

PRELIMINARY  
UNEDITED  
TRANSCRIPT

HOUSE OF ASSEMBLY  
FOR THE PERIOD:  
3:00 p.m. - 6:00 p.m.  
TUESDAY, MAY 15, 1979

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (MR. OTTENHEIMER): Order, please!

STATEMENTS BY MINISTERS

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

MR. N. WINDSOR: Mr. Speaker, for the past sixteen years two separate communities have co-existed in the Buchans area, one being the town of Buchans, which was established in 1963 to provide for the relocation and housing the former residents of the community known as Pigeon Inlet, the other being the already established company town of Buchans which was constructed by the American Smelting and Refining Company Limited in conjunction with the commencement of mining operations in the Buchans area.

In May of 1977 the then Minister of Municipal Affairs and Housing announced in the hon. House that, as a result of an attitude survey carried out by the Local Government Sub-committee of the Buchans Task Force, the entire Buchans area would be incorporated as a single municipality. As an immediate and preliminary step towards this objective it was recommended that the company town should first be incorporated as a local improvement district and that as soon as the residents of that area, who had no previous experience with municipal management, had become conditioned to the principle of local self-government the two municipalities be amalgamated as a single unit.

The Local Improvement District of Buchans was accordingly established in January of 1977, and while the residents of both incorporated areas at present receive the normal range of municipal services, the municipal facilities in the Local Improvement District comprising the former company town are principally owned and operated by ASARCO. It is intended however that when amalgamation takes place the new municipality so established will gradually assume full responsibility for the provision of local government services.

Mr. N. Windsor: Although the present economic conditions in the Buchans area are a matter of primary concern for all citizens and for the Government of the Province, there are nevertheless current and immediate problems related to the provision of municipal services which can be more effectively dealt with by a unified municipal body representing the entire Buchans area, which both practically and geographically form one community.

The combination of the separate municipalities into a single municipal unit should result in a more effective administrative structure for decision-making in relation to the provision and operation of municipal services, and will create a united and common corporation to deal with all levels of government in regard to the serious problems which affect the future of Buchans.

The residents of the two aforementioned municipalities have indicated by public petition their recognition of the need for amalgamation in this time of economic uncertainty and their consequent desire for a united approach to the many problems that will confront them in the years ahead. The petition indicates overwhelming support for the concept of amalgamation and the department is taking immediate

MR. N. WINDSOR:

action to bring this about. The amalgamation of the two municipalities, that is the town of Buchans and the local improvement district of Buchans, will create a new municipality to be known as the town of Buchans with a greatly expanded boundary to take in the area comprising both of the above named municipalities.

At the time of amalgamation the Board of Trustees of the former local improvement district will be dissolved as will the present council of the town of Buchans. A completely new seven member council will then be elected on June 18, 1979 for the new and enlarged town of Buchans. The new council will be elected by voters of the entire Buchans area and will represent and make decisions affecting the residents of that area.

The department will of course assist the new council in any administrative or other problems that may arise in relation to the amalgamation or in the assumption of their responsibilities for the management of the affairs of the new municipality.

MR. SPEAKER:

The hon. member for

Lewisporte.

MR. WHITE:

Mr. Speaker, in the

absence of the member for Windsor-Buchans (Mr. Flight) who is not here today, I just want to say a word or two but not very much because we need to seek the advice of the member for Windsor-Buchans and we should find that out later on, although it seems to me that the amalgamation of the two towns in the Buchans area is probably a good thing and probably will help the Buchans area in some way, I do not know what way, in view of the economic situation in Buchans. But I am sure that when the member for that area comes back in town he will have more additional information to say with respect to this matter.

PRESENTING PETITIONS

MR. SPEAKER: (Mr. Ottenheimer)

Hon. member for Port au

Port.

MR. HODDER:

Mr. Speaker, I beg leave

to present a petition on behalf of 1331 residents of the district of Port au Port. The prayer of the petition is as follows, "Whereas electricity is one of the basic essentials of living in Newfoundland, and whereas Newfoundland has one of the highest electrical rates in the country, and whereas low income people and those on fixed incomes are finding it difficult to meet rising costs, therefore we the undersigned request the Newfoundland government to disallow the increases in electrical rates currently being sought by Newfoundland and Labrador Hydro and we request the government to seek alternate sources of inexpensive energy for the Newfoundland people."

Mr. Speaker, I believe

this is one of the largest petitions to ever be presented from this district. There are signatures on it from every town in the district. The rising cost of electricity is of great concern to the people of Port au Port as incomes are low in this

MR. HODDER: part of the Province. Year after year we have seen the disposable income of the people eaten away by rising food costs and rising energy costs and we have seen those people on fixed incomes, on low incomes - old age pensioners, those on unemployment insurance benefits, on social assistance and widows-who are suffering because of the high cost of electricity.

Mr. Speaker, a few years ago the electric companies were encouraging people to use electric heat. Those who did so regret now that they did. Many people over the last few years have turned to wood to decrease their cost, but, Mr. Speaker, if the present trend continues they will have to return to the kerosene lamp as well as the wood stove.

Mr. Speaker, there is a limit to which you can push the average Newfoundlander and I believe that we are fast approaching the point where some of our people will not be able to pay their bills and will be hopelessly in debt. In fact, Mr. Speaker, in terms of those of us who are in more unfortunate circumstances, we may have already reached that point.

I realize that we must bear the burden, but how best should we share it? I heard the member for St. John's South (Dr. J. Collins), I believe, say the other day that those of us who use the most electricity get the lowest rates. But, Mr. Speaker, that puts the heaviest burden on the little man, and I believe that we must share the burden in a fair and equitable way.

Now, Mr. Speaker, how much are we paying for the inefficiency of Newfoundland Hydro and Newfoundland Light and Power? I believe that the government must investigate those two agencies and look at the decisions that they are making. Only this government can do that, and perhaps, Mr. Speaker, strong measures should be taken. I am not advocating nationalization, but I do feel that if the system is not working the way it should, it should be made to work. Here we are in this Province, sitting on one of the biggest sources of hydro electric power in the world and yet are suffering from

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MR. HODDER:  
electricity.

one of the highest rates of

Mr. Speaker, those people who circulated this petition - and I did in some areas myself - and the people who signed it are very serious. At the present time, the people of Port au Port are struggling to improve their economy and to develop their resources. The people are going back to the fishery and we are having some help in doing that. We also have limestone resources, one of the largest blocks of limestone on the Eastern Seaboard of Canada and the world markets are good at the present time, but, Mr. Speaker, we have a developing economy

MR. J. HODDER:

and at the present time the district is suffering from a very, very high rate of unemployment. As a matter of fact, the statistics show that the West Coast of Newfoundland and Labrador has the highest rate of unemployment and Newfoundland has the highest rate of unemployment in Canada. I would suggest, Mr. Speaker, that perhaps Port au Port is one of the highest unemployment areas in all of those areas and the people of that area can not afford a further twenty per cent increase and they ask the Government to heed their request. I ask that the petition be tabled and referred to the department to which it relates.

AN HON. MEMBER:

Hear, hear.

MR. SPEAKER: (Ottenheimer)

Hon. Leader of the Opposition.

MR. W.N. ROWE:

Mr. Speaker, I would like to associate myself with the remarks of my hon. colleague, the member for Port au Port (Mr. J. Hodder), as he so ably presented a petition on behalf of over 1,300 of his constituents, 1,331 constituents pleading, Mr. Speaker, that electrical rates not be permitted to increase again this year as has been announced by the head of Newfoundland and Labrador Hydro, Mr. Young.

Mr. Speaker, that 1,300 additional names would, I suppose, bring the total names that have been presented to this hon. House appended to petitions asking for a freeze basically on increases in hydro rates, electrical rates, brings it, I would estimate, to upwards to 100,000 people in this Province. I would say that perhaps as much as one-third already, one-third of the total electorate of this Province has directly petitioned this hon. House pleading not to allow electrical rates to up any higher.

In a way, Sir, it is a pathetic situation, pathetic on two grounds; (1) that in spite of the



MR. W.N. ROWE:                   efforts of the people who circulate these petitions, in spite of the efforts of the people who sign their names and make their wishes and their ideas known to the members who were elected to represent them in this House, in spite of that, Sir, the petitions appear to be falling on deaf ears. No matter how strongly expressed the entreaties by these people may be, I doubt if we had more than one or two persons in the Government get up and react in any way, Mr. Speaker, to

MR. W.N. ROWE: the prayers of these petitions. They appear to be falling on deaf ears. Pathetic in another way, Sir; pathetic, Sir, because electricity which represents the energy used, in many cases, for heating homes and certainly for lights and all the necessary implements in a home today, electricity Sir, represents one of the three or four basic necessities of life, food, shelter, medical attention and heat and light in a home, clothing are the basic essentials of our life today, not luxury, Sir! Not anything beyond what is necessary to keep body and soul together but a basic essential of life. And we have asked here, Sir, that the government consider imposing a freeze on any further increases in the cost of electricity. So, far, Sir, we have had no indication from the government as to whether they are going to do that or not except negative indications, they are not going to do it. We have had the Premier mention that they are very involved in negotiations with Erco and other large users of power industrially and commercially, but no indication as to how successful those negotiations may be to date.

I would submit, Sir, that we are seeing, we are looking at increases of the order of 10 per cent or more at the domestic level every year into the foreseeable future unless the government itself imposes a freeze on it. This statement, Mr. Speaker, is substantiated by the fact that at a hearing before the Public Utilities Board on an application by Newfoundland Hydro a couple of years ago it was indicated by Mr. Reid, who was then appearing before the board on behalf of Newfoundland and Labrador Hydro, he indicated, Sir, that we would see this order of increase over the next five to ten years.

Mr. Speaker, it is time, I believe, that the government stepped in and did something drastic about these increases. It is an essential of life! It is not a luxury! It is an essential of life, Mr. Speaker. Our people cannot afford

MR. WN. ROWE: to pay any further increases in electricity costs without eating into the other necessities of life including shelter, including food and clothing and medical care as represented by the need for many people to use prescription medication, prescription drugs which they have to pay for out of their own pockets.

Mr. Speaker, I support this petition and I urge the government to finally give favourable consideration to the pleading of these 1,300 people from the Port au Port district and the other nearly 100,000 people who have also appended their names to similiar petitions in the last year or so. Mr. Speaker, it is a petition which represents an issue which is of utmost importance to our people in this Province today and I think the government would ignore or fail to do something about these petitions at its own political peril.

MR. S. NEARY: Mr. Speaker.

MR. SPEAKER (Ottenheimer): The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I support the petition presented by the member for Port au Port (Mr. J. Hodder) on behalf of almost 1300 of his constituents who are very concerned about the ever increasing electrical rates in this Province, but I find it very difficult, Mr. Speaker, to get myself psyched up, to be able to find anything new to say in support of this petition. It has all been said already, over and over and over again, and as my hon. colleague just indicated, Sir, the petitioners' prayer has fallen on deaf ears so far. The only indication that we have had from the hon. the Premier is that if certain negotiations are successful then they would consider passing this on to the consumer. I think it would be cruel, Mr. Speaker, it would be cruel indeed to wait for the budget to announce all the goodies, or to wait for the eve of a provincial general election before announcing that something is going to be done about the electricity rates in this Province. That would be cruel. Mr. Young, who is the assistant, Mr. Young is the Assistant Deputy Premier - he seems to be a law unto himself, he answers to nobody - he goes down to the Rotary Club, down with the millionaires and down with the big shots and announces all kinds of government policy and increases in electricity rates, another twenty per cent, twenty-five per cent, we are told this year by the Assistant Deputy Premier, Mr. Young.

MR. DOODY: Have you not been invited to address Rotary yet?

MR. NEARY: I did, Sir, I did have the privilege to address Rotary and I did not get invited back again.

SOME HON. MEMBERS: Hear, hear!

MR. DOODY: (Inaudible) high mucky-mucks.

MR. NEARY: That is right. That is right. It was something I was waiting for all my life, Sir, to stand before that crowd in their pin-stripe suits, stand there a little old humble fellow,

MR. NEARY: uneducated ignoramus from Bell Island,  
and talk to that crowd. I must say, Sir, it is one of the rare  
privileges that I had since I entered public life.

But, Sir, I do not know what else we  
can say, Mr. Speaker. People are being driven to desperation. You  
would be amazed, Mr. Speaker, the number of homes in this Province  
that have gone back to wood stoves and wood furnaces, or a combination  
of both, oil and wood. I know down in my own district of LaPoile,  
in Port aux Basques you would be surprised the number of people who  
have gone back to using wood, and I think you are going to see more  
of that in the future. And we encouraged, Mr. Speaker, we in this  
House encouraged people to heat their homes electrically.

MR. W. ROWE: That is right.

MR. NEARY: They follow the advice, they follow the instructions given them by the politicians and now they cannot cope with the high cost of living, the high cost of electricity rates.

I have a great struggle in my mind, Sir - I do not know, perhaps somebody can straighten me out on this - I am not sure whether unemployment or inflation is the number one problem in Newfoundland. I know across Canada over the last several weeks with all the polls that have been going on that we have seen that inflation is the number two problem in the whole of Canada. Unemployment is number one in Canada, inflation is number two. I believe in Newfoundland, Sir, inflation would be number one.

MR. MARSHALL: Mr. Speaker, a point of order.

MR. SPEAKER: (Mr. Ottenheimer) The hon. House Leader on a point of order.

MR. MARSHALL: Mr. Speaker, I know we are all anxious and interested in the points of view of the hon. member on many related topics, but this does not pertain to the petition. There is a time in this House for debate and, obviously, the hon. member is getting into the area of debate.

MR. W. N. ROWE: Mr. Speaker, on the point of order.

MR. SPEAKER: To the point of order.

MR. W. N. ROWE: The hon. House Leader is again wasting the time knowing my colleague has only five minutes. It was obvious to anyone who was listening, Sir, that my colleague was about to relate the high cost of electricity to these other major problems facing our society today, Mr. Speaker, and to needlessly interrupt like that, Sir, is an abuse of the order of this House.

MR. SPEAKER: I think the only thing I can say with respect to the point of order is obviously if the hon. member were to develop his speech on the subject matter of inflation he would be out of order. If he were using inflation as an illustration of the reasons he is supporting the petition he would be in order and we will leave it at that.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: (Mr. Ottenheimer) The hon. the member for LaPoile.

MR. NEARY: Right, Sir. I was going to state, Mr. Speaker, that inflation, in my opinion, is the number one problem in Newfoundland and what is causing that high inflation, high cost of living, are things like electricity rates.

The only answer we get from the government every day when we present these petitions are points of order. They never answer the prayer of the petitions, they stand up and they try their delaying tactics -

MR. SPEAKER: Order, please!

MR. NEARY: - and points of order, Sir -

MR. SPEAKER: Order, please! I must now point out the hon. gentleman is getting into the area of debate.

