That is certainly a Tory.

MR. WHITE: Robert Coates, the Knight of the Knives.

MR. SIMMONS: Now had he used some other instrument -

MR. WHITE: Robert Coates.

MR. HICKMAN: Are you talking about Kitchen knives?

SOME HON. MEMBERS: Hear, hear!

MR. WHITE: They are yet to come.

MR. SIMMONS: Oh boy, oh boy!

MR. DOODY: Meanwhile -

MR. SIMMONS: Which goes to show that some of us use the same knives.

SOME HON. MEMBERS: Oh, oh!

MR. DOODY: Carry on!

MR. SIMMONS: Mr. Speaker, the question I want to raise seriously is that this information, notwithstanding the good intentions of the bill, this information has a way of getting into hands other than those intended under the legislation, and that is my fear.

MR. DOODY: Is that all this laughing is about?

MR. WHITE: That is right.

MR. SIMMONS: It is all a question of who the civil servants are working for. The minister makes the point very well that they are having difficulty getting the civil service to do things. What they do not realize is that they are so busy doing things for us that they do not have too much time to do things for the government, you see.

Mr. Speaker, where was I? I want to raise the question so the minister in closing the debate on second reading can respond. I am sure he and his people have done more thinking on this than we have done, because we have just seen the bill a few days ago. But the very real question of how secret will the information remain is one I want to raise, and it is only a question. I have seen things happen elsewhere that tell me that the best intentions of legislation, federal and provincial, have not guarded against the dissemination of information that was supposed to have been for a specific purpose, supposed to have been secret or confidential. And I raise that question. It requires perhaps some elaboration but I am not in the frame of mind to do it at the moment. I think I conveyed the basic message to the minister. The second question I want to raise to him, and it is a question - I really do not know the answer to this - to what degree, if any, will this legislation, the provisions of this legislation duplicate work being done by Statistics Canada?

MR. WHITE: A good point.

MR. SIMMONS: I understand at the moment that the umbrella which Statistics Canada represents is a pretty broad one, and given a request they can compile information data on just about any phase of activity in the country, be it the industrial sector or the consumer sector. You give them the request and with their very sophisticated equipment and expertise in personnel they can produce for you a statistical profile on just about any segment of the Canadian society, the Canadian economy. I am told for instance now - I was indeed not only told but I was the benefactor of a demonstration during the APEC conference in Halifax in November, a Stat. Canada demonstration - that they can just by dialing the right numbers, looking up a catalogue and dialing the right numbers, dialing into a computer bank in Montreal, they can retrieve not only information but comparative tables of information. For example, Mr. Speaker, if we wanted to know - I notice the unemployment figures have just come down for the past month, and they are higher here than ever in the Province, and that is another subject I will not get into - but the point I want to make is that if we wanted to find for instance how this month's figures for the Province of Newfoundland and Labrador compared to last month's figures, or compared to the figures for a year ago, or wanted to break them out in terms of how many over thirty-five are unemployed now compared to a year ago or compared to five years ago,

MR. SIMMONS: by dialing a half dozen numbers down here in St. John's at the Stat. Canada Office, they can within about usually a minute or a minute and a half retrieve the information all compared, and one superimposed of the other as a percentage of the other. They can tell us that the unemployment rate this month is a hundred and two percent of what it was last month this time, or ninety-eight percent of what it was last year this time.

Now I just pursue that point to re-enforce the question I raise: Before we get ourselves into a situation where we are laying out what I believe is fairly scarce money to fund a statistic agency - because let us not fool ourselves, this is going to cost money - before we rush headlong into that, we ought well to have the answer to the question I have raised about to what degree we may be duplicating the Statistics Canada function, or to what degree we may be unnecessarily elbowing in on Statistics Canada. If they want to do the information, they want to be the compilers of it, yes, the compilers of that information, more power to them, particularly if the funding for it is coming from the federal tax dollar. We have enough things to do with our money here in this province without getting into competition with a very well funded, a very sophisticated, a very well equipped federal agency that is doing this work reasonably well. You do not hear too many complaints about the subject. I hear once in a while, one from the ministry here about how the unemployment figures are not correct and that kind of thing, but, as some has said you can do just about anything with statistics, somebody has said there is, what is it, statistics, what is the sequence?

AN HON. MEMBER: More statistics.

MR. SIMMONS: That is right. There are statistics. More statistics, and then damn lies.

MR. HICKMAN: That is what Bismark said.

MR. SIMMONS: Well I was not there, but the minister -

AN HON. MEMBER: ... tell us all.

MR. SIMMONS: The minister would know, I have no doubt, Mr. Speaker.

Mr. Simmons:

You know, we may take exception to certain things that Statistic Canada does, and I am not standing here particularly as a promoter of that agency. I am not in a position to say that everything they do is right. I do not know. If something about their operation is less than adequate, let us make recommendations to them to beef up their operation. You know, if they are reflecting the Newfoundland situation, which is our baliwick or concern here, if they are reflecting that situation improperly or inadequately or using statistics in a wrong manner, and we are coming off the worse for it, let us by all means tell them.

But I would like to hear, Mr. Speaker, from the minister or someone else speaking in the debate, but particularly the minister in closing the debate, some particular rationale why a Newfoundland Statistic Agency is required? An agency which at least in name, and in function if one would look at the legislation is purporting to do, is setting out to do the kinds of things that Statistic Canada is already doing. Now I am choosing my words, I am saying, the kind of thing. Perhaps there is a specific here, a specific set of assignments here that is not being performed right now by Stats Canada; if that is the case then you know the course is clear, either we set up our own agency or we go to Ottawa and say, can you broaden the umbrella, can you enlarge the spectrum of Stats Canada to accommodate our particular statistical needs here in the Province?

I raise two questions for the minister, the one about the privacy, the secrecy of the information. I know he cannot give guarantees. I realize that. But I want to know to what degree this has been thought out, and to what degree it will be policed? And secondly, is there any duplication? That is one that concerns me, and it concerns me basically from two standpoints; one, it is nonsensical if we are going to set out in 1977 to do in half fashion what Stats Canada by virtue of its expertise, its numbers, and its dollars can do a whole lot better; and it concerns me also if we are going to lay out good money that perhaps could be better spent

Mr. Simmons:

elsewhere. That is the substance of what we want to say, Mr. Speaker. Otherwise we find nothing particularly objectionable in the legislation, except we would like to hear more of a rationale as to the need for it.

MR. SPEAKER: The hon. member from Lewisporte.

MR. F. WHITE: Mr. Speaker, I am not going to say very much on this, just speak for a minute, and it is in connection with the same questions that were raised by my hon. friend from Burgeo-Bay d'Espoir (Mr. Simmons). But the reason I stood now is because I had the experience about a week or a fortnight ago to become the subject of one the Statistics Canada polls that was done, and I found it rather strange from two standpoints. Number one, the individual who did the poll came

MR. WHITE: into the House and said he or she had been attempting to catch me at the house for a number of days. And then I questioned that particular individual. I did not mind doing the thing. Two hours it took. They asked me everything from how many pairs of shorts I bought last year to how much money I owed and how much money I was making, everything - two hours and every single question that one could think of - How many knives were bought last year? How many rolls of toilet tissue, how many rolls of paper towels and all kinds of things? Now I can see the rationale for asking those kinds of questions because obviously manufacturing companies in Canada want to know what is being manufactured and what is being purchased and so on. But there is one thing that came to mind. The individual came in and sat down and I said, "Why am I selected to be the subject of a question by Statistics Canada?" The person said, "Because I have a map and on the map is chalked out your particular house." I said, "That is fine." She also mentioned the name of another member of the House who was also going to be questioned. Now I happen to know the other member of the House who is going to be questioned by Statistics Canada, but that member happens to live in an apartment so therefore it could not be traced out on a map with respect to do this.

Although I sat down and answered all the questions it made me wonder about, you know, if there was anything suspicious going on with respect to this and so on. For that reason I am very concerned about the secrecy and privacy of this particular thing, Statistics Canada, and I would be pleased if the minister would talk about that when he speaks. Also, Mr. Speaker, again after seeing some of the things that Statistics Canada does, they have facts and figures on just about every single thing there is to know about people living today, on where we live, what we do and so on and I just wonder about the need for this particular agency when Statistics Canada seems to have everything in the world already.

MR. SPEAKER: The hon. member for Conception Bay South!

MR. NOLAN: Mr. Speaker, in rising to speak on this bill may I first of all say - and I think I would have permission I hope of the House - that we were delighted to hear the explanatory notes and the introduction of the bill by the hon. minister opposite. I know that he has been, off and on, very ill I believe with some vision or sight problems and so on. And I can tell him without any question of debate or anything else that every single one of us on this side of the House - I know obviously he certainly has the support of all the other side - but over here how delighted we are to see him. He does not speak too often in this House. And how delighted and happy we are to see him introducing this bill and how happy we are to see him here explaining it as best that he can with the explanatory notes that are available. I would want him to know that we all over here are delighted to see him in the House and active, and we hope that he will be into the fray and the thick and heavy as much as anyone else very, very shortly.

SOME HON. MEMBERS: Hear, hear!

MR. NOLAN: With that said now we go after him, Mr. Speaker. Not really. The only thing is on all bills that relate to the collection of information on the individual I am as nervous as the devil about it and I always have been because I feel - and maybe it touches to some extent on what the hon. minister referred to when he was talking about the build up of the bureaucracy earlier - we are building up an enormous amount of information, much of it I contend needlessly, on the individual. I can quite easily understand how someone in war time when he was caught would give his name, rank and serial number and not another darn thing. Because it is just startling. I mean, we sit back. I am appalled sometimes by the apathy of people who permit so much to go on. And we speak in absolute ignorance often times.

How much information, for example, is now in data banks in, say, the United States through commercial agencies on members of this House?

MR. WHITE: More than you know yourself.

MR. NOLAN: Oh, this is what scares me. Now you might say, "Well, what do you have to hide and why should you care?" That is not the point. I mean, what rights does the individual have anymore? It is just shocking what we are - we are conning ourselves. Oh, we say that we have to have the information in order to determine the number of people over sixty-five in Canada. We have to have this information. I mean, as far as I am concerned, you know, one thing they should provide for one individual that he does not have is perhaps a little tiny bit of microfilm with his medical record on it in his pocket. I mean,

MR. NOLAN:

these are the types of things perhaps that we should be providing money for so the people have something like that that will be of some real benefit. Ah, the Minister of Finance, the chief statistician of the state, he can snicker about things like that, he is not interested perhaps.

MR. DOODY: Another vicious personal attack.

MR. NOLAN: No, indeed it is not a vicious personal attack. No, it is not and the hon. minister knows better than that too. But surely the hon. minister would be the first one in private discussion to raise the same fears as I do. Now whether he will do it here in this House, that is another quintal of fish.

AN HON. MEMBER: Too shy.

MR. NOLAN: Too shy. But I really do not know, and I am really surprised that more people do not object to the type of information. First of all, how is the information to be used? Now there has been some reference here to Statistics Canada. Well all right. Let us take Statistics Canada and their figures on the unemployment figures in this Province. I mean, does anyone agree with them? I mean, are they the whole truth? If they are not giving us the whole truth on it, what are we providing them with information for? Now I understand you can probably receive imprisonment or fines if you do not provide information to that crew. Is that correct? I believe you do. Is that right?

MR. DOODY: It does not necessarily have to be accurate but you have to supply them with information.

MR. NOLAN: You have to supply them with information but it does not necessarily have to be accurate.

AN HON. MEMBER: To the best of your knowledge though.

MR. NOLAN: To the best of your knowledge, yes.

MR. DOODY: You cannot be responsible, you know, you do the best you can. But everybody cannot be accountants.

AN HON. MEMBER: Doing the best you can, does that not mean being accurate?

MR. NOLAN: My only point is - I mean, I am not raising any objections against the minister personally on this and I am sure he knows it but, I

MR. NOLAN:

mean, this is only one bill. There are so many other things that are going on where information is being collected on the poor unsuspecting person out there who has no idea of what is going on, no idea in God's world, and some of it, I feel - it is all right to say that it is now in the hands of the hon. minister and he is responsible, but for the very reasons that he has pointed out it is not just in the minister's hands, this information, it is not. Once it goes into the public domain, even if it is under scrutiny and so on, the fact is more and more people will have access and availability to that as the years go by. We are now moving into an age where all you have to do is make a telephone call in some instances and get certain information.

I mean, maybe there are others in this House who are not one bit concerned about this. I believe that where information is absolutely necessary - and I mean absolutely necessary, not to satisfy some bureaucratic or political Nosey Parker - I feel that information that is being gathered can be used adversely against the unsuspecting person. I believe it can be used, I believe it has been used in the past, and I believe it will be used again. Therefore I cannot understand how people can willy-nilly, say, "Fine" and sure perhaps the press will report that Bill No. 9, "An Act To Establish Newfoundland Statistics Agency" went through and that is it. Beautiful! But what does it do? What kind of a harness is it putting on us? And remember this, when we are providing this information it is only the tip of the iceberg because all of these things expand.

So you often wonder sometimes what has happened to the people who used to speak out more and more on these particular things. We do not hear too much about it anymore. I am sure that if an investigation were really carried out, in-depth studies on the information that has already been collected on citizens in this Province or in Canada, that it would be absolutely frightening. So while we are not opposing this bill, Mr. Speaker, nevertheless every time I see something like this it does scare me just a little bit because I believe that there is information being collected that is not needed, it really is not needed. And I am afraid that we now may very well be moving towards a time when

MR. NOLAN:

not only when we pass a bill like this are we providing the authority and the legal arm for a minister of the government, and his or her officials, that is going to affect not only us but young children yet unborn, and this is something one of those days that I would like to see a real good study on, What information is now in either commercial or public data banks on individuals in this Province, how can they be used, what information is there that should not be there?

I mean do not forget you have just as many Nosey Parkers in the civil service as you have in the House of Assembly or anywhere else. It is as simple as that. So I certainly can support the remarks by my hon. friend from Burgeo (Mr. Simmons) and I would hope that

MR. NOLAN:

we will very carefully, very carefully handle whatever information we may dig out and so on on this particular bill in order to have the statistics available. And when we are talking, by the way, about cutting back on public funds and so on, is it beyond the wit of man if you have - is it not possible to have one statistics agency rather than ten across Canada, plus a Federal one and so on. I mean, how many groups do we have to have collecting information? I mean everyone has their own little empire, we know that, and does not want to let it go.

But the fact is that this bill, while it pass tonight, could have very, very serious consequences for people who may not even be aware that it is going through. And I am hoping that we will very, very seriously consider what we are doing here, and before anything else of this nature comes up, rather than bringing in still further bills, more amendments and so on, to pry into the private lives of individuals, in fact we may take a look at what we have now on the Statute books and cut them back some and restrict them, because I believe that is what is needed, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member from Terra Nova.

MR. T. LUSH: Mr. Speaker, I just want to say a few words to this bill, and express some of the concerns already expressed by my colleagues, and I want certainly to know to what extent that this particular agency is different from Statistics Canada. I think that must be pointed out, to what extent it is different, what things will it do that Statistics Canada cannot do. And in directing the minister to the more precise question, I refer to a question or a couple of questions that I asked the Minister of Manpower some weeks ago, and I think the question was whether there is some agency in the Province which is able to determine or which is able to describe the characteristics of the unemployed in this Province. And I am just wondering whether this agency will be able to do this. I was talking about, you know, as to what

Mr. Lush:

group are carpenters, or what group are electricians, and this sort of thing, I am just wondering whether this bill is attempting to do anything of this nature to identify the characteristics of the unemployed, to identify the areas of high unemployment in the Province, to identify those areas where there is excessive social assistance. Because it seems to me it is only then that a government is able to attack the problems of unemployment; in order to attack them we must know where they are, we must know the nature, and we must know the characteristics of the unemployed.

I think this kind of information could be most beneficial. So, Mr. Speaker, that is simply the input and the questions that I want to raise with this particular bill.

SOME HON. MEMBERS: Hear, hear!

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

The hon. President of the Council.

DR. T. FARRELL: Well, Mr. Speaker, first of all I would like to thank my good and hon. friend from Conception Bay South (Mr. Nolan) for his very kind remarks, and my other friends across the floor for their kindness in joining him in those remarks. I am very glad to be back. There is a little problem vision-wise, so if I am forgetting any of the points that were brought up someone may be able to remind me of them.

Well I think, you know, as he spoke - I am coming back to convince the hon. member from Conception Bay South, you know - I feel a little as he does about this type of information, people looking all these statistics more and more every day, I think, nowdays we feel we are being hedged in by government, government permits, licences, and whatever. But I think when I explain this bill he will understand it a little better. This bill was actually designed to obtain information from agencies such as Statistics Canada, and other agencies and other provinces; basically that is the reason it was designed, because it is not that easy to

Dr. Farrell:

obtain this kind of information, unbelievably I think the hon. gentleman mentioned unemployment figures. You know, are they correct? We do not know. We get them from Statistics Canada. My hon. colleague here states he has no method or agency which would

DR. FARRELL: enumerate the number of people in different positions, different vocations and different trades, amount of unemployment or whatever. And this bill is designed for us to obtain this particular information because they will not often give it unless we have a bill of this nature. With the secrecy provisions and the penalties as well -I am coming to that, as my hon. friend from Burgeo-LaPoile said," How do you really protect anybody from this type of leakage?"

I mean, as far as I am concerned in the bill the penalties are there, and that is about as far as you can go, and I feel that they are adequate. The basic point is that we want information that we are not able to get today. From a matter of funding, the reason I am putting this bill through is that it will be a central area for the different departments or for anybody to obtain information which we should have at hand now and which we have not. I do not think it is going to cost - as far as funding, I do not know if it will cost anything. I should ask my good friend, the Minister of Finance that, but basically I do not think there would be any great collation or collection.

MR. DOODY: If it costs anything I will vote against
it.

DR. FARRELL: So basically it is an agency to collect information for any member of the House, and it is not quite as my hon. friend from Conception Bay South said, "an invasion of privacy" as it looks. Because that information is there right now in the federal government, and we are having problems getting it. There are also agencies in the other provinces with the same provisions of secrecy and confidentiality where we would like to get in and get information from them which we are unable to obtain at the present time. Basically that is the reason for the bill.

DR. FARRELL: I do not know if I have forgotten anything that was asked, duplication, funding. Well I think I answered the member from Bellevue -

AN HON. MEMBER: Terra Nova.

DR. FARRELL: Terra Nova, I am sorry, when he mentioned unemployment. That was the type of information I hope we would be able to obtain and be more accurate in the future. I move second reading, Sir.

SOME HON. MEMBERS: Hear, hear!

On motion, a bill, "An Act To Establish The Newfoundland Statistics Agency," read a second time. ordered referred to a Committee of the Whole House presently by leave. (Bill No. 9).

MR. HICKMAN: Order 11.

Motion, second reading of a bill, " An Act To Repeal The Canadian Javelin Limited (Acquisition Of Crown Lands) Act, 1970." (Bill No. 24).

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, this bill simply repeals a bill that was passed some years ago but never proclaimed.

And I move second reading.

MR. SPEAKER: Hon. member.

MR. SIMMONS: This raises a interesting point, and perhaps the minister in closing can enlighten us on why the need to repeal legislation that has not been proclaimed in force. As I understand it the bill says it will come into effect at such time as it is proclaimed. Does it follow that if not proclaimed it automatically has no affect in law and cannot untill such time that it is proclaimed? What I am really asking is, is there some particular reason why the government has seen fit to take the active step here of repealing the legislation? And a

MR. SIMMONS:

further question, are there other such bits of legislation on the books which have not been proclaimed, and if so what is the status of it? Will the minister also sponsor legislation or introduce legislation to repeal it bit by bit?

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

MR. HICKMAN: What I was doing was a sort of a break in between bills, more lengthy bills, to clean up two or three housekeeping bills, and then we could get back to some that probably required debate. This, firstly I point out, is not by bill. It is the bill of my colleague the Minister of Forestry and Agriculture who is not here. The legislative draftsmen from time to time keep sending bills in to repeal bills that obviously will never be proclaimed and as far as I know this bill falls

MR. HICKMAN:

into that category as being straight.

MR. SIMMONS: (Inaudible) brought in.

MR. HICKMAN: Well, it is not law until brought in but we have a revision every ten years. You know, we have a revision every ten years of the laws of the Province and we are still bringing forward bills that are subject to proclamation. I know by looking at them that they will never be proclaimed, that the purpose for which they were passed has long since disappeared. So we spend all kinds of time reviewing this bill, and putting it in as part of the Revised Statutes of Newfoundland and they should not be there. Then eventually the chief legislative draftsman will write the minister involved and say, "Look, can you tell me whether or not as a matter of government policy this act is ever going to be proclaimed."

MR. NOLAN: Would the minister permit a question?

MR. HICKMAN: Yes.

MR. NOLAN: Just as a matter of interest the minister said that the act to be repealed by this bill has not been proclaimed and enforced - fine - to repeal an act brought in earlier. I mean, how much land is involved? Where is it? Is the government negotiating with someone else to give them back Crown land? I mean these are the important and relevant points. Could he not tell us that?

MR. HICKMAN: If you will grant leave to my hon. colleague, the Minister of Finance.

SOME HON. MEMBERS: By leave.

MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: Your Honour, my memory takes me back to the days when I was in the Department of Mines, Agriculture and Resources when this particular act had been on the books for some time then, and it provided the access or the right of access for a slurry pipeline from Julienne Lake down to the Gulf, to the St. Lawrence River, and also the possibility of under certain conditions, which were never fulfilled, of certain land sites and certain water rights for the Julienne Lake development. These things were put forward conditionally in an act.

