

PRELIMINARY  
UNEDITED  
TRANSCRIPT

HOUSE OF ASSEMBLY  
FOR THE PERIOD:  
3:00 p.m. - 6:00 p.m.  
THURSDAY, MAY 17, 1979

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

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

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

MR. SPEAKER: The hon. the Minister of Rural, Agricultural and Northern Development.

MR. GOUDIE: Mr. Speaker, the member for Port au Port (Mr. Hodder) is not in his seat, but he asked a question yesterday on which I have been able to obtain some information in relation to a veterinarian on the West Coast of the Province on extended sick leave. The department has been working on this particular problem for the last number of days and there will be someone in that area either today or tomorrow, and if some emergencies crop up in the meantime, then all the farmers or owners of animals on the West Coast have to do is contact our departmental office out there and the emergency will be taken care of.

ORAL QUESTIONS

MR. SPEAKER: The hon. the member for LaPoile,

MR. NEARY: Mr. Speaker, my question is for the hon. the Premier, Sir. It has to do with power rates, which as hon. members know is becoming a major political issue in this Province.

In view of the fact that the Government of Manitoba have now placed a freeze on increases in electricity rates in that province for the next five years, is the Premier considering doing likewise here in this Province where consumers cannot cope with the high electricity rates in Newfoundland and Labrador at the present time?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I am not fully aware as of yet of the total statement made by the Manitoba Government and the measures they intend to take to insure that they can handle that freeze for a five year period. So before I would react in any substantive way to the question posed by the hon. member, I would have to get the full statement from the Manitoba Government, because I would like to see the whole context in which that was said by the Manitoba Government.

PREMIER PECKFORD: Right now the Newfoundland Government are subsidizing, of course, our Power Corporation to the tune of \$11 million or \$12 million a year and we are now in the process of trying to decide - Cabinet and government are trying to decide on what our approach should be from here on for the next couple of years, and when that decision has been made, of course, we will be informing this House.

MR. NEARY: A supplementary, Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I appreciate the hon. gentleman's position at the present time, but in view of the fact of his admission that we are subsidizing the Newfoundland Hydro and we have to stand behind the bond issues, the money borrowed by Newfoundland Hydro - the Public Treasury, the House of Assembly and the Newfoundland Government have to stand behind that - in the interim period, while the Premier is waiting for word from Manitoba of how they intend to implement their freeze and how much it is going to cost the Manitoba Government a year, would the hon. gentleman consider issuing an ultimatum to Newfoundland Hydro that they are not to make any applications to the Public Utilities Board for increase on electricity rates until the hon. gentleman and his administration have an opportunity to study the situation to see if we are going to do the same as Manitoba did, in this Province?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: I am not sure that is the most wise course of action to take because it might be extremely inappropriate for government to place the corporation before the Public Utilities Board on a regular basis like that for continual

PREMIER PECKFORD: scrutiny. Just because Newfoundland and Labrador Hydro were scrutinized by the Public Utilities Board last year does not mean that there are further cost efficiencies that could be affected by another scrutiny by the Public Utilities Board this year, and given the fact that Government does have the ultimate power to not go along with any recommendations that even the Public Utilities Board made to us, I am not totally sure that that would be the way to go. However, as the hon. member understands, Cabinet is now debating that whole issue.

MR. S. NEARY: Supplementary, Mr. Speaker.

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

MR. S. NEARY: Mr. Speaker, as the hon. gentleman, Sir, indicated, and rightly so, any subsidy to Newfoundland Hydro, of course, any deficit has to be picked up from the Public Treasury so it is, in the final analysis, the Cabinet that calls the shot so far as the cost is concerned. Therefore, Sir, I am wondering if my suggestion - the hon. gentleman says it is not a very wise thing to do, but in view of the fact that we are so near bringing down a budget in the Province, and I am sure that if the Government intend to put a freeze on that it would have to be a budgetary requirement that the deficit on the part of Newfoundland Hydro would have to be picked up from the Public Treasury. In other words, the subsidy would go up. We are subsidizing Newfoundland Hydro now to the tune of \$10 or \$11 million a year or more; that would probably go up over the next five years if the freeze was put on. So in view of the fact that we are getting near a budget, and the people are so concerned about the increases in electricity rates and it is such a major political issue in this Province, does not the hon. gentleman feel that in all fairness, and as a show of sincerity to the people of this Province, that Newfoundland Hydro should be instructed not to do anything until the budget is brought down and

MR. S. NEARY: we see what is in there and then we can argue about it after that?