MR. NEARY: I apologize to Your Honour, but, Sir, it is very annoying and very aggravating, Your Honour, and you can understand how we can get up-tight when day after day - I would say well over 100,000 people have signed petitions, put their signatures to petitions, and so far, the prayer of these petitions to put a freeze on electricity rates have fallen on deaf ears.

AN HON. MEMBER: Hear, hear!

MR. SPEAKER: The hon. the member for Grand Falls.

MR. LUNDRIGAN: Mr. Speaker, I just want to have a word, a very brief word on that petition presented by my colleague.

Every time I hear a petition presented on electric rates I recall the interjections of the former Leader of the Opposition and former Premier, Mr. Smallwood, when he referred to the fact that if you cut out all the fat -

MR. DOODY: What about the other former Leader of the Opposition.

MR. LUNDRIGAN: - and the former Leader as well, the former two Leaders of the Opposition -if you cut out all the fat and

Mr. Lundrigan: and make whichever moves you want, the chances of us substantially affecting electrical rates is not very substantial. And I wonder, listening to the Leader of the Opposition on the radio a couple of days ago indicating that he would go the tax route - Was that the correct assessment that I heard, Mr. Speaker -

SOME HON. MEMBERS: Oh, oh!

MR. LUNDRIGAN: - that he will go the tax route? He says -

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

MR. LUNDRIGAN: - recognizing, Mr. Speaker -

MR. W.N. ROWE: Do you support the petition?

MR. LUNDRIGAN: Yes, I do support any move which would make an impact on the cost of living of the people of this Province. And if we can make moves such as cutting out some fat, if there is fat in Hydro by the appointment of people like our own Vic Young, a man of great stature and a person who is recognized across Canada as one of the strong people in his field, if we can make moves of that nature and if we can cut out some of the fat in Hydro, and if that petition can help achieve it, great.

But I do feel, Mr. Speaker, that we must temper our comment with realism, and the realism is, as was spoken by Mr. Smallwood, I quote his words "That if we cut out all of the fat, we must recognize and tell our people that the chances of substantially affecting the rates of energy is minimal." And I think that has to be said. And I think people are really misleading -

SOME HON. MEMBERS: Oh, oh!

MR. LUNDRIGAN: - the people of the Province if they give the impression that any kind of a move by the government, or any other force unless you can control Mr. Khomeini or some of the people in the oil producing countries, if you have control of these people then we can give commitments to our people of low energy rates. And the fact of the matter is that the people have to be encouraged to recognize the fact that in the day and age when they were encouraged by the former



Mr. Lundrigan: Premier Smallwood and the present members across the House to use electrical energy, electrical energy at that time produced by the oil fired furnace was at a low price, and today it is high and it is going higher and higher and it is going to quadruple in the next number of years the same as it has in the past number of years. And I think the people have to be encouraged to go the route, Mr. Speaker, of the insulation procedures that have been instituted in the last couple of years. The business of using the wood furnaces, you will find this around the Province everywhere today people are using wood furnaces. If you go down to the present Leader of the Opposition's district you would see every morning, if you wish to visit it, a hundred small trucks leaving their woods operations and going home with a load of wood. And that is something that has only come back in the last number of years; it had died out completely. And the people will find out

MR. LUNDRIGAN: because of energy cost increases that the alternate methods are substantially better, and they will supplement their energy supplies with these kinds of moves and that should be encouraged and not discouraged at all. And of course, Mr. Speaker, the latter point is the fact that in our Province every effort has to be made to attract from the financial community and the federal government the support to develop our own energy reserves. We have already given away our major reserve of energy. Perhaps an oil reserve the size of the Saudi Arabian oil fields would not equal the energy that we have given away to Quebec from Labrador. But we now have to go the route of developing these hydro sources for the support and the supply of our own needs. But, Mr. Speaker, in supporting the petition I have to say that it is a wee bit less than honest for members of the legislature to give the impression to the people of the Province that a government can do anything of substance to bring down energy costs in this Province.

MR. SPEAKER: (Mr. Ottenheimer)

Order, please!

I must point out that the hon. gentleman is certainly entering the area of debate with his latter remark.

Hon. member for

Burgeo - Bay d'Espoir.

MR. SIMMONS:

Mr. Speaker, I would

like too to give my support to the petition presented by my colleague from Port au Port (Mr. Hodder) and so ably supported by the hon. Leader of the Opposition and the hon. member for LaPoile (Mr. Neary). We four, Mr. Speaker, stand behind the petition. There may be others in the House who stand behind the petition too; if so we have not heard them. The member for St. John's East (Mr. Marshall) was conspicuously silent then on his points of order when his colleague, the sometimes member for Grand Falls (Mr. Lundrigan) was abusing the rules right, left and center.

MR. SPEAKER: (Mr. Ottenheimer) Order, please! I must point out the hon. gentleman is getting into an area of debate.

MR. SIMMONS: Yes, Mr. Speaker, I apologize for that. It is a tender point with me, Mr. Speaker, to see the Battery Basher not get involved here when I saw such an abuse of the mechanism that we are involved in right now. But to the point at hand, Mr. Speaker. I did not expect the member for Gander (Mr. Collins) to understand it. Mr. Speaker, this petition deserves the serious support of everybody in the House. It is the kind of a petition, Mr. Speaker, that comes from people who are seriously intentioned and it does not deserve -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!  
Hon. members to my right and left should remain silent apart from the hon. gentleman who is speaking.

MR. SIMMONS: I am not sure if you should look up or not, 'Harold', it is so long since you did it.

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: Want to come over for another little poke now? Do you want me to run again?

MR. SPEAKER: Order, please!

MR. R. SIMMONS: Mr. Speaker, this is a petition that should command the serious commitment of every member of this House. And I am quite upset that the member for Grand Falls (Mr. Lundrigan) should attempt to detract from its seriousness. It is a disgrace. And further how a man is allowed to rise in this House without supporting the petition I do not know.

Now, Mr. Speaker, this petition comes seriously from a number of people who have had it up to the teeth, and no amount of rationale or talk about red herring by the member for Grand Falls is going to convince them that they should be paying through the teeth the way they are paying and have been paying over the past several years. Why does not the member for Grand Falls rationalize the way the \$110 million his colleagues squandered on the Lower Churchill Development just before the election last time -

MR. SPEAKER: (OTTENHEIMER): Order, please!

I will wait until the hon. gentleman takes his seat. I must point out the hon. member is persisting in debating on the issue and the rules do not permit it.

Hon. member.

MR. R. SIMMONS: Mr. Speaker, if we only had some of the fat that is being spent through Hydro, some of the cars that are spent to drive people on private jaunts, cars which my tax money is paying for. The Hydro people are doing it, the minister knows.

MR. DOODY: Name names! Name names!

MR. R. SIMMONS: You can name names.

MR. S. NEARY: I have names down in my office.

MR. SPEAKER: Order, please!

MR. S. NEARY: I sent them to Vic Young.

MR. R. SIMMONS: If we only had some of that fat trimmed off, Mr. Speaker, we could do something for the of the Port au Port peninsula and other parts of this Province who want some decent schools and who want fair play when it comes to hydro bills.

MR. R. SIMMONS: I find it, Mr. Speaker, very disturbing that people treat a matter as serious as this with such lightheartedness as though somehow it is some kind of a joke.

AN HON. MEMBER: (Inaudible)

MR. R. SIMMONS: The member may be a political hypocrite, Mr. Speaker, I do not know if he is. If he says he is a political hypocrite I guess he is, if he says he is.

MR. SPEAKER: Order, please!

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

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

A point of order has come up.

MR. S. NEARY: Mr. Speaker, I believe one of the words, Sir, in Hansard that is considered to be unparliamentary is 'hypocrite'. The hon. member for Grand Falls (Mr. Lundrigan) just used that term, Mr. Speaker, and I would ask Your Honour to ask the member for Grand Falls to withdraw that remark, Sir.

MR. SIMMONS: To the point of order, Mr. Speaker.

MR. SPEAKER: To the point of order.

MR. SIMMONS: I understood, Mr. Speaker, that the member for Grand Falls was barring his soul and was applying the term to himself, in which case I would see no need to withdraw.

MR. SPEAKER: All I can point out is that the word 'hypocrite' attributed by one hon. member to another one is unparliamentary. If the hon.

MR. SPEAKER: (Ottenheimer) member did attribute it to a hon. member, he should withdraw it.

MR. J. LUNDRIGAN: Mr. Speaker, I was using the word hypocritical. Is that in order, I wonder?

MR. SPEAKER: I think that if hypocrite is out of order, I think hypocritical, hypocritically and probably all combinations -

AN HON. MEMBER: Keep going, keep going.

MR. SPEAKER: - even to hypocritize might be out of order, Sir.

MR. J. LUNDRIGAN: Mr. Speaker, I will have to abide by the rules of the House which prevents me from being honest in my assessment of the hon. member from Burgeo - Bay d'Espoir (Mr. R. Simmons).

MR. SPEAKER: Order, please! I think that in order that our precedents remain fairly clear, if the hon. member would withdraw without what could well be interpreted as a qualification, if it would be preferable.

MR. J. LUNDRIGAN: Mr. Speaker, I certainly would not want to unqualify any comments made about the hon. member in that regard. I will abide by Your Honour's ruling. It is too serious a matter for me to disagree with you on, Sir.

MR. NEARY: No, Mr. Speaker, that is not a withdrawal.

MR. SPEAKER: I understand that that in fact was a withdrawal. There were words added, but the words added did not have anything to do with the substantive issue.

The hon. gentleman's five minutes have expired.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Hon. member for St. John's North.

MR. J. CARTER: Mr. Speaker, I rise to support this petition or to support the spirit in which this petition is presented. But I have

MR. J. CARTER: to ask the previous speakers, who have addressed themselves to this petition, whether or not they are sincere because inflation is a fact of life but why did the previous speakers not address themselves to the rate structure which bears so hard on the little man? I would submit, Sir, that the Opposition do not give a damn.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: (Ottenheimer) I was about to interject but the hon. gentleman has precluded the necessity thereof. However, it could well be interpreted that 'not giving a damn' would be debating.

MR. J. CARTER: It is perfectly parliamentary.  
It is a small German coin.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Not being a numismatist, I will not give any decision on that.

The member for Burgeo d'Espoir.

MR. R. SIMMONS: Mr. Speaker, I have a petition which I would like to present. It is a petition from a number of people in Little Bay Islands in the district of Green Bay, the district of the hon. the Premier. It is a petition relating to the need for new school facilities on Little Bay Islands.

The petition says in part, Mr. Speaker, "We, the undersigned parents of Little Bay Islands, have agreed we will not be sending our children to school in September 1979 unless we receive a written commitment from the Intergrated Education Committee before that time that construction on a new school will begin during this fiscal year."

Mr. Speaker, this petition has been signed by just about every adult citizen and parent in Little Bay Islands. Those of you who saw the CBC Here and Now programme

MR. R. SIMMONS: last evening will have some appreciation of the need for new school facilities on Little Bay Islands. I have a particular appreciation having been the school superintendent for the area before getting involved in politics five or six years ago, as I am sure the hon. the Premier does, having been the member for the district for that length of time or just a bit longer.

There are, Mr. Speaker, about 120 students in the school in Little Bay Islands, about 120 students, Mr. Speaker, five teachers and four classrooms. The fifth teacher is obliged to take his students into a storage room which measures, as I remember, about seven feet by twenty two feet, and there those students attend school every day.

Mr. Speaker, the first problem in Little Bay Islands is a sheer space problem. There is just not enough space in the school. It is also fairly old and fairly dilapidated space. There is no gym facilities, which most schools take for granted now; there is no laboratory, no lab facilities, no library facilities, indeed, even the washroom facilities are quite limited, just two single washrooms in the building.

Now, Mr. Speaker, I realize, as subsequent speakers may well point out, that this problem is, first of



MR. SIMMONS: all, a matter for the Integrated Education Committee. But we in this House, and particularly those in government, cannot wash our hands of the problem. The Integrated Education Committee in any year has a difficult enough time finding enough dollars to build all the schools that have to be built. This year the problem is much worse; the committee does not know what kind of money it is going to get and this is the 15th. of May, well into the construction season, and we have not yet seen a provincial budget so we do not know what kind of money is going to be available for the purpose. We have been watching the situation in Britain, Mr. Speaker, where the new lady Prime Minister inside of two weeks has not only occupied the office of the Prime Minister but has managed to open a new session of the British House of Commons with a complete change in government. Here in over two months the same administration, with the faces changed around somewhat, cannot even bring in a budget: In two full months they cannot get their heads together enough to bring in a budget.

We in this House, Mr. Speaker, and particularly the Premier and the government, must take a fair amount of the blame for the lack of activity in the area of school construction, in Little Bay Islands and all over this particular Province. The Premier in particular and his Minister of Education must take a fair amount of the blame on this particular problem because, Mr. Speaker, the petition I refer to, or a similar petition was sent to the Premier over a month ago, a similar petition was sent to the Minister of Education more than a month ago, and at some point, Mr. Speaker, this is not the appropriate place, but at some point we should ask the question, we should ask the question about the rights of people who circulate petitions, once they put their names on them, ninety-six or ninety-seven names, whether the Premier or the Minister of Education has a right to

MR. SIMMONS: sit on that petition and not present it to the House of Assembly. This is the case here, Mr. Speaker, with a petition that has been in the hands of the Premier and the Minister of Education for more than a month and these ninety-six, ninety-seven people on Little Bay Islands have not had their petition aired publicly and were it not for the fact that they asked me to do so today they probably would not have had it heard publicly for some time to come. That is not fair, Mr. Speaker, and to the main point at hand in this petition these people desperately need school facilities and I would hope that the Minister of Finance will indicate now when I sit down that the budget will be brought in fairly soon, or if not that he will indicate the amount of money to be made available to the Integrated Education Committee for school construction, and that in particular the Minister of Education, or in his absence the Premier, who is also the member for this particular district, will indicate to the House that there will be a recommendation from him as member to the DEC, a strong recommendation that the necessary funding be made available this year for the new school facilities on Little Bay Islands. I heartily support the petition, Mr. Speaker.

MR. SPEAKER (Ottenheimer): The hon. Leader of the Opposition.

MR. W. ROWE: Mr. Speaker, I would like to support the petition so well presented by my hon. colleague. I suppose what was it six months ago that my colleague and I made a tour of Green Bay district and during that tour we naturally went to Little Bay Islands and spent a day there. And during our visit to Little Bay Islands we went to this school which we have heard so much about over the year on television, and Sir, I have to say that in my experience in politics, going around the Province, visiting schools, looking at good schools and bad schools in terms of structure and construction and dilapidation, I have to say, Sir, that I have not yet seen a school anywhere else which is so hopelessly outdated, antiquated, overcrowded, dilapidated and useless for the purpose for which it was intended; a small structure with 150 students in it, or next thing to it. We went through the school,

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MR. W. ROWE:

Sir, and there were -

MR. MARSHALL:

A point of order, Mr. Speaker.