MR. DOODY:

The conditions have never been fulfilled. The act has never been proclaimed and the whole thing is completely nonexistent or not important at the present time. So it has just been taken off the books. The Julianne Lake thing is no longer a factor. At least that part of it certainly is not.

On motion Bill No. 24 read a second time, ordered referred to a Committee of the Whole House presently by leave.

Motion second reading of a bill, "An Act To Enable The Bennett Brewing Company Limited To Become A Federal Corporation." (Bill No. 23)

MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: This is once again a rather simple thing. As the hon. House is aware, some years ago the local Bennett Brewing Company was acquired by Carling O'Keefe Breweries. It is now a wholly owned subsidiary of theirs. However it is still incorporated under the laws of the Province of Canada. It has been a loser profit-wise during the past several years. The company has indicated that unless they get the opportunity to incorporate it into their national organization they have no intention of expanding it to any great degree, and they feel that they would like to have it as part of their national organization. We would like to pass legislation here in the House to make that possible. If it does become part of the national organization, the Province of Newfoundland would, under the Income Tax Act, be entitled to a share of the profits of the parent corporation as it relates under the formula that has been established with the Province as it relates to the business being done by that company here in Newfoundland or that part of the company that is here in Newfoundland. I think it works out to about 4.7 per cent.

In other words, if this year this act had been in effect the Province would have picked up about \$44,000 in income tax from the company. As it happened we picked up nothing because the local company made no money of its own. So we feel that it would be advantageous to the Province both in terms of the indication of the company that it will expand its operation in the Province, employ more people, which in itself of course is very worth-while, but perhaps what is even more

MR. DOODY:

important from my little sphere of the world is the fact it will
give us an opportunity to take a share of the corporate taxes of
that company and these people want to have it for their own purposes
which

Mr. Doody.

given them corporate control of the whole entity, and so that is the purpose of this particular bill.

MR. SPEAKER (Dr. Collins): The hon. member for Burgeo - Bay d'Espoir.

MR. SIMMONS: Mr. Speaker, the bill would seem to be simply as the name indicates to authorize the Bennett Brewing parent company to put an application federally for the appropriate incorporation. And that would appear to be the only purpose of the bill. I am correct in saying that?

MR. DOODY: Yes.

MR. SIMMONS: Yes.

Now the minister partly answered the question -

MR. DOODY: I say I elaborated on it.

MR. SIMMONS: Yes, obviously, they are doing it for tax reasons or for income - let us put it broadly - for reasons of monetary advantage, obviously. They can see some angles that they could work federally. That is my assumption. But anyway to get to my other point, the matter of revenue. The minister indicated that if the corporation succeeds in its proposed application, then the effect on the Newfoundland treasury, in this present year, by way of example, would be \$44,000 in income tax receipts in respect of that corporation. Perhaps the minister can really answer the question I have. Have we in this present year or in any recent year been in receipt of any income in respect of this corporation?

MR. DOODY: No yield from the Liquor Corporation.

MR. SIMMONS: Which would continue to be the case, obviously.

MR. DOODY: Yes. That is right. It will not change.

MR. SIMMONS: To put it another way, we are in no way jeopardizing our financial interest here by this and indeed probably enhancing it in the way that the minister has demonstrated by the \$44,000 figure.

MR. DOODY: Yes, that is right.

MR. SIMMONS: Well, it sounds reasonable to us, Mr. Speaker.

Mr. Simmons.

If that is the entire breadth of the legislation, we are not at all - we are not going to be hard to get along with on this one.

MR. SPEAKER (Dr. Collins): If the hon. minister speaks now he closes the debate.

MR. DOODY: I should have pointed out - and I apologize to the House, Your Honour, for - I am sorry - is there somebody else? I should have pointed that out that the major source of income, of course, to the Province is from the revenue that the Newfoundland Liquor Corporation picks up from the beer sales, the sales of the product of the brewery. But under this legislation if the company does become a federal corporation, as it obviously intends to, then it will give us an opportunity to have a share of the corporate income tax which is collected by the Government of Canada and will be that much extra money for the Province. And as I have said, we have also been told by the company that under these circumstances the parent company would feel that then they would be almost obligated, in fact they have said that they would plan an expansion programme there which would, you know, create a certain number of more jobs. It certainly will not cost the Province anything. In effect it will be of benefit to us both in taxable income, in jobs, and certainly no loss in liquor commissions.

On motion, a bill, "An Act To Enable The Bennett Brewing Company Limited To Become A Federal Corporation," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 23).

MR. HICKMAN: Order 18.

Motion, second reading of a bill, "An Act To Style The Department Of Manpower And Industrial Relations Act As The Department Of Labour And Manpower." (Bill No. 31).

MR. SPEAKER (Dr. Collins): The hon. Minister of Manpower and Industrial Relations.

MR. ROUSSEAU: Mr. Speaker, this bill is merely very straightforward. Actually what is happening, and unfortunately so, government decided a few years ago that they wanted to place some emphasis on manpower.

Mr. Rousseau.

The manpower aspect of the department certainly has grown, but unfortunately there is some doubt in the minds of the people of the Province which department is provincial and which department is federal and, of course, many of the calls and many of the enquiries we get, when I am just called the Minister of Manpower, of course, there is much confusion amongst people. The people who make long distance telephone calls, it may not be a big item, but it costs, and all of a sudden they find out it is the wrong department, that they should be dealing they should be dealing with the federal department. And so we thought that we would change it to the Department of Labour and Manpower. We think that the concept of labour wanting its labour department is one that we should renew. And, of course, we still want to maintain the emphasis on manpower. It is Labour and Manpower, and it is already the name of a number of departments across Canada. So it is mostly to avoid any confusion in the minds of the people of the Province as to

Mr. Rousseau:

just which department is a federal department, and which department is a provincial department.

MR. SPEAKER (DR. COLLINS): The hon. member from Burgeo-Bay d'Espoir.

MR. SIMMONS: Mr. Speaker, it is again a fairly inconsequential piece of legislation, if one accepts it at face value. If one gets very profound about it of course, and reflects on it as a possible symbol of things to come, one might predict that this is the beginning of the re-restructuring. We had the restructuring when all the names were changed, and little else, and now we are going back to some of the names we had prior to 1972. As I say, one could get caught up in symbols tonight, and interpret this as an omen of things to come that we shall see the return to the Department of Education and Youth instead of the Department of Education, and go down the line and look at -

MR. WHITE: Change the government all over again.

MR. SIMMONS: - the Department of - what is it? - Mines, Agriculture and Resources once again.

MR. DOODY: Inaudible.

MR. SIMMONS: And so it goes. It must be, Mr. Speaker, it must serve the purpose of occupying otherwise idle time in dreaming up new names or dickering with old names for various departments.

But the minister gave, Mr. Speaker, what must be about the best reason for the change, when he said that there was some danger that his department was being confused with the federal department. Now I cannot take any objection to that, but I have the strongest objection, Mr. Speaker, when anybody mistakes my very own Minister of Manpower and Industrial Relations for anybody else. He is a particular institution, and he is not the kind of commodity or individual that we want confused with anybody. We were running the danger, Mr. Speaker, for a while of having him confused with the erstwhile Minister, the sometimes Minister of Manpower at the moment, today, March 15, today the Minister of Forestry and Agriculture, what he will be tomorrow; and the next day he may well be

Mr. Simmons:

the new Minister of, as it is going to be, Labour and Manpower, and perhaps next week they might change him back again. They have had some switching back and forth over there, Tweedle-dee and Tweedle-dum, somebody called him. And on top of that I would not want to impose upon the minister being confused with the Federal Minister, Mr. Cullen, is it? Mr. Bud Cullen? That would be more than even the minister could bear with all his forbearance and his -

MR. DOODY: Bud Cullen was missing the -

MR. SIMMONS: I did not know that. I did not know that.

But all the more reason why we should not -

AN HON. MEMBER: Wait until your budget comes out.

MR. SIMMONS: All the more reason we should not confuse our minister with somebody who may be missing.

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: Anyway, Mr. Speaker, it does not appear to be a lot of substance here any more than it may well be an omen for things to come, and we may well be launching, not on the Age of Aquarius but the age of re-restructuring or a return to basics, a return to the good old names of the good old departments when the good old Liberal Party was in power.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (DR. COLLINS): If the hon. minister speaks now he closes the debate.

MR. ROUSSEAU: Mr. Speaker, I thank the hon. member for his words. I can assure him I would not want to be mistaken for the hon. gentleman in Ottawa who was suppose to meet with me a couple of weeks ago down here and could not make it out of Ottawa, but made it the next day and could not find an hour to come in and meet with me and talk about the Unemployment Insurance Bill they have coming before the House and get our representation on it. He could not make it, as a

Mr. Rousseau:

matter of courtesy to a minister of the Province, but he did make it the next day to open an Immigration Office in Gander. So he is certainly one gentleman that I would not want to be confused with. But I am sure we will get together sometime in the future. I move second -

AN HON. MEMBER: No representation to -

MR. ROUSSEAU: Pardon?

AN HON. MEMBER: No representation to -

MR. ROUSSEAU: Oh, we made representation, but we were going to have a personal meeting. So I move second reading.

On motion, a bill, "An Act To Style The Department Of Manpower and Industrial Relations Act As The Department Of Labour And Manpower", read a second time, ordered referred to a Committee of the Whole House, presently by leave. (Bill No. 31).

MR. HICKMAN: Order 6, Bill No. 18.

Motion a bill, "An Act Respecting The Registration And Regulations Of Consumer Agencies", read a second time.

MR. SPEAKER: The hon. Minister of Consumer Affairs.

MR. A. MURPHY: Mr. Speaker, this is another bill and the ongoing updating of consumer legislation in this Province, I think everyone is aware that in June of this year the Department of Consumer Affairs and the Environment was created as such. We have presently on

MR. MURPHY:

record now a bill relating to the Credit Reporting Agencies Act, 1973, and this deals basically with credit stores where they record the history and so on of individuals. This act will provide for the licensing of reporting agencies that specialize in the collection of personal information and credit information. The act sets guidelines on the kind of information that can be reported, the way it is used, and the procedure of protecting the consumer from inaccurate or out-dated information.

The Registrar and Deputy Registrar of Consumer Reporting Agencies mean the Registrar and Deputy Registrar appointed under the Consumer Protection Act. This act is designed to protect the consumer in many ways. It deals with the reporting and gathering of both credit and personal information relating to the lifestyle and character. Under the provisions of the act, consumers will be entitled to disclosure of information compiled about them with consumer reporting agencies. In other words, you have got the right if a report is made on you to go and force these people to let you see what they are reporting which is presently not so under the present act. If inaccurate or incorrect information is stored in the files of a consumer reporting agency, a consumer has the right to see his own file and have changes made and the incorrect information corrected.

There are many sections in the act and I would like to have, particularly in Committee, a lot of questions on the thing because, as I say, there are many, many sections in it. Perhaps we could in view of the importance of the act have the whole thing discussed in Committee. But it will release information as to debts six years after they become due. In other words, if you owed a bill six years ago this cannot be used today in reporting. Conviction as to crime seven years old or something like this, this cannot be produced in your file. Information on criminal charges where these charges have been proceeded with, have been dismissed and not proceeded. In other words it is no good of someone saying, "Look, you were up for robbery six months ago or two years ago", unless the case was proceeded with

MR. MURPHY:

you were convicted of it, this is not something that should appear in your report.

They are only permitted to furnish consumers reports in response to an order of a court in accordance with the written instructions of the consumer to whom the consumer report relates in response to an order or direction made under this act to a person who has reason to believe he is involved in a business or credit transaction with the consumer or intends to use the consumer report for employment purposes. They must notify the individual that they are going to do a consumer report.

Take, for example, someone taking out a life insurance policy. Previously you could go next door and ask about Ank Murphy, what kind of a type is he, does he drink, this type of thing. This is forbidden under this act. And they must notify him that they are doing a credit report on him whatever the case may be.

AN HON. MEMBER: Do you drink?

MR. MURPHY: No, no. I mean, you know, it is very serious.

AN HON. MEMBER: Do you drink?

MR. MURPHY: No, not very often. Once in sixty-three years.

AN HON. MEMBER: Once in sixty-three years.

MR. MURPHY: Yes. So basically it is an ongoing act to protect the individual, and as I say there are many sections in the act and anybody who has any questions on it might read the whole works. But I think perhaps I would rather answer the questions as they arise from the bill. I think this would be better than going through a litany and then having the thing more or less forgotten. I move second reading, Sir, and as I say again pretty well all the information is supplied by my department. So anybody who wants to get into any section, or perhaps in Committee if they want to go through it, I would be only too happy to answer any questions on it.

MR. SPEAKER: The hon. member for Conception Bay South.

MR. NOLAN: Thank you, Mr. Speaker. We have listened with great interest to the hon. member. I have reason to believe - in fact I know -

MR. NOLAN:

that in one reference here information is often required by potential employers in order to assess the suitability of an applicant for employment. Now I have known of employers who have had this information from one or more of these agencies. I also know that people have been turned down for a particular position on the strength of information from these agencies, and I suggest to the House, Mr. Speaker, that the person who was so-called turned down did not know where it came from, how it came, why it came or anything else. This is surely wrong, wrong, wrong.

Now I cannot quote exactly what the minister just said but he made some reference to the applicant's lifestyle and so on. I mean, does that mean if you are a swinger or have long hair it is gone in the report too?

MR. NOLAN: What in the name of God are we coming to at all? I mean, how much information are we collecting on people needlessly at all?

MR. HOUSE: This is to protect them.

MR. NOLAN: Pardon?

MR. HOUSE: This is to protect the public.

MR. NOLAN: It is going to protect them.

MR. HOUSE: Yes.

MR. NOLAN: It is, eh?

SOME HON. MEMBERS: Oh, oh!

MR. NOLAN: Yes, I know. So you keep telling me. Everything is for the - do you want to jump up now or later?

The bill would give the consumer the right to examine the file. Well that is fine! I mean, this is the kind of thing that we are interested in but the only thing is, what I am interested in, does the applicant, the person from Cabot Street who is applying for a position, how is he going to know there is a file? How is he going to know whether the manager for Woolco or Imperial Oil or anywhere else used a certain file? Is anyone going to tell him or her that it is there and this is what they are being judged on?

MR. WHITE: This says you must.

MR. NOLAN: You must. You must tell them.

MR. WHITE: So this says, yes.

MR. NOLAN: Well this is the kind of thing then that we will certainly be interested in supporting. We will certainly go into it clause by clause as the minister suggests, but again, we are very much interested in the type of information that is building up all the time on people here in this Province that is certainly affecting their personal lives. And if this bill goes far enough to regulate these things, as I believe the minister is trying to do, well then more power to him, I say, and to his officials because we need that kind of protection.

MR. NOLAN: It was not too long ago, as the minister said, where people were going around - I knew about it. I can tell you streets where it happened - getting information on citizens, talking to the next-door neighbours and things like that. Completely, just shocking what was going on. Now I believe that this has been eliminated. At least we have now the laws that will forbid it, but it was used and I think to the detriment of people. Malicious gossip was used, went into files about people.

AN HON. MEMBER: It is a dangerous business.

MR. NOLAN: It is. So we will look at it clause by clause and with all the things we agree with whereby it goes to protect the consumer, I think the minister can be assured that we will certainly support him in every way on it.

MR. SPEAKER (Collins): The hon. the member for Lewisporte.

MR. WHITE: Mr. Speaker, I am just going to make a couple of comments on this and give a couple of examples that prove that I am in favour of any kind of legislation that goes to protect the consumer more than the laws we have now, both provincial and federal. Because I do not think the federal law or the provincial law is strong enough, and I will give a couple of examples to prove that.

I had a case from a constituent about a few weeks ago where an individual in Toronto purchased a ticket from Toronto to Newfoundland and to Los Angeles. But when they got to Newfoundland they decided they were not going to take the trip to Los Angeles from Newfoundland, and consequently wrote the company in Toronto, the travel agency and asked for the money back. The travel agency, of course, being pretty smart, wrote the individual back and said, Send me up the ticket and I will send you back the money. So not being as smart as they should have been, the constituent sent up the ticket, never ever got the money and a month or two later called me. I called the travel agency and they said they did not know a thing about it in the world. I got hold of the Consumer

MR. WHITE: Affairs Department here and in Ottawa and in Toronto, and I finally got a letter back saying there was nothing they could do with it because they had no proof. The constituent had no proof because they had sent the ticket off and they had no receipt for their money, so that money was lost there.

Another incident with respect to the local Consumer Affairs office: A constituent of mine had a mobile home - and the minister is aware of this one - repossessed after paying over \$8,000 on the mobile home. I wrote the finance company involved and asked for the situation on the problem, asked for a comment from the manager. He wrote me back and said the situation had been cleared up by the Department of Consumer Affairs, they had looked into it and everything was fine and dandy, expecting me, I suppose, to go away. I turned around and wrote the Minister of Consumer Affairs, the provincial minister, enclosed a copy of the letter from the finance company, and the minister writes me back and says it is hogwash, that the finance company had not gone through the route of the Consumer Affairs Department locally. So that particular case is still on the go.

Mr. Speaker, I am in favour of this particular legislation. We will ask some questions on it in Committee of the Whole, but anything that protects the consumer, particularly from finance companies, and those particular people, we are in favour of that.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (Collins): The hon. the member for Burgeo-Bay d'Espoir.

MR. SIMMONS: Mr. Speaker, my colleagues on either side of me have said most of the things that need to be said. We have had an opportunity just to peruse this and it looks like my

MR. SIMMONS: good friend from St. John's Center, my much admired coach, has once again come through for us and he has here a bit of legislation that he can be very, very proud of. That is my gut reaction to having looked at it. Looking at section 19, and I am not going to ask the minister questions because I heard him say that he would rather deal with these matters of detail in committee, so my purpose in referring to section 19 is not to ask questions but to just make a comment by way of demonstrating why we are very pleased to support the bill.

Section 19 provides, 19 (1) (d), that a consumer reporting agency shall not furnish a consumer report except to a person that it has reason to believe is involved in a business or credit transaction with the consumer. I singled that one out because that particular section otherwise is quite good. It serves the kinds of purposes we are espousing in terms of consumer protection. That particular one might need to be looked at in terms of its possible loop hole in the sense that it is one thing for a business to be involved in a transaction with the consumer, but that of itself should not give that business or credit agency license to have the whole gamut of information. You might want to be more specific in how you can put this in legislation ; I do not know, but it is worth looking at. You might want to be more specific, more particular with the credit company, so that they are only entitled to that kind of information which bears directly on the nature of the transaction.

I find from [] in the last couple of years from talking to people who have access to credit reporting, that they can find out all kinds of weird and wonderful things that are not at all directly relating to the kind of transaction they are getting involved with the potential consumer.

MR. SIMMONS: And I just raise that question so far as 19 (1) (d) is concerned about whether there is any need to leave it as wide open as it would appear to be here, or if indeed you could be more specific either here or in the regulations pursuant to the act. More specific so that the credit agency or the business could only be entitled to that particular category of information which relates to the kind of transaction instead of getting a whole profile on a person just because you were proposing to lend them \$50 through Household Finance or whatever the case may be. That is the one point I want to make.

Otherwise, Mr. Speaker - yes, there is one other point, section 21 (h) provides that a consumer report shall not contain information as to race, religion, sex, political opinions, colour or ethnic national or social origin. I would submit unless there is some good reason to the contrary, that marital status ought also to go in there, and I would raise that as a question to the minister in time. I do not particularly see how marital status is a matter that is any different from the others in the group that you normally associate with bases for discrimination, such as race and religion and so on. But I submit that perhaps that should be in there. Finally, Mr. Speaker, section 23, a consumer reporting agency shall disclose to the consumer, and so on and so forth. I believe that really is the flag ship, if you like, of this bit of legislation. I believe that 21 (1) (a) is going to be welcome by most people, section 21 (a) that the consumer himself shall have access to the information.

Mr. Simmons.

It is heartening to see this now being embedded in legislation, and I certainly on behalf of my colleagues compliment the minister on having that provision in particular, that provision included in the bill.

MR. SPEAKER (Dr. Collins): The hon. member for Fogo.

CAPT. WINSOR: My hon. colleague here from Burgeo - Bay d'Espoir (Mr. Simmons) just brought one point to my attention, and that is consumers being informed. There are an awful lot of consumers going around today who have black marks against them, and it is almost impossible for some of them to obtain financial assistance from some of those financial companies because there is something somewhere, and they just cannot put their finger on it. Now if this bill, if it does nothing else, it protects that consumer and, you know, helps him to get the information which so long has been hidden from him, and it has probably, you know, deterred him from doing the certain things that he wants to do.

There is another point which came to my attention only this afternoon. I had a call from an individual in Fogo district, and he complained to me that he had been fired from a job six months ago, no reason, and he has not been able to get any reason from the employer. He was just fired, and now, of course, the man in question is out seeking another job, and everywhere he goes they ask him if we can supply a reference, and he cannot supply a reference because he cannot get any reason why the employer fired him from his previous job. So, you know, if this will take care of that man then, as I said, if it does nothing else, it is protecting the consumer. They are not all like the story where I think a gentleman out in the St. John's South district, the train killed a cow belonged to him, and he pressed the railway for compensation for a cow, and he just could not get anywhere so finally in desperation he said, "I fooled them anyway, I bought a ticket to Port aux Basques, and I would not go." So I do not know whether that kind of a consumer

Capt. Winsor.

is protected here. But however, on the serious side, Mr. Speaker, I think it is a worth-while bill. And if it provides the things that are brought to our attention as members - in certain instances, of course, it is utterly impossible to provide all the protection that the consumer would require - but certainly this will go a long way toward it, and I commend the minister for bringing it in.

MR. SPEAKER (Dr. Collins):The hon. member for Baie Verte - White Bay.