MR. SPEAKER: (Ottenheimer) Hon. Premier.

PREMIER PECKFORD: Mr. Speaker, I think the hon. member understands that there is no application before the Public Utilities Board from Newfoundland Hydro at this point in time and what for some strange reason might reflect the present position that Government has taken and has had in effect for some time - that is number one. Number two, I intend, just as a matter of information for the hon. gentleman, to contact Premier Lyon and find out the details of their policy as it relates to the freeze so that we will be in a better position then to judge. I intended to do it today, as a matter of fact, but I was a bit late.

MR. S. NEARY: That will be fine, Sir. If the hon. gentleman does not do it, I will do it.

MR. SPEAKER: Hon. member for Eagle River.

MR. I. STRACHAN: Mr. Speaker, a question for the Minister of Health (Mr. W. House) concerning the situation in Happy Valley - Goose Bay in the Melville Hospital there. A blood gas analyser was, I think, purchased by the Melville Hospital from donations obtained from the community, from organizations within the community, and now we find they have to donate more money because we find that there is no tax exemption to hospitals purchasing equipment, they have to pay eleven per cent sales tax.

MR. I. STRACHAN:

In view of the fact that the government has outstanding bills totalling almost \$11 million in sales tax from companies who have not paid sales tax, surely this is a ridiculous situation where hospitals and groups buying essential equipment for health needs in Labrador and elsewhere in the Province should have to pay 11 per cent sales tax. I ask the minister the question: Is there any possibility that tax deduction numbers could be issued to hospitals, especially in the case of the IGA which is a private institution rather than a government hospital, that a tax exemption be given on equipment they purchased.

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

MR. W. HOUSE: Mr. Speaker, the member did recognize, of course, it was the IGA operating that hospital. The other thing is, of course, that it is a finance matter. Certainly that question I think should be addressed to the Department of Finance. But it is something, I guess, that we could look at but I cannot give any positive answer now and possibly I can look at the total ramifications and discuss it with the Department of Finance.

MR. I. STRACHAN: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. I. STRACHAN: In that case then, Mr. Speaker, I will direct it to the Minister of Finance (Dr. J. Collins) although I think it is more a health matter than finance but both are tied together. Could the Minister of Finance then give us a clarification? It is something that can be quite simple to do. There is already tax exemptions on drugs which hospitals buy, hospitals buying drugs get a tax exemption. Surely that could be increased very simply to allow them to purchase necessary equipment, such as a blood gas analyzer, which is so necessary in Labrador and needed to by people, by public organizations and ladies' auxiliary groups, surely it would be a very simple matter and it would not cost that much in order to give an exemption for sales tax on hospital equipment, and especially considering the fact that \$11 million is outstanding by companies and has not been collected?

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

DR. J. COLLINS: Mr. Speaker, just to deal with the last point first there, in regard to the outstanding amounts on retail sales tax, hon. members will understand that this was not that the law was being allowed to be flaunted but was just a logistics matter, that is there was a deficiency in the capability of doing the necessary audit and then follow that up by necessary collection mechanisms. Both of these aspects of things are being looked into in considerable detail now and I have ever expectation that that matter will be righted considerably over the short term.

In regard to the hospital equipment, I understand this is a piece of lab apparatus that was purchased directly for the hospital by private subscription.

MR. I. STRACHAN: The money was put into the hospital and these were bought. That is correct.