MR. SPEAKER (Ottenheimer):

A point of order.

MR. MARSHALL:

I just approached the Clerk's table and this petition, Mr. Speaker, is obviously a Xeroxed copy of an original.

AN HON. MEMBER:

There we go.

MR. SIMMONS:

What? What?

MR. MARSHALL:

I think, number one, that it has been settled in this House for

MR. MARSHALL: a long period of time that a petition under the rules has to have the names of the petitioners signed to it.

AN HON. MEMBER: Yes.

MR. MARSHALL: There was a ruling by Your Honour not too long ago to the effect that a petition of this nature, or any petition, had to be signed. And I really think, Your Honour - I am rising on a point of order - but I think it is a matter of quite serious nature that a ruling that Your Honour has already made during this session which is cognizant of all members, has been breached in this particular case. I mean, really the House cannot operate on this basis and we cannot accept petitions which are merely Xeroxed copies. This is merely an attempt, an obvious attempt by the member for Burgeo - Bay d'Espoir (Mr. Simmons) to work his own wiles, but the fact of the matter is, Mr. Speaker, that, as I say, it is a flagrant violation of the rules of this House and should not be permitted.

MR. SIMMONS: To the point of order, Mr. Speaker.

MR. SPEAKER: (Mr. Ottenheimer) To the point of order, the hon. the member for Burgeo - Bay d'Espoir.

MR. SIMMONS: Mr. Speaker, members will recall that towards the end of my statement in support of the petition, I mentioned that the petition was similar to one which I understood had been received by the hon. the Premier and the hon. the Minister of Education (Mr. Hickman) about a month or so ago. I did say 'similar to', I did not say it was a duplicate or it was exact to. Because as Mr. Speaker will see now as he looks at the front page of the petition, there are four original signatures on the page and the other ninety-six, Mr. Speaker, are photo copies because the original petition went to the Minister of Education a month ago and he, for some reason, has not seen fit to present the petition in the House. Three of the signatories on the petition came to me, Mr. Speaker, in the last day or so and asked me would I have the petition presented. I pointed out to them, Mr. Speaker, that I was not able to present the petition as a copy and I could only do it if there were original signatures. They signed their names as I have signed my name to the petition, as is the procedure of this House, Mr. Speaker. There are four original signatures

MR. SIMMONS: and I refer, Mr. Speaker, in particular to the member for St. John's East (Mr. Marshall) who saw the petition and therefore would have seen these four names but chose not to mention it in his point of order. I refer him in particular to 91(a) of the Standing Orders which reads as follows: "A petition may be either printed or written and if more than three petitioners sign it, at least three signatures must appear on the page containing the prayer of the petition." Mr. Speaker, I submit that that is the case and, therefore, the petition which I have presented in every way, Mr. Speaker, meets the requirements for petitions. I also want to say, Mr. Speaker, in conclusion, that the spirit in which I presented it was to allow the people who signed the petition from Little Bay Islands to have their day in court, to have the opportunity of having their petition presented in the House, which is the sacred right, Mr. Speaker, of everybody in this Province. And no member of this House should be sitting on petitions and I have done my part to see he does not do that.

MR. SPEAKER: (Mr. Ottenheimer) Order, please! Order, please! The hon. gentleman has made a submission with respect to petitions. I would like to reserve a decision on this matter, but, obviously, this is something current so what I shall do is adjourn for no more than five minutes just to review the arguments and a couple of matters which I wish to check myself. I will adjourn for five minutes.

MR. SPEAKER (MR. OTTENHEIMER): Order, please!

The point of order brought up was whether the petition was in order with respect to having the required signatures on the front page. Many signatures are in fact what appears to me to be a photostatic copy. There are, however, on the first page what I understand to be four original signatures, the hon. gentleman has assured me there are four original signatures, so that would in my opinion bring it within the requirement of original signatures.

I will just point out to hon. members, without going through it again, the decision of the Chair March 9, 1978 where the whole question of petitions was dealt with in some detail pointing out what the requirements of Standing Orders are and where applicable the strictures of Beauchesne are with respect to petitions, and a certain format, not the need for any specific wording but a certain general framework which is necessary. And all I can do is point that out to hon. members again. The Chair does not see petitions presented and tabled, and the whole process is over before the Chair sees them. If hon. members are in doubt with respect to format, what I could suggest is that they would check with the officers of the Table. However, on that specific point there are in fact four signatures on the first page.

The hon. Leader of the Opposition.

MR. W. N. ROWE: I do not know how much time I have left as a result of that intemperate outburst by the House Leader, but in a matter of a few seconds, Sir, let me merely state my support for this petition, a valid petition which has been presented to this hon. House, and apparently the Premier and the Minister of Justice/ the Minister of Education (Mr. Hickman) in this case have sat on for over a month and have not referred to this hon. House for any discussion whatsoever.

Let me conclude, Sir, by saying that the school, Sir, is a school which should be abandoned and a new school built for

Mr. W. N. Rowe: those students, those pupils, students in Little Bay Island, Sir, giving them the ordinary amenities which all students have come to expect, gymnasium, laboratory, and other amenities, Sir, which are conducive to good educational quality in this Province today. I saw desks, Mr. Speaker, as I mentioned before, in a corridor. There is a room there which, for the want of a better word, you could perhaps call a lab; it has a couple of sinks in it with desks crammed up right underneath all the equipment and so on, a couple of toilets for well over one hundred students, and I understand from talking to the principal, and in some cases, Sir, that is hopelessly inadequate with the male students having to

MR. W. ROWE:

go outside to answer the call of nature. Sir, a disgrace in this day and age, Sir, and I support this petition wholeheartedly, one hundred per cent and I do hope that the government will give enough money to the DECs this year to enable them to get rid off this kind of school and make sure that our students, no matter where they are, can have adequate educational facilities.

MR. NEARY:

Mr. Speaker.

MR. SPEAKER: (Mr. Ottenheimer)

Hon. member for LaPoile.

MR. NEARY:

Mr. Speaker, I want to

join with my colleagues in supporting the prayer of this petition for a new school, Sir, for Little Bay Islands. In supporting the petition, Mr. Speaker, I want to congratulate all those people responsible for circulating the petition and the way they went about their business. This is one of the very important democratic processes that we have left in this Province, Mr. Speaker, and the people went about it in a quiet way. They had the signatures applied to the petition, they brought it to their member, who in this case happens to be the hon. the Premier, to have it presented to the House about a month ago. And failing that, in their frustration they then went to the Minister of Education (Mr. Hickman) with the petition about a month ago, and we have not seen hide or hair of the petition since until my hon. colleague presented the petition in the House of Assembly today. I want to congratulate all those people for the wonderful way, Sir, that they have gone about this. They are to receive the praise of all members of this hon. House. The people of Little Bay Islands, Sir, apparently are very good at circulating petitions. This is the fourth petition, I believe, that we have had in this hon. House in the last year or year and a half in connection with problems in Little Bay Islands. The other petitions, Your Honour will remember, had to do with the causeway. Two were presented in connection with a causeway from Long Island and there was another petition - I just forget what it was now, but this is the fourth one to my recollection that we have had in this House in the last year.



MR. NEARY: and a half. So the people down there, Sir, are getting kind of fed up, I imagine, they are getting kind of frustrated with the inaction on the part of the government and the member for the district. The member was quick, Sir, to come to the rescue of Mr. Weir, one of the first decisions made by this Cabinet when the hon. gentleman took over.

MR. SPEAKER: (Mr. Ottenheimer) Order, please!  
I must point out to the hon. gentleman that he is now getting off the subject matter of the petition and he is also getting into debate.

MR. NEARY: Mr. Speaker, I would not want to do that, Sir, and violate the rules of the House. But it is too bad, Sir, that the government would not be as quick to come to the rescue of the school children and the parents in the community of Little Bay Islands as swift as the hon. gentleman made other decisions in connection with that community. I could hardly believe what I was hearing, Sir, when I heard my hon. colleague describe that school. I could hardly believe it in this day and age in Newfoundland when we are suppose to have the just society. And here we have - I know I am not allowed to debate, Sir, before the House, the last session before the House, this session, all kinds of examples of extravagance and waste. Money that should be funneled into education. If we only had, Mr. Speaker, what was squandered and wasted and ripped-off Labrador Linerboard -

MR. SPEAKER: Order, please! I think the hon. gentleman must be aware that he is getting into areas not directly concerned with the petition and also getting into debate.

MR. NEARY: So, Mr. Speaker, I have no hesitation at all in supporting the prayer of the petition, Sir, and when we get to the estimates, when we get to the Budget -

MR. NEARY: if we ever do; if we do not have a general election before the budget is brought down - but if we ever get to the budget then I will have an opportunity to tell the government, to tell the Minister of Education, to tell the member for the district, the hon. the Premier, where they can get the money to pass on to the school board to get that new school built in Little Bay Islands and give these little children, take them in out of the middle of the Winter when they are forced to go outdoors to an outdoor privy in this day and age, put all the modern facilities in that school in Little Bay Islands.

MR. W. ROWE: Not even as good as that.

MR. NEARY: Not even as good as an outdoor privy my hon. friend says. I did not see it but I am shocked to hear it in this day and age and certainly, Sir, when I get the opportunity, if we ever have a budget in this House, and I guarantee you that I will not be very backward, Sir, in telling the government where they can get the money to pass on to the school boards and build this school in Little Bay Islands. And I am all for the people down there, Sir. God bless them, I would say. They are fighting for their democratic right. They are fighting for something that every other community in this Province takes for granted. And I wish them the best of luck, Sir, and again I want to congratulate them on the way they went about circulating this petition and having it presented here in the House of Assembly, which, as the hon. Mr. Smallwood used to remind us so often, Sir, is the people's House. And that is what the House is for, to air problems like the people have down in Little Bay Islands.

MR. SPEAKER (Ottenheimer): The hon. member for Port au Port.

MR. HODDER: Mr. Speaker, I too would like to support the petition presented by the member for Burgeo - Bay d'Espoir. I have never visited Little Bay Islands but I am aware of schools in the Province

MR. HODDER: similar to the one which I have heard described here today and which I saw on television last night.

Mr. Speaker, there cannot be too many schools of this nature left in the Province. I often wonder, Mr. Speaker, why it is in this Province that in some areas so many have so much and in other areas people have so little, and I think that applies for schools as well. Why it is in some areas of this Province we have modern schools, the very latest, some of them funded by the federal government, and in other areas we have schools which are not fit for students to be in, much less to try to learn in?

Mr. Speaker, I feel that, as I said before, that there cannot be too many more schools in the Province like this one and I think perhaps that the Department of Education in this government, as well as the Denominational Education Committee, should perhaps take a look at the schools in this Province and perhaps in the future try to eradicate this in order to bring the school systems right across the Province up to a certain standard. Because, Mr. Speaker, I would say that perhaps some of those small areas have the potential of educating Newfoundlanders, or I should say that those small areas have the potential of educating Newfoundlanders to just as high positions as the larger schools in this Province and the students from small areas should not be discriminated against because of the facilities they have. And I would suggest, Mr. Speaker, that this government look at once and for all, making sure that there are proper educational institutions throughout all parts of this Province.

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

MR. F. ROWE: Mr. Speaker, I would like to support the prayer of the petition presented by my colleague, the member for LaPoile (Mr. Neary) on behalf of 120 students and all the adults of Little Bay Islands. Sir, I think it was last night on the Here And Now programme that there was a documentary on that particular school. It was either last night or the night before. And Sir, I could not believe that

MR. F. ROWE: such a disgraceful situation still exists with respect to the process of education in this Province today in this day and age.

MR. NEARY: No wonder they kicked him out of Education.

MR. HOUSE: They must have a terrible board down there.

MR. NEARY: No wonder they kicked you out.

MR. F. ROWE: One hon. minister opposite, Sir, is blaming it

MR. F. ROWE: on the board. Now we all know, Sir, that the denominational committees receive their money -

AN HON. MEMBER: (Inaudible).

MR. F. ROWE: - I would like to hear the minister get up and support this petition.

Everybody here knows, Sir, that the denominational committees do get their money from this administration.

MR. W. N. ROWE: That is right.

MR. F. ROWE: And I think this is a case in point, particularly where we have the Premier of the Province representing that particular district, where we have a special case. We have 120 students, Sir, in an all grade school, kindergarten to Grade XI, crammed into four classrooms. So that means, Sir, an average of three different classes per room almost, with all the different subjects that have to be taught. So in one classroom, Sir, we must have three or four different grades with all the different subjects being taught at one time in any one period of time - an unbelievable situation, Sir, with forty or fifty students piled into these classrooms. Sir, last night when I was listening to this programme and listening to the students being interviewed, Sir, it would make goose pimples run up your back to hear students say, 'Here we are, we do not have the same chance of getting into the vocational schools, we do not have the same chance of getting into the College of Trades and Technology, we do not have the same chance to get into the Fisheries College, nor do we have the same chance of getting into Memorial University as some of our students down the road or in other close by communities.' Sir, we had a parent being interviewed who had gone to that school, had left the Province and had returned to Little Bay Islands, and he said that the school is in worse shape now than when he attended it some six or eight years ago. Sir, an absolutely incredible situation. And to add insult to injury, Sir, these parents of these school children have to turn around and pay the school tax. Now, there is the so-called fairness, there is the gross inequity of the school tax system in this Province, when these parents of these school children have to pay the

MR. F. ROWE: same school taxes as people in other communities who have much better facilities. One young student, Sir, admitted - talk about an outdoor toilet, they do not even have that, I understand, they go out behind the building - go out behind the building when the water runs low and when it starts to freeze up. Now, Sir, I am astounded over the fact that the member representing the district has sat on this for one month. I hope he sees fit to get up and support this petition today. And again, as did my colleague from LaPoile (Mr. Neary), I would like to congratulate the people for the way that they have gone about trying to get this petition before the floor of the House of Assembly; and they had to resort to a member in Opposition to have their needs brought to the floor of the House, and also they had to resort to the C.B.C. on a Here and Now programme so that the whole of the Province could see their plight.

MR. W. N. ROWE: Then they tried to cut it off.

MR. F. ROWE: And then they tried to cut off the support of this most important petition.

Sir, I urge the hon. the Premier to use all the power that he has to try to influence the D.E.C.s to do something about this school. And one hon. minister opposite, the former Minister of Education (Mr. House), if I heard him correctly -

MR. STRACHAN: Oh, yes.

MR. F. ROWE: - talked about a bad school board, blamed it on the school board. I think the hon. minister, Sir, owes that school board an apology before the floor of this House today.

SOME HON. MEMBERS: Hear, hear!

MR. STRACHAN: We are talking about the Premier's constituents.

MR. F. B. ROWE: Sir, I give this petition my wholehearted support.

SOME HON. MEMBERS: Hear, hear!