MR. RIDEOUT: Mr. Speaker, I, too, want to say a few very short words about this particular piece of legislation. I think it is excellent legislation, the type of legislation that I like to see brought before this House. It is long overdue, no doubt, but certainly providing for the consumer of this Province the protection that they so desperately need from finance companies and other lending institutions.

I want to raise a couple of points here so that the minister may be able to deal with them. We may get into them in more detail in Committee. I am particularly interested in Section 23 which is the disclosure of file to the consumer. It has been said before, and I certainly concur, an excellent clause in the bill. Now I would assume from looking at that clause, Sir, that once this bill comes into force then current information that has been compiled by collection agencies will have to be by force of law made available to any consumer who wants to see it. That is the correct assumption, is it?

MR. MURPHY: His own personal file.

MR. RIDEOUT: Yes, his own personal file.

Right now, for example, they would not have to show me mine. But once this law comes into force, this bill comes into force, and I wanted to see mine, then they would be compelled to show it me. That is the correct assumption, is it?

MR. MURPHY: That is correct.

MR. RIDEOUT: Okay.

Now I think that is important when we consider, Sir, Clause 24 and that is the alteration of consumer information. I have been told many times - and I am sure other members of this House - little stories trickling back from collection agencies and consumer reporting agencies and so on. Many of us, Sir, have ever reason to believe that there could be in those particular files a lot of inaccurate information.

MR. DOODY: That is right.

MR. RIDEOUT: I think Clause 24 is very important in the light of what I have just said. The alteration to anything that is in that file is very important.

Mr. Rideout.

It can be done, but in order for it to be done - and to become known to the consumer of the Province - is the point I am trying to make - is that the Department of Consumer Affairs is going to have to put on some sort of, I would submit, publicity campaign one way or another. We have to let the borrower in Harbour Round or Roddickton know there is now a law on the books that says that he can go to a consumer reporting agency, demand to see his file, if the information is inaccurate - then he can demand that it be altered. That I think is a very important point. And the people are not going to know that unless the minister's department makes sure, by a very thorough publicity campaign, that the people of this Province are aware that this type of law is there to protect him.

CAPT. WINSOR: That is right.

MR. RIDEOUT: I think it is a good bill. I compliment the minister on it. I would like for him to take those couple of points under advisement and reply to them when he speaks.

MR. SPEAKER (Dr. Collins): If the hon. minister speaks now he closes the debate.

MR. MURPHY: Mr. Speaker, I am very happy indeed for the comments from the hon. members of the House, and I would just like to say that this is a very comprehensive piece of legislation and for that reason I have my assistant deputy minister behind me. That is why I have been turning my head, not ignoring the Opposition, but just - because, as I say, this is the department that has been established rather recently. But to the hundreds of enquiries we are getting, we know how important it is to the consumer who feels in many cases that he has been shafted. But when he contacts someone who either puts him right one way or the other he is happy that, you know, he is either being looked after or he is not being shafted. And with reference to the general tenor, I think, of the debate, I believe, and I say this that the greatest emphasis my department is doing is consumer

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information and that is what we are trying in every way to let people know their rights. And that is why the hon. member for Lewisporte (Mr. White) perhaps makes the point that someone does something and then after the fact we have got to prove that they are due a return fare or something, where there is no receipt to show for it. Now basically, you know, someone knows somewhere along the way, there is immorality if you like, or illegality somewhere. This man bought a return ticket. I presume he has some receipt to show somewhere or another, but he just cannot do it. So, you know, before I get into it, I would urge on everybody the need to spread information as to the people's rights or no rights. It is no good coming six months afterwards. And we had 1,363 complaints since we started in June. And that is a lot of phone calls. And it is not only just saying, yes or no but investigating these things. A great number we have resolved and a great number we cannot resolve. If we can do it here on this level, we will do it. If not, we have got to go to Ottawa on another level, but we work on it anyhow.

Now with regard to I think the hon. member for Fogo (Capt. Winsor) and the hon. member for Conception Bay South (Mr. Nolan) - this is Section 22, and it says, "No person shall procure or cause the preparation of a consumer report containing personal information from a consumer reporting agency unless that person notifies the consumer in writing." Now this is the law. Now enforcing that, of course, is going to be another problem. But we need the co-operation of a consumer who will say, - I think the hon. member for Fogo (Capt. Winsor) again says that a man was fired from his job and he does not know why. Now I believe that the labour relations possibly would be the way to go - but if it is something doing with a report then we can come in on the act and follow it up this way. But that, you know, could be something else, and I think if he is being discriminated against, he has either got the Human Rights legislation or he has got, I would say again, the labour relations somewhere along

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the way, the Department of Labour might be the proper one to go to. If it is our department I am only too happy to look into it.

On 20 (h) I think the hon. member for Burgeo - Bay d'Espoir (Mr. Simmons) - well my ADM has explained that marital status was left out because a single fellow, for example, could go to an agency and, say, borrow \$5,000 for a certain purpose where it could be looked at, but a married person with perhaps five or six children, they could decide, you know, in the other way, that possibly, you know, perhaps there is a bit more money for you. So it is not discrimination as such. But what we are trying to do is hamper, you know, to try to keep in line excessive borrowing, the greatest evil today, and I say this, is easy credit for an awful lot of people who cannot handle money. So that is why marital status was not put into that, but everything else is in that particular section.

Section 23 - I think the hon. member for Baie Verte - White Bay (Mr. Rideout) -

MR. RIDEOUT: Does that cover the same thing?

MR. MURPHY: Yes, I think, that covers the same thing here that - shall produce in written form, whatever the agreement is, and you have got a perfect right - the consumer himself has a perfect right, and if it is not complied with, to come to the department, and we will force these people under law to produce the report they

MR. MURPHY: I would just like to say that during the past twelve months our department has been responsible for bringing before the Justice Department several misdemeanors, if you like, or illegal acts by real estate agents. So we are trying to tighten up on the whole question of real estate and for that reason we have brought in this Act.

The explanatory notes are all here. "To provide - the change in the definition of agent will include anyone carrying on the business of buying and selling real estate on their own behalf."

Now what has been happening in many cases, people have been going out and buying up property on their own and then when they resell they are classified as a real estate agent. In other words, they have to be licenced. Anybody who sells real estate or anything else has to be licenced. That is one thing.

As it says here, there are companies buying and selling real estate on their own behalf which are not required to be licenced simply because they are registering the property in their own name before resale. The consumer has no protection when dealing with one of these companies. So you just cannot speculate on a large lot of land or on buildings or anything else now

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and just go out and peddle it. You have got to be a licenced real estate agent. A licenced agent is required to be bonded, and is also required to maintain a trust account into which all deposits are to be placed. Thus the consumer who places a deposit with a licenced agent is afforded considerable protection. What has happened, there is an amount of money put forward, and the agent goes off and perhaps he speculates on another property, and when the first customer comes to look for his money, there is no money there. So he must be bonded in the first instance for X dollars, whatever it might be, plus he must set up a trust fund. And any downpayments or anything else are put into that trust fund and not into the current account of his own business.

Presently in the act it states that the act does not apply to a bank or a loan, trust or insurance company. This section is to be clarified so that it is quite clear that they are only exempt when trading in real estate in the ordinary course of their business. At present there are trust companies operating full time in real estate divisions, and there is some uncertainty as to whether or not they are required to be licenced. In other words, we are looking at this question of trust companies. If they are giving full time to real estate, they will have to be licenced too.

This amendment will eliminate the present procedures involved in assigning the proceeds of any bond which is forfeited and make it mandatory to assign the proceeds to the Registrar of the Supreme Court who is equipped to handle the disbursement of funds. In other words, if a bond is forfeited, immediately it goes into the Supreme Court who then dispenses the money rather than have it held in trust or something for another purpose.

To provide better service to the consumer, an agent should be required to maintain a business office within the Province. Presently some agents are operating from their homes and are not

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readily available to the consumer when problems arise. They do not display any sign, and in many cases the consumer is unable to locate them. In other words, if they are going to be real estate agents they have got to establish a legitimate business with an office, and a phone for that office, and an address so that we know where to locate them.

So there are many more clauses here and again I think we would get more from it if we get into the clause by clause thing and questions asked. If anybody has any questions I will only be too happy to endeavour to answer them.

MR. SPEAKER: The hon. member for Conception Bay South.

MR. NOLAN: Mr. Speaker, there is one part here that I hope that the minister or some other hon. member might comment on, and that is Clause 4 which provides that a bank, loan, trust or insurance company is only exempt from the act if the trade in real estate is in the ordinary course of its business. Then they are exempt. And to provide an exemption for persons who complete not more than three real estate transactions in a year with respect to their own property or rent their own property. Now there has been a great deal of discussion about real estate in this Province in the last year or so or more. Some of it justified. Other things perhaps have been said, have been rather specious in some ways, and may be damaging. I regret very much, for example, that I believe that as a result of some of the things that have been said about real estate agents, real estate companies and so on that it has tended to blacken the eye of some people who have been engaged in the profession for many, many years, carrying out their work properly, legally, morally and well, providing a good service. And I really do feel that some people have been injured, I believe, and I think needlessly.

Now there is one little question I would like to ask the minister or one of the hon. members opposite. If the hon. Minister of Finance wants to go selling real estate tomorrow, which he

Mr. Nolan.

may very well do before the year is over, he would have to go and pass a certain examination -

MR. DOODY: No problem.

MR. NOLAN: Not as long as you are in government. If you were out it might be a different matter.

MR. DOODY: I have never failed an examination.

MR. NOLAN: Yes, but you are going to have to read under the new act.

But the question I ask is this: That if it applies, if a school teacher would like to sell real estate tomorrow, he would have to go pass a certain examination. If the Minister of Education wants to go to sell real estate he has to pass a certain examination, if the Minister of Consumer Affairs want to go to sell real estate he has to pass an examination, Now what I would like to know is why is it that those members of the legal profession do not have to do the same thing?

MR. DOODY: They do have to pass an examination.

MR. NOLAN: They do not have to pass an examination. They never did. They have been trading in real estate for years. They have never passed any examination to the best of my knowledge, and I am subject to correction.

CAPT. WINSOR: Who writes the exams?

MR. NOLAN: You do not know.

MR. WELLS: I do not know of any examination.

MR. NOLAN: No.

I mean believe me this is not directed at the hon. member, no way!

MR. WELLS: Will the hon. member yield?

MR. NOLAN:

I sure will.

MR. WELLS: I think the theory behind that may well be that a lawyer is supposed to know the law. Now the real estate person, you know, who would be licensed to sell real estate would be examined on the various acts which set out and control the selling of real estate. But a lawyer, in the very nature of the examinations that he passes, you know, on Newfoundland Statutes as a prerequisite to be called to bar, should pass examinations in these various statutes. So he is presumed to know it already, you see, by virtue of being a lawyer, he ought to and he certainly knows where to look for it. So that the idea of making the real estate agent pass examinations is to make sure that he knows the appropriate law governing which a lawyer should know anyway, or he is deficient if he does not. I think that is the theory behind it.

MR. NOLAN: I am not going to quibble with the hon. member on that and I accept his word. But the only thing is it seems to me again we have a situation where we are making chalk of one and cheese of the other. I mean as far as I am concerned I would not take any doctor to perform an operation and I will not take any lawyer to carry on certain legal work for me whether it is real estate or whatever it is. I will pick the man or woman who I feel has a speciality and knowledge in a particular field.

What I am saying is again that we all know that there is a tremendous amount of real estate transactions within lawyers' offices, legal firms and so on. Legal firms amongst themselves, one way or the other, with companies and all the rest are in the real estate business, very much so, very much so. And I still maintain—never mind passing the bar exams and all the rest of it. That does not sway me one way or the other — but I still maintain that if the Premier of this Province wants to go sell real estate tomorrow he has to pass a real estate exam. And if anyone else wants to, with the exception of lawyers, they do not have to take it and I think that is wrong. It is as simple as that.

AN HON. MEMBER: They have to know it.

MR. NOLAN: No. The lawyers are going to set them up as a special class. I believe that is wrong. The lawyers have been exempted from the very day this legislation on real estate was ever brought into this House. Now, why was that? Whose idea was that? Who suggested it? It was not me. I am sure it was not the hon. gentleman for St. John's East (Mr. Marshall). I feel he could probably pass a real estate exam. Sure, without a shadow of a doubt the hon. member for Kilbride (Mr. Wells) could do it. You know, why do we not just say that the lawyers are not going to be example, that they are the same as the rest of us poor mortals, and they too are going to have to pass the exam if they are dickering and trading in real estate which they are and everyone knows it.

AN HON. MEMBER: Are you saying that I cannot sell real estate?

MR. NOLAN: Not without passing, as I understand it.

MR. MURPHY: Carry on 'John'. They are trying to harass you over there boy.

MR. NOLAN: Yes, I am sure they are, Mr. Minister. But I mean you can sneer at it, you can laugh at it, you can say, "Oh well we had this training and that training and so on, and you know we are different than everyone else." Bloody nonsense to be getting on with! The fact is why do you not put yourself on the same plane with other mortals, as the hon. minister says and make sure that - it is not beyond the wit of the lawyers to pass the exams the same as everyone else. I am sure they can do it. So why do they exempt themselves and stand above this?

MR. ROWE: Do they need a license, by the way?

MR. NOLAN: I mean my hon. friend, I believe, took an exam in real estate I believe.

MR. MURPHY: He won a scholarship, I heard.

MR. POWE: Do they have to pay for their licenses by the way?

MR. NOLAN: Pardon.

MR. ROWE: Do lawyers have -

MR. NOLAN: Do the lawyers have to pay for the licenses to operate

MR. NOLAN:

as real estate agents the way everyone else does?

MR. MURPHY: If they become real estate agents and get into business through it. If they are in the business.

MR. NOLAN: If they are in the business.

MR. DOODY: You can pass the exam, right?

MR. NOLAN: My friend, the Minister of Finance, has hit it on the head, of course. Anyway we will go into this clause by clause. I would certainly like to hear exactly - I am sure my friend from St. John's East (Mr. Marshall) would be prepared to take the exam. I would hope that we could probably arrange the necessary exam in caucus over here and have him come in at a time to take it and all the rest.

MR. DOODY: Do not get the man too aroused now.

MR. NOLAN: No, I have not got him aroused. I am not trying to arouse anyone.

MR. DOODY: Yes, you are going to get him on his feet now.

MR. NOLAN: The fact is that lawyers have been exempted from this exam from the day it originated and it is wrong.

AN HON. MEMBER: Are you going to stay there all night?

MR. NOLAN: We will stay here all night if we have to, yes. So we will go through it. I do not know what other members want to address themselves to this.

Mr. Nolan.

I do feel that I would like to see - and I believe the minister is trying to do this - I believe some people who have been involved in real estate, whether they have been lawyers or real estate agents, have been maligned needlessly. It is too bad that there is an attitude that pervades that if someone in a certain profession, whether it be a politician or whatever, if someone does something wrong they are all painted with the one brush, and this is a very sorrowing thing to me to see this frankly. And I believe people have been really genuinely hurt by some of the things that have been said and done in the last two or three years in this regard. And I personally find it very offensive, because there have been people in this trade who have devoted themselves to this business all their lives.

CAPT. WINSOR: It is their way of making a living.

MR. NOLAN: And it is their way of making a living, exactly. And they have a right to protection as well as anyone else.

Who will be the superintendent, by the way? Do we know that right now?

MR. MURPHY: The superintendent? We will have a new appointment within the department, yes.

MR. NOLAN: Yes, but who is it?

MR. MURPHY: I would say more than likely it would be the deputy minister or the assistant deputy minister. It will not be anyone else. There is no extra salary you see. That is all I am saying. It is just designating the title, you know.

MR. NOLAN: It has nothing to do with position?

MR. RIDEOUT: Finance knows that.

MR. HICKMAN: I am going down to my district.

MR. NOLAN: I am not going to be rushed by the hon. Leader, no. I mean if you want to run down to Grand Bank, send your executive assistant.

MR. HICKMAN: He has gone.

MR. NOLAN: So we will go into this I would think clause by clause, and I would like to hear the reply from some of my friends opposite on it.

MR. SPEAKER: The hon. member for St. John's East.

MR. MARSHALL: I am sort of provoked and driven to my feet. I thought when the hon. member for LaPoile (Mr. Neary) was gone, as he was, that it would get off the lawyers, but my hon. friend opposite sent shivers up and down my spine so the result is that I am up on my feet.

MR. NOLAN: Now, now, keep your patience.

MR. MARSHALL: I do think as far as real estate exams go, though, I think, probably very valid, I can think of certain instances where real estate exams ought to be taken. For example, perhaps it is just as logical, Mr. Speaker, to turn around and say that the Leader of the Opposition and his fellows who went to Mr. Levesque to talk about real estate that was very precious to the people of Newfoundland ought to certainly take a real estate exam.

Now on this particular bill, Mr. Speaker, you know there have been actions taken in the past year by the hon. minister's department in connection with real estate transactions that, you know, had to be taken at the time, but I just wonder whether or not, as I look through the bills that are presented from time to time, and this is one of them, whether we might be going a little bit too far sometimes - I know the hon. minister is not - in giving inordinate powers in the interests of protecting the general public, of going too far in giving extensive powers to the civil servants. Because after all, with the greatest respect, it is the civil servants who are going to be administering and interpreting this act. And some of these things are fairly, you know, powerful. For instances it says, "An agent means a person who by himself or through one or more officials or salesmen trades or purports to trade in real estate on behalf of himself or another." Now does that mean that an individual-

Mr. Marshall.

I do not believe it is intended to mean that - what I think it is intended to mean is that if a person buys as trustee in his own name, ostensibly for himself, for somebody else to try to circumvent the act, well he cannot do that, and he must register as a real estate salesman. But is not exactly, subject to seeing the act - you know, as I read it - I mean is this going to be applied, as I hope it is not going to be - that if somebody wants to buy real estate or in his own name, with his own money, for his own purposes, as he himself feels the need to, that there is going to be any obligation placed upon him to register under any act.

There are a couple of other provisions that just hit me as I go through. "A bank, loan, trust or insurance company trading in real estate in the ordinary course of its business." The explanatory note says this is to provide that these companies are only exempt for the act if a trade in real estate is in the ordinary course of its business. Now in the first place banks, trust companies or what have you come under federal jurisdiction, so you wonder whether or not we should be - if in fact there can be any laws applicable in this area to these concerns if they are not passed by the Parliament of Canada. And what does trading in real estate in the ordinary course of its business really mean? You know, what does it mean, not just for the bank, but for anybody, for any concern? You also have another power that, "The Superintendent of Insurance shall not issue an agent's licence to a person

MR. MARSHALL: unless that person maintains a permanent office in the Province satisfactory to the Superintendent."

Now I know that real estate agents have to be regulated. Obviously there has to be certain rules and regulations of general application and I do not wish to single out this act particularly, but it seems to me that there are mountains and mountains of bills that are passed by the legislature regulating individuals, and I do not quibble when this power is in the hands of hon. ministers here who are responsible to the legislature.

But we all know that these acts are going to be administered by civil servants, God bless them all, by public servants who are not necessarily as sensitive always to the ways of business life and private life and what have you, as other people may be. I just look at the mountains and mountains of laws and rules and regulations that are passed from time to time and wonder sometimes whether we - and as I say, I am not singling out this act, I am talking about it generally - whether sometimes we might be going just a little bit too far and maybe there is a need for a session of the legislature devoted to repealing a lot of these acts that have been passed from time to time in the past that really go farther than is necessary for the general public and become an unnecessary nuisance, burden and expense on the private individual and they end up getting passed on, of course, to the general public.

Those are the only observations and, as I say, I make that as a general observation. I have not studied or looked at the main bill, which you need to when you are considering amendments of this nature, but I shudder sometimes to think of the powers that this legislature in fact delegates to the civil servants over private individuals, and feel that perhaps there ought to be some type of a law reform committee or a committee of this legislature, or whatever have

MR. MARSHALL: you, just looking over these mammoth regulations that are passed from time to time with a view to seeing which ones in practice go farther than they need to be. Because there is no doubt in my mind that pushed up from the bottom of this building into the hands of this legislature, there has, not just this year or last year, but from, I suppose, about the beginning of time, there have been an inordinate number of bills that are geared mainly - in lots of cases, like the Peter principle - to bolster the position of the particular public servant. Public life is becoming so complicated now that nobody in this legislature can presume to be able to appreciate all of the very, very wide ambit that these particular regulations cover.

It would seem to me that there is a very real need for the legislature to guard against the unnecessary regulation of private individuals for the sake of the public good without examining it very closely and to see whether the real purpose is because some particular public servant is down doing a job and he is not doing his job unless he makes these particular proposals, and he does this particularly for the purpose of enhancing his kingdom.

This has occurred and it is occurring from time to time. It occurs with this government, it occurred with the previous government, and it will occur again and again and again. But really, it is this legislature that is supposed to be here for the protection of this and, Mr. Speaker, to the hon. minister who introduced this bill I say, I am not in particular picking on his bill but I am just talking generally that I think there is far, far too much regulation and legislation and we have to pass one hundred bills or one hundred and twenty bills. I would like to see a session where we pass the budget and we pass the Throne Speech and we pass the bare, bare minimum of bills that are necessary to regulate the general public.

MR. SPEAKER:

The hon. the member for Terra Nova.

MR. LUSH:

Mr. Speaker, I just want to utter a few short phrases concerning this bill. I cannot say that I am an authority in real estate,

MR. LUSH: but I do have some little knowledge about it, having passed that exam that they set up and I can say -

MR. HICKMAN: You are not a lawyer.