DR. J. COLLINS: Mr. Speaker, I certainly will look into that matter. Quite honestly I am a little surprised that it is not exempt from the Retail Sales Tax. I know that there are many aspects of equipment for hospitals which are exempt, and I would just look into that and certainly if it is not I think that every consideration could be given to it.

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

MR. LUSH: Mr. Speaker, I want to direct a question to the Premier and it is in reference to the tendering procedure being used by the Newfoundland Hydro. It is my understanding, Sir, that with respect to the tendering procedure that in the event of the opening of the tenders that if all of the parties present to the tendering were not present, that is to say if one of the parties were absent and called up to get information because of some unforeseen circumstances they could not attend the opening of the tender, if they were not present that the Newfoundland Hydro will not give them any information relating to the tendering as to who was the highest bidder or the lowest bidder, no information at all. Could the Premier comment on that?

MR. SPEAKER: The hon. Premier.

PREMIER PECKFORD: I do not know. It is a question I take from the hon. gentleman, I am not aware of that procedure and it does not seem like a very major problem. I shall consult the Minister of Mines and Energy on it when he arrives or when I see him next, today or tomorrow morning, and find out whether that is the practice. It does not seem to be a very fair practice, but I will check it out and if such is the case we will try to rectify it.

MR. LUSH: A supplementary.

MR. SPEAKER: A supplementary.

MR. LUSH: It is a big problem, Mr. Speaker, in the event of such tendering that people tender from all parts of the Province and it is not always convenient for them to make it on that particular



MR. LUSH: day and I understand it is not at all within the procedure used by, I could not say by Crown agencies but certainly not in accordance with the procedure used by the government as such because I understand -

MR. NEARY: You cannot get anything out of Memorial University.

MR. LUSH: - but with the government, I understand, that you make a tender, you are not there, and if a person calls he can get all the information he wants. So this seems to be quite unusual. So the question to the Premier is, you know, can he see any reason at all why this should be so?

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

PREMIER PECKFORD: No, Mr. Speaker, I cannot see any reason why this should be so and as I indicated in my answer to the hon. member's original question, I shall take it up with

Premier Peckford: the Minister of Mines and Energy (Mr. Doody) and if such practice is in force we will change it so that people can get that kind of information, as the hon. member says is now a problem.

By the way, while I am standing, Mr. Speaker, I notice a number of young ladies in the gallery that I would like to welcome to the hon. House today. Primarily I am doing it at a time when I am not suppose to do it because it is rather appropriate for them to turn up on a day in which we are talking about matrimonial property law, and another thing is to give some equality to the female.

MR. SPEAKER (MR. OTTENHEIMER): The hon. member for Bellevue, followed by the hon. member for LaPoile, and the hon. member for Eagle River. Before the hon. gentleman asks his question, perhaps I will identify for members of the House the young ladies who are present collectively, not individually, sixty Grades IX and X students from St. Clare's High School in Carbonear accompanied by two teachers, Brian Manning and Josephine Doyle. I know hon. members on all sides welcome these students and their teachers to the House of Assembly.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member for Eagle River, I am sorry, no. I had indicated before the hon. member for Bellevue.

MR. CALLAN: Mr. Speaker, my question is for the Minister of Rural, Agricultural and Northern Development (Mr. Goudie). I am sure that the Minister of Rural, Agricultural and Northern Development is well aware of the fact that the Upper Trinity South Regional Development Association has a study, I suppose, is as good a word as any, a study underway with the view in mind to reactivating the mink ranching business that operated in this Province several years ago in the Blaketown, Dildo, Whitbourne area.

Let me ask the Minister of Rural, Agricultural and Northern Development how much money is the Provincial Government through the Department of Rural, Agricultural and Northern Development

Mr. Callan: putting into this project or into this study? How many dollars?

MR. SPEAKER (MR. OTTENHEIMER): The hon. Minister of Rural, Agricultural and Northern Development.

MR. GOUDIE: Mr. Speaker, I am certainly familiar with the efforts of the Upper Trinity South Development Association in relations to the possibility of re-establishing mink farming in this Province. I do not, however, have the list in front of me of exactly how much money has gone into it. I do know that they have been working diligently on this for some time. And I know, or at least I feel there will be requests in the future for financial assistance from the Association for that project. But the actual dollar amounts I cannot tell the hon. member at this point in time.