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

MR. CANNING:

Mr. Speaker, I rise to support this petition, give my full support to the democratic right of these people, their democratic right to education. It is their only channel by which they can approach the House as a whole, both sides of the House. I support it; I respect the petition. I would not dare to try to block it. I would not dare sneer or jeer while anybody is speaking in support of it -

AN HON. MEMBER:

Hear, hear!

MR. CANNING:

- because the people are taking advantage of the democratic right that they have, that

MR. P. CANNING: millions of young people in my generation died to perserve.

SOME HON. MEMBERS: Hear, hear!

MR. P. CANNING: Mr. Speaker, I do not think, I do not imagine there is any House of Assembly in all of Canada where a petition is not received with respect. And I am certain there would be no politicians across Canada stupid-enough to try to block petitions - calling points of order not points of order. And I am sure Mr. Speaker, that when you were Leader of the Opposition in this House when petitions were presented, I am sure you cannot remember any case where a member of the government got up to oppose a petition of the people. I am sure that you never saw, or never heard a member in the House at that time sneering or jeering or interrupting a petition, it received respect. It is the cry of the people, their democratic right and if I were to try to block this, jeer at it, sneer at it or interrupt anybody begging for this great need, this disgraceful situation that is down there, if I were to do that I would not be a fit member to be representing people in this House.

SOME HON. MEMBERS: Hear, hear!

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

MR. SPEAKER(MR. OTTENHEIMER): The hon. Minister of Health.

MR. HOUSE: Mr. Speaker, a couple of days ago the member for Burgeo - Bay d'Espoir (Mr. Simmons) posed a question regarding a report done in Ontario that indicated excessive doses of radiation and the fact that it may be causing a lot of damage. I think it was indicated in that report that perhaps in that Province there is as many as twenty cases of leukemia per year attributed to the fact of faulty x-ray equipment. He asked the question, what kind of controls do we have over this kind of situation in the Province and how our system of x-rays are monitoring



MR. HOUSE: First of all I would say that the officials of the department are investigating that particular report because it is making a serious statement there. The statement I think was made in the newspaper. Now with regard to the newspaper over the weekend, and it was on television besides that, the department and its agencies have two radiology physicists working full-time at monitoring and installing these machines. And of course they do this in conjunction with the controls that are exercised by the standard set down in the construction of the units so that is a continuous job. And they monitor these periodically afterwards. Also, there is almost constant monitoring of the radiotherapy units and there are two of these I think in the Province and they are monitored almost continuously. Secondly, all x-ray technicians and assistants or anybody else working in x-ray laboratories carry a monitoring device and of course, this accumulates any radiation leakage and that is sent to the Atomic Energy Commission every three months and recorded. If there is any leakage, of course, that is sent back.

I just want to point out that these are the controls and the other thing, the report that was done in Ontario, is being investigated.

#### ORAL QUESTIONS

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

MR. W.N. ROWE: Mr. Speaker, some days ago I directed a number of questions to the hon. the President of the Treasury Board (Mr. N. Windsor) regarding what appears to be a serious labour problem generally in the Province with regard to negotiations between public employees, quasi public employees and the government represented by the Treasury Board. I was under the impression that the hon. minister was going to come in with some kind of a report but he has not to date.

MR. W.N. ROWE: Let me direct a few questions to the Minister of Labour and Manpower (Mr. Dinn) who in any event, Sir, is perhaps the proper one to do so because he is supposed to be an objective person in these disputes whereas the Treasury Board President is, in fact, an interested party. Would the Minister of Labour indicate to the House now, what are the outstanding points of difference between treasury board and the Nurse's Union which threaten to put the nurses on strike?

MR. SPEAKER (MR. OTTENHEIMER) The hon. Minister of Labour and Manpower.

MR. DINN: Yes, Mr. Speaker, I am delighted the hon. Leader of the Opposition asked me a question on the nurses' dispute. I have no intention, of course, of telling the hon. Leader of the Opposition what points are outstanding. I think that that is a part of the ongoing process of negotiation. We did set up a conciliation officer, the conciliation officer could not resolve the situation. The Conciliation Board was then set up. The Conciliation Board reported. I received from the negotiator on behalf of Treasury Board that they had accepted the Conciliation Board's report. The nurses indicated that they rejected it. They had several points that were outstanding. And as I understand it they are back at the table today discussing the outstanding points. So that is where that particular negotiation sits as of this point in time.

MR. W. N. ROWE: A supplementary question.

MR. SPEAKER: A supplementary.

MR. W. N. ROWE: Have all remedies now been, have all procedures, I should say, now been exhausted? Do the nurses have a right now by vote to go on strike? And if so, what is the time frame we are talking about?

MR. SPEAKER: The hon. Minister of Labour and Manpower.

MR. DINN: Yes, Mr. Speaker, as the hon. the Leader of the Opposition would know, these negotiations are ongoing under the Newfoundland Teachers' Association Collective Bargaining Act, and under that Act when the Conciliation Board reports both parties have an obligation to notify the minister as to whether they have accepted or rejected. Both parties have done that now, one side has accepted the Conciliation Board's report, the other side has not. And as I understand it, subject to reading the particular section in the Act, they have seven days within which or after which strike action can take place.

MR. W. N. ROWE: Sir, the minister -

MR. DINN: Oh I am sorry.

MR. W. N. ROWE: - the minister inadvertently referred to the teachers. Well on the question of -

MR. SPEAKER (MR. OTTENHEIMER): A supplementary?

MR. W. N. ROWE: - A supplementary, Mr. Speaker. On the question of the teachers, without getting into the points of difference, the minister is reluctant to disclose that perhaps for a good reason, it may affect negotiations, what is the situation with regard to the teachers negotiations? Now what state have they reached? And what procedure has now been reached, you know? And what is the present status of the negotiations? Do the teachers have the right to go on strike at this point? And if not, what are the further stages they have to go through?

MR. SPEAKER: The hon. minister.

MR. N. WINDSOR: Mr. Speaker, perhaps I should answer that on behalf of my colleague. There was a Conciliation Board report on the teachers' negotiations. The school boards and government have both accepted the report. However, there was a minority report on behalf of the representatives on the Board from the Teachers' Association, and the teachers have rejected the proposal, government's proposal. And further meetings have been held. In fact, there was a meeting held this morning with the negotiating team from Treasury Board and the Teachers' Union, and further meetings will be held in the next few days.

MR. W. N. ROWE: Would it be correct to assume, Sir, a Conciliation Board report having been received - has the minister received any notification from the representatives of the teachers regarding any possible strike action at this point in time?

MR. SPEAKER: The hon. minister.

MR. N. WINDSOR: No, Mr. Speaker, the negotiations are still ongoing. As I said there were discussions this morning and counter-

Mr. N. Windsor: proposals have been given from both sides, and, you know, there is no indication of a strike at the moment. Although having received the Conciliation Board report the teachers could take a strike vote, but there is no indication of that yet.

MR. W. N. ROWE: Mr. Speaker, a further supplementary, if Your Honour will permit?

MR. SPEAKER (MR OTTENHEIMER): A supplementary.

MR. W. N. ROWE: What is the status with regard to the Police Brotherhood? Now, of course, we know that they are not permitted under the law to go on strike, and that there is a binding arbitration, but what stage have they reached in their negotiations with Treasury Board? And what further processes are anticipated by the government with respect to the police?

MR. SPEAKER: The hon. minister.

MR. N. WINDSOR: Yes, Mr. Speaker, again negotiations are ongoing. In fact, we had a call from the Brotherhood this morning asking for further meetings, and further meetings will be held. I think it is this week or early next week, Tuesday. Today, I am sorry, this afternoon, tonight there will be meetings with the police and Treasury Board. Negotiations are ongoing as I pointed out.

MR. W. N. ROWE: A further supplementary, Sir.

MR. SPEAKER: A supplementary.

MR. W. N. ROWE: Has the minister received any notification from the Police Brotherhood with regard to the possibility of an arbitration board being set up at this point in time?

MR. SPEAKER: (Mr. Ottenheimer)

The hon. minister.

MR. N. WINDSOR:

No, Mr. Speaker. They

are in a position to ask for it at this point in time but they have not requested it yet.

MR. W. ROWE:

And the Minister of

Labour (Mr. Dinn) really, I suppose, would be the one.

MR. N. WINDSOR:

Yes.

MR. W. ROWE:

So finally, there are

others matters on the go, but a final supplementary with regard to the teachers at our technical training institutions. What is the status with regard to negotiations between their representatives and the government at the present time?

MR. N. WINDSOR:

You are talking

about vocational schools and trades instructors, these people? Those negotiations again are ongoing. There is no stand-off at this point in time. Further meetings are scheduled but there does not seem to be any great urgency to these. These people are meeting a week or two weeks from now.

MR. W. ROWE:

A final, Sir, just

out of this question.

MR. SPEAKER: (Mr. Ottenheimer)

Leader of the

Opposition.

MR. W. ROWE:

Have they also

reached the point where, by notification to the Minister of Labour (Mr. Dinn) they can - by appropriate votes, of course, and notification to the Minister of Labour, they can go on strike?

MR. SPEAKER:

The hon. minister.

MR. N. WINDSOR:

They could take

a strike vote. They have not at this point in time. They have had a conciliation officer. They did not have a board. As I said negotiations are still ongoing and they could take a strike vote sometime in the future but there is no indication at this point in time.

MR. NEARY:

Mr. Speaker.

MR. SPEAKER: (Mr. Ottenheimer)

The hon. member for LaPoile followed by the hon. gentleman for Bellevue.

MR. NEARY:

Mr. Speaker, I have a couple of questions for the former president of the Labrador Linerboard, the present Minister of Mines and Energy (Mr. Doody) but I do not see him in his seat so I will direct my question to the hon. the Premier who should be familiar with this situation. Will the hon. the Premier inform the House if the outstanding matter, I believe a lawsuit, or at least a threatened lawsuit between a company called Schurfeld and Company in Hamburg, Germany, a company that was involved in marketing Labrador Linerboard when the government was mismanaging that operation, if the outstanding matter with that company has been settled to the mutual satisfaction of both the government and this company in Hamburg, Germany? And what did they do to justify their agreement with the Labrador Linerboard, with the Newfoundland government?

MR. SPEAKER:

The hon. Premier.

PREMIER PECKFORD:

Mr. Speaker, I do not know the answer to that question. I will undertake to get it as soon as possible for the hon. member.

MR. NEARY:

A supplementary question then, Mr. Speaker.

MR. SPEAKER:

A supplementary.

MR. NEARY:

Mr. Speaker, I gave notice to the hon. gentleman yesterday, the former president of the Labrador Linerboard to get me the answer to these questions today. I also would appreciate it if the hon. gentleman would undertake to find out that when Messrs. Crosbie and Kraft went on a tour of the markets of Labrador Linerboard back in 1974 or 1975, if Labrador Linerboard paid for a side trip for Messrs. Kraft and Crosbie to view the Grand Prix in Monte Carlo, the running of the Monte Carlo Grand Prix, if Labrador Linerboard paid the bill?

MR. MORGAN: Another attack on Mr. Crosbie.

MR. NEARY: Mr. Speaker, this is a very serious matter, Sir, we are talking about Labrador Linerboard's graft and corruption.

MR. SPEAKER: (Mr. Ottenheimer) Order, please!

MR. NEARY: That is what we are talking about in Labrador Linerboard and we have not been able to get the annual reports of Labrador Linerboard in this House.

MR. SPEAKER: Order, please! I point out to the hon. gentleman to my left and the hon. gentleman asking a question to my right not to enter into debate with one another and the hon. gentleman to my right to complete his question.

MR. NEARY: I want the hon. gentleman to check reports, Sir, that I have, that this trip was paid for either directly or indirectly by Labrador Linerboard and a yacht chartered to leave to , to anchor offshore so that Mr. Crosbie could get a good view of the running off that race. Would the hon. gentleman check that out to see if Labrador Linerboard paid that bill either directly or indirectly?

MR. SPEAKER: The hon. Premier.

PREMIER PECKFORD: It sounds like Cleopatra coming down the Nile, Mr. Speaker.

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

MR. SPEAKER: A supplementary.

MR. NEARY: Could the hon. gentleman tell the House what action has been taken as a result of a letter that I wrote the Minister of Justice (Mr. Hickman) several months ago in connection with a deal of a dubious nature between Stirling International, Labrador Linerboard, International Forest Products and an offshore company called Egret in Bermuda? What action has been taken so far in that investigation, if indeed there is an investigation ongoing?

MR. SPEAKER: The hon. Premier.



PREMIER PECKFORD:

Mr. Speaker, I will

undertake to get that information.

MR. NEARY:

Mr. Speaker.

MR. SPEAKER: (Mr. Ottenheimer)

A supplementary.

MR. NEARY:

Would the hon. gentleman

be able to tell the House, Sir, what action so far has been taken in connection with another RCMP investigation in connection with Labrador Linerboard? Is that investigation yet complete? Has a report been made to the government and if so what action has been taken on that police report?

MR. SPEAKER:

The hon. Premier.

PREMIER PECKFORD:

Mr. Speaker, I will

undertake to get a status report on that investigation.

MR. NEARY:

A final supplementary,

Mr. Speaker.

MR. SPEAKER:

A final supplementary.

MR. S. NEARY: Mr. Speaker, so far the Government, the Minister of Justice, the Attorney General and the Minister of Finance (Mr. T.A. Hickman), who was then the Attorney General and the Minister of Justice, refused to give this House the annual reports of Labrador Linerboard from 1973 up to the time it closed. Would the hon. gentleman be prepared to table the annual reports of Labrador Linerboard in this hon. House?

MR. SPEAKER: (Ottenheimer) The hon. Premier.

PREMIER PECKFORD: I will take that under advisement.

Mr. Speaker.

MR. S. NEARY: When can I expect to get the answers,

Mr. Speaker?

PREMIER PECKFORD: As soon as possible, Mr. Speaker.

MR. SPEAKER: Hon. member for Bellevue.

MR. W. CALLAN: Mr. Speaker, I have a question for the Minister of Tourism (Mr. C. Power). Is the minister aware of any cutting of firewood in any provincial park in the Province?

I think we both agree that the cutting of firewood is not permitted in provincial parks. Is the minister aware of cutting of firewood in any provincial park?

MR. SPEAKER: Hon. Minister of Tourism.

MR. C. POWER: No, Mr. Speaker, I am not aware of any cutting within the provincial parks and, obviously, if I was we would do everything we could to stop it. I am aware, in connection with the Minister of Forests (Mr. J. Morgan), that there is a fantastic demand, with the use of these new wood burning stoves in the last four or five years, that the demand for wood for firewood is getting to be unbelievable around the Province. I notice in many parts of the Avalon that I travel through that there are many side roads owned by Light and Power, woods roads of different types which are all getting cut up almost immediately as you

MR. C. POWER: get out of sight of the main highway.

In talking with the Minister of Forests (Mr. J. Morgan) we are extremely concerned in trying to find some way to control that problem. I would, certainly, welcome any information that the member has if there are any specific incidents of trees being cut within any of our provincial parks.