MR. LUSH: I cannot say that I can get so concerned about the lawyers writing the exam as my hon. colleague from Conception Bay South, because I really do not think they would have too much difficulty in passing the thing, but I suppose he is concerned about the principle of the - well I am sure that they make out the exam and if they got to write it, you know, that they will play around with it, I suppose. No, seriously I cannot get all that concerned about them writing it other than on the principle. It is a pretty straightforward examination but nevertheless necessary and I think it is a step in the right direction. And I think that the examination certainly makes a person more aware about real estate transactions, makes them more aware about the law from his legal position and the legal position of the client, and I think that they are certainly necessary and I believe the examination in itself will do a tremendous amount towards improving real estate and I do not believe that this bill goes to far.

Again I am not an authority on it, but I glanced through it and it looks like to me that it will certainly refine the previous real estate act and I think it is a good bill and I think the various clauses there and the various pieces of legislation are certainly necessary. The people of this Province, there is no doubt about it, they have been ripped of by real estate agents and the people have been robbed and I expect some of us here have probably been victims. And I believe this bill will go a long way towards protecting the consumer and also towards directing people involved in real estate as to their powers, as to the direction they should go when trying to transact a

MR. LUSH: particular business. So, Mr. Speaker, all I want to say is that I do believe it is a good bill.

MR. SPEAKER: Hon. member for Lewisporte.

MR. WHITE: Mr. Speaker, there is just one little particular section of this bill that I want to speak about. But before I do that, you know, there is lots of concern and controversy those days about the role of the press in society and we see more of this across Canada. And here in this Chamber this year we have expressed some doubts with respect to coverage of the House and so on. But certainly with respect to real estate this is one area where we can give the press a little bit of credit, particularly to Mr. Seaward at the CBC who did a lot of research on this particular subject the past year and brought out a lot of details in respect to it. No doubt they did contribute to this bill being brought before the House today.

There is one item that I want clarified, Mr. Speaker. I have read it a couple of times and it does not seem to be quite clear and that is 4 (c). I just want to know if this means that anybody who sells a property more than three times, not the same property, but say a gentleman, there are carpenters in my district, for instance, who build and sell houses as fast as they can do it, and maybe they can build five or six or eight or ten in the run of a year and sell them. And I do not know if 4 (c) which restricts to not more than three, would mean that they are not allowed, as of the passage of this bill, to build and sell any more than three houses. So I just want that to be clarified when the minister speaks.

MR. SPEAKER: Hon. member for Burgeo-Bay D'Espoir.

MR. SIMMONS: Mr. Speaker, the minister brings in a good piece of legislation and then he gets upset because we all get so excited over it we want to say good things about it.

AN HON. MEMBER: Not the minister, his colleague.

MR. SIMMONS: Well his colleague.

AN HON. MEMBER: The hon. House Leader almost had a massive coronary.

MR. SIMMONS: It is the minister of unsuccessful hockey games who is sponsoring this. Mr. Speaker, all the more reason why I should jump and say a few words in support. But they will be a very few words and I basically would like to respond to a comment or two from the member for St. John's East, who has the ability at whatever the hour of the day or night when he might happen into the House for a few minutes, to inject some bile into the debate,

MR. SIMMONS:

the kind of which that only he is capable of. I shall not try and match him in kind for that would be an almost insuperable feat to do that. Mr. Speaker, I will say though in response to what my colleague from Terra Nova (Mr. Lush) has said that if he, the member for St. John's East (Mr. Marshall), approaches the real estate exam with no more information than he approaches the subject of our visit to Montreal he would flunk the exam badly and would deserve to flunk it badly. He has not done me, nor I believe the member for Eagle River (Mr. Strachan), nor the Leader of the Opposition the courtesy of even talking to us directly to get his facts straight. I assure the House they are very wrong at this particular point.

The opportunity, Mr. Speaker, will present itself for us, and for me in particular as one of the members who sat with Mr. Levesque on February 31, to discuss that particular issue and to present the full story and then invite the member for St. John's East (Mr. Marshall) to comment. But this is not particularly the time for that on this particular amendment. Why he insists on dragging it in in fairly cowardly fashion I do not know. I would be delighted to have a conversation with him. He might even learn something, Mr. Speaker. The mutterings of that particular member will not in any way abrogate my right as a free Canadian to go anywhere in this country and meet with whom I want to.

Mr. Levesque, the Leader of the Opposition, the member for Eagle River (Mr. Strachan) nor I, none of us was under any illusions about in what capacity we were there. As I say, Mr. Speaker, that is quite another subject and even the member for St. John's East (Mr. Marshall) should know that. And I repeat, for the third time, I would be delighted to attempt to enlighten him on the subject at any possible opportunity when he happens by the House for a few minutes.

MR. SPEAKER: Order, please!

Before recognizing the hon. member, I was about to interrupt when the former hon. member was speaking and I will just take advantage of

MR. SPEAKER:

the opportunity which arose in the course of his remarks to make a correction of what I think what I heard this afternoon might be a misconstruction of the rules of the House. I am taking advantage of the hon. gentleman's remarks to have done so.

That was I heard a reference this afternoon to the rule, as if it were a rule of the House, of tit for tat. And I can see where this arose. However there is no such rule. This arose a few days ago when I used the term when an hon. gentleman to my right was speaking, one to my left was out of order in interrupting him, and then the gentleman to my right commented on those interruptions or rebutted them to the extent that that comment was irrelevant, then it would have been out of order. To the extent that it was relevant, it would have been in order. I made some reference to the fact that if an hon. gentleman interrupts he certainly is going to expect that the person whom he interrupts will reply. But having said that I certainly did not originate any new procedure of tit for tat. At most it was an unsolicited, gratuitous comment on human psychology which is outside my area and cannot be regarded as a precedent or as a specific rule.

I thank the hon. gentleman for so phrasing his remarks that I could make that comment.

If the hon. minister speaks now he closes the debate.

MR. MURPHY: Thank you. After that wonderful discourse I feel very, very inadequate in trying to close this debate, I might say. But perhaps I might just try to sum up just a little. And the first one of course is the reference to the lawyers and whatnot. In a sense I think everybody must agree with the hon. member for St. John's East (Mr. Marshall) that legislation and laws, we are being continually surrounded with them, new laws, someone thinking up new laws. As a matter of fact, I did not think there were as many laws in the world until I got this Consumer Affairs and I will bet you we have a backload down there that we have gone through to try to bring the act that we have here at this present time.

MR. MURPHY:

But as with reference to lawyers and bankers, this type of thing, in the regular course of business if they are handling real estate for a client, but once they establish a department, a real estate department then they must comply like everybody else and take out a license to sell real estate. I think that is understandable. The hon. member for Lewisporte (Mr. White), when he talks of the three or more times, this is uniform, whether it is right or wrong, they figure that someone who transacts more than three real estate deals during the year, then after that they feel that they are getting into the business of real estate and they should be licensed.

The hon. member for Terra Nova (Mr. Lush) examination I think he was pretty correct on that, that the examination is pretty straightforward.

Mr. Murphy:

I do not think we tried to make it too difficult for people, but still it is not that simple. You have to know what you are doing to get into the thing. It is the same way with life insurance. I mean I had to pass an examination to get my licence as a life insurance agent. And with regard I think the hon. member from Conception Bay South (Mr. Nolan) talks about the image that is being projected on real estate agents, and I do not think anybody can disagree, but for a time the guys were half afraid to mention selling a house or anything else because right off the bat they were labelled as being a blackguard or something less than that. And I am very happy to say that we have met on several occasions with the real estate group themselves, and we sat down and talked about the thing, and they are just as anxious as we are to eliminate that fly-by-nighter who in most cases wants to get in, sell one or two homes and make a fast buck and take off. And I think this is the general purpose of consumerism where we have the legitimate business, operating legitimately, fair to everybody, but still with the right to make a legitimate profit in his business provided as, you know, he treats everybody squarely.

So I do not think there is too much else that I can add on the thing. I say the whole thing is covered in detail, and perhaps we can get into it -

MR. NOLAN: Are you going to have the examination for the lawyers?

MR. MURPHY: Oh if they get into selling real estate surely, surely.

AN HON. MEMBER: Sure bring them out.

MR. MURPHY: Oh, they are being watched. We have the - the hon. member from LaPoile (Mr. Neary) is not here, his favourite expression is, what is? "The hard heel group" and when we had him in Welfare. They will be checking their offices regularly to see that they do not. I move second reading.

On motion, a bill, "An Act To Amend The Real Estate Trading Act", read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 27)

MR. HICKMAN: Order 17, Bill No. 30.

Motion a bill, "An Act To Amend The Unconscionable Transactions Relief Act", read a second time.

MR. SPEAKER: The hon. Minister of Consumer Affairs.

MR. MURPHY: Mr. Speaker, this is a simple amendment that we are putting in there, and that is to say that the purpose of this bill would provide that the burden of proof as to whether the cost of a loan was fair, and the transaction was not harsh and unconscionable, is on the lender rather than on the borrower. In other words, the borrower makes a complaint to our department that he feels he has been treated harshly or unjustly, we then go to the person who lends, the lender in other words, and then they must prove that it was not an unconscionable act instead of the borrower I presume having to go through court and the whole works -

AN HON. MEMBER: If they go to court the whole burden is on the person or company that made the loan.

MR. MURPHY: And once it goes to court the burden is on the lender rather than on the borrower. So it is taken that - am I right on that? I did not want to mislead the House.

MR. HICKMAN: No, no, that is right.

MR. MURPHY: So basically it is a very simple one, and already as you know we have a couple of cases already under this Unconscionable Act. This will change that.

MR. SPEAKER: The hon. member from Conception Bay South.

MR. NOLAN: Mr. Speaker, we obviously are very interested in this The Unconscionable Transactions Act. I do not think any of our esteemed friends in the legal profession, to the best of my knowledge, have ever taken anyone to court, ever defended any of their clients under the Unconscionable Transactions Act to the best of my knowledge in the past, at least I never heard of it, as they have in other provinces. I quoted some here last year.

What I would like to see the minister do is to bring in a bill retroactively. I know the Minister of Justice will say this cannot be done, but then the minister says a lot of things.

MR. SIMMONS: I got one here.

MR. NOLAN: Of course we have one.

And some of the things that have gone on in bonusing and so on in this Province, people have been mercilessly skinned alive, and why the minister has not seen fit to bring in such legislation to go after these people, — it is too late now for them, too late, the game is over, they have been had legally, I might add, and the minister should now be bringing in a bill that would retroactively see to it that those people are recompensed for the financial legal skinning that they received, that some of the best known people in this Province, and I think it is a crime and a shame and it is something that the minister will have to live with for the rest of his days because somebody will always be reminding him of it. ~~Because~~ there are people who are up to their ears in debt. I quoted cases _____

MR. NOLAN:

here, documented in this House last year without mentioning any names, any law firms or anything else, and I had the information, believe me, well documented that indicated to me that the people of Newfoundland, some of them, were skinned alive. My God, what happened to this Province! It was just absolutely shocking to behold, poor, innocent people who were sold down the garden path a bill of goods, some of the most shocking things I have ever seen on paper. And the fact is it has been going on for years and years and years in this Province under one guise or another.

Now this unconscionable—or the bill we now have before us, I would like to know from the minister: it says in the explanatory note it will also provide a list of factors to be considered by the court in deciding the fairness of the lending transaction. Now what list? Where is it? What does it say? When do we find out?

AN HON. MEMBER: It is in 4 (b).

MR. NOLAN: It is in 4 (b), is it? "Determining whether the cost of a loan is excessive, the court shall consider the interest rates prevailing at the time the loan was entered into for loans of a similar nature including the prime rate of interest charged by the chartered banks of that time to their most credit worthy customers." By the way, one of those days I hope we here in this House will have a slice at the banks and what are their so called best worthy customers.

AN HON. MEMBER: It is federal.

MR. NOLAN: I know it is federal. I do not care what it is. I do not care. If it is wrong, it is wrong and it should be discussed in this House.

MR. HICKMAN: How could you discuss it?

MR. NOLAN: What do you mean, how could I?

MR. HICKMAN: We just do not have the jurisdiction.

MR. NOLAN: We do not have the jurisdiction.

MR. HICKMAN: The British North America Act says bank and banking is under -

MR. NOLAN: I am perfectly aware what the Bank Act comes under.

MR. HICKMAN: Well if the hon. gentleman could find -

MR. NOLAN: But I mean I have some freedom in this House. If I want to take the banks apart, I will do that when my time comes. And I am going to do it. I do not represent any banks. It is as simple as that.

So, Mr. Speaker, I am sorry to say that this bill will not take on the real job that needs to be done. That is to see that monies are refunded to people in this Province who were skinned alive under bonusing or some other guise. I think it is just scandalous that we have permitted this. There are people out there who are going to be up to their necks in debt who are willing to pay a reasonable rate of interest and yet that was not enough to satisfy some people. Get out of them what you can, take advantage of their lack of knowledge in financial dealings, take advantage of them, leave them with the impression that without your help they would not have a few dollars in their hands and be over their heads in debt for many, many years to come.

I understand by the way that more and more people in the Province have declared personal bankruptcy. I wish to God that more and more of these people who have been victimized would come to that conclusion and perhaps they can get out of some of these scandalous and shocking and vicious situations and circumstances that they have gotten themselves into in this bonusing scheme which was well known for many years by lots of people in prominent positions and were willing to say nothing and do nothing about it. And they can wring their hands and roll their eyes all they like now, but they will never escape that shame.

SOME HON. MEMBERS: Hear, hear!

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

MR. MURPHY: Yes, Mr. Speaker. I would just like to say one or two words on it. I think I should reply because, with all due respect to the hon. member who just spoke, you know, it seems like he lays the blame at the door of this minister and this administration, whereas it is the first amendment to this act, Sir, since 1961. June, 1975 bonusing came to the attention of my department. Since that time we

MP. MURPHY:

have been vigorously going into the whole matter. There is a case before court now which I am not speaking about. But this will be a trial case and I just want to say now - while it is being prepared - all I want to say now is this, you know, that, true, people have been taken but this government, I think, has done more to update consumer legislation than the previous government had in their twenty-four years. So, you know, we can all get worked up about things, Mr. Speaker, and I think this has to be said about banks or anything else. But it is no good of this provincial legislature trying to do things that do not fall within our jurisdiction. You know, we can shout and screech. It sounds good and all the rest of it but we are really ineffective in doing this.

So I believe: this and I would like to pay tribute to my officials in my department, that we have gone so far in so short a time

MR. MURPHY: with the consumer legislation that we have. And anything we can do to protect the consumer that is what we are set up for. I move second reading.

On motion a bill, "An Act To Amend The Unconscionable Transactions Relief Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 30).

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

COMMITTEE OF THE WHOLE

MR. CHAIRMAN: Order, please!

MR. HICKMAN: Order 2, bill No. 6.

On motion clause 1, carried.

MR. CHAIRMAN: Shall clause 2 carry?

MR. DOODY: No, there is an amendment to clause 2, Your Honour.

I would like to move that sub-section 8 of section 3 of the act be repealed and the following substituted: "(8) any member of a school board within the meaning of the Schools Act or any member of a hospital board within the meaning of the Hospitals Act, 1971. (8a) any employee of a school board who is employed during the period when the Assembly is not sitting, and (8b) any person appointed by the Board of Regents of the Memorial University of Newfoundland who is employed during the period when the Assembly is not sitting." The amendment -

MR. HICKMAN: And it is paragraphs 1 and 2.

MR. DOODY: Paragraph 1 and 2.

MR. HICKMAN: Sections 1 and 2 become 2 and 3 respectively.

MR. DOODY: Yes, sections 1 and 2 become 2 and 3 respectively.

MR. CHAIRMAN: Shall the amendment carry?

SOME HON. MEMBERS: No, no.

MR. SIMMONS: Mr. Chairman, I am just looking for

MR. SIMMONS: our mimeographed item that we had today from the minister. Has somebody got one? Before it carries or otherwise I would just like to have a look at what it is doing. Sub-section (8). Mr. Chairman, just bear with us for a moment. We would like to get this in context.

MR. HICKMAN: It is indented as I.

MR. SIMMONS: Yes, I have it. I am just relating it to the old sub-section 8 and just seeing how it fitted in.

Mr. Chairman, I raised the point today on second reading which I would like someone to respond to. I made some points about the piecemeal nature that I do not want to particularly repeat, but I just want to raise the question of whether it would not be simpler and a lot less discriminatory if you held this instead of putting it through Committee right now and just addressed yourself to opening it up. Instead of having it restrictive as it is right now, open it up so that people - I will give you an example in relation to the amendment to sub-section 15.

MR. DOODY: We have been asked to -

MR. SIMMONS: And again, I am not particularly wanting to broach on my freedom here or infringe on the periphery of it in debate. That is not my point. I just want to give an example by way of putting the question if the minister does not mind.

The member for Exploits (Dr. Twomey), or any member in his situation who is employed in a cottage hospital situation, is now covered.

Mr. Simmons:

by the amendment we put a moment ago.

Now look, it so happens that it is the doctor, the chief medical officer. Suppose it were the carpenter in that hospital. Why is he less able to have access to elected office than the chief medical officer? That is the point we were making today, that everybody in that cottage hospital situation are in exactly the same situation vis-a-vis their ability to be elected or the legality of their being elected to the House of Assembly and drawing remuneration. Why is it only the chief medical officer? And again, I do not want the member to feel that this comment is aimed at him. It is rather aimed in favour of all of the other people under his supervision at that hospital, and at every other such institution in the Province, which is a quasi public institution by virtue of the legislative set up. And why cannot we open it up enough so that the guy who runs for office for the P.C's or the Liberals in the District of Exploits, whether he is a senior medical officer or the plumber, or the electrician employed in that hospital or one of the nursing aides why cannot it be open so that all these people have the same access?

And what we are doing here now -

AN HON. MEMBER: The same rights.

MR. SIMMONS: What we are doing now, Mr. Chairman, is very discriminatory, and I would ask the minister if he would, you know, look at that with a view to making it smack less of discrimination than it does at the present, both the subsection (15) which is being changed, and the subsection (8) which is now being changed.

MR. CHAIRMAN: The hon. Minister of Justice.

MR. HICKMAN: Mr. Chairman, I do not know how, you know, I have to be very careful that I do not get into a debate, because I realize I am not permitted to debate the principle of the bill in Committee.

AN HON. MEMBER: You can debate the clauses.

MR. HICKMAN: Not the principle, not if the clause goes to the principle of the bill, Mr. Chairman, I submit I cannot debate it.

Mr. Hickman:

All I can say to the hon. gentleman from Burgeo-Bay d'Espoir (Mr. Simmons) is that this point, and the philosophy that he raised, was the one we debated here in second reading, and I draw his attention to the fact that there is a very substantial study, and there has been going on in several provinces right now, as to how far we as legislators should go in opening up the total public service with the exception of policy makers, and who makes that decision as to where the policy maker stops. Is the welfare officer a policy maker?

MR. SIMMONS: That is not my point.

MR. HICKMAN: And I realize I am getting into a debate now, but I just pose the question, is he? Because he does have the right to say 'yes' or 'no' and interpret regulations.

The simple fact is that government at this time is not prepared to introduce legislation to bring in this brand new principle of total exemption that is being talked about in other jurisdictions, and which may or may not become law in these other jurisdictions.

MR. CHAIRMAN: The hon. member from Trinity-Bay de Verde.

MR. F. ROWE: Mr. Chairman, I take it we are dealing with this new clause here at the presently time. And I would like to relate, Mr. Chairman, to (8) (a) "Any employee of a school board who is employed during the period when the House of Assembly is not sitting", and (8) (b) "Any person appointed by the Board of Regents of Memorial University of Newfoundland who is employed during the period when the House of Assembly is not sitting." That is the point that I am relating to here. Why is that particular phrase in there for people employed by school boards or by the University, or for that matter for any doctor or a dentist; I assume that this same phrase, while the House is not sitting, also applies, is that correct?

SOME HON. MEMBERS: Oh, oh!

MR. ROWE: And the point that I would like to make, Mr. Chairman, is this, that we have lawyers, we have architects, we have engineers,

Mr. Rowe:

you have other professional people, insurance people, real estate people, for example, who could be serving as members of the House of Assembly and although they themselves individually may not be paid by the government it is quite conceivable that a law firm or a consulting firm or an architectural firm or an engineering firm or a real estate firm could be doing, in fact, government business. So the firm is getting government money, and obviously the individual, agent or insurance agent or engineer or lawyer is individually getting his share of the cake, or of the government money.

So what I am suggesting is that I think that

Mr. Rowe.

these last two words, 'not sitting', should be eliminated from these two clauses because it is discriminatory against the doctors, the dentists, teachers, whether they are employed by school boards or by the university. Am I correct in saying that a lawyer - now I want to draw this very clear distinction - a lawyer or an architect or an engineer or an insurance agent or a real estate agent who is sitting in this Chamber, sitting in the House of Assembly, his firm, or he himself in fact, could be doing government business. Now the hon. member himself may not receive a cheque from the government, but the firm which he represents will receive a cheque, and in due course, of course, he will get his cut of the pie. So what I am suggesting is that this piece of legislation here discriminates against the individuals, the doctors, the dentists, the professors or employees of the university or employees of the school board or teachers in that sense. And I am suggesting that that phrase should be struck out. I do not even know if it is proper to move that it be struck out. - any employee of a school board. I would even go so far, Mr. Chairman, as to move to delete in Clause 8 (a) ;

any employee - no, I am sorry, I do not want to delete that, let it
go - any employee of a school board, and then delete, "who is employed during the period when the Assembly is not sitting." And in Clause 8 (b) delete all words after "Memorial University of Newfoundland." In other words delete, "who was employed during the period when the Assembly is not sitting."

In other words this would allow a person, throw it wide open.

MR. HICKMAN: What are you getting at?

MR. ROWE: I do not know if I am getting my point across to the hon. House Leader across the way.

MR. HICKMAN: No, you are not.