MR. CALLAN: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. CALLAN: Mr. Speaker, in view of the fact that the Provincial Government through this Department of Rural Development are pouring several thousands of dollars into this project, in view of that fact- and as the minister is probably aware also, a week or more ago, at least two gentlemen from that

MR. CALLAN:

area, from the Trinity-Bay de Verde district as a matter of fact, but that is neither here nor there, are travelling to New Brunswick, one gentleman, and another gentleman travelling to Nova Scotia, and these two gentlemen will be spending several months in these two provinces studying the mink ranching business there and so on -

view of the fact that the provincial government is pouring in several thousand dollars into this project, would the minister not agree that perhaps as part of this study that expertise be sought from the dozens of former mink ranchers who are already in the area, in this Province, in the Whitbourne, Blaketown, Dildo area rather than go into another province to get some expertise on that?

MR. SPEAKER: (Mr. Ottenheimer)

Hon Minister

MR. GOUDIE:

Again, Mr. Speaker,

yes, I would agree initially that that is one of the options open to the development association. I think I should point out though, Mr. Speaker, that development associations in putting together projects, this particular one in relation to mink farming or any other type of project, formulate these projects pretty well on their own with the assistance of any expertise which we might have in the Department of Rural Development. One of the natural followings then is for a project proposal to be submitted and if it is agreed with then finances go into it. I am assuming, and I am open to correction on this, but I am assuming that the development association itself would already have conducted a survey or a canvass of any potential expertise in the area in relation to mink farming and these two particular people who are travelling to other parts of the Maritimes, in this case to look into the many aspects of mink farming generally speaking, have done so with the acceptance or co-ordination of the development association. Again, however, I should say that the development association when developing this kind of project can look to any area they want for expertise and if it is going to help then we offer that assistance to them.

MR. CALLAN:

A final supplementary,

Mr. Speaker.

MR. SPEAKER: (Mr. Ottenheimer)

A final supplementary.

MR. CALLAN:

Mr. Speaker, in view of

the fact that I have enquiries from several former mink ranchers in that part of the Trinity shore which is in my district, in view of that fact that some of these gentleman seem to be overlooked in this regard, and also in view of the fact that the Eur Farmers Co-operative, which, of course, was set up for the mink ranching business, in view of the fact that the Fishermen's Union in this Province is considering the idea of taking this over and making it a fish co-operative operated by the union, there are many things happening on that particular stretch of the shore. I am wondering could the minister have his advisors take a closer

MR. CALLAN: look and make sure that things are done there properly rather than have a lot of squawking and what have you after the fact? And I would also ask the minister a final question. If there has been a study completed on that, or ongoing, I am wondering could the Upper Trinity South Development Association or the minister through his office do me the courtesy of supplying me with some information and then I can answer intelligently some of the questions that are coming from my particular area of Trinity South?

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

MR. GOUDIE: Mr. Speaker, in relation to getting information from the Upper Trinity South Development Association, we, as a department of government, do not like to leave any impression, neither do we carry on the practice of trying to over-ride decisions which are made by any development association regardless of where it is. So I would suggest on the one hand that if the hon. member wants information from the association, then he should go directly to them. I do not mean to offend the hon. gentleman, but I think it is the courteous thing to do. If there is information in the department relating to a particular project, then certainly I would be prepared to sit down with the hon. gentleman and discuss whatever aspects in which he has an interest, whether it is in mink farming or any other project - no problem that way. And I have forgotten the first part of the gentleman's question.

MR. CALLAN: Has the study been completed and is there a report?

MR. GOUDIE: That, again, I would have to take as notice and check first thing in the morning and find out if the study has, indeed, been completed or if these two gentlemen going to New Brunswick is a part of that study.

MR. SPEAKER: The hon. the member for LaPoile, followed by the hon. gentleman from Burin - Placentia (Mr. Canning).