MR. W. CALLAN: Supplementary, Mr. Speaker.

MR. SPEAKER: (Ottenheimer) Supplementary, hon. member for Bellevue.

MR. W. CALLAN: Mr. Speaker, about two years ago, I think, I rose in this House on behalf of the people of Swift Current to ask that the Piper's Hole Park at Swift Current, which was then operated or built, I suppose is as good a word as any, by the Lion's Club at Swift Current, the Lion's Club that had folded and therefore wanted to get rid of this park, or wanted something done with it and I think, as I understood it, approximately two years ago the Piper's Hole Park at Swift Current was taken over as a provincial park. Now, may I ask the minister, what is the status of the Piper's Hole Park at Swift Current? Is the minister aware of the fact or can he tell me whether or not it is classified as a provincial park and if it is, then why has there been no chain fence placed across that park so that, like all other provincial parks in the Province that I know of, some that I have worked in during my student days, where a chain is put across and of course people can not get in there in the off season to cut firewood? It is plain to everybody that it is a provincial park and therefore the cutting of firewood is not permitted as has been happening during this past Winter, by the way, at Piper's Hole. So what is the status of that park, let me ask the minister that?

MR. SPEAKER: Hon. Minister of Tourism.

MR. C. POWER: Mr. Speaker, I will have to take the first part of that question under notice, and to the exact status of the specific Piper's Hole Park because I am honestly not familiar with that park itself as to whether it is under our domain or not. I know that we have, as a Department of Tourism in charge of parks, a fantastic demand by everyone who has now got a municipal park built under Canada Works applications or any of those types of things, the municipal and small local parks that we have. Every day we are getting requests from those municipal governments or recreation committees who have built a small park for us, as a Government, to take them over and run them. Obviously, many of them are outside the scope of what we consider to be adequate for a provincial park and we are, in many cases, refusing to take over responsibility for those parks. I will certainly bring back an answer to the member tomorrow on the Piper's Hole Park at Swift Current.

MR. W. CALLAN: Supplementary, Mr. Speaker.

MR. SPEAKER: (Ottenheimer) Supplementary, hon. member for Bellevue.

MR. W. CALLAN Mr. Speaker, the Provincial Government does have, at least, one employee there and has had one employee in that area, in that park in the last couple of years so whether or not that is assuming responsibility or whether that makes a provincial park is a good question that I am sure the minister will bring back an answer for tomorrow.

Let me ask the minister another question in connection with provincial parks generally. We know, of course, that this weekend will be the first weekend that some provincial parks will be open for tourists, local campers and so on. Let me ask the minister, does the minister - his department - intend to spend - how much money does the department intend to spend this year on the upgrading of existing provincial parks?

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MR. W. CALLAN:

I am thinking, for example, of the provision in some of these parks of little canteens, for want of a better word, as they have, for example, in the national parks. A place where you can go and buy some items rather than going five or ten miles to buy at

MR. CALLAN: some local community or service station.

Does the minister's department intend to introduce that into provincial parks?

MR. SPEAKER (Ottenheimer): The hon. Minister of Tourism.

MR. POWER: Mr. Speaker, on the problem of provincial parks, that is actually a two part question; one is on upgrading and, obviously, we have asked in the budget procedure to have a fairly large amount of money to upgrade our parks. There is a fantastic demand for new camp sites. As a department we have sort of established our priorities by saying this year, when money is made available to us because of this fantastic demand for camp sites, that we are going to try and expand our parks wherever possible to get more persons to come in. With the business of allowing canteens, we have many requests from private operators to allow canteens, laundry type facilities, and many other facilities within our parks. At this stage in the game, where our parks are developed to a certain level of service, where we do not have these fantastic washroom and shower facilities, laundry facilities and canteen services, right now we are saying that, at least for the time being, we do not wish private business people to come into our parks and run canteen type services. We do this for two reasons; one is that we are afraid that as soon as you allow that into the park then you may get like brewers retail agents and that type of thing trying to get into our parks which would change significantly the scope of what we think our parks should be doing. Also, by having a provincial park in an area it should add significantly to the private enterprise in that given area, and this is one of the reasons that we have not allowed it in the park because we have many store operators, service station operators and that type of thing who make a good living during our Summer months from the travel to and from our provincial parks and at this stage in the game we do not think it would be fair, actually, to sort of take that great amount of business away from our private business people because we think they would do it much better than we can and that is the direction we intend to go in.

MR. CALLAN: Supplementary, Mr. Speaker.

MR. SPEAKER: (Mr. Ottenheimer) Supplementary.

MR. CALLAN: Mr. Speaker, I cannot quite see the logic in what the minister said there about bringing in canteens and then that opening up things to brewers retails. I mean, obviously, in the National Park, you know, they have canteens and there is no brewers retail there. They are two separate things altogether so why one should automatically follow the other I cannot follow. But let me ask the minister a question. Does the minister not agree - for example, on this weekend I know dozens of my friends who do not intend to use provincial parks, they intend to go around and use the various gravel pits which are all along our highway and the reason for it seems simple and logical, that there is nothing in the provincial parks that would attract people or entice people to go there anymore than they would want to go to a gravel pit. So obviously there is a need for the improving of these parks. Would the minister not agree with that?

MR. SPEAKER: Hon. minister.

MR. POWER: Mr. Speaker, I am almost surprised at my good friend who is a very constant visitor to our provincial parks and our federal parks having met him there on a couple of occasions, that he could say that there are certain things, that our parks in certain cases are no better than a gravel pit because I know that that is not really true. We have a fantastic demand on our parks and really, in many cases, the persons who go to gravel pits go there because the parks are not simply sufficient to carry the number of people who would like to get in them. It is certainly not a case of choosing a gravel pit because they just do not want to go to a provincial park, usually it is because they cannot get in because the parks are overcrowded because the demand is so great. Certainly in our provincial parks we have many things which gravel pits do not have. We have the services of park officers, we have fire provisions, we have campsites which allow a certain amount of privacy. Our provincial park program is probably one of the very best in the country and I think that if you go to any provincial park on our weekends, starting from this weekend, you will

MR. POWER: the vast majority of them filled to capacity which says that the general public is certainly in favour of the park sites themselves and it is unfortunate that we just have not had a sufficient amount of dollars in Newfoundland to develop enough campsites for everyone. Considering the amount of campers that have been sold in St. John's and the Avalon Peninsula and in Newfoundland over the last twelve months or couple of years even, it would be almost impossible for government to have enough campsites to satisfy the fantastic demand that is there. As a department we are working on it every year. We are nibbling away at it and certainly satisfying that demand to a certain degree anyway. But certainly, I think, our provincial parks, it would be an injustice to say that they have no more to offer than a gravel pit.

MR. SPEAKER: (Mr. Ottenheimer) Hon. member for Port au Port followed by the hon. member from Terra Nova.

MR. HODDER: Mr. Speaker, a question for the Premier in the absence of the Minister of Justice (Mr. Hickman), if the Premier is listening. Mr. Speaker, I understood from a news report over the weekend that there was an RCMP investigation into the breweries across Canada, particularly in the province of Prince Edward Island, concerning some kickbacks. Is the Premier aware that this investigation will be brought into this Province or that they will be coming into this Province?



MR. SPEAKER: (Mr. Ottenheimer) The hon. the Premier.

PREMIER PECKFORD: No, I do not know anything about it, Mr. Speaker. I do not know what the hon. gentleman is talking about. I have not been reading the papers on that. The question that the hon. member asks is that there is an RCMP investigation in certain provinces of Canada -

MR. HODDER: Yes.

PREMIER PECKFORD: - of breweries? Is that what the hon. gentleman said?

MR. HODDER: Yes, and kickbacks.

PREMIER PECKFORD: And kickbacks relating to government, you mean?

MR. HODDER: Yes.

PREMIER PECKFORD: I am not familiar with those matters, Mr. Speaker.

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

MR. SPEAKER: A supplementary, the hon. the member for LaPoile.

MR. NEARY: Is the hon. the Premier aware that his colleague, the Minister of Justice (Mr. Hickman) is checking into an investigation on breweries in this Province to see if there is an investigation going on? Is the hon. gentleman aware of that? According to an article in the newspaper a couple of days ago headed, "Justice Department Is Checking On Investigation Of Breweries", has he not advised the hon. gentleman that he is looking into this?

PREMIER PECKFORD: Mr. Speaker, I trust that the Minister of Justice and the other people responsible for the enforcement of justice in this Province conduct their affairs and their obligations and responsibilities - they do not necessarily every time something like this starts, consult with me, and I hope that they do not feel that they have to, that they would proceed under their act to do what their obligations are. And I was not aware of and I had not read that particular article, but no doubt they are discharging their responsibilities and obligations as dictated to them by this hon. House through an Act of the House.

MR. NEARY: Mr. Speaker, a supplementary.

MR. SPEAKER: (Mr. Ottenheimer) A supplementary.

MR. NEARY: Could the hon. gentleman tell us if he would undertake to get the information for the House and let us have the information tomorrow whether or not the investigation that is going on in other provinces of Canada has extended into Newfoundland, if, indeed, the system of distributing booze in this Province is corrupt - if it is, and I do not know whether it is or not - apparently it was triggered in the Province of Quebec - and if there are any kickbacks in this Province or anybody is pushing certain brands of booze and liquor and wines in this Province?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: I will seek to find out if the information is available on it. Apparently, it has already been announced, in any case, by the Minister of Justice (Mr. Hickman). So if the investigation is ongoing -

MR. NEARY: Well, we want to know if it is true.

PREMIER PECKFORD: Well, I guess -

MR. NEARY: The minister said he did not know, he was going to check to see -

PREMIER PECKFORD: Well, I guess the minister is checking it out. As soon as the minister is in his place, I am sure he will follow through on that, no problem.

MR. NEARY: Mr. Speaker.

MR. SPEAKER: A final supplementary.

MR. NEARY: Mr. Speaker, I just want to ask the hon. gentleman if the hon. the Minister of Justice will be back in his seat tomorrow?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: I do not know. I will have to check this afternoon and see if the Minister of Justice will be back in his seat tomorrow. I am just back from the West Coast doing some campaigning -

MR. NEARY: Out with 'Joe', yes.

PREMIER PECKFORD: - with the new Prime Minister of Canada after May 22nd.

MR. NEARY: I hope you saw the debate the night before last.

PREMIER PECKFORD: And I hope that the hon. member will join with me after May 22nd to hail a fresh, new breeze into this country.

MR. NEARY: He brushed you off, said no fishery. You are not getting the fishery - negotiate the offshore resources. He has completely changed his mind. Flip flop 'Joe', he changed his mind.

PREMIER PECKFORD: Because of my excitement over the new Prime Minister, I have not had an opportunity today to see who will be in attendance in the House tomorrow, but between now and tomorrow I shall ascertain the attendance for tomorrow and I shall then inform the hon. member if the Minister of Justice (Mr. Hickman) will be around.

MR. SPEAKER: (Mr. Ottenheimer) The hon. the member for Terra Nova.

MR. LUSH: Mr. Speaker, I want to direct a question to the hon. the Minister of Labour and Manpower (Mr. Dinn). I was not all that attentive when my friend and colleague, the Leader of the Opposition, was directing questions to him about the labour situation in the Province, and if he has directed the question then I will look to Hansard for it. But the question that I would like answered, Mr. Speaker, is if the minister can explain why this excessive delay in negotiating contracts within the Public Service. Mr. Speaker, one would not mind too much about a two or three months delay, but I think we have the teachers now who have been without a contract since August, we have the nurses who just negotiated the 1978 contract in January and are just beginning negotiations for their contract in 1979. So why the excessive delay in negotiating the contracts within the Public Service?

MR. SPEAKER: The hon. the Minister of Labour and Manpower.

MR. DINN: Mr. Speaker, I am not aware of any real excessive delay here. What happens here, Mr. Speaker, in the process of negotiating a new contract is that two parties sit down, the employer and the employee, and they negotiate, and they give a little and take a little and so on. And then they get to a point where they have several outstanding points and they generally then ask the Minister of Labour to set up a conciliation officer or a conciliation board when two parties are at

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MR. DINN: disagreement. Then we set up that conciliation officer and he goes through and he gets to a point where he solves some of the problems and he cannot solve several other of the problems. Then

MR. Dinn: they generally ask for a conciliation board to be set up, and the conciliation board goes through that process of sitting down with the parties and finding out both sides of the equation to see what they feel is the appropriate thing to do. And then the conciliation board goes off in a backroom somewhere and they make up a report and they submit a report, and then both sides sit down again. And in the case of the teachers they look at it and see if they agree with the conciliation board's report and the other side, Treasury Board or the school board's committee sits down and looks at the conciliation board's report and they find out if they agree with all the points that the conciliation board puts forth.

When they go through that process, Mr. Speaker, and only after they go through that process each side then says whether they accept or reject the conciliation board's report. And in the case of the Teachers' Association they notified me that they have not accepted. There are several points still outstanding. In the case of Treasury Board they have accepted. In the case of the school board committees they have accepted the conciliation board's report. So now we have two or three outstanding items that are left that people are not happy with, that they want to sit down and discuss more. If they did not want to sit down now -

MR. CALLAN: Go on, sit down, we know all of that.

MR. DINN: - having notified, having received the report -

AN HON. MEMBER: Sit down!

MR. DINN: Mr. Speaker, the hon. member does not want the answer to the question.

AN HON. MEMBER: Well, answer the question.

MR. DINN: Well this is -

MR. SPEAKER (MR. OTTENHEIMER): Order, please! Order, please!

MR. DINN: - the process they go through, and this is the process they always go through. And if they want to break off or if they want the conciliation board, if they reach an impasse early and

Mr. Dinn: and they want a conciliation board early, they will get a conciliation board, if they have reached an impasse. So, Mr. Speaker, that is what has happened. They have gone through the process. And that is what negotiation, that is what collective bargaining is all about. And we agree with that procedure.

And then they come in, and they say they have accepted or rejected, just to explain to the hon. member what these difficulties are, and they have one or two outstanding items. We then get the conciliation officer to go back and see if those one or two items can be resolved, if they are willing to sit down. If they are not willing to sit down then they have seven days from the point of notification of the minister in which to go on strike, having accepted or rejected. So this is the kind of thing that we go through in collective bargaining. It is the kind of thing that is accepted both by labour and by management. And they go through these processes. In the case of the Newfoundland Teachers' Association now under the Newfoundland teachers -

MR. SPEAKER (MR. OTTENHEIMER): Order, please!

It is always a question of judgment and timing but I will draw hon. members attention to Beauchesne, page 131, subsection (2) "Answers to Questions should be as brief as possible etc." And it is particularly that specific reference which I draw to the hon. minister's attention.

MR. DINN: Yes, thank you, Mr. Speaker. I was just trying to clarify for the hon. member opposite the reason why negotiations take so long, that we have to go through all these procedures.