MR. ROWE: The point that I am trying to make is that although this amendment or addition to the bill, and the amendment in general, allows for doctors, dentists and professional educators, say, to be employed by school boards or hospitals or what have you and receive government money, they are restricted to a certain period of time; namely, when the House is not sitting.

MR. HICKMAN: Right!

MR. ROWE: Whereas other professional people can practice law, engineering, architectural, you know, architectural work, they can sell real estate, they can sell insurance even when the House of Assembly is in fact sitting, even if that firm is doing government business, and they will get their share of the pie in that respect. And that is the only point that I would like, and I would like to move the deletion of the relevant sections that I referred to, Mr. Chairman. If you want it repeated, I shall repeat it. Did Mr. Chairman, get the -

MR. CHAIRMAN: Yes.

MR. ROWE: Thank you.

MR. CHAIRMAN: It is moved that in Section (a) the words after 'board' and in Section (b) the words after 'Newfoundland' be deleted from the amendment.

The hon. member for Terra Nova.

MR. LUSH: Mr. Chairman, I would like to speak to that particular suggestion by my hon. colleague if I can. It seems to me that the legislation across Canada in this respect, the job of the legislation is primarily to provide the avenue to permit in this particular case, let us say, an educator the right to work in his field of education whatever. I have not seen any particular legislation - and I have looked at a fair amount of it in this respect - I have not seen anything - and that does not mean that it is not there either - but to my knowledge I have

Mr. Lush.

not seen anything exactly like this which restricted it to when the House of Assembly was in session. As I have said, generally this is left to the school boards, because once you give the avenue, once you open it up, then each school board will make its own legislation. Indeed there might be school boards who

MR. LUSH: might not have elected members to teach with them at all. As a matter of fact, we have one such school board in the Province - now whether it is legal? - but we do have one such school board in the province that categorically states that an elected member is not permitted to work with that particular school board. So what I am saying is that -

AN HON. MEMBER: They will not hire an MHA.

MR. LUSH: No, not permitted to work at all. That is one particular school board in the Province. So what generally happens is that the government, the legislators of the Province, provides the avenue whereby educators can perform in their particular field. And then the body that regulates these people, be it the university or be it a school board, then these people in turn make their own regulations. I am sure this might be the very thing that a school board would say, you know, that a teacher not work while the House is in session. Well I think it makes it too restrictive. I think that is something that should be the decision of a particular school board, it should be the decision of the university or whatever. But in this sense, and I can sympathize with the ministers position that he is saying over there, that it cannot be done.

It is done, if you look at the legislation in Nova Scotia, that is done. Teachers in Nova Scotia have been given a half day off in certain places when the House is in session. They have been given so many weeks off, this sort of thing, because there legislature is probably not open as long as ours. I do not know. But there are different regulations on the thing.

MR. HICKMAN: There terms may not be the same as ours.

MR. LUSH: No, they may not, they may not. I do not know. But all I am saying is I think the particular phrase that my hon. colleague just mentioned, I agree that I think that it should be omitted, deleted. And I believe that this is a decision of the school boards and I am certainly cognizant of the fact that it would be very difficult for any educator to teach while the House is in session, and frankly I would not want to see it.

But I believe that that decision should be left to the particular school board. The way it is now you have only got one decision left to the school board, to be or not to be.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: Does the sub-amendment carry?

MR. SIMMONS: I believe that we should at least - so be it

Mr. Chairman, if the minister has another option -

MR. HICKMAN: :: No, no. You have a House Leader.

MR. SIMMONS: Well, Mr. Chairman, he should tell us of the agreements or the minister should tell us. Mr. Chairman, the minister has another option and that is to respond to the suggestion and the point which has been raised by my colleague. You adjourned the debate on second reading.

MR. HICKMAN: When we were debating the principal of the bill.

We can not debate the principal of the bill in committee.

MR. SIMMONS: If the minister has a point of order let him raise it. Otherwise, Mr. Chairman, the rules in committee are very clear, we can debate it clause by clause. And we are not asking, Mr. Chairman, that the principal of the bill be debated. We are fairly aware, as is the minister, of the rules of the House. What we are saying is that in so far as the particular clause is concerned we would like some changes, and my colleague has

MR. SIMMONS:

moved a particular change. Actually I had a another objection to the clause which as it happens my colleague has taken care of. We have already said that there has been some different interpretations about whether members of the Board of Regents are eligible under the present act without the amendment. And now, Mr. Chairman, in 8 (a) and 8 (b) we are introducing some more ambiguous language which lends itself to the same two or three different interpretations.

Any employee of a school board who is employed during the period when the House - when the Assembly is not sitting. Mr. Chairman, does that mean that if I am employed by a school board, but do not teach on those days when the House is sitting? Is that the intent of the clause, as I expect it would be. I hope it is that. Does it mean that? Or does it mean, Mr. Chairman, that I must go through the farce of being employed each time I get employed for a period. But as soon as the House opens I must cease to be employed, I must submit a resignation and then the next time when the House closes I go and get myself employed again. Because it is certainly open to that interpretation as well, you see, Mr. Chairman.

Now in the New Brunswick legislature, among others, teachers sit there regularly. Indeed one of the members of the New Brunswick legislature is a vice-principal in St. John and he sits there quite regularly

MR. SIMMONS:

If the House sits at three o'clock in the afternoon, he performs his duties up until noon that particular day. You see, Mr. Chairman it comes back - I want to speak in time to the larger question which my friend from Lewisporte (Mr. White) raised, about how many jobs can you hold down. But I still feel very strongly. The school boards, for example, used to try to tell a teacher how many night courses he could take. Now I used to object to that strongly because of the infringement which it represented. If a fellow wants to drink beer all night, or go courting all night, or take night courses all night, that should be his prerogative. And if a lawyer, for example, wants to hold down two jobs, or if I want to hold down five jobs, I believe that is my personal right, whatever the detriment I am inviting. So we are into a fairly ticklish area when we talk about legislating against having outside employment. I do not think my friend from Lewisporte (Mr. White) and I are that far apart on it, but we are probably approaching the same subject from opposite ends. But we have concerns on it.

But in the case of the guy in New Brunswick, whom I mentioned just now, he leaves his classroom or his vice-principal's office at twelve o'clock or twelve-thirty and he goes home and has lunch and then he goes over to the legislature. Now what is wrong with that particularly when we have become accustomed to a situation where the member for St. John's East (Mr. Marshall), the member for Kilbride (Mr. Wells), the member for Grand Bank (Mr. Hickman) were he not in Cabinet, the member for the Straits of Belle Isle (Mr. Roberts) if he so desired, could leave their law offices at one o'clock or two o'clock and come directly here and participate in the affairs of the legislature.

Mr. Chairman, we hear the distinction about private business. Now, Mr. Chairman, either we have rights as members of this House, either we commit our whole soul and body to this particular job, which I do not particularly intend to do -

MR. HICKMAN: A point of order.

MR. CHAIRMAN: A point of order.

MR. HICKMAN: The hon. gentleman knows very well that he is now getting into a debate on the principle of the bill and that is completely and absolutely contrary to the rules of this House. You cannot debate the principle of the bill except on second reading.

MR. SIMMONS: To the point of order, Mr. Chairman. Contrary to what the minister has attempted to construe, albeit it quite badly, quite inadequately, contrary to what he has tried to constue, Mr. Chairman, I am speaking directly to the time element. I am raising a question of whether we should be considering or talking about passing amendments which would restrict the time period during which a teacher, in this particular example, or a member of the Board of Regents can serve on the board. Now we have been asking questions. My colleague from Trinity-Bay de Verde (Mr. Powe) has asked a question and I have asked one and there are obviously no answers forthcoming. So if we have got to make the point three times, we have to make it three times or four.

But to the point of order, Mr. Chairman, I would submit I am very much on the amendment speaking to the time element, and I used the New Brunswick example just as an example. I used the lawyers just as an example. I raised the question whether we ought to be legislating when a person may be employed or not employed.

MR. WHITE: Mr. Chairman -

MR. SIMMONS: On a point of order now, it is a point of order.

MR. WHITE: Oh, a point of order, yes.

MR. CHAIRMAN: Is the hon. gentleman speaking on the point of order?

MR. SIMMONS: Well I was speaking.

MR. WHITE: No, no. Go ahead.

MR. CHAIRMAN: We are now considering the sub-amendment which is an amendment to delete certain words from sections of the amendment. My understanding is that remarks must be confined very clearly to that point, the subject of the sub-amendment, that is whether these

MR. CHAIRMAN:

words should or should not be deleted and the reasons therefor or against why they should or should not be deleted. So I would ask the hon. member if he would confine his remarks to that. If this sub-amendment is voted one way or the other another sub-amendment of course would be in order.

MR. SIMMONS: Thank you, Mr. Chairman. My colleague from Bay de Verde (Mr. Rowe) has moved this sub-amendment which would have the effect of removing the ambiguity from 8 (a) and 8 (b), the ambiguity I am concerned about. The ambiguity exists now. If this sub-amendment carries, this sub-amendment which my colleague has moved, there will be no need for me to move another sub-amendment which would have the effect of taking care of the concern I have raised. I say to the minister that there is a very real ambiguity here and I just reiterate it to make sure the point is well made, that at the moment that is open to the interpretation which I hope is the intended one, namely that a member when the House is not sitting, he may be employed in another capacity, in this case with a board or in a teaching position. That is the interpretation I hope is intended.

But there is another possibility. It could be interpreted to mean, if you take the converse of 8 (a), it could be interpreted to mean that if the House

MR. SIMMONS: is sitting he cannot be employed even though he is not teaching on a given day. It can mean that, it is open to that interpretation. You can certainly say that if the House is sitting today that person must not be an employee of So-and-So school board. Therefore, if the House is convened for the 30th of January in a given year he must submit a resignation as of the 29th of January. And at such time as the House rises or adjourns for that session, then he can go back and submit another application and become employed the following morning with that board or another board. It is open to that interpretation, Mr. Chairman, just as the ambiguity affecting the Board of Regents was so open to interpretation that the minister now sees fit to bring in (8b).

MR. HICKMAN: To cover that so it will never be open to ambiguity again, that is why we brought it in on the advice of the legislative draftsman.

MR. SIMMONS: I say to the minister for that same reason he should take care of the point I am raising now and my colleague has taken care of with his amendment, as it so happens, to see that that ambiguity does not apply to the teacher who would be employed by a school board. There are two interpretations there now. I do not know if the point is made but there are certainly two distinct interpretations. I would like the minister to speak to it. Unless he can offer some other way of resolving it I am obliged to support the sub-amendment moved by my colleague from Trinity - Bay de Verde (Mr. Rowe).

MR. DOODY: Sit down! Sit down!

MR. FLIGHT: So are we all.

MR. SIMMONS: No comment at all? Nothing?

MR. HICKMAN: I told you that is why I put it in there, to cure the ambiguity on the advice of the legislative draftsman.

MR. SIMMONS: Mr. Chairman, may I ask the hon. the

MR. SIMMONS: minister a question?

MR. HICKMAN: Look, I will get up and try to answer so you will not have to ask me again.

MR. SIMMONS: Mr. Chairman, I will ask him anyway. I would like to put the question to him - (8a) - In his view, Mr. Chairman, the view of the Minister of Justice, can a teacher be employed for the school year provided that he does not teach on the days when the House is sitting? Is that what (8a) is saying?

MR. HICKMAN: Yes, Mr. Chairman. That is my interpretation. The simple fact is that he cannot receive two emoluments from the Crown at the same time. There is no question that a teacher's salary is an emolument from the Crown, and this is what we are trying to eliminate. The only reason (8b) is in there is the legislative draftsmen, who are far more skilled at this than I am, recommended that it was necessary to put in (8b) in order to clear up any conceivable ambiguity.

The rest of it that the hon. gentleman raised earlier in debate, both in second reading and earlier since we came into Committee, is a matter of principle. I can only advise the Committee that the government is not prepared to introduce the legislation with that broad change that the hon. the member for Burgeo - Bay d'Espoir has raised. That is all.

MR. SIMMONS: No, Mr. Chairman. I am not giving up on this one yet. The minister keeps referring back to the earlier matter, the one where I talked about civil servants. Now that is an issue of principle and I raised it at the right time. I have not raised it in Committee. I raised it on second reading which is the appropriate time to raise it. I did not get the kind of response from the minister I had hoped for, but that is another question.

Here I am raising a specific, Mr. Chairman, which is not a matter of principle. I am saying to the minister - let me take an example. Well, I will take

MR. SIMMONS: myself as an example because I am by background a teacher. If I go out today and I get employed with the St. John's Avalon Consolidated School Board and the - or I get employed say, last September - and the House is sitting, will that get interpreted to mean that because I am technically employed today - I am not teaching today because I am in the House - but because I am technically employed, will that Act be read to me in such a way that it says, I am sorry, you are disqualified for one or other of the emoluments.

There under that Act now I would be in my example employed today by the Avalon Consolidated School Board, I would not be teaching today.

MR. HICKMAN: Right you are.

MR. SIMMONS: But I would have an employment contract today.

MR. HICKMAN: You are all right. I just checked again, you are all right. You can have your contract of employment for twelve months a year, but when the House is in session you cannot get paid for teaching. Okay?

MR. SIMMONS: Okay, well there is the record fellows. We got it into the record finally.

MR. HICKMAN: Right.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: Is the Committee ready for the question? The question is on the amendment to the amendment. All those in favour "aye," those contrary "nay", I rule the "nays" have it.

Does the amendment carry?

SOME HON. MEMBERS: Carried.

MR. ROWE: Mr. Chairman.

MR. CHAIRMAN: The hon. the member for Trinity - Bay de Verde.

MR. ROWE: I do not wish to prolong the Committee,

Mr. Rowe.

I do believe in an earlier comment made by one of my colleagues that this job in this House of Assembly should be a full-time job. Now I realize I am getting on the principle of the bill so I will end it right there before the House Leader starts going starky, Mr. Chairman. But the point that I am trying to make here is that Clause 8(a) and 8 (b) discriminates against the very people who the bill is supposedly trying to help in the sense that - and I do not know if I can move another amendment or an addition to the member here.

MR. MURPHY: Mr. Chairman, if I may, a point of order.

MR. CHAIRMAN: The hon. member.

MR. MURPHY: I think we are introducing some new principle in this bill entirely now that was not discussed in second reading. I may be wrong. But now we are going to talk about a whole ream of people who could not be covered under this thing which has nothing whatever to do with this bill as I see it. You know, that is my feeling on it, Sir.

MR. ROWE: To that point of order, Mr. Chairman. To this point at least I thought I was talking about teachers, the people involved in 8(a) and 8(b) and nobody else. So I cannot see how that can be irrelevant. I am debating. And contrary to what the House Leader has said, you can debate in Committee of the Whole clause by clause. We are not restricted to asking questions and receiving answers. We can debate clause by clause as long as we are relevant to that particular clause.

MR. CHAIRMAN: I understand that the hon. member is probably leading up to a new amendment to the amendment, and that has not been proposed yet so until such time as he proposes it, the Chair cannot rule whether it is in order or out of order.

The hon. member for Trinity - Bay de Verde.

MR. ROWE: Mr. Chairman, the point that I am trying to make here - and I will say it again - is that any other member in society, any other person in society, professional or otherwise, whose firm or institution or group is doing work from the government can walk into this House of Assembly and still go back to his law office, his engineering office, his architect's office, his insurance office or his real estate office. Now what I am saying is that the same law that applies to teachers should also apply to these individuals.

MR. MURPHY: To a point of order, Mr. Chairman.

MR. CHAIRMAN: Order, please! A point of order.

MR. MURPHY: I rise to a point of order at this time, Sir, because we are not discussing life insurance agents, plumbers or anything else. We are discussing 8(a) and 8(b) whatever relating to teachers and the boards. It is a new principle entirely.

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

That is precisely what I am speaking to, the fact that the teachers, the dentists, the doctors, professors, employees of school boards are being discriminated against in this sense. And what I am saying is this, is that all other people, professional or otherwise, who in any way are receiving directly or indirectly money from the government should have that same clause put in - any person, professional or otherwise, receiving monies from the government, through the institution, through the company, through the firm or what have you, any such person - that same phrase - who is employed during the period when the House of Assembly is not sitting - that phrase should also apply to these individuals. Now I do not want to get personal and talk about hon. members opposite who can do just that, - the lawyers, for example. There are no architects over there to my knowledge. There are no real estate agents to my knowledge. But these people can work with a firm that is doing business

Mr. Rowe.

with the government and they are not subjected to the same restriction as the teachers, dentists, and professors and what have you.

MR. CHAIRMAN: Order, please!

In regards to the points of order, we are dealing with the amendment -

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: Order, please!

- we are dealing with the amendment, and the amendment deals specifically with members of a hospital board, with employees of a school board, and with persons appointed to the Board of Regents. So the hon. member is required to confine his remarks to those individuals and not other individuals occupied otherwise.

The hon. member.

MR. ROWE: Mr. Chairman, I will not prolong this at all, and I will just simply close by asking the hon. House Leader, the Minister of Justice, this simple question: Does he not think that employees of school boards or hospital boards should be subjected to exactly the same restrictions as any other people who may be working

Mr. F. Rowe:

directly or indirectly from the government, and therefore receiving money indirectly or directly from the government which includes these other categories that I am not allowed to mention because they are not contained in (8) (a) and (8) (b)? Does he not think that they should be - the teachers -

AN HON. MEMBER: Department of Education.

MR. F. ROWE: - people who are working for school boards -

MR. HICKMAN: Yes.

MR. F. ROWE: - should they have more restrictions placed on them than other members of society who I mentioned earlier?

MR. HICKMAN: We could defeat the amendment, and there would be only the 'Twomey' member left.

I will come back to this in a moment, but I have to rise the Committee. I move that the Committee rise, report progress and ask leave to sit again. I will come back. I will answer this in a couple of minutes.

MR. CHAIRMAN: It is moved that the Committee rise, report progress and ask leave to sit again. All those in favour "Aye" contrary "Nay", carried. Mr. Speaker returned to the Chair.

SOME HON. MEMBERS: Oh, oh!

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

On motion report received and adopted.

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, I move that this House do not adjourn at 11:00 o'clock.

SOME HON. MEMBERS: Shame! Shame! Shame!

MR. SPEAKER: The motion before the House is that this House do not adjourn at 11:00 o'clock. Those in favour "Aye".

SOME HON. MEMBERS: "Aye".

MR. SPEAKER: Contrary "Nay".

SOME HON. MEMBERS: "Nay".

MR. SPEAKER: In my opinion the "Nayes" have it.

MR. HICKMAN: Move the House into a Committee of the Whole.

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

COMMITTEE OF THE WHOLE

MR. CHAIRMAN: Order, please! Bill No. 6.

MR. SIMMONS: Mr. Chairman, there are a few things that I would like to say about this 8 (a) before we go on. Perhaps the minister could indicate if he has had an interpretation of the phrase "is sitting" or "is not sitting". For example, you know, when the House is in session is it to be construed to be sitting on Saturday?

MR. HICKMAN: No, and we were not sitting yesterday.

MR. SIMMONS: No. Okay, so the point that my colleague has made has been taken care of really in that my example about the -

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: Well it takes us some time, you know, you understand that, eh? late at night and all, looking at the Minister of Finance and all that kind of thing.

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: We have our problems.

Mr. Chairman, just to clarify so we can get the minister into the record, if the member from Exploits (Dr. Twomey), for example, were his medical jurisdiction within commuting distance of St. John's, he could have been in his hospital this morning and performed his various medical services and left there directly and come here, provided the House was not physically sitting this morning, that is what -

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: I want to get this straight and we have got all the time in the world now, we have got all night.

Now I want for the record to put an example to the minister. We are doing it under some difficulty, but we have got the time if you

Mr. Simmons:

fellows have.

Mr. Chairman, let us take the example of the member from Exploits. Let us suppose for the purpose of discussion that his hospital were not in Botwood, but say it were some cottage hospital within ten or fifteen miles of the House of Assembly, and presuming the House did not physically sit this morning, there was no sitting this morning, what the Minister of Justice is suggesting - is he? is the doctor, in my example, could have performed his various medical services this morning in his hospital, because the House was not physically sitting, and then come here

MR. SIMMONS:

under the provision of 8 (a), is that what the minister is saying? Now he has not said it very clearly before and I would like for him for the record to say it.

AN HON. MEMBER: You would not give him a chance.

MR. SIMMONS: Okay we will give him a chance now. The only reason he has not had a heart attack is he has not got a heart.

MR. CHAIRMAN: The hon. Minister of Justice.

MR. HICKMAN: My interpretation of the words 'is not sitting' simply means this, that when this House is not sitting - we are sitting now -

MR. NOLAN: Is this a legal opinion now?

MR. HICKMAN: Yes.

MR. NOLAN: You are not supposed to give a legal opinion. You said so yourself here in this House a long time ago.

MR. HICKMAN: Well, if I cannot give a legal opinion, how can I answer it?

MR. NOLAN: Well, you are the one who set the ground rules.

MR. HICKMAN: What I am saying is that when this House is not sitting it means that any hon. gentleman, for instance, Mr. Chairman, practices medicine under the present act in the morning, and if he earns money from MCP he is entitled to be paid. Right? It is very clear. You may not agree, hon. gentlemen may not agree with the bill, and indicated partial disagreement this afternoon although they voted for it, for the principle. But the meaning of the bill, the clear unmistakable, undisputable meaning of the bill is exactly what I have just said. That has got nothing to do with the principle.

On motion amendment carried.

On motion clause 2 and clause 3 carried.

On motion the Committee reports having passed the bill with amendment carried.

A bill, "An Act To Establish The Newfoundland Statistics Agency."

(Bill No. 9)

MR. CHAIRMAN: Shall Clause 1 carry?