MR. NEARY: A question to the hon. the Premier, Sir, in connection with the Abitibi agreement to take over Labrador Linerboard. We have the financial statements. Would the Premier indicate if we are

MR. NEARY: going to get the agreement, if the agreement between Abitibi and the Newfoundland Government will be tabled? If not, why not? And would the Premier, while he is on his feet, also indicate, if they do not intend to table the agreement, to let us have all the facts laid on the table of the House, if Abitibi Price have been given additional timber rights in this Province and what part of the Province the timber rights are located?

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

PREMIER PECKFORD: The hon. gentleman is talking about something in addition to what was in the legislation that was (inaudible).

MR. NEARY: No, all we have so far is the financial statements. We have not seen the agreement and the government have refused to give us (inaudible).

PREMIER PECKFORD: Well, most of the features of the agreement are in the bill that we just passed in the House. I do not know of anything additional.

MR. NEARY: Okay, but I am asking about the timber.

PREMIER PECKFORD: The hon. member's question, then, is that in addition to -

MR. NEARY: Right.

PREMIER PECKFORD: to the terms and conditions laid out in the act which was recently passed in this hon. House, will the hon. Premier present any other additional conditions or relevant facts to that agreement which hithertofore have not been presented to the House?

MR. NEARY: Right. Okay.

PREMIER PECKFORD: Is that what the hon. gentleman was asking?

MR. NEARY: Yes.

PREMIER PECKFORD: The answer to that question, Mr. Speaker, is yes.

MR. NEARY: Mr. Speaker, well let me ask the hon. gentleman a supplementary, Sir.

MR. SPEAKER: (Otteneimer) A supplementary.

MR. NEARY: Will the hon. gentleman tell the House then if included in the agreement are additional timber rights to Price (Nfld.) or Abitibi?

MR. SPEAKER: The hon. Premier.

PREMIER PECKFORD: I am not sure. I will have to defer to the Minister of Lands and Forests (Mr. Morgan) to see whether he has the information at his finger tips. To my knowledge I do not think there is any special agreement on additional forest lands, but I will undertake to get the information and table it for the hon. gentleman.

MR. NEARY: Does the hon. gentleman know if there is additional timber rights in there for Price or Abitibi?

MR. MORGAN: What is it again?

MR. NEARY: I beg your pardon?

MR. MORGAN: What is it again?

MR. NEARY: It is not in the legislation but it could be in the agreement.

MR. MORGAN: We will find out.

MR. NEARY: Well, let me ask the hon. gentleman then a supplementary question.

MR. SPEAKER: A supplementary



MR. NEARY: Is there any guarantee in the agreement, in any way, shape or form, that Abitibi will be able to get their wood at a fixed rate. In other words, if the price of wood goes above a certain amount that it would have to be subsidized from the public treasury?

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: No, I am asking the question.

MR. MAYNARD: Well, you got an answer; it is no.

MR. NEARY: I am asking the Premier. Is there any way at all, anything in the agreement covering the cost of wood that if the cost of wood goes above a certain point that the Newfoundland Treasury would have to subsidize the wood?

MR. MARSHALL: No.

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

PREMIER PECKFORD: Mr. Speaker, in answer to the hon. member's question, there is a bill here that we just passed through the House, Mr. Speaker -

MR. NEARY: No, it is not passed yet.

MR. MARSHALL: No, but it has passed second reading.

PREMIER PECKFORD: Passed second reading, passed in principle. Perhaps the hon. gentleman should wait. Bill 15, "An Act To Provide For The Ratification And Sale Of Labrador Linerboard Limited To The Conversion Of The Linerboard Mill To A Newsprint Mill," and then we go over to some of the agreements that are in here as it relates to wood. And it is all contained here in the bill; section 10, section 11, deals with wood. So I think the hon. gentleman's question should wait. "The licences will be for a term of twenty years commencing on January 1st., 1980 subject to satisfactory performance by the company. The terms and conditions of this agreement and the licences during that period will, at the company's request, be renewed for a period not less than ten years,' blah, blah, blah. "Company is satisfied on the basis of the estimates prepared, company shall pay the government stumpage at the rates prescribed by regulation from time to time," this is some of the monies that

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PREMIER PECKFORD: are presented. It goes on. "Five years of the licence is 85 cents per cubic meter -

MR. NEARY: I can read. That is not the question I asked.