MR. LUSH: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. LUSH: I can understand certainly, Sir, why it takes the negotiations so long particularly if the minister has anything to do with it, Sir. But, Sir, the nonsense of the statement from the minister that there are no excessively long negotiations! Here we are with the teachers into May now, the school year ending in June, just one month to go and they have no contract for this school year. And I illustrated earlier

MR. LUSH:

that the nurses went through all of 1978 without a contract, signed it in 1979. Now the question to the minister is, with these groups within the public service that take an excessively long time to get their contracts negotiated, is there any overlapping of negotiation? In other words, with the teachers now would there be any negotiating starting on their next contract which is voided, which is over at the end of August? Is there any of this going on?

MR. SPEAKER(Ottenheimer): The hon. minister.

MR. DINN: Mr. Speaker, there are, I believe, some forty-three or forty-four, I am not sure of the exact number, but some forty-three or forty-four ongoing negotiations with respect to labour and management going on in the Province right now. Whether we have four or three or two that overlap or not I am not 100 per cent sure but I will find out for the hon. member and present the information to him in the House tomorrow.

ORDERS OF THE DAY:

MR. SPEAKER: Order 27. The adjourned debate on Bill No. 33.

The hon. member for Terra Nova.

SOME HON. MEMBERS: Hear, hear!

MR. LUSH: Mr. Speaker, I rise to speak briefly in support of this bill, the Matrimonial Property Act. And I say that because

MR. LUSH: some of my colleagues might get a little uneasy by some of the points I am going to make and think that I am not supporting the bill. But, Mr. Speaker, I support the principle of this bill and think in general terms it is a good bill.

Mr. Speaker, the environment in which I grew up actually conditioned me and taught me to think nothing else but that women were equals with men and I say that because this is certainly a reason for this particular bill, that women were equal with men, Sir, in the institutions of my closest association, namely the church and the school. Then later when I became an educator, of course, women were regarded with equal rights in that profession. I taught with women, women who received the same pay as I did, doing the same job. I worked with women as principals. I worked with women as supervisors in education and, of course, in politics we work with a lady here. Mr. Speaker, on a personal basis, prior to getting into this job my wife was co-owner and equal owner of everything I own. The situation has changed drastically now. Since she supports me now, I can only stay in this game because of her salary, her assets have changed drastically and I would suggest she owns 90 per cent of it right now. But this bill protects me which gives me 50 per cent so I am glad for that bill and I am glad for this bill now in that respect.

Mr. Speaker, I do have some concerns about this bill, some questions, some philosophical concerns really about elements, about aspects of this particular bill, but I do want to emphasize the fact that to me many of the things in this particular bill are matters of common sense, the matters of matrimonial property rights and, as I have suggested before, other rights of women, equality and this sort of thing are matters of common sense to me. Once we start legislating matters of common sense, then I think we run into a tremendous difficulty of probably creating as many problems as we will solve. That is my concern in this particular bill, Mr. Speaker,



MR. LUSH: that we certainly created some problems in this particular bill and I want to express these concerns and these questions about certain aspects of the bill as I go along.

I am afraid, Mr. Speaker, that some of the aspects of the bill will indeed serve to erode the institution of marriage or the - I do not know whether we call it the institution of marriage or whether we call it the act of marriage but whatever - I think there are certain aspects in this bill that are going to erode the act of marriage. There are certain aspects to this bill which indeed would, I think, almost force one to look at marriage as a cold, callous, convenient business arrangement rather than a union brought about through affection and love and those various romantic things or whatever that bring too people together. So I think there are aspects of this bill that promote, as I have said, a kind of cold, callous, calculating business arrangement rather, Sir, than a union of the heart and a union of the mind and a union of the soul, and this is what marriage is. I think this bill would almost make it a union of finances, a union of dues if you will, by the kinds of things that are in it. But there are some strong points in the bill. I certainly agree with the aspects of the bill that do bring some sort of

MR. T. LUSH: protection and some sort of security to the partners in the marriage. I do agree with the points in the bill that are concerned with child care, Mr. Speaker, because so often in marriage break-ups the people that are the victims of the marriage break-up are the children. So I am glad for that aspect, I am glad that that is into the bill and giving children that are the victims of marriage break-up some security, protection and care. That is a strong point of the bill.

But there are other aspects to the bill, Mr. Speaker, that I am wondering whether we have gone too far. Now because we have always believed in the equality of women, it is not a matter that I have given a lot of thought to, so I am not able to say how this bill compares with that in other jurisdictions. I am told by some legal friends that this bill does go much further than bills affecting Matrimonial Property Acts in other jurisdictions but I cannot verify that because I have not done a great degree of study about that kind of legislation, about that kind of bill because as I said before it is not a matter that has really bothered me, it is not a matter that I found pressing.

But, Mr. Speaker, to the points of weakness in the bill or to the points that I believe are weak with respect to marriage, that could cause some trouble, the points that I think that would cause some concern among the people of this Province if they knew about them. Now, Mr. Speaker, this is another thing, I feel that there are a lot of people in this Province who do not know the full implications of this act today. There are many people throughout the Province who do not know the affect, maybe the serious affect that many of the aspects of this bill could have on their lives. And as legislators, I think it is incumbent upon us to make sure that the general public is aware of all of the things in this bill, things that could affect their lives. I think it is incumbent upon us to ensure, Mr. Speaker, that

MR. T. LUSH: these doubts, questions and opinions are entertained and that we include in this bill the kinds of things that will not discourage what I call the institution of marriage but the kinds of things that will encourage it and the kinds of things that will encourage the responsibilities and obligations between partners in the marriage.

And, Mr. Speaker, so having said that let me express some of my concerns, one is with respect to the matrimonial home. The legislation states, Sir, that whenever a man and woman enter into marriage then the matrimonial home becomes the equal property of both, fifty/fifty. A fifty/fifty arrangement now, Mr. Speaker, and without any consideration to duration. In the event of break-up then, of course, it becomes shared fifty/fifty. How it is shared is a matter of concern to me for one thing and I will get around to that. But the fifty/fifty arrangement, Mr. Speaker, the fifty/fifty division, if you will, of the matrimonial home pays no attention to the duration of the marriage or, of course, to the factors surrounding the marriage break-up. The point of concern here, Mr. Speaker, is that a couple could enter into marriage and be just married for a very short period and one partner or the other, the man or the wife could have a house built previously, and that is not uncommon. I have friends of mine today who are building homes, they are not married but they have land in a certain place and they are building the home. That is not uncommon. I have had friends who did that and I have friends still doing it, building homes. They could build an expensive home in the range of \$60,000 to \$100,000 and then get married and three months after the marriage or shortly thereafter a marriage break-up and then, of course, both partners share equally

MR. LUSH: in the ownership of the home. That does not seem right, Mr. Speaker, there is something incongruous in that. And indeed when I talked about the erosion of marriage, the people entering marriage with sincerity, I think this encourages a kind of a situation where a person is trying to get in on a good deal quickly and to marry some partner that has a sort of a mansion, get into that and very shortly after get out off the marriage because you become an automatic partner, an equal partner, a fifty-fifty owner in that particular home. And that, Mr. Speaker, I see as a serious situation and not one that is inconceivable, not one that would not happen, not one that some people would not dare try, Mr. Speaker, and there is a danger in that. I certainly agree that there should be equal ownership between man and wife but I think there must, obviously, be some legislation relating to the duration of the marriage, there must be something there. But this here, Mr. Speaker, the marriage could last for a day, a week, it does not matter and in view of the fact that most marriages break up early in the marriage I think this becomes very serious. Again, checking with lawyer friends that work in divorces, they tell me that the great majority of divorces, the great majority of marriage break-ups occur early in the marriage. And indeed when there is a divorce, when there is a break-up after a long marriage - and again I am told there are very few problems in terms of sharing the assets, particularly with the house, because during that time, certainly, you have developed some responsibility and some sensitivity and there were some bonds that kept you together so usually people in long marriages are a little more responsible and not so much against sharing the assets in an equitable manner. So, Sir, I think there has got to be some refinement or there should be some refinement, if you will, or some conditions put on this matrimonial home to discourage this rush to get married, to all of a sudden get yourself into a position of becoming a shareholder, of becoming

MR. LUSH: an equal owner into some mansion and, as I say, there is certainly that danger in this particular clause.

Also, Mr. Speaker, there is the situation where a spouse could use a home, a home that they purchased or built whatever before marriage, this could be used as collateral to get started in some business venture and the minute they become married, of course, again their net worth is reduced by 50 per cent because the partner, the other spouse becomes 50 per cent owner of that particular home. I wonder what that would do to a person who entered into such an arrangement and borrowed money by using his or her, as the case may be, home as collateral.

Another point, Mr. Speaker, that I would like to raise with respect to the matrimonial home is that it does not say exactly how the fifty/fifty per cent or the fifty/fifty ownership will be arrived at. That is whether it is considering the equity that is in the home or whether it is considering the value of the home and there is an distinct difference. Now maybe my lack of understanding of the legal jargon would suggest that that is not necessary. In other words, you do not need to explain that because in talking about the home maybe the only thing the person can own anyway or can claim is the assets. But, Mr. Speaker, I think it is something that needs to be clarified. When we are talking about the fifty/fifty ownership what are we talking about? Are we talking about the equity that is in the home? Because in many cases a person, a spouse would have a mortgage on the home so in the event then of a marriage break-up what is considered to be the fifty/fifty deal? Is it fifty/fifty of the equity that is in the home, the amount

MR. LUSH:

that is paid on it or is it fifty/fifty of the value of that particular home which could make a tremendous difference, have the effect, of course, of putting one partner or the other in quite a deficit position. So I think that needs to be clarified. It needs to be spelled out in the act.

There is another point, Mr. Speaker - these are some of the concerns I have with respect to the matrimonial home - also in the other aspects of the act, the act talks about the matrimonial assets and the business assets. And I have the same reservation, Mr. Speaker, about these elements of the act, the matrimonial assets and the business assets as I did about the matrimonial home in terms of how was the fifty/fifty thing arrived at. It was fifty/fifty of what? Of the equity? Of the total value of the home? With respect to the matrimonial assets and the business assets, I might ask the same question again or put it another way. All we talk about here are assets. We do not talk about liabilities. So I am wondering, Mr. Speaker, in terms of arriving at the assets do we again look at the liabilities that were either incurred by one or by both partners in the marriage because again this could have a very serious affect on how the thing is divided and as to how fair one partner or the other is treated in the event of disposition of these assets. And again there is no mention of liabilities. And again, as I said, maybe within the legal jargon, maybe with assets sort of thing, just automatically assume that there is no need to talk about liabilities.

Mr. Speaker, on the same line also I think we should be talking about net assets because when we talk about liabilities we are putting that against the property, against the assets. I think in the act it should specify net assets because again this becomes very important. So these are matters in the act that I think have to be spelled out more clearly. I think we have got to talk about net assets and I think in so doing we have got to make sure, of course, if we are talking about net assets well then we do not need to talk about the liabilities because net assets would indeed indicate that we

MR. LUSH:

are considering liabilities. But there is no mention of liability. There is no mention of net. We talk about assets. So, Mr. Speaker, I think that there should be some addition or some sharpening up of the language to indicate that we are talking about net assets, that liabilities incurred within the business, within the matrimonial assets to indicate that liabilities are taken care, that they are taken out of the assets and that one partner or the other is not going to bear the brunt of any indebtedness accumulated during the union and during the marriage. And I think to make it equitable and fair that we have to do that, Mr. Speaker, that we would have to talk about net assets by itself but we would have to talk about net assets. So, Mr. Speaker, I think this is very important to have these matters straightened out in the division of assets so that we know whether liabilities are considered.

Then, Mr. Speaker, possibly the part that I find most annoying is the legalizing, I suppose, what is a fact of life, the cohabitation in an unmarried state which is certainly a moral issue which I think probably defies all of our Christian principles and all of our Christian morals. But, Sir,

MR. LUSH: much more than that, even though that is a matter of concern, but I am expressly concerned more about the fact of living in this blissful situation without having the responsibilities. Two people can get into this kind of a situation of cohabitation without at all having any of the responsibilities or obligations that are required under this act. In other words, they can opt out of the act and now, of course, they can opt in too, but hon. members - I think it would be folly for us to think that anybody was going to opt to get in under that act when it is so much more convenient and a much more advantageous position to live out. So, I think, you know, that this is another of the elements and probably the big element that I was talking about in the beginning when I said there are certain aspects of this bill that erode the act or the institution of marriage and I think this is certainly the big one and allows people, as I said, to live outside the act, to live as if they were married but without any of the responsibilities or any of the obligations. And, Mr. Speaker, this certainly does not seem in accordance with justice. It does not seem proper that these people should be allowed to live outside of that act and to carry on as if they were married. Indeed we have that in society today and we have the same kinds of demands, Sir, on these people. There are children involved in many cases but yet these people are allowed to duck out from under the responsibilities of this particular act. As I say, I know that they can come back in it; they can come in under the act but that would be silly and certainly nonsensical to think that people would want to do that, that they would want to come under this act. I think there are some people who would, certainly. There are some but I think the vast majority would opt out of the act and so that is an unfortunate part of this act where it legalizes, if you will, Sir, this cohabitation. And even though it is a fact of life, I think as legislators we should be more responsible and see to it that this particular part of the act is tidied up.



MR. LUSH: Now, again one other question and one other concern, and maybe it says so in the bill but at least I could not understand it, I am just wondering, Sir, whether or not those couples living in cohabitation can opt to get in under certain parts of the act or whether when they get into the act they must abide by all parts of it? In other words, I am just wondering whether they get in under the act, let us say, for example, whether they can be excused from the matrimonial home, this sort of thing. Once they get in under the act, I suppose, they come under all parts of it.

Well, Mr. Speaker, these are some of the concerns and some of the questions that I would like to raise about the act, and in conclusion I just think that in the short-term - the question I want to ask is what transitional mechanism is there to allow people to adjust to this in the short-term? For example, this act becomes law January, 1980, right? So there are all sorts of arrangements before then which could have a detrimental effect economically, certainly on lots of people, if there are not the arrangements made for some smooth transitional mechanism. For example, a person could have a forty thousand dollar mortgage, people already in marriage could have a forty thousand dollar mortgage on their home, come February - just to carry that point a little further, the wife or the one person or the other - for the sake of the argument to make it clear we will assume that the husband got the forty thousand dollar mortgage and the wife is not a signee to that contract and then - Mr. Speaker, I get distinct impression there is nobody listening to me and if there is nobody listening to me, I am not going to get the answer to that most important question.

The question that I am asking is,

"What transitional

MR. T. LUSH: What transitional mechanism will there be to provide for a situation where a husband, for example, got a mortgage of let us say \$40,000 on his home and come February, for example, after this bill becomes law and the person is found in arrears on the apayment and the bank manager then comes after the husband for payments, what obligation is there on the wife because she is not a party to the - she has not signed the document and so I am just wondering what sort of transitional mechanism there will be for things like that? Whether people have to get in under the thing by a certain time and this sort of thing. And so, Mr. Speaker, these are some of the concerns that I have articulated in the best way possible in view of this legal jargon which baffles me from time to time. Sir, these are some of the concerns and I would hope that here in this House that we can refine some of these clauses to make clear some of the questions that I have raised.