MR. SIMMONS: Mr. Chairman -

MR. CHAIRMAN: The hon. member for Burgeo-Bay d'Espoir.

MR. SIMMONS: Mr. Chairman, I will make reference to appropriate sections after perhaps as we get into the clause by clause analysis. I believe it needs to be said though, Mr. Chairman, that this particular bill has some unfortunate implications, a possible misuse of it, for example. I am concerned about that and I would like for some minister to indicate to us just how this act would be administered, by whom. This is the Newfoundland Statistics Agency, I suppose it will become known as the NSA.

MR. CHAIRMAN: Order, please.

I would like to draw to the hon. member's attention that we are at Clause 1 which states this act may be cited as the Statistics Act. So his remarks have to be directed to this statement or otherwise -

MR. SIMMONS: Sorry, Mr. Chairman, I did not hear the ruling.

MR. CHAIRMAN: We are debating clause 1 which merely states this act may be cited as the Statistics Act. So at this point remarks have to be directed specifically to that statement.

MR. SIMMONS: Oh, I see. Well I would hope, Mr. Chairman, that I was going to relate into that. Mr. Chairman, I realize I wandered to the extent that I referred to the title instead. But if we are going to be that restrictive, which I believe, Mr. Chairman, is somewhat -

AN HON. MEMBER: Do it in the next one.

MR. SIMMONS: Yes, well we can do it then. Mr. Chairman, I have some concerns which I perhaps should leave - I believe what Mr. Chairman has said - is I should perhaps leave them and enter them under the appropriate clauses. I gather without being critical of Mr. Chairman's ruling that we are going to be considerably more restrictive in Committee tonight than has been the case. If that is so we will play ball. But there are things that need to be said. And if we cannot say them under section 1 we will say them under appropriate sections and it could take all night to do it.

MR. NOLAN: On the title we are on, I believe.

MR. CHAIRMAN: Clause 1.

MR. NOLAN: Well all I wanted to refer to really was "An Act To Establish The Newfoundland Statistics Agency." I would assume that for legal purposes it is Newfoundland and not Newfoundland and Labrador that would be used there.

MR. HICKMAN: Clause 1. We are on clause 1.

MR. NOLAN: I will get to it later. It is all right.

On motion Clause 1 through to Clause 2 carried.

MR. CHAIRMAN: Shall Clause 3 carry?

The hon. member for Burgeo - Bay d'Espoir.

MR. SIMMONS: Mr. Chairman, Clause 3 provides for the establishment of an agency to be known as the Statistics Agency. I believe first of all that we ought to align ourselves with stated government policy on this subject and refer to it more properly as the Newfoundland and Labrador Statistics Agency. I think that should be in 3 (1). I also have apprehensions about the establishment of this agency. I have indicated earlier that I have nothing to quibble about the principle, the idea of having a collection agency. But I have some very serious reservations about the possible misuse of that kind of an agency or the information that would be available under that kind of agency.

MR. HICKMAN: Mr. Chairman, on a point of order. The rule is so clear that you cannot debate the principle of the bill in Committee. It is in second reading. Any parliamentarian with a half a brain knows that. And the hon. gentleman is now debating the principle of the bill.

MR. SIMMONS: Mr. Chairman, in the view of the minister I am debating the principle of the bill. What I am doing in effect, Mr. Chairman, is availing of my full right to debate this bill, clause by clause. Mr. Chairman, I have said, I said in the past thirty seconds or two minutes at the most, that I am in favour with the principle of the bill. I do not quibble with the principle of establishing a Statistics Agency. I have said that very clearly two or three times today. I have apprehensions, Mr. Chairman, about what the establishment of this agency will mean. And I submit, Mr. Chairman, in response to the point of order, that is very germane to 3 (1) or 3 generally that I can make comments relating to the establishing of the agency. You know, for reference, if you like, Mr. Chairman, I refer to Beauséjour - first of all.

Mr. Simmons.

Standing Order 78 on page 264, "In proceedings in Committee of the Whole House upon bills, the preamble is first postponed and then every clause considered by Committee in its proper order." And then in reference to that Standing Order 78, paragraph 399, "The object of Standing Order 78 is to give members ample opportunity to discuss the bill in detail." And I submit, Mr. Chairman, that under that paragraph and under the Standing Order I have quoted, it is my full right as a member of this Committee to debate in some detail, if I so desire, the detail of the bill.

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

Mr. Chairman, our own Standing Orders 44 (a) -

MR. CHAIRMAN: Is the hon. member speaking on the point of order?

MR. WHITE: Yes, I am speaking on the point of order.

MR. CHAIRMAN: The hon. member on the point of order.

MR. WHITE: Our own Standing Orders 44, Mr. Chairman, for the benefit of hon. members, 44 (a), (b) and (c) says, "The Standing Orders of the House shall be observed in the Committees of the Whole House so far as may be applicable, except the Standing Orders as to the seconding of motions and limiting the number of times of speaking." And (b), Mr. Chairman, "Speeches in Committee of the Whole House must be strictly relevant to the item or clause under consideration." And the speeches that my hon. friend is making and that we intend to make, Mr. Speaker, will be strictly relevant to the item or clause under consideration.

SOME HON. MEMBERS: Hear, hear!

MR. DOODY: Mr. Chairman, if I may to that point of order.

Clause 3 of this particular bill is quite straightforward and quite simple, and as the hon. member for Lewisporte (Mr. White) has just pointed out, speeches in Committee of the Whole must be strictly relevant to the item or clause under consideration. Now the item or clause under consideration here is 3 (1), "There is hereby established an Agency to be known as the Statistics Agency. (2) The purposes

Mr. Doody.

of the Agency are to plan, promote, develop and integrate social and economic statistics relevant to this province." And (3), "The Agency forms a part of that department over which the Minister presides from time to time." Now if anyone of these three parts of that particular clause are contentious or are to be discussed then certainly hon. members present are entitled to discuss any one of these three items under that clause, and that is exactly what they are allowed to discuss in this particular instance, and this is what we are going to get into, I would hope, whether or not an agency is to be known as the Statistics Agency, etc.

MR. CHAIRMAN: Order, please!

The question, I think, we are dealing with was phrased by the hon. member as follows - I do not know the exact words - but he indicated that he was in favour of the name Statistics Agency or the Newfoundland and Labrador Statistics Agency. But then he went on to say that he had apprehensions as to whether such an agency should exist. My interpretation - if I am incorrect in that I -

MR. SIMMONS: Excuse me, Mr. Chairman, I said no such thing. As a matter of fact I said the opposite, Mr. Chairman. I said that I was in favour of the principle of such an agency. I had apprehensions about the possible misuse of information that the establishment of the agency could lead to.

MR. CHAIRMAN: In that case I certainly stand corrected. I was under the impression that the hon. member had stated apprehensions as to whether there should be such an agency which clearly would be out of order because it was dealing with the principle. But if the hon. member has apprehensions about the purposes of the agency according to 3, sub-section (2) I would rule that to be in order. I would bring to his attention that to assist the work of the Committee he should attempt to direct his remarks very specifically to the narrow meaning of these clauses and the sub-clauses.

The hon. member for Burgeo-Bay d'Espoir.

MR. SIMMONS: I think you for your ruling and also for your direction that I be as relevant as possible. I want to do that and I submit, Mr. Chairman, that I could have long since finished had I not been subjected to the harassment, for whatever reason, by virtue of the points of order.

Mr. Chairman, we can use all the legislative ruses or devices we want here tonight. Let us in their proper place air this business once and for all. Let us see to it that the NSA, or whatever it is going to be called, does not become another NIS in terms of the misuse of information. Mr. Chairman, that is my concern. Now if I cannot say it here, if I am out of order here, I will say it

MR. SIMMONS:

under every clause tonight until I say it in a place where I am in order. Let us see to it that the NSA or, I hope, the NLSA, the Newfoundland and Labrador Statistics Agency, will not become NIS, will not be using public money and so badly misinforming and propagandizing the public of this Province as NIS is right now. The abuse, Mr. Chairman, in that particular agency cannot be excelled. There is no way. They have reached such limits, such records that I suppose they will never be met again.

But, Mr. Chairman, will the Newfoundland and Labrador Statistics Agency become another NIS? Will it become another agency that will not disseminate as has NIS, but will it become the counterpart, the agency which compliments the role of NIS? NIS feeds out the propaganda for very base political purposes, will this one collect it for them? Will this be the agency, the other arm of NIS?

Mr. Chairman, that is our concern and I think it is a very legitimate one. When we hear about the kinds of things that have gone on in the name of legitimate government in the past two or three years you can not blame us for standing and asking that particular question. I have some very serious reservations, Mr. Chairman, about this kind of an agency which is going to have very broad, sweeping, unheard of powers to collect information and we are not told what for. We have not had in this House today, one single example of what the information is needed for.

DR. FARRELL: Clause 4.

MR. SIMMONS: Well, I will have a chat about that when I get to it. Clause 4. I am talking about Clause 3 now. I am talking about -

DR. FARRELL: Pardon me now, but you are talking about Clause 4 now.

MR. SIMMONS: No, well I will avoid that. I do not want to confuse the minister so I will avoid that. When he orders his next lot of Kentucky Fried I wish he would get me some too because I am starved to death.

MR. SIMMONS: Mr. Chairman, Clause 3, the establishment of the agency, the purpose of the agency have to be spelled out better than they are in 3 (2) right now. It says the purpose of the agency are "to plan, promote, develop and integrate the social and economic statistics relevant to this province." I believe, Mr. Chairman, the minister and the drafters have to go further, and I believe they have to say on their purposes how that is going to be achieved--or let me put it another way, not how in terms of method but how in terms of for what purpose,

Mr. Simmons:

for what purpose? What purpose, I mean, do you just gather statistics so you have got a lot? Is that the reason so you got a place to stow them? Is that the idea? Is that what we are talking about? Or is there not some purpose behind this? Why do we need the statistics? Do you need it to provide more effective consumer protection for the people of this Province? If so, let us say that. Do we need it to better articulate the economic potential of this Province? If so, let us say that. So we need it for the kind of reason that a minister of the Crown needed information on a would-be-borrower in Phillips Head during the last by-election? Is that what we need the information for? If so, let us say it. Let us spell out the purpose in 3(2) and they are not spelled out, Mr. Chairman. That 3(2) needs to be completely rewritten. What a namby-pamby general statement if you ever heard it, the purposes are to plan, and promote. My God, that is my purpose here. That is the purpose of every person in this House, "to plan and promote." You know, that does make me a statistics agency?

MR. DOODY: Yes.

MR. SIMMONS: You know, they are becoming experts, Mr. Chairman, experts at writing the vague, at writing very broad umbrella type statements that in time can mean just whatever you want them to mean. And that is what concerns me. Let them put in Section 3(2) what the purposes are, what the reason for this legislation is, what they want to collect the information for.

AN HON. MEMBER: Shall Clause 3 carry?

MR. SIMMONS: The minister, he wishes fondly. If he had a heart he would have a coronary, Mr. Chairman.

Mr. Chairman, I hope some minister -

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: I will try not, being late at night.

MR. WHITE: Make a speech, "Bill", make a speech!

MR. SIMMONS: We have got all the time in the world. That is one of the beauties, Mr. Speaker, about Committee.

MR. SIMMONS: Mr. Chairman, somebody on the government side has got to tell us some time tonight or early tomorrow morning, we got all of the time in the world now,

MR. DOODY: And tomorrow.

MR. SIMMONS: - all the time in the world, we could be here until 6:00 o'clock tomorrow morning, 7:00 o'clock, shocking.

AN HON. MEMBER: Two or three days.

MR. SIMMONS: But, Mr. Chairman, somewhere throughout this night we should get the answer because I think it is an important answer. Is the NLSA - the Newfoundland and Labrador Statistics Agency, which it should be called - it is going to go the same way as the NIS has gone, and because the most disgraceful, despicable, disseminators of information that this Province ever had. They talked about the Newfoundland Bulletin, Mr. Chairman, it was the epitome of innocence compared to this NIS. Did you ever hear in all of your life giving the so-called impartial director of the Information Service time off - what for? - to go on a holiday to work for the other party? No, Mr. Chairman, to work for the government's party! Three weeks off he got, Mr. Dave Butler.

MR. CHAIRMAN: Order, please!

I do believe the hon. member is out of order, He certainly may allude to the NIS but to discuss its operation or its personnel in detail would be out of order.

The hon. member for Burgeo-Bay d'Espoir.

MR. SIMMONS: Well, I was actually slow in making my point. I was going to raise the question about, is there any possibility that as the other arm, the other potential arm of NIS, the collecting arm of NIS, is there any possibility that Mr. Dave Butler will become the Director of this agency as well?

AN HON. MEMBER: God forbid!

MR. SIMMONS: God forbid! God forbid!

AN HON. MEMBER: He probably would.

MR. SIMMONS: God forbid!

MR. SIMMONS:

This agency, Mr. Chairman, has got potential for good - but equally, like most organizations that we as human beings create, it has got the same possible abuse possibilities, it can be open to all kinds of abuse. And I can see the information that would be collected under the guise of 3 (2) being used for the most vicious of purposes. When I see what went on, Mr. Chairman, and I can remind ministers of examples, and I got them here in my files; I have only mentioned the Phillips Head one, but I can tell about some others with documentation, and this is information which is now - this kind of harassment, innuendo, intimidation has gone on because government people have had access to information, there is a whole file of it there, Mr. Chairman. Just -

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: When you have people around this Province in a democratic state saying to you things like, I suspect - I will not read the letter because I will have to table it, and it is a confidential document. But when you have people saying, as a person said to me, -

MR. DOODY: Are you not going to read it?

MR. SIMMONS: No, no. I

MR. SIMMONS:

shall not read, but I shall tell the gist of what the person said to me not only in the letter but on the phone subsequently. That is permitted. And I understand, Mr. Chairman, and I remember very well, and I can see the gist of it in front of me without reading, when you have people saying that he suspects that a Minister of this Crown and his assistant have a vendetta against his business and are pressuring to cut off support for that business, financial support. The informant told me, he blasted a senior employee of my business, he said, blasted a senior employee of his business, this government ministerial assistant did after the election was over, and accused my business of not actively supporting the P.C.'s when the election was on and promised to undermine his efforts to get government funding!

Now, Mr. Chairman, where did that ministerial assistant get his information? Well he did not get it from the Statistical Agency because it did not exist at times. But will he the next time round be able to go down to the Stats Agency and get that kind of information? Perhaps he was operating on spec last time. Perhaps he only surmised that the person was looking for government funding. But with this kind of an umbrella agency he will not have to surmise anything. He will just have to call up his friend, his Dave Butler or whoever, and say, "Dave, old boy, - So-and-So - you know, his business has been not too enthusiastic in its support of us, his radio station, his newspaper. It has been saying the most unkind things about it. You will find out from your information bank, your Newfoundland and Labrador Statistics Agency, can you find out, will you tell me, will you let me know what we have got on that fellow in terms of information? Has he got a loan from the Newfoundland and Labrador Development Corporation? Will that kind of information be in the information bank of the Statistics Agency? Will they know, will they be able to tell if he is behind on his Rural Development loan payments? Will they know if he is a silent shareholder on behalf of some politician in a group four or some other company? Will they be able to tell that about a fellow? Is that the kind of information

that this Statistics Agency is going to have? If so, Mr. Chairman, who will have access to that information?

Mr. Chairman, that 3(2) has to be rewritten. It is shameful because of the possibilities it will allow. It is shameful, disgraceful, despicable, utterly shameful that a group of adult, mature ministers would even come in here with that kind of nonsense and ask us to approve it, Shocking! You know, where was the Minister from St. John's Centre when this happened? Surely God he did not allow this kind of thing to be brought in here consciously, did he, and expect me and all these other guys over here to vote for it? The purposes of the agency are to plan, promote - did you ever hear of motherhood - disgraceful.

Now, Mr. Chairman, if the minister has any respect for this House at all he will yank that out of here now. He will withdraw it now. He will take it back and he will say to the drafters, "Look, do not insult me again by giving me something that vague to take up to the House. Do not insult me again. Write it up in some fashion so that it means something to the legislators who have to vote for it. How in the name of God can you vote for that kind of thing?" The purposes are to promote! Mr. Chairman, it is a sad day for all of us when you get a minister coming in here with that kind of diatribe, that kind of nonsense, that kind of vagueness.

Now, Mr. Chairman, I can understand their anxiety in getting their Statistic Agencies set up, however wrongly they name it - Newfoundland Statistics Agency - however wrongly they name it, Mr. Chairman, or whatever their purposes they have in mind. The least they can do, Mr. Chairman, is do us the decency, do us the decency of giving us something that we could be expected to fall for. We are not going to fall for that. Do not ever - Mr. Chairman, the Minister of Finance -

MR. DOODY: I am not saying a word.

:
MR. SIMMONS: And therefore he is at his best, Mr. Chairman. He is therefore at his best at this particular time. I believe the minister wants to move that we vote on (3). Yes, okay.

MR. CHAIRMAN: The hon. member for Eagle River.

MR. STRACHAN: On this clause 3 (2), it says, "The purpose of the agency are to plan, promote, develop and integrate social and economic statistics relevant to this Province." I have argument with part of that, "The purpose of the agency are to plan, promote, develop and integrate social and economic statistics." Now I can see the economic statistics part of it, but I have difficulty trying to analyse what the social side of it is, what you mean by social statistics. And how are you going to integrate your social statistics with your economic statistics?

In looking at it, it seems to me, for instance if I can give an example here, and to use quite an offhand example: We could be concerned for instance with as a statistic, the baby bonus to use just ___ one thing we are thinking about, and you want to analyse it and see how it is being used, how it is being distributed in the Province and so on. And if you intended on integrating the social and economic statistics, then you could probably be interested in the social side as to how many babies you are going to produce or how many babies people have, believing that people have babies in order to get the baby bonus.

Or you could go on to real far out statistics, socially far out statistics, statistics which could upset people or pry into their personal lives or ask questions which are embarrassing or awkward, or questions which could be used for many purposes. So I wonder if the minister could indicate what he means here by social statistics rather than economic statistics -we understand that-and how the social statistics are going to be intergrated or planned, promoted developed and intergrated with the economic statistics. To me there seems something wrong there; I do not like that social statistic very much, I think it is prying into peoples personal lives and into their way of living, what they are doing, carrying on. And I think there are real questions

MR. STRACHAN: there on that social statistics. I wonder if the minister could answer what he really means by that there?

DR. FARRELL: Mr. Chairman, social statistics to me are statistics to do with health, welfare, maybe even baby bonus as was suggested the number of people, the number of children receiving bonus. The number of diseases, particularly social diseases, unwed mothers, whatever, to deliver that type of figures which would be of value to the government. And to answer the other point, I know that the hon. member from Burgeo-Bay D'Espoir, you know, has doubts about the confidentiality of these things. As he said today in the House, I believe it was today, he has in-roads right into every government department here, he himself admitted. And where is the secrecy there from people who have sworn secrecy to the government when they obtained their positions with the government.

MR. WHITE: Sworn secrecy to the government.

DR. FARRELL: Sworn secrecy to the House, to the administration, to the House itself. And where are you with this type of thing. There is no way you can be certain, for sure, that this information will remain confidential. We try to build in all the safeguards which are here in the bill, and I just cannot add any more than that to it.

SOME HON. MEMBERS: Here, here!

MR. STRACHAN: Could the minister indicate how that social statistics are going to be collected? Are they going to be collected from hospitals and doctors and so on around the Province? Are people going to be actively going out and asking people to provide them with this information or whether that information is going to be provided through some other agency or some other body? I am concerned that people will come and

MR. STRACHAN:

start asking these kind of questions, or will try to obtain these kind of questions and try to dig into the personal lives of people, and it really -

MR. DOODY: That is probably covered in section 4.

MR. STRACHAN: Section 4 -

MR. DOODY: Section 4 gives the list of items and so on.

DR. FARRELL: We have not discussed 4 yet.

MR. STRACHAN: It might be covered in section 4, but I am concerned with section 2 here. You are talking about planning for these social statistics and as for the -

MR. DOODY: And section 5 also. And then the secrecy part is in

MR. DOODY: Section 9, where the oath is there included, Section 9, which gives the oath of secrecy that that person has to take before he is allowed to deal with the information.

MR. STRACHAN: Possibly, although I think and I still say I agree with my colleague from Burgeo- Bay d'Espoir (Mr. Simmons) here, that that section 3(2) really leaves it wide open and can give all kinds of interpretations as to how you are going to plan, promote and develop and integrate these social statistics with economic statistics and how you are going to make these relevant to the Province. It is almost like India where you are doing a birth control programme and so on.

DR. FARRELL: If I could add, I mean the methodology or the details have to be worked out in answer to the hon. member. Any legislation can be changed if there are worries about it. As far as it being compared to the NIS, as far as I am concerned it certainly will not have any involvement with NIS, and the information gathered will be available to all members of the House. I think it will be of value because, as I stated already, it was really designed to have contact with the other statistical agencies in other areas in comparisons, particularly with Statistics Canada and other provinces who would have reciprocity with us. This information should be of value.

If I felt for a moment that there would be an imposition on the public or it would be unfair in any way, or we would be sending people out from door to door like the hon. the member for Lewisporte (Mr. White) described today on the last survey he had done on him, including the colour of his shorts, I do not think that anything like that will happen. I am sure it will not.

MR. DOODY: It could be very useful information.

DR. FARRELL: The details of this have not been worked out. Neither, as you will note, is there any date for proclamation of this bill. We want it ready to go when all the

DR. FARRELL: details are worked out. The ministry will be involved and it will have to be settled by the Cabinet or Minute-in Council, whichever minister will be responsible for it.

MR. CHAIRMAN: The hon. the member for Eagle River.