PREMIER PECKFORD: - stacked pulpwood at \$1.25 per cubic meter in solid volume. Now I guess they got meter in there because we are now under the new system, the

PREMIER PECKFORD:

metric system is in so I would ask the hon. gentleman that if he has a few spare hours in his leisure time over the next couple of day before we get into - we will hold up the bill, Mr. Speaker, from going into Committee if the hon. gentleman wants to so that he has an opportunity to fully assess the repercussions contained in this very important reform bill which will provide more jobs for the people of Newfoundland.

MR. S. NEARY: Final supplementary, Mr. Speaker.

MR. SPEAKER: (Ottenheimer) Final supplementary, hon. member for LaPoile.

MR. S. NEARY: First of all, Sir, before I ask my supplementary I would like to associate myself with the Premier in welcoming the students from St. Clare's High School in Carbonear. I had the privilege and the honour to speak to the students over there a year or two ago and I must say I enjoyed it very much and I am glad to see them here today.

But the hon. gentleman, I believe, knows what I am getting at, Sir, and it is not covered in the legislation. If the price of wood goes above a certain point-it may be in the agreement and that is why I am trying to get the agreement laid on the table of the House. There is no reason, Mr. Speaker, in this world why that agreement should not be laid on the table of this House. Well, the hon. gentleman agrees, Well, I will wait until I get the agreement in that case. And would the gentleman also lay on the table of the House before we put this agreement through, this legislation through, lay on the table of the House the annual reports, the financial statements and an accounting of Labrador Linerboard from 1973 up to the time it closed involving \$300 million of taxpayer money? And the Government has stonewalled and refused to give us the information so far. Will all these reports also be laid on the House before this agreement is passed?

MR. SPEAKER: Hon. Premier.

PREMIER PECKFORD: Mr. Speaker, yesterday that question was asked and I indicated to the hon. gentleman that I would give him an answer on that question, I have not had an opportunity today to consult with the former Minister of Industrial Development, the Minister of Mines and Energy (Mr. W. Doody), the former Chairman of Newfoundland Linerboard mill at the time and so on, which I will undertake to do and then answer the hon. gentleman on that point about the financial statements -

MR. S. NEARY: But the other (inaudible)

PREMIER PECKFORD: -for the last number of years.  
Let me finish, Mr. Speaker, if the hon. gentleman will, please.

On the second point, I have already indicated to the hon. gentleman in previous questions asked today that anything to do with the agreement relative to the sale of Labrador Linerboard mill to Abitibi which is not now contained in the legislation before us will be tabled in this House so that all hon. gentlemen will be able to see, in total, if there is anything more not already covered in this act, what this whole thing contains.

MR. S. NEARY: The minister would not give it to us before, but the Premier gives it to us. That is good.

MR. SPEAKER: (Ottenheimer) Hon. member for Burin - Placentia West, followed by the hon. members for Eagle River and Terra Nova.

MR. P. CANNING: When the conversation is over Mr. Speaker, I have a question to direct at the Minister of Public Works (Mr. H. Young). It is referring to civil servants working at Atlantic Place. I understand they have to pay twenty five dollars a month for parking. I ask the minister if he would tell the House if this comes

MR. P. CANNING: directly out of their salary or if there is any compensation or if they are going to pay twice to bail out the Crosbies - they will have to pay their taxes: it has to come out of their taxes and then it will have to come out of their salary as well?

MR. SPEAKER (MR. OTTENHEIMER): The hon. Minister of Public Works and Services.

MR. H. YOUNG: Mr. Speaker, I do not know if there is any provision whether it comes out of their salaries or so forth but we are not providing any parking space downtown.