Mr. Marshall: Mr. Speaker.

MR. SPEAKER: (Mr. Cross) The hon. Government House Leader.

MR. MARSHALL: Mr. speaker, this is in ways a dramatic measure and a very positive measure and a very necessary measure to bring before the House to change the archaic and old laws which related to matrimonial and property. As with any new measure there are people who are going to, as whenever you make any change, there are people who are going to raise questions and have legitimate questions to raise which we will attempt to answer. It also should be recongized that when changes of this nature are made and there have been no real substantial changes made in this area for not just years but for decades, when any new changes are made there are persons who are going to have opinions on one side and also on the other. Now in this particular case the purpose of this act is set forth, I think, very, very clearly in section 3 of the act; it is to reform the law with respect to matrimonial property in order to, first of all, recognize the contribution made by a unemployed spouse to a marriage, to give a one-half interest in the matrimonial home to each spouse, to provide for the sharing of most of the property acquired during a marriage and to provide for judicial decision in the sharing of business assets built up by a spouse during a marriage.

Now as I say, I think that this an extremely beneficial act, that there

should not have to be any inquiry whatsoever as to whether or not there is need for this act. I think the person who best articulated this was the minister, the hon. minister of Social Services (Thomas Hickey) yesterday when he spoke in the debate and he said yesterday and I just quote briefly from it, "Probably the most striking of the reasons" - he is addressing himself to the reasons for the act - "is to be found in a department such as mine where real effects of separation or indeed in some instances divorce, come home to one when they see in real terms where the family, in most instances being a wife and any number of children are left, for the most part, to fend for themselves." And I think that there are real instances of this in this province today as in most other places where the property laws have been as what any reasonable individual would indicate as being most archaic. And many families are left destitute and when I say families it usually happens to be, of course, the mother and the children. The one who takes the responsibility for looking after the family is left with no assets whatsoever and is very often forced to go on welfare while the breadwinner, and in many cases, of course, being the husband, is allowed to go his merry way and improve, indeed, his economic condition while his family is unable to eke out a bare existence. It is unfair to the spouse who assumes, in most cases as I say the mother, who assumes the responsibility and tries

MR. MARSHALL:

is to provide for the family. It is definitely very unfair. But it is also unfair in another instance, Mr. Speaker, it is unfair to the taxpayers. There are many instances in this Province today where through irresponsibility, persons for one reason or another have decided to separate and the person who is gainfully employed appropriates all of the assets that he can gain selfishly for his own self and leaves his family to fend for themselves or in most cases, because the wife is unable to work with small children, leaves the family to be thrust on welfare. And as most people in the Province, I hope, realize that money does not come from the government, money comes from the people of the Province through the government and in effect I think it is quite unfair apart from the sociological justification of this act, it is unfair really to the taxpayers of the Province. That, of course, is not the paramount reason for the act itself although it is a very good justification. The paramount reason is to, as I say, provide a certain justice. In the case where there is a dissolution of marriage or a separation to assure that both parties are treated properly.

The act is divided into three parts. The first part deals with the matrimonial home. The hon. member for Terra Nova (Mr. Lush) indicated a few moments ago that his advice was that this act goes further than in other instances in other jurisdictions. And he is right in this sense. He is right in the case where it applies to the matrimonial home. What this act does is it recognizes a right. It puts the matrimonial home as a special asset. It recognizes the rights of both parties to an equal interest in the home. And under section 6 of the act it gives both a half interest. It prevents one party from going out and mortgaging the house and thereby appropriating the money to his or herself, and it gives the right of possession to both of them.

Now, the procedure used in most other provinces who have entertained revisions of the Matrimonial Property Act, is to not to provide for sharing of the assets until such time as a separation or a dissolution occurs. And in our mind this is not satisfactory because what it really enables, it would enable the person who had the ownership or title to the property, when difficulties occurred in the marriage, to go

MR. MARSHALL:

off freely and mortgage and encumber the house so that the fact that the other party is to have an interest in it after dissolution becomes of no worth at all.

So that is then what the first part of the act does. It deals with the matrimonial home. There have been already marked reactions to this act. A lot of people have indicated their very strong support of it. And I can indicate from the telephone calls that I have received that a great number of these emanate from persons who have found themselves in disastrous situations where they are separated, where the rug, as it were, has been completely pulled out from under them, where they have no assets at all and they had no real claim to the assets of the marriage. After all, where a marriage occurs it is a partnership and each partner should be able to share equally in the assets of that marriage because each one is putting an equal amount into it regardless of the fact of whether one person happens to be a wage earner and the other person is doing her part by bringing up children.

But there are some misapprehensions. There have been some observations made by the Opposition and some of these I propose to deal with now. Because with any beneficial piece of legislation such as this - and I think all members of the House support it - and with a piece of legislation of this nature which is going to affect everybody in the Province directly, I think it is imperative that everybody know what the situation is and that if there are any misapprehensions that they be dispelled.

The Leader of the Opposition came up with an observation which caused and has caused and will cause, before the act is put through, a great deal of thought on the part of the government. He

MR. MARSHALL: indicated that the way the matrimonial home section is now, where each party regardless of the way in which ownership is registered has an equal interest in the house, to provide for that precludes the placing of ownership of the home in one spouse's name to protect from debts of the other's business ventures. Now we used one and the spouse and for these purposes we will use husband and wife. It prevents, as very often happens, the husband who is in business and in years gone by, and not only years gone by, now and it was a common practice in the past, in the present and I daresay will be in the future, where a person is in a business venture and he wishes to protect his home from creditors that may accrue as a result of this business activity, he has in the past put the property solely in the spouse's name and thereby the creditors cannot get any access to the house itself, cannot make any claim unless, of course, the wife or the spouse has signed to guarantee the debt himself.

Now, I want to say that this was not intended, because it is not intended really to infringe in any way on the legitimate rights of individuals. It is not intended, as I say, to infringe on the legitimate rights of individuals and it was not intended. We really thought and we will consider it, that the matter was covered in section 7 which in a way dealt with it - I do not want to get in clause by clause, I suggest in committee we can get effectively into clause by clause - which provided that if the spouses wished to they could change the designation at any time of the matrimonial home.

All I can say on that, Mr. Speaker, is that we are not interested or it is not the intention of this act to preclude that particular right and that right for the sake of the family, I think, you have to balance them, that right of the family to make a choice in that direction to put the family home in the name of one party, be it the wife or the husband for the protection against the debts of the other, has and must be preserved. Therefore, because

MR. MARSHALL: of the fact that reasonable men will look at that act and differ as to the interpretation of it. government will consider when we get into committee stage of bringing in an amendment to rectify that because, obviously, if somebody is entering into business and if they wish to of their own free will, now this is another big problem I know, if they wish to of their own free will to put the family home in the name of a person not in the business to protect the family home, then that right has to be preserved and we shall see that it is preserved.

Now the hon. member for Eagle River (Mr. Strachan) went so far and I do not really think he meant it, but he indicated it anyway in his comments that he would like to see the home protected completely from events of bankruptcy. In other words, if the family home were put up as collateral and the -

AN HON. MEMBER: No, not as collateral.

MR. MARSHALL: Not as collateral? Okay, well, even if it is not as collateral, he would like to see it protected completely from bankruptcy. Now that would be an extremely difficult section to put in the act, and I think here that we would, perhaps, in a way be interfering with the free will and the rights of individuals because sometimes people go and they get loans and they get loans on the basis of their assets, may not be put up as collateral, but they go to a bank and the bank will enquire what one has in their bank account, what other assets one has, whether one has a house, and they choose of their own free will to use their house, not as collateral, but to use it for the purpose of backing up a loan. I do not think we can go really so far as to - I can sympathize with what the member for Eagle River says because we have all seen instances where this has been a very disastrous situation and one that we do not like seeing, where the creditors close in on the matrimonial home of a couple. At the same time we feel or at least

MR. W. MARSHALL: I feel and this is a new act and a new bill and it is subject to consideration, we had to give fair consideration to all matters that are brought up, but I would suggest to the hon. member for Eagle River (Mr. Strachan) and members of the House that we have to preserve as well the rights of these individuals if they so desire to be able to borrow money on the basis of this House.

MR. I. STRACHAN: Mr. Speaker.

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

MR. I. STRACHAN: Obviously, if someone who owns their house and is going to put their house up as collateral in order to borrow money then obviously they have made a conscious decision to use the matrimonial house as collateral in order to obtain money. What I am stating and the case that I am presenting is that if you do not wish and do not need to use it, obviously do not need to use it as collateral, one would not use it. Then in this argument here, if for instance we had a home and we did not wish to use it as collateral then could there be some method of allowing that home up to a certain value, say a \$60,000 or a \$70,000 home, because obviously one could not use it to milk from the company, then could it not be outside of an agreement, an amendment allowed to protect the matrimonial home? Obviously some of the steps into what you are stating that if they use the home as collateral they are obviously making a conscious decision that they are going to use the home and if the business goes then the home goes. But if one does not want to use the home as collateral and keep it free, then how can it be unencumbered?

MR. SPEAKER: The hon. Government House Leader.

MR. MARSHALL: That is not the way I read the hon. member and I thank for him for his explanation. But the fact of the matter is, no matter how beneficial that may be and I am glad he does not agree that you are going to preclude people from making their own conscious decisions in what they want to do. That is okay.



MR. MARSHALL: But, the instance that he speaks of would really require an amendment to the Bankruptcy Act, which is a federal act. So that is really without our ken. It certainly is a suggestion that is worthwhile considering and weighing. It is a matter that we should, as I say, give full consideration to as we are passing this bill. But it is not within this bill that we can give this protection, that would appear to require an amendment to the Bankruptcy Act itself.

MR. I. STRACHAN: So if we put our house over to our spouse - is that what you are saying? - that we can still protect it.

MR. MARSHALL: If you put your house over to your spouse you would be able to protect it in that way. I shall get to that in a moment.

MR. I. STRACHAN: Irrespective of what is in this bill.

MR. MARSHALL: Well, as this bill now stands as I have already indicated, Mr. Speaker, that government is going to consider that aspect of it in order to assure that that can be done, if parties wish to make a conscious decision to that effect. Okay?

Now, the hon. Leader of the Opposition also objected to the second part of the bill with respect to the matrimonial assets. Now under the provisions of this bill, with the exception of certain, - which I would define really without going into it as personal, personal effects of each party, let us put it that way, that the assets of the matrimonial home or the matrimonial assets as they are defined there which includes all real and personal property acquired by either of them during the marriage and used in the course of the marriage is to be divided evenly. He objects to the fact that all business assets are not so divided as well because section 27 of the Act says that, "Where one spouse has contributed work, money or money's worth in respect to the acquisition, management and maintenance and

MR. MARSHALL: operation or improvement of a business the contributing spouse may apply to the court and the court shall by order make a grant to him or her in accordance with the proportion that they have contributed to it."

Now, here again as we make changes of any nature in the law we have a responsibility to weigh both sides. And we must bear in mind, first of all, that the whole principle of the act envisages an equal distribution of the assets between the parties not on the dissolution of marriage mainly or on the separation, but also recognizes that each one during the period of the marriage has an equal share. The latter recognition, the latter principle will probably not have as big an effect, as I think members will agree, as the former one, that is when you come to dissolution. So that is the main purpose of the act. You come down to a bit of difficulty when you come down to business assets because these assets are very often devoted to a business, that there are other parties involved. You have to consider the fact that to divide them equally, to cut off when half of the assets could in many cases impede the ability to earn money on the part of the person using them and thus have an effect on his or her

MR. MARSHALL:

to make payments, maintenance payments. It is hard to make rules when other parties are involved, and all I can say on this is that the government has given full consideration to this observation and has weighed all aspects of the matter. Those assets are not shared equally in the sense that there is no question but they are divided equally as in the case of the other matrimonial assets because they belong to a business. And I think that there is a real distinction to be applied there because when they do belong to a business, as I say, the other partner may be using this for the purpose of earning a livelihood and then to interfere with the total plant of the business itself could to a large extent effect his or her ability to earn money and thus to pay payments to the other party.

Now, there is one item that I would like to really dispel because it came out yesterday, not in this House, but I understand it came out through one of the media yesterday, not through one of the members of the Opposition but from somebody making a comment on the bill itself indicating that - and this has caused a great deal of concern if one can judge from the telephone calls that various members have received today - and this is to the effect that this act could affect existing separation agreements and divorces. Now I should like to dispel this. This is not so. It is not the intent neither is it the effect of the act itself. In actual fact, this act deals with the division of property of married persons, of persons who are married now and living in a matrimonial relationship. It does not affect divorced couples and it does not affect persons who are separated and have entered into separation agreements, neither was it intended to be so.

AN HON. MEMBER:

It is not retroactive.

MR. MARSHALL:

It is not retroactive. The

fact of the matter is though, which should be understood by all people, that certainly under the divorce legislation which applies to us here in this Province and applies throughout Canada, when an

MR. MARSHALL: award for custody has been given, or where an alimony payment has been made, a maintenance or alimony payment has been awarded by the court, that were there are changed circumstances by either of the parties, by either the person who is the recipient or the person who is making the payments, the divorce act that either one of the parties to reapply before the court to have the order varied, to have the amount varied. There is nothing whatsoever in this act, absolutely nothing, to affect the existing divorces and separation agreements. There is no change from the present position and there was absolutely no intention to do so. I would suggest - not only suggest, I would indicate that it was a mistaken impression of the person who made this statement because this act certainly does not go that far, and it was not intended to do. It does not then affect retroactive agreements. The divorce act as it presently exists can, but this act does not. We cannot upset existing relationships. And, as I say, we will look at this act carefully to assure that it does not, but I am crystal sure it does not. But if reasonable people indicate that there is some way that it could be interpreted so we will put in a saving clause in committee to rectify it, but we will only put in the saving clause if it is absolutely necessary and as I say I do not believe that it is.

Now the third matter, domestic contracts. The hon. Leader of the Opposition and other members speaking seized on this particular section of the act, and in particular Section 32 which authorizes entry into cohabitation agreements, as a matter of great concern and a reason for really criticizing the act itself. The hon. Leader of the Opposition said, and I quote him, "We are encouraging people to enter this arrangement" - that is the cohabitation agreement - "and discouraging them from entering into

MR. MARSHALL:

marriage arrangements!" Now really, Mr. Speaker, I think this, when you consider it and you weigh it, is nonsensical. This bill relates to contractual arrangements between people who are married or between people who happen to be living in a common law situation, and I suggest that people will not marry and they do not marry because they can enter - you know, they will not refuse to marry in the future because they can now enter into a contract without marrying. I mean, that is not the purpose of most people entering into a matrimonial relationship and going through a marriage ceremony. The fact is that when they do marry there is a contract but that contract is really incidental at the time of marriage and only becomes a factor very often, as I say, it only becomes a factor because different people view things a different way. But I would dare say in most cases the fact that a marriage is a contract only becomes important when difficulties arise some time in the future. But to say that because people nowadays can enter into a cohabitation contract, one with the other, that they will no longer get married is to my mind nonsensical and it is sort of in a way, I suppose, insulting to most of the people of this Province. I mean, most of the people of this Province get married in a church, as most of them do or; some of them choose to in a civil ceremony because they wish to get married, not because they wish to enter into a contract.