MR. STRACHAN: I welcome the explanation from the minister. I can tell you I have experienced over the last number of years a great deal of people coming collecting statistics. In actual fact, it actually happened, I saw it happen when people came to Northern Labrador and measured people's noses. Actually measured their noses.

But however, the thing I am concerned about here is that you are collecting information and you are making this information available as statistics. I do not intend to run any community down but, for instance, we have heard in the past certain communities in this Province have been given certain reputations, certain reputations based on statistics or information that they have collected. These communities are fairly large communities, fairly cosmopolitan communities. I am concerned that we are collecting from small isolated communities statistics - and most of rural Newfoundland and Labrador is reasonably isolated. If you collect statistics on the social side you can very easily come up with figures, come up with interpretations which could be a slight on the community. It could cause difficulties in that community, cause a bad name or a bad reputation for that community. I know of recent examples that have happened like this without these statistics being collected.

So I am concerned that if we collect these statistics for alcoholism, for instance, or the social diseases, as you call it, and you start showing these statistics and you therefore nail a community, you give it a bad name, a bad reputation and people - and this can last for a very long time. The reputation lasts within that community and it often takes people to fight, although that community may

MR. STRACHAN: not be any worse than many other communities.

So I am really concerned at what is happening here when you try to plan and promote these social and economic statistics and how they affect communities, and especially rural Newfoundland and rural Labrador and small isolated communities.

MR. CHAIRMAN: The hon. the member for Bay Verte - White Bay.

MR. RIDEOUT: Mr. Chairman, I will only be a minute or so. I have listened with a great degree of interest to the explanations given to the questions raised by my colleague from Burgeo - Bay d'Espoir and my colleague from Eagle River, the explanations to those questions given by the minister.

I think the minister has given us the prime reason, in his explanations, the prime reason why we should not under any circumstances support 3(2), and that is referred to by my colleague from Burgeo - Bay d'Espoir, as having inroads into almost any government department that he may want to get into and get information and so on.

MR. RIDEOUT: Now, confidentiality therefore is not protected no matter what we are building into this Bill. Clause 3 (2), Sir, is very very explosive. "The purpose of the agency are to plan, promote, develop and integrate, social and economic statistics relevant to the province." Now, Sir, we cannot guarantee that those statistics are going to be kept confidential. If we cannot do that then the least we can do is to write into Clause 3 (2) exactly what we are going to be looking for. Is it going to be only statistics relative to unemployment areas in the province? Is it going to be statistics relative only to health problems, as the minister referred to? Or is it going to be this whole general little clause that is in there now, giving those little witch hunt outfits, those - what is it the member from Lapoile called them, pocket-size Dick Tracey's - the right to go around this province gathering any / type of information whatsoever under the guise of this particular 3(2)?

The minister, I would say, Sir, has given us a prime reason why we should not even consider passing Clause 3 (2) in its present state. I do not care if we are here all night tonight and all day tomorrow. There has to be something done with 3(2). It is too broad, it does not say what the limitations of it will be. Something has to be done with Clause 3 (2) and the minister has told us why by admitting that there is no way to protect it and this Clause is too broad.

MR. MURPHY: Mr. Chairman, if I may, I have listened to this talk for about an hour and a half. If these statistics here, if anybody wants every one of these are contained in annual reports of all the departments of Government. You can go to the Department of Welfare, you can get every statistic on St. John's Centre, on Nain, on Clarendville - any area of the province. That is all available. Public Health will tell you the same thing. Every department of government will give you every statistic, social as the hon. minister explained, the social department as against the economic.

Now what they are trying to do, as I understand, is haul all of this stuff together so that if any member of this House, or any member of the public, for example, wants to gather information instead of going from the Department of Social Services to the Department of Health, to the department - here it is contained in this department - and what the great outcry is I cannot understand. I cannot understand. It says here.

AN HON. MEMBER: 4(a)

MR. MURPHY: What? Collect, compile, analyse, - we are not up to four yet, let us deal with 3. The purposes of the agency are to plan, that is the first thing you do with any department, plan it, hey? Then you promote, develop and integrate social and economic statistics relevant to this province. Now what is wrong with that? Is there anything wrong with it? It does what it says here. The same as this government

MR. MURPHY: is set up, to plan, promote and everything else. The same as any department is set up, my department is set up - to plan and promote consumer affairs, environment so on and so forth. But a great uproar here tonight that is doing nothing but delaying the business of this House for no purpose whatever and what most of the talk for, is entirely irrelevant because this has been passed in principle, it has been passed in principle and why do we debate it now?

MR. SIMMONS: A point of privilege, Mr. Chairman.

MR. MURPHY: Who do you think you are?

MR. SIMMONS: I am standing on a point of privilege. I am a member of this Committee, Mr. Chairman, I have a full right to rise on a point of privilege.

MR. CHAIRMAN: A point of privilege has been raised.

MR. SIMMONS: Mr. Chairman, I will listen with interest to what the member has to say but I will not sit here and have him impugn motives and say that we have been delaying the work of the Committee. We are asking some legitimate questions while there is time, Mr. Chairman, and if that is a sin I shall commit the sin.

MR. MURPHY: Mr. Chairman, at no time did I impugn motives. All I said we are here for an hour and a half, two hours, delaying the House with what is irrelevant. That is all I am saying. This was passed in principle, they are clouding this thing. But I am not impugning. All I am saying the House is being delayed and anybody wants to review what happened here in the past hour and a half or two hours does not need for me to say it, they know it themselves, talking about something that is entirely ridiculous.

MR. CHAIRMAN: Order please!

MR. MURPHY: I know it is a great joke.

MR. CHAIRMAN: The point of privilege has been raised by the hon. member for Burgeo - Bay d'Espoir that he was personally impugned in terms of his motives. As far as I recall the words of the hon. minister, there was no individual member of the House named or referred to, and I would take his remarks to him in the general context, so I would rule that a point of privilege as such does not exist.

MR.MURPHY: Mr. Chairman, to just sort of sum up what I have said; basically, this is the department that is being formed to bring all these statistics together that are spread over fourteen, fifteen departments.

MR. MURPHY:

so that they are available. As I say, there is no great insinuation here. There is nothing I do not think hidden under the table that we are trying to do. Anybody who cannot read that must be ignorant. That is all I say. 3 (2)"The purposes of the Agency are to plan, promote, develop and integrate social and economic statistics relevant to this Province." So what they do, they make a plan to form this department. They promote the department. They develop and integrate social, which is one area like we have social committees and we have resource committees in the House, so the social departments are Health, Welfare and so on and so forth. So what this department does is gather all these statistics in one place so that the members over there or over here or anybody who wants a statistic it is available to them instead of having to visit fifteen different places.

Now where the great threat is to democracy, to freedom and everything else in this I fail to see. I think it is just a feeling that people have in their minds just looking for trouble, and as I said earlier, we have delayed this House, we have delayed the business of the House this past hour and a half arguing something that a bunch of kindergarten kids would say, yes this is just the way we are going and this is what it is all about.

MR. CHAIRMAN: The hon. member for Eagle River.

MR. STRACHAN: To that point, the point raised up by the minister. We are not arguing the collection of the statistics.

MR. MURPHY: Well what are you arguing? Tell us all about it.

MR. STRACHAN: We are arguing the use of the statistics.

MR. MURPHY: Make an amendment. Make an amendment to it. Give us something.

MR. STRACHAN: We have given it to you.

MR. MURPHY: For God's sake, this is the principle of the bill. You are debating the principle of the bill, which should never be allowed.

MR. STRACHAN: I will wait for the Chairman to give me that ruling.

MR. CHAIRMAN: Order, please!

MR. STRACHAN: The point is that we are stating that many communities, and small communities and isolated communities and other communities, and some large, are by collecting social statistics and the use of that, promoting these social statistics have created a certain reputations for these communities. What we are saying is that we are questioning exactly how you are going to collect these social statistics and how you are going to integrate them and how you are going to promote them. That is the point we are asking.

MR. SIMMONS: Mr. Chairman, just before the clause carries: In fairness to the Committee I believe I should point out that the Minister of Consumer Affairs has given at least one incorrect impression to the Committee. I refer to another clause only to make my point on clause 3. Mr. Chairman, the minister said that information here would be available to the members of the House. That of course will not be the case, because section 13 strictly provides against it. Therefore let us not leave any illusions in Committee that we are going to have this information because the act will prevent it. But even if the act did not prevent it, Mr. Chairman, present procedure of this government prevents it. I mentioned only this afternoon in the House two examples where public information, not classified or quasi confidential or secret information, but public information about the closure of hospital beds on the one hand and about the rate of interest for bonds on the other, public information was denied us as members of the House except through the minister.

Now, Mr. Chairman, does this mean that to get some bit of information I have got to go not to some person in this agency but to the minister responsible and ask him would he please give me that information? Mr. Chairman, the member for

MR. SIMMONS:

St. John's Center (Mr. Murphy) may wonder why it is we debate this, but it is because we are the victims, Mr. Chairman, of the very kind of treatment we are expecting under this agency, we are the victims of it with NIS, with the attempts to get information from various government departments. I want to point out, Mr. Chairman, that all government departments are not alike in that respect. I can name government departments that it is very easy to get information from.

MR. MURPHY: You just said you cannot get information.

MR. SIMMONS: I do not mean classified information. I would not -

MR. MURPHY: You tarred us all with the same brush.

MR. SIMMONS: No, Mr. Chairman, I will say that, for example, the minister who stands in the doorway, his department, the Department of Municipal Affairs, I have never had difficulty getting normal information. I am not saying they give me any secrets. They should not give me any secrets. But they give me normal information that is, you know, public or is about to be public. You know, they have been most helpful in that.

I phoned the other day to get information from another department about a job that is ongoing in my district, about the Burgeo Fish Plant. And the senior person I called said, "I will get back to you," and the next thing I hear about it is ten days later when his minister is on the air making a press announcement. Now, Mr. Chairman, you know, I am not going to be used as the prod for ministers to do their job if I ask for a routine bit of information. I called up as the member for the Burgeo area and said, "Would you

Mr. Simmons.

mind telling me what the status of the Burgeo job is now? What contracts have been called? What is about to be called? What kind of money has been allocated? And what is to be allocated?" It is a fairly sensible question, and I said, "Now I know you do not have it at hand, but would you call me back in the next few days." Well the next thing I hear about it is two weeks later. The minister said, "I will make a grant." And I have not yet to this day heard from that particular civil servant on that subject, because I suspect that that department and that minister has given the same kind of instruction that I fear here, and that is why we are deliberating on 3 (2), Mr. Chairman, about the purpose of the agency. I want it spelled out more clearly what this agency is really going to do. And I asked the question, and nobody has answered the question yet, is it to be the collection arm for that insidious NIS, is that what it is to be?

Mr. Chairman, if that is what it is going to be then we are wasting our time, I agree with the Minister from St. John's Centre, we are wasting our time. But, Mr. Chairman, perhaps, and I would hope - particularly having in mind that the minister, the President of the Council, brought this in, having great respect for him as I do - I would hope that it was brought in for some higher purpose than the kind of function which is presently being pursued by the Newfoundland Information Services. I am concerned about it, and if we have to be called kindergarten people in order to express that concern so be it. But, Mr. Chairman, there is no way that we can sit here idly by and allow another snow job to be done, a snow job that will, in effect, fund the political goings on of a party in power; and that is what NIS is doing, and this here has the potential to do the same thing, if you do not put some teeth into 3 (2) and spell out in some detail and in some delimiting detail the purposes for which you are establishing the agency. It has not

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been said. Nobody said it yet tonight. But we have had some harassing or some comments about what we are trying to do here tonight and that kind of thing. Well, you know, come out and say what we are trying to do if you want to say it. We know what we are trying to do. We are trying to get some answers to a fairly germane question, a fairly pertinent question. What is the purpose of this outfit? Nobody has told us yet. Nobody has told us yet.

MR. DOODY: Read the act.

MR. SIMMONS: But I have said that purpose is very vague, and we all stand for those purposes. We all stand for those. That does not make the minister a statistics agency.

MR. MURPHY: If you want to be constructive make an amendment.

MR. SIMMONS: Mr. Chairman, we are not drafters of legislation. I have appealed to the minister. I have appealed to the minister to withdraw this for the time being and go back and take the comments we have made under advisement and state the purposes of the agency with some definitiveness and some exact detail instead of the vagueness we have here now which is open to all kinds of political abuse. And I do not say that in any vacuum, Mr. Chairman. If it had not happened before - but, of course, I could be talking academically. But when we see that notorious, that discriminatory NIS right under our nose making fun of us and using my money to do it! Well what a farce! And now they ask us for a second one to collect the information for that outfit. I am against it. I am against the purpose as it is stated now. I am not against the principle of the Province having access to information to help it do its job. I am against the abuses that this would open up. I do not mind being blamed for it, being blamed for being against that kind of thing. I will continue to be until somebody over there smartens up and realizes that we are not nearly as ready to be taken for a ride as somebody thought when they wrote that bit of legislation, that

Mr. Simmons.

3 (2). It is a pack of nonsense. And the sooner somebody smartens up over there, Mr. Chairman, and decides to bring in something that we can at least be expected to fall for, we have to maintain our objections on 3 (2).

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: The hon. the President of the Council.

MR. FARRELL: The intent of the bill, for the hon. member's benefit, is to collect information basically. I think he mentioned Section 13 where this information may be disseminated to anybody, particularly in the House, without the confidentiality of the name of the individual or the business we mentioned. If I can remember correctly - I have a slight disability, and I will have to go by memory on most of this - I think that is stated very clearly that the director would be the only one who would have any direct knowledge of the individuals or the businesses and that includes both sides. And I would not stand here defending this bill if I did not feel very strongly about it. That is about all I have to say, Mr. Chairman.

MR. CHAIRMAN: Shall Clause 3 carry?

SOME HON. MEMBERS: Carried.

MR. CHAIRMAN: Shall Clause 4 carry?

MR. WHITE: Mr. Chairman -

MR. CHAIRMAN: The hon. member from Lewisporte.

MR. WHITE: Mr. Chairman, I want to speak on Clause 4.

I have been waiting to speak on it. I was going to speak on Clause 3(2) because some of the concerns that some hon. members had on 3(2) I had as well, but I think I can better relate them to Clause 4. Mr. Chairman, I seek your guidance in this. I wish to move an amendment and would it be more appropriate if I moved the amendment as I start to speak or when I finish what I have to say? I wonder if I could be guided by the Chair.

MR. CHAIRMAN: It probably would be clearer for hon. members if the amendment was brought forward early.

MR. WHITE: Mr. Chairman, I move that Clause 4(2) be totally deleted from this bill. Clause 4(2), I move that that be totally deleted from the bill and I will try to demonstrate, Mr. Chairman, why that should be taken out. It says, Clause 4(2) - "In addition to the powers conferred upon the Agency under subsection (1), the agency may collect, compile, analyse, abstract and publish statistics or statistical information on such other matters as the Minister may authorize." Mr. Chairman, in discussing the principle of the bill this afternoon on second reading, I expressed some reservations, as did a number of hon. members, with respect to this kind of agency. I fully realize the purposes of such an agency, basically to collect information and put it all together to be used by various government services in carrying out their work. It could be used to determine people unemployed, people on social assistance, people in need, people below the poverty line, above the poverty

MR. WHITE: line and so on. But, Mr. Chairman, I think that since we have seen so many abuses of this kind of information gathering agencies in the past - not only here in Canada but in the United States and throughout the world - that this bill has to be very specific in its various clauses. I do not think we should as a group permit the kind of carte blanche powers to any individual, you know, be it the Premier or any Minister of the Crown such as this particular clause, Clause 2, empowers a minister.

I go along with this. The bill says we want to collect all kinds of statistics - that is fine and I go along with that - but Clause 4(2) says, "to authorize any matters as the Minister may authorize." Now, Mr. Chairman, I do not think it would be too much for the members opposite to go along with having this particular thing deleted because it does give total, ultimate power to a Minister of the Crown to collect information under authority of this legislature from whatever sources and on whatever basis he wishes to do so in the Province. I mean, if a minister wanted to get as much information as he could on all the presidents of political associations in Newfoundland he could do this under this bill. If he wanted to investigate the personal lives of every single member of the legislature he could do so under this bill and for that reason, Mr. Chairman, this -

MR. HICKMAN: "The minister may authorize"

MR. WHITE: Yes, Mr. Chairman, he could do that. The bill says that "the agency may collect and publish statistics or statistical information on such other matters as the Minister may authorize." That is exactly -

MR. HICKMAN: May is permissive.

MR. WHITE: I know, but 'may authorize.' So, Mr. Chairman, I think that this particular clause 4(2) should be removed from this, because bills of this kind that are passed by any elected body, any elected group of representatives, should be very, very specific and very, very confining in the various clauses that are here, and there should not be such a clause as this that makes it an open-ended

MR. WHITE: kind of statistical agency. So I say to members opposite, let us take this out. Let us make the bill totally confining.

MR. WHITE:

Let us determine exactly what the agency can and cannot do, and let us not permit it to authorize anything further than the bill permits. I am prepared to go along with this bill. I can see the great need for this bill. As the various ministers have pointed out, that they want to collect information from Stats Canada and other people, compile it and put it all together, do various surveys and so on. But I do not think - there is a major danger here that, you know, if the wrong person were in the particular position some funny things could happen and some very nasty things could happen in respect of this. So I would like to see this particular section, 4(2) removed completely from the bill so that the doubt is not there in hon. members minds and the doubt is not there in the minds of the Newfoundland public. So I move, Mr. Chairman, that 4(2) be deleted. This is an amendment, yes.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: The hon. member for Conception Bay South.

MR. J. NOLAN: Mr. Chairman, the point that the hon. member raises is a very valid one obviously, because if one were to look at the section referred to, "the agency may collect, compile, analyse, abstract and publish statistics or statistical information on such other matters as the minister may authorize;" this also means that the person authorized could take it out of context, use it how he or she wished to at any time, could gather information. What are we justifying here? Are we justifying that anyone may be investigated, that you can go and gather information of any type from any source and use it how you will? Because if that is so this is one of the most criminal paragraphs that has ever appeared before any legislative assembly in this Province. So therefore the ministers opposite have to consider. Not for one moment do I think that the Premier of this Province would use this information in the way that I have indicated, and I want that

MR. NOLAN:

clearly understood. What it says, Mr. Chairman, is the agency, the agency which operates under the guidance, allegedly, of a minister or the Premier or whoever "may collect, compile, analyse, abstract and publish statistics or statistical information on such other matters as the minister may authorize." Now what I am saying is this, that I do not like it. I think it is unfair and unreasonable and dangerous. And I am saying to the Hon. the Premier and the ministers responsible that they may not always be there. I mean one of those days there may be a scurvy Liberal who may be involved. Maybe he or she may misuse it.

MR. DOODY: That is impossible.

MR. NOLAN: I know it is impossible to the Minister of Finance. I know that is so. But that is not for me to guess. Impossible! The best political minds in Canada said the Parti Quebecois were not going to win, but they did. I do not want the minister's opinion on something like this. He may be back with his arm in the pickle barrel or something one of those days.

MR. DOODY: It was the scurvy part that I said was impossible, not the rest of it.

MR. NOLAN: Oh!

MR. DOODY: It was the scurvy bit I found difficult to imagine.

MR. NOLAN: Well you authorized it.

MR. DOODY: Authorized scurvy?

MR. NOLAN: Yes, you said it one time.

MR. DOODY: I had it one time.

MR. NOLAN: No, that is scurvy. There is a difference.

MR. DOODY: You do not understand.

MR. NOLAN: Anyway, I would suggest that the ministers opposite would consider the paragraph referred to in 4(2), that "the agency may collect, compile, analyze, abstract and publish statistics or statistical

MR. NOLAN:

information on such other matters as the minister may authorize." Now this can leave people in an untenable position where information may be gathered, under the best of circumstances with the best motives, the best of intentions and so on, but I do not like the way that that can function after that. I believe it is leaving too many defenceless people at the mercy of the agent or agency or whoever who may be in a position to use that information in whatever way that they want. Now I know that someone is going to jump up and point to another act and another bill where much the same thing is implied perhaps. That does not satisfy me on this one. So therefore I know - do not think, I know - that we will not support this portion of the bill referred to because as I have stated before in this House we are gathering too much information and I know, Mr. Chairman, that there is no one in this House that agrees with me more than the Hon. the Premier opposite. He knows darn well that we are collecting too much information on individuals.

Mr. Nolan:

He knows that this may be used in a manner that is not benefiting the public from time to time, and we have got to guide against this. This is why this Legislature meets. So the Premier can consult with the President of the Treasury Board and it does not change my mind on the fact. But surely he knows what we are getting at here.

We will certainly support the amendment as proposed.

MR. CHAIRMAN: The hon. member from Lewisporte.

MR. WHITE: Mr. Chairman, I just want to add one more thing to this. In respect of 4 (2), and one of the reasons I brought this in, and I hope that I can articulate this, and I hope that it is permissible under the rules to do this. In my speech some time ago on the Throne Speech, on the amendment on the Throne Speech, I referred to Newfoundland Information Services, and I gave a few examples of Newfoundland Information Services. Now I think that the same thing should have been done with Information Services as is being done now with respect to the establishment of the Newfoundland Statistic Agency. There should have been a bill brought in laying down clause by clause specific rules with respect to Newfoundland Information Services. And that is one of the reasons, Mr. Chairman, why I move the amendment that this particular section be deleted, because a bill is fine as long as it is confining to the issue that is being discussed, or that the rules and regulations are being laid down.