I think also it is nonsense to say that this clause gives them benefits. It gives them benefits of the marriage. Look, the present position right now is that if anyone chooses - or any two people obviously choose to enter into a common law relationship, they can, and if they wish to enter into a contract as between themselves as to their relationship, they can. There is nothing to prevent them from so doing. This act does not change this. All this act does is just preserve, just to assure by Section 32 that nothing in the act will be taken, be construed to take away from the right which they already have. As the hon. Leader of the Opposition full well knows, there are many people nowadays - some people might say, "Unfortunately, an increasing number"

MR. MARSHALL:

but that happens to be their own choice - who do not live together without the benefit of a formal marriage and they enter into contracts as to the division of their property. They enter into contracts when they buy a house. They buy houses together and they buy them in their joint names, in equal shares and some of them even enter into contracts themselves and there is nothing in the law today that prevents them. There is nothing in this act that affects to any extent the existing position, and I would suggest to the hon. Leader of the Opposition that this is really a misrepresentation of the situation. I think he was being a little bit facetious about it, and to show the facetiousness of the type of remark he made that was not really picked up because it was said rather quickly but it does appear in Hansard, he says, "Now, Sir, one can be as progressive and as liberal in ones views as one wants to be. Sir, I gravely doubt the efficacy, the rightness even of a provision which allows unmarried people whether it is a long term arrangement or whether, in the parlance of the street, it is a one night stand." You know as if somebody on the street in a one night stand would go out armed with a contract first and get them - you know, so that is the way the hon. Leader of the Opposition was presenting it. I mean, this is a new twist to human relations.

MR. ROBERTS: How much for a (inaudible).

MR. MARSHALL: Now I say, Mr. Speaker, this overall act, regardless how one views this particular section, this is not really an act against marriage but it is really to preserve certain situations because people do choose, as I say, of their own choice to live together. And as a result of this offspring occur from time to time, and surely to heavens they have the right to enter into contractual relationships as well as to the fate of these children to provide for them. And why should they not? In a way, I think, in some respects we might even consider forcing them to because when you come back to the position of the taxpayer again of this Province, one has to remember, as the Minister of Social Services (Mr. Hickey) said when he quite rightly observed in the opening of the debate that the rolls of social assistance are full of people

MR. MARSHALL: who are single parents looking after children who have been deserted with no provision made for them. The alimony laws and the enforcement of separation maintenance payments, the reciprocal maintenance payments, are completely ineffective in this Province, in this country, and there is absolutely no reason why these people should be able to skirt their responsibility and not have to support their children any more than any member of this House or any member of the public should have to support and this is what this does, and it assures that these people who happen to be responsible, if they are responsible enough to enter into a contract like that, that they can. It is just nearly, I think, an indication of an attempt really to look at the act and on the one hand say you support it, on the other hand say you do not. Now with this act, you either support it in principle or you do not. You either get up and you vote for it or you do not. You know, if there was something as monumental to that as was painted by the hon. Leader of the Opposition, I would assume that the Opposition is going to go with them and vote against it.

The fact of the matter is, as I say, that people do enter these relationships. It is not for the government. The government, of course, has to be cognizant of the customs of the country but the government cannot, as has been said many times, legislate morality and this act makes no attempt whatsoever to do it. So I think that the criticisms that have been levied against this act by the Opposition, some of them are well based. Some of them may not really be criticisms. I get back to the first observation made by the Leader of the Opposition which is a perplexing one and is one which the act does not intend to do, and I say that specifically, it does not intend and it cannot intend to preclude a married couple consciously making a decision to put the house in the name of the wife in order to free that matrimonial home from creditors. If it is necessary in committee, as it would appear that it is going to be necessary to do, we will bring in the necessary clarifying sub-sections of the act to provide

MR. MARSHALL: that this can be done and this goes to show the benefit of debate in the House. That observation, as far as I am concerned, appears to be well taken and as I say if it is necessary we will do it. We did not intend it to have this incidence.

The other criticism or attack really on the act and particularly with respect to the common-law relationship as if it is hindering marriage or as if it is something that the government is suddenly advocating common-law marriages and not the normal union that most people in this Province have adhered to for centuries, has no foundation whatsoever because it already exists and to insinuate that it does not has to be - you know, I do not assume that the hon. Leader of the Opposition would do this for the purpose of political gain or what have you, I am sure he would not, but I am sure in this case, as learned in the law as he is, that it has to be as we all have aberrations from time to time and he must have been ignorant in this one particular area, because there is no doubt, Mr. Speaker, as it presently exists that persons who are in a common-law union can now and always have been able to enter into contracts and this particular section does not affect this right or this incidence and has no intention whatsoever of doing it. It continues and the reason that is in the act is that the act will not be construed to preclude this particular action being taken.

Now, I think it has been asked as to whether or not the act has been checked out with certain authorities, religious, if you like, authorities and what have you, and I can inform the House that various persons concerned in that area are well aware of the situation and I would say that this act has nothing whatsoever to do with whether a person should get married or not. We happen to believe, as the majority of the people in this Province, that the best type of union is a union that is solemnized with a marriage ceremony, but there is no intention and there was no intention whatsoever to, as I say, legalize common-law marriages and any indication



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MR. MARSHALL: to the contrary is just merely an attempt to cast a little shadow on one of the most beneficial acts that has ever been brought before this Province in recent times which changes an archaic law which favoured greatly the male, gave the male partner in

MR. MARSHALL:

the marriage a great deal of dominance, as a matter of fact it changes the law so archaic I am sure the hon. members opposite will forgive me for once again saying and wondering why it was not done ages before.

Finally, I also want to again re-emphasize that there is one element of misinformation about this act that I do not think can be let to fall or left alone without being set aside, is the impression, not given by the Opposition but given by somebody who in good faith looked at this act and had an interpretation of it different than it is, and that was to the effect that this act will affect existing separation arrangements and agreements that have been entered into, or divorces. It does not, it was never intended so to do. The situation is exactly the same as it was before. Anybody who knows the present situation with respect to divorce and that, as I say, know that under the Divorce Act a person may apply in changed circumstances. But this act does nothing with respect to that particular situation and merely deals with the rights of property as between spouses and for once and long overdue puts the matrimonial relationship in a position where, insofar as the law can possibly do it in justice, one party is not going to get a dominance over another merely because of adherence to an archaic law which applied in the 17th and 18th centuries but hopefully in our enlightened times in the 20th century no longer adheres. It is an effort on the part of the government to do something positive. It is an effort on the part of the government and in doing so it made a dramatic change, and when you make any change you are always going to have certain interests to balance. And this act represents what we consider to be the best possible type of compromise and balance between the interests, but at the same time not giving in or not giving away to what could be taken to be in some cases the chauvinistic attitude of certain people that one partner, because one partner happens to be earning the money in the partnership, is thereby entitled to appropriate every single cent to himself to the complete detriment of not only the other partner but of his family.

MR. MARSHALL:

For this reason I commend the hon. minister and the government for bringing it in. I look forward to seeing how the Opposition will vote for it. They say they are for it but I say to them that you cannot be for it and against it at the one time, and that when you are looking at the act itself let us not hear anything more with respect to the misunderstanding or misrepresentation, if you will, of that one provision with respect to common law marriages which has no validity whatsoever.

SOME HON. MEMBERS: Hear, hear!

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

MR. SIMMONS: Mr. Speaker, this act is a great step forward. We, in the Opposition, see it as that. We will support the principle of the bill. We will vote for it. We will do it for two reasons, Mr. Speaker. One, because we happen to believe strongly what I have just finished saying. And two, Mr. Speaker, because we have no intention, Mr. Speaker, of being intimidated by the pitiful attempt that we have just seen in the past few minutes.

Mr. Speaker, if the hon. the Government House Leader wants us in giving support to say, "Yes, yes, yes", and then sit down on a matter as important and as far reaching in its ramifications as this issue, we are just not prepared to do that. My colleague, the Leader of the Opposition, I believe, did a service to the House and to the Province a day or so ago when he stood and raised some legitimate concerns, Mr. Speaker. And let us put it in the context where it belongs. This is a matter that ought to be far above partisan politics and let the record show, Mr. Speaker, that when the Leader of the Opposition and other members on both sides of the House addressed themselves to this question, including the Minister of Justice (Mr. Hickman) in opening the debate, the matter was presented in its proper context as a matter that is above partisan politics. This is not a Liberal issue or a Tory issue or a socialist issue. This is an issue that is far above partisan politics and there it remained until my friend for St. John's East (Mr. Marshall) got into it this afternoon. And I must say when he approached

MR. SIMMONS:

the question my colleague, the Leader of the Opposition, had raised about the matrimonial home I found myself sitting here and standing outside and admiring his approach because he dealt with that concern in quite an admirable manner. But then before he sits down, Mr. Speaker, he has to get into this business

MR. SIMMONS:

of attacking, of implying that somehow because the questions were raised insofar as the cohabitation arrangements are concerned as provided for in this bill, because my colleague raised the question that made him somehow against the bill. Mr. Speaker, there is no purpose served by debate in this House if all we are going to say is "Yes, yes, yes, yes". And if we now, Mr. Speaker, have questions about the bill, perhaps they are questions arising from our ignorance. Let us keep in mind that there is no legislation on the books today in Newfoundland addressing itself to the matters addressed in this bill and for that reason there is not one of us in the House who has had experience with this particular kind of statute. I make no apologies if some of the questions I raise are questions arising out of my ignorance of the subject. I have read the bill three or four or five times. I cannot pretend that I can guess at all the ramifications of this legislation for my own matrimonial situation or for the matrimonial situation of any couple in this particular Province, and if I have to ask, or if my colleague, the Leader of the Opposition, has to ask some questions, even out of ignorance, well, we rest our case. There is no apology there, Mr. Speaker, whatsoever. Let us keep this matter where it belongs, above partisan politics. Let us avoid the low, sneaky attack that we just saw from the Government House Leader on my colleague, the Leader of the Opposition.

The Leader of the Opposition raised some legitimate concerns. Now let us air them. If there are questions to be asked about this legislation this is the time to ask the questions, not after the bill has been passed into law with all its many ramifications. I heard the member for St. John's East (Mr. Marshall) say, you know, "If they stand with the Leader of the Opposition, let them vote against the bill." Mr. Speaker, that is not the issue. Clearly that is not the issue.

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: Mr. Speaker, sometimes I really cannot wait for the election to come so we can retire the member for St. John's North (Mr. J. Carter) back to his savoury farm where he belongs. It is very difficult, Mr.

MR. SIMMONS:

Speaker, to get very serious about any subject in this particular House when one has to contemplate the interjections of the hon. member for St. John's North (Mr. J. Carter) but I shall try.

Now, Mr. Speaker, I heard the member for St. John's East (Mr. Marshall) say, "There is no attempt in this legislation to downgrade marriage." Of course there is not; we buy that, we accept that. We accept him at his word that in framing the legislation, in drafting it, nobody deliberately set out to downgrade marriage. I hope he does not think that my colleague, the Leader of the Opposition, suggested that, that there was any deliberate attempt. What I understood my colleague to do was to raise questions about whether in effect this is what the bill might do, de facto quite undeliberately. That is one of the questions he raised. I do not think he even said it would. I did not understand it that way. I understood him to say, "Is this a possibility? If so, let us deal with it here and now before we pass the bill into law."

MR. ROBERTS: Right on.

MR. SIMMONS: If there are questions, Mr. Speaker, to be asked let us ask them now before we put the bill into law. We have waited a couple of centuries or a couple of thousand years for this legislation, we can wait another week, Mr. Speaker, we can wait another three or four days if it takes that long. It is not going to have effect before next January so we can easily wait another week if by waiting that week we can tidy up some contradictions in the bill or some provisions that might have unfortunate ramifications for people down the road.

This bill is a piece of beneficial legislation. It is designed to benefit people, not to do any detriment to people. And in our haste to do benefit let us not in the process do some harm. That is our plea, Mr. Speaker. If there is any doubt on the other side of the House there is none on this side. We will support the principle of the bill and we are looking forward to the undertaking that the Government

MR. SIMMONS:

House Leader has made that the government will consider the matter raised by my colleague insofar as the matrimonial home is concerned. He made an undertaking that the government was going to consider it. He stopped there and I hoped he would have gone just a little bit further. I hoped he would have said that

MR. SIMMONS:

government would propose an amendment during committee stage on this particular point. I understand from talking to a lady who has had quite an intimate association with this legislation that the Ontario act passed last year takes care of the problem which my colleague raised, the question of being able to transfer title of the home to one spouse so the other spouse can get involved in what might well be a risky business venture. I say to the Minister of Justice (Mr. Hickman) he might want to check the legislation.

MR. HICKMAN:

(Inaudible)

MR. SIMMONS:

That may well be so, I do not know.

I do not know the Ontario act at all, but I am saying that it is my understanding that on this particular point the Ontario act allows what my colleague has suggested, that title can be vested in one of the spouses so that the other spouse can get involved in a business venture which may well be risky.

MR. W. ROWE:

Yes, the point is to take the matrimonial home out of the clutches of creditors, right? But to how it is done is unimportant.

MR. SIMMONS:

The solution, Mr. Speaker, and I realize - well, I have time on next day but I do not propose to be here at that time so I would just like to clue up in a minute or two, if I may. The solution, Mr. Speaker, may be to have a look at section 35 of the legislation where it says in section 35(ii), "That any provision in a marriage contract purporting to limit the rights of a spouse in a matrimonial home is void". Perhaps government might want to look at an amendment there, an amendment which would allow for a conscious decision to be made by both spouses to transfer title to one of the spouses. Now the Ontario act, I understand, allows that but at the same time does not take away from either spouse the requirement of a signature to sell or the right to possess the home,



MR. SIMMONS: but what it does is transfers beneficial ownership to one spouse so that the other spouse can get involved in a business venture which may well prove to be risky.

There are other points I wanted to make on the bill but I do want to zero in on that one right now since that is all the time I do have and I would hope that before we are asked to vote on this in committee the undertaking of the Government House Leader that the government will give the matter consideration will result in an amendment which we can have a look at in committee before we are asked to vote on the bill clause by clause.

MR. MARSHALL: I move the adjournment of the debate.

MR. SPEAKER: (Mr. Ottenheimer) On motion, the House at its rising adjourned until tomorrow, Wednesday, May 16, 1979, at 3:00 p.m.