For instance, Newfoundland Information Services, I am told, there is no rules and regulations governing that agency. And although, in my opinion, NIS is being abused by the Director, I feel, you know, all the fault may not rest at his doorstep, it may not rest totally with him. It may rest partially with the government and with the House because we have not brought in specific legislation to guard against the abuse of Newfoundland Information Services. So this is one of the reasons why I move this amendment, because I do not want this particular agency to be abused like NIS, and I

Mr. White:

would be very pleased to support the bill if the minister saw fit to remove this particular section 4 (2) giving the minister complete authority to do practically whatever he wanted to do in respect of digging up information and publishing that information.

MR. NOLAN: Or used in any other manner.

MR. CHAIRMAN: The hon. member from Burgeo-Bay d'Espoir.

MR. SIMMONS: Mr. Chairman, I cannot let the opportunity pass without speaking to the amendment which has been moved by my colleague from Lewisporte (Mr. White). This amendment again is another example of why it is important to scurtinize this bill tonight, item by item, clause by clause, sub-clause by sub-clause, paragraph by paragraph, sub-paragraph by sub-paragraph, we just got to scrutinize it. Because the principle, Mr. Chairman, again we repeat we have no dispute, no argument at all with the principle of such an agency. But, Mr. Chairman, this is outrageous, this business of having a minister -

MR. WHITE: Complete authority.

MR. SIMMONS: I mean you wonder if somehow there is another bill to come in later, which is the real bill, and if this is the joke version. You wonder, you know, if somehow if somebody is pulling a fast one on us as it being so late at night that somehow they are going to try and see how wide awake we are, and so they slip in the joke version of Bill No. 9. You know, can you believe it, Mr. Chairman? Again we are in a country, we are in Canada, where we pride ourselves about the freedom of privacy, about the freedom to pursue our lives in a way we think fit as individuals. We have basic freedoms in this Province, Mr. Chairman, in this country, in this nation. But what use are these freedoms if they are going to abrogated and cut away by this kind of legislation?

Now I know, Mr. Chairman, that we can talk about reasonable ministers, and reasonable people will not do that. But of course the whole reason for legislation, Mr. Chairman, the whole reason for it is to guard against abuses in abnormal times. If we

Mr. Simmons:

predicated all our decisions on the reasonableness, on assuming the reasonableness of people, we would not need, you know, if we could not only assume it, but take it fully for granted and bank on it, we would not need half the rules and regulations we have. And so you cannot, Mr. Chairman, picture a case, you cannot base your case, you cannot predicate your argument on the assumption that the minister will always be a reasonable fellow and that kind of thing. Would-be reasonable men in politics to do some fairly unreasonable things, Mr. Chairman, given the circumstance. And again the liveliest example we have before us is the Newfoundland Information Services, and whatever minister is responsible for that -

AN HON. MEMBER:

The hon. Minister of Public Works and Services (Mr. Rousseau)

MR. SIMMONS: Mr. Chairman, the paragon of virtue, integrity and all things nice. There he is exposed for what he is, the man sitting on top of the NIS. Well thank God it is him, not me.

SOME HON. MEMBERS: Hear, hear!

MR. SIMMONS: Mr. Chairman. No, but Mr. Chairman I hoped he would not say it. I hoped we could pretend it was not the case. But Mr. Chairman, that particular minister if I were he I would go to the Premier tonight, if he can find the Premier tonight, go to the Premier -

MR. HICKMAN: Such rotten luck he is having.

MR. SIMMONS: Go to the Premier and say, "Look I do not mind doing any job in Cabinet any "Joe" job you want to give me, but this NIS that is beneath my dignity, that is something I will not have" He can do that, Mr. Chairman, or he can take up the challenge that has been put to him by my colleague from Lewisporte and see to it, talk to Dave Butler the first thing in the morning and talk to Justice the first thing in the morning, and arrange for the drafting of some guidelines for that agency. That is the most abominable set-up out of public funds that I have ever heard about, when a bunch of fellows got no guidelines. As a matter of fact, I will say to the minister -

AN HON. MEMBER: Is that why you are -

MR. SIMMONS: Oh yes, definitely. Yes, definitely, Mr. Chairman. I would say to the minister that he is going to have on his hands a real situation fairly soon. There are some people down there pretty disgruntled about the lack of guidelines. The minister admits he is well aware of it and I do not want the same thing to happen with this statistics

MR. SIMMONS: agency. If we are going to set it up and use public money to fund it, let us see that we get knowledge for our money. Let us not have the kind of thing that is going on now with NIS. Where people are disgruntled, where they do not know what they are supposed to be doing, where they are looking around for other jobs, where they will be left fairly soon if someone does not take the right steps. Now in some cases of course it may be better that they leave because they are in awkward positions if they are performing some kind of a non-partisan role or supposed to be.

Mr. Chairman, this 4 (2). This business of having information collected on such other matters as the minister may authorize. You know, can you not just let your mind wander for a moment and realize what possibilities there exist under that license. What conceivable set of circumstances could arise that would require giving a minister that kind of license? Mr. Chairman, let us go back to 4 (1). "In the furtherance of its purposes the agency may collect, compile, analyse, abstract and publish this statistical information relating to the commercial, industrial, financial, social, economic and general activities and conditions of the Province and persons in the Province."

Now, Mr. Chairman, you know even that, you would almost want in the interest of the preservation of basic freedom, you would want to move amendments to delimit than ever. But my colleague has allowed some benefit of the doubt there and he has gone on to 4 (2). And whatever the argument, Mr. Chairman, whatever the argument for allowing guidelines as broad as are contained in 4(A) (1) there can be no, Mr. Chairman, there can be no conceivable set of circumstances that would require a minister having the power as broad, as sweeping, as dictatorial, as

MR. SIMMONS:

outlandish and autocratic as would be provided for under section 4 (2). And I do not know, Mr. Chairman, for the life of me what has got into the fellow. I do not know. I mean, can anybody over here help me? I mean, what has got into this crowd all of a sudden? Someone has said, "power corrupts, and absolute power corrupts absolutely." Perhaps, Mr. Chairman, they are the victims of that, the essence of that dictum. Perhaps they are just down there sitting and writing legislation on the fifth floor because they get a kick out of writing legislation that gives them some more titles and confers on them some more authority. Perhaps that is what it is all about.

It can not be, Mr. Chairman, that they legitimately foresee a set of circumstances which would require the minister to have that kind of sweeping authority. I can not foresee a kind of circumstance arising. What are we talking about? Are we talking about, should this bill instead of being called "The Statistic Agency" should be called the "Emergency Measures Act"? Is that what they are talking about? Are they talking about some broad, sweeping powers that they would like to have under emergency circumstances? If so, let us name it what it is.

MR. CHAIRMAN: On a point of order.

MR. HICKMAN: The hon. gentleman is into a far ranging debate that would even stretch the creditability of the rules on second reading let alone on a clause by clause discussion

MR. HICKMAN:

in the Committee stage. And the rule is so clear, and the hon. gentleman knows what the rule is, and it has been laid down. The rules of Mr. Speaker Clarke and Mr. Speaker Noel were so clear when the hon. member for Twillingate (Mr. Smallwood) sat right here that you were not allowed to do anything only ask a couple of questions. Mr. Chairman, I have heard the rulings. I have been subjected to them for years when I was sitting over there.

MR. SIMMONS: Mr. Chairman, I must again rise to this point of order which is the same one we have spoken to at least once tonight. The minister is good at dragging up precedents, or contrived precedents when it would suit his purpose, but if he wants real precedents, Mr. Chairman, let us remind him that before we - in the order of priorities - before we take his verbal word for what might have been a precedent, we will go to Beauchesne. And Beauchesne, Mr. Chairman, is very clear on this point and I have read it already once tonight but obviously it needs to be read again for the minister.

To his point of order, Mr. Chairman, paragraph 399 says in part, "The object of Standing Order 78 is to give members ample opportunity." It does not say some or a little bit or a part of an opportunity. It says, "ample opportunity". Now, Mr. Chairman, who is to determine what is ample opportunity if it is not the member himself. And I happen to be that member at this particular time. It says that I am to be given ample opportunity to discuss the bill in detail. In detail, Mr. Chairman, not a few comments or questions in passing as the minister would have us, Mr. Chairman.

MR. HICKMAN: Read the whole sentence.

MR. SIMMONS: Yes, Mr. Chairman, I read the whole sentence. There is a period after detail. "The object of Standing Order 78 is to give members ample opportunity to discuss the bill in detail."

MR. SIMMONS:

Now, Mr. Chairman, I am trying to be as relevant as I can to the sub-section or the clause involved, and if I am not being relevant I shall of course obey any ruling to be relevant. But the minister raises a larger question, and he gets into this nonsense again about whether we can only ask questions. Now he himself knows, Mr. Chairman, that that was never intended and that in this House even since I have been here, the last three and a half years, we have quite regularly, Mr. Chairman, debated at some length in Committee as is our right. And my right is provided for in paragraph 399 where it says I should be given ample opportunity to discuss in detail, and that I am doing.

MR. CHAIRMAN: Order, please!

The issue here is we are discussing the amendment, that amendment being that we should delete, at least the Committee should delete. My understanding of the hon. member's remarks was that he was giving his reasons why this section should be deleted, and I would not rule him out of order on that account.

The hon. member for Burgeo-Bay d'Espoir.

MR. SIMMONS: Thank you, Mr. Chairman. Mr. Chairman, what I am stating really is such a simple axiom, it is axiomatic, that we should in a democratic country not impart to any minister the kind of broad sweeping powers here. It is so axiomatic, it is so simple, it is so elementary, Mr. Chairman, that one hardly needs say it. I did not think we would have to stand in this Chamber and say it. But the fact that somebody would dare to bring in such an insult as is contained in section 4 (2) tells me that I have to say it and I have to say it over and over again in as many ways as possible because obviously some hon. members over there, who have been told that this is an innocuous bit of legislation, this is just a cleaning up act and therefore they need not worry about it, should listen to what it really is.

MR. SIMMONS:

I know it is easy, Mr. Chairman, for the backbenchers in government to feel that they are always being given the right kind of advice and information about legislation and so on. But here is one case where members, if they believe in basic freedoms at all, I believe they should have a close, scrutinizing look at 4 (2). This is an outrage in every sense of the term. There is no earthly reason why it need be. If it were serving some legitimate purpose, Mr. Chairman, then, you know, you would see it being here. But everything plus, I would say, that we need is certainly taken care of in 4 (1) (a). My God, what else is there besides collecting and compiling and analyzing and abstracting and publishing? What else can you do with information?

It goes on to provide information relating to the commercial, the industrial, financial, social, economic and general activities and conditions of the Province and persons in the Province. I mean that alone, if it were taken to its extremity, would have the makings of a police state. That would have the makings of a police state, Mr. Chairman.

MR. SIMMONS: And then on top of that they say just in case we missed something in 4(1)(a), just in case somehow we cannot get at some person, just in case somehow we cannot get a bit of information that might be interpreted to be without the bounds of 4(1)(a), we will put in a rider clause, we will put in a catch-all, we will put in an umbrella, put in a fish net approach, and we will give the minister, whoever he may be, authority to look for information on whatever matters he wants to look for information on. I mean, you know, sloppy would be too kind a word for this, Mr. Chairman. This is outrageous. You cannot believe it. You check the copy a second time to see if the composer down just missed a word.

MR. WHITE: Why do you not take it out?

MR. SIMMONS: You know, you wonder if the drafter said, "We cannot allow this to go too far. We cannot allow this to be an actual invasion of privacy so we will put in 4(2) which says that in addition to the powers and so on conferred upon the agency under sub-section (1) the agency may not collect"- you know, you would almost think that there is a negative missing there, that there is a delimitation of the powers so that some enthusiastic soul in the agency does not get carried away in his collection of statistics and invade the privacy of some people unnecessarily. But no, on second look you realize that the section is just as malicious, just as offensive, just autocratic as it appeared to be the first time, that what it says in effect is literally word for word that the minister is going to have, as my colleague said, a carte blanche. He is going to be able to do whatever he wants to do. Why? Why, Mr. Chairman? Will somebody over there stand up and tell us that there is some rhyme or reason to this madness? Anybody over here see any reason for this kind of -

MR. ROWE: Oh yes, I can see reason and more reason.

MR. SIMMONS: Now I have to caution my colleague from Trinity-Bay de Verde that one could wonder out loud and assign all kinds of motives, all kinds of possibilities, Mr. Chairman, but we must be kind in this debate and we just cannot, Mr. Chairman, common decency requires that we cannot allow ourselves to extrapolate all the possibilities that exist under this 4(2) because if we did what a really vicious piece of legislation it would really be. My God, it is bad enough as it is now on the very face of it, but to get beneath the surface and to look at the malicious possibilities that this opens up, even more malicious than telling some poor fellow in Phillips Head that he better keep his nose clean or else he might not get his loan. Even more malicious than telling some fellow that because his business did not support the PC Party in the last election he might get his funding cut off - which he did. Even more malicious than that, Mr. Chairman. This has all kinds of rancorous possibilities, shocking possibilities, mischievous possibilities.

I believe the member for Lewisporte tonight in moving the sub-amendment that 4(2) be deleted is doing - yes, the amendment to delete 4(2) - is doing a real service to the people of this province and to all the people who will come to this government looking for funding without having their political freedoms compromised. He is doing a service for those people. He is doing a service to all the people around this province who believe in personal privacy and who want to protect it. He is doing a service to all those people who live here because they like our way of life, because it is so devoid of that invasion of privacy I have just mentioned. This amendment, Mr. Chairman, which I hope passes and I cannot see how anybody who is concerned about the implications of this subsection at all, I cannot see

MR. SIMMONS: how anybody can vote against it, and I would hope it carries or if the minister does not want a -

MR. WHITE: He will withdraw it.

MR. SIMMONS: If the does not want a showdown in terms of the vote then perhaps what would be more advisable would be for him to take this back and

MR. SIMMONS:

have a look at it. Just take it out of there. My God, take it out of there. What are they, you know, got their backs up against the wall now and they are just going to be spitey about it, Mr. Chairman. Is that the problem? Is that it -

MR. WHITE: Take it out. Take it out.

MR. SIMMONS: - that they are just going to hold in there and going to dig in and say, you know, well now that you have raised it we have got to keep it in to save pride. Mr. Chairman, it is twelve o'clock in the night. Nobody is watching us anyway.

AN HON. MEMBER: Sit down.

MR. SIMMONS: Mr. Chairman, I am going to sit down as soon as I think I have made my point to the members opposite.

MR. DOODY: You are going to be all hoarse boy, before the leadership starts.

MR. SIMMONS: I have got news for the minister. The leadership is started.

MR. DOODY: Not true. Have you got the bands hired?

MR. SIMMONS: You did not think I was standing here just to impress you, did you?

MR. DOODY: No, I hope not.

MR. SIMMONS: Mr. Chairman, Mr. Chairman, -

MR. DOODY:

The announcement has just been made.

MR. WHITE: They have been all booked for the next election boy.

MR. SIMMONS: Mr. Chairman, actually, Mr. Chairman, this matter tonight is not much of a laughing matter. I think it is a pretty sad day, a pretty sad day, Mr. Chairman -

MR. WHITE: Very serious.

MR. SIMMONS: - when we have a government that would have the gall to come in and look for this kind of power! Mr. Chairman, you wonder

MR. SIMMONS:

Mr. Chairman, you cannot help but wonder. I cautioned my colleague from Trinity-Bay de Verde (Mr. Rowe) but when you realize it, he is on the right track. He is definitely on the right track, that this cannot be here as a mistake. It has got to be here for the mischievousness that it represents on the paper. It has just got to be here for that reason. It just makes you wonder what kind of gall the hon. crowd would have, Mr. Chairman, to bring in this kind of legislation. I just cannot believe it, Mr. Chairman. I would hope that they would come to their senses. They cannot get away with it because if they ram this through as they can - they have managed to keep enough bodies here, Mr. Chairman, to outvote us so far, but we are younger and more vigorous -

MR. WHITE: More virile, more energy.

MR. SIMMONS: So it is only a question of time and we will have a majority.

AN HON. MEMBER: It is only a matter of time before they go to the Hoyles Home.

MR. SIMMONS: Mr. Chairman, they can ram it through, of course they can. But I will tell them this, Mr. Chairman. They might ram it through but they will never live this one down, Mr. Chairman. They will never live this one down if they insist on making that insidious bit of nonsense there official, actual legislation in this Province.

MR. CHAIRMAN: The hon. member for Eagle River.

MR. I. STRACHAN: Mr. Chairman, on this sub-amendment, what we are concerned about is the use and misuse of information.

MR. MURPHY: Was there a sub-amendment moved?

MR. STRACHAN: Amendment, I am sorry.

MR. MURPHY: I was just wondering. I was asleep here for about a half an hour.

MR. DOODY: Congratulations.

MR. STRACHAN: It is past your bedtime.

My colleague from Burgeo-Bay d'Espoir (Mr. Simmons) was maybe using the dart, the harpoon, the punch, the rough method on the minister over on the other side. I am really concerned about the use of this power which would give the minister - and if I can present an example which should appeal to the other side, let me quote an example of just the same kind of thing in order to carry out a government programme. I was in Fogo in 1967 and I saw statistics used by government in order to try and get Fogo resettled, used by both federal and provincial governments, and I was against it at the time, very strongly against it. I think it was the worst move that was ever done. But I saw the very use of information they were talking about here, that you can collect information or the minister is empowered to collect information and he can then make that information fit into a government programme. And he can then use it to persuade people, or twist their arms, to get people to do things that they do not want to do. And that is the very powers we are arguing about in Section 4 (2), the very powers, giving a minister that kind of authority to collect that kind of information and to use it in certain ways. And I am sure my colleague here has given an excellent example which you may not buy. I am sure that it must come close to your hearts to hear a statement that most of you were probably against resettlement and felt it was a great mistake, and yet there was information used by departments collected to show that Fogo Island was uneconomical, not viable and that 5,000 people should be moved. This section here does exactly the same thing.

Mr. Strachan.

Who is to say what is going to happen or what kind of programme you want to apply or what programme you want to implement? We could for instance - and to take it very light heartedly - we could imply in fact that correct information, we want information on the spruce budworm, and we would analyze it, and abstract it and collect it and compile it and publish it. And it is rather ridiculous, but we could show that there was no spruce budworm in this Province before 1972, so that the P.C.'s brought in the spruce budworm. And we could carry on doing some ridiculous things like that. But what I am trying to get at is that you can use and misuse information. Now the Liberals previously might have been responsible for the hemlock looper, but the P.C.'s were responsible for the spruce budworm. One can use information for all kinds of things. I wonder, for instance, if the minister was empowered - if the Minister of Health was empowered under this to collect information and compile it and produce it and publish it on a denturist and use that information. For instance, you may find for instance that some people over on the other side are wearing illegal teeth.

MR. NOLAN: Have them table them.

MR. STRACHAN: But what I am trying to say is that - these may be ridiculous examples - but what I am trying to say is that I have seen information used in this Province to make people do things to fit a government programme. And that is what this clause here - that is what our objections are all about. We do not like it. We do not want to see dictatorial powers given to a minister, that is sweeping powers, given to a minister which he can use to satisfy government's end, departments' ends or any political ends. And I am sure that the example I have used of, for instance, Fogo, and I can give many other examples. I sat for three days, along with the people of Fogo watching examples of why they should move - statistics, figures, facts of why they should move. And Fogo is today a very viable and very successful community. And that is what our argument is against Section 4, subsection 2

Mr. Strachan.

and I support totally the amendment moved by my colleague from Lewisporte (Mr. White) and hope that the minister sees sense and removes the chapter there which gives him wide, sweeping dictatorial powers.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: The hon. member for Trinity - Bay de Verde.

MR. ROWE: Mr. Chairman, I rise to support the amendment put by my colleague from Lewisporte for this reason, Sir. One of the greatest P. C. Prime Minister's of Canada, the Right Honourable John Diefenbaker, I understand, brought in the Canadian Bill of Rights, which I just happen to have on my desk here tonight. Sir, if I can be permitted to read certain relevant sections of the Canadian Bill of Rights and then relate them to Clause 4 (2), I hope to show, Sir, and in fact prove that Clause 4, Section (2) of the particular bill is completely contrary to the Canadian Bill of Rights.

Mr. Chairman, part one of the Canadian Bill of Rights reads as follows -

MR. HICKMAN: Would the hon. gentleman yield while I rise the Committee?

MR. ROWE: Will I or will I not? Will I yield? No,

Mr. Chairman, the hon. House Leader -

MR. WHITE: Are we going to come back to Committee of the Whole?

MR. ROWE: Are we coming back to Committee of the Whole or what is the game plan here?

MR. HICKMAN: The Committee's plan is that we are just going to adjourn.

MR. ROWE: We are just going to adjourn.

MR. WHITE: We will come back to this.

MR. ROWE. Well, presumably I will carry on if I adjourn, if we get back to this particular bill.

MR. HICKMAN: When it is called again. It may be many days down the road.

MR. ROWE: Okay, whatever you do at this stage of the game. I adjourn the debate.

MR. HICKMAN: Friday afternoon. I move that the Committee rise report very limited progress and ask leave to sit again some day - Friday, most likely.

MR. CHAIRMAN: It is moved 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 Bill No. 6 with amendment, and ask leave to sit again.

MR. SPEAKER: The Chairman of the Committee of the Whole reports that they have considered the matters to them referred and have directed him to report Bill No. 6 with some amendments.

On motion report received and adopted.

On motion amendments read a first and second time.

On motion Bill No. 6 ordered read a third time on tomorrow.

MR. HICKMAN: I move that the remaining Orders of the Day do stand deferred and that this House on its rising do adjourn until today at three o'clock, and that this House do adjourn.

MR. SPEAKER: It is moved that this House do now adjourn until later today at 3:00 P.M. Those in favour "aye."

Contrary "nay." Carried.

This House do now adjourn until 3:00 P.M.

March 16 1977.