MR. P. CANNING: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. P. CANNING: Mr. Speaker, I direct my supplementary to the Premier. I understand the answer he gave was, yes, it is coming out of their salaries. I ask the Premier would he tell the House -

AN HON. MEMBER: He did not say that.

MR. P. CANNING: Where is the hon. Premier. The Premier is the head of this government -

MR. S. NEARY: (Inaudible) A.B. Walsh (inaudible) He gave out colour televisions (inaudible).

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

MR. P. CANNING: Now, Mr. Speaker, I am directing a question at the hon. Premier, respectively directing it at him. And I am sorry that I have to because the way I am going to put my question is it may seem that the present Premier is responsible for what I think is very unjust. But does the Premier feel that this is just to the civil servants, who have gone down to Atlantic Place, should have to pay for parking space, I mean, when it is quite obvious why the former Premier, or the government under the former Premier, did rent that building down there to bail out the Crosbies?

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

PREMIER PECKFORD: The question of justice, Mr. Speaker, is a big, big question. One of the criteria, I suppose, could be is there any other policy like this by other governments? I do not know if that would make the idea any more just or not, but I understand that the Federal Government has a like policy towards employees of that government in cities in Canada and in St. John's. In other words, the employees have to find their own parking and in like manner then the Provincial Government is following the same kind of policy. Whether it is just or not is a difficult question to answer; it seems to be just to me. The only condition I would put on it is if it is very inconvenient or really exorbitant in cost, I suppose one might be able to make some kind of an argument that it

Premier Peckford: is not just. In this particular case it seems to me to be a just and equitable way. Albeit, I guess one of the problems is that for quite a number of years when this building was first built there was provided a large area for parking, which at that particular time in our history, there was that land around. We are now moving and getting more developed, and there is less land around, and it is more difficult and more expensive to provide that much parking. And if you had to provide that much parking you would be taking up a lot of space that otherwise would go in the building.

So today is not the same as it was twenty or twenty-five years ago when this building was built. If you judge it in comparison to this building you are talking about two different times, two different eras. So there does seem to be some justice to it as far as I am concerned.

#### ORDERS OF THE DAY

MR. MARSHALL: Before we go into Orders of the Day, perhaps I can make a routine motion, Mr. Speaker, that the House when it rises to adjourn today be adjourned until 10:00 o'clock tomorrow morning instead of 3:00 o'clock, and the sitting hours from 10:00 o'clock to 1:00 o'clock stand instead of 3:00 o'clock to 6:00 o'clock for tomorrow.

MR. SPEAKER (MR. OTTENHEIMER): The motion is that when the House adjourns, it will adjourn until 10:00 o'clock tomorrow, and sit from 10:00 o'clock until 1:00 o'clock. Those in favour "Aye", contrary "Nay", carried.

MR. MARSHALL: Motion 1.

MR. SPEAKER: Motion 1. Before calling the motion I would welcome to the House of Assembly on behalf of all hon. members Mr. Gerald Bowering who is in the gallery and Mr. Bowering is the Mayor of Deer Lake.

SOME HON. MEMBERS:

Hear, hear!

Motion, the hon. Minister of Justice to introduce a bill, "An Act To Amend The Intestate Succession Act, " carried, (Bill No. 37).

On motion, Bill No. 37, read a first time ordered read a second time on tomorrow.

Motion, the hon. Minister of Justice to introduce a bill, "An Act To Amend The Unified Family Court Act", carried, (Bill No. 38).

On motion, Bill No. 38, read a first time ordered read a second time on tomorrow.

Motion, the hon. Minister of Justice to introduce a bill, "An Act Respecting Small Claims," carried, (Bill No. 40).

On motion, Bill No. 40, read a first time ordered read a second time on tomorrow.

Motion, the hon. Minister of Justice to introduce a bill, "An Act Respecting Provincial Offences And Magisterial Inquiries", carried (Bill No. 41).

On motion, Bill No. 41, read a first time ordered read a second time on tomorrow.

Motion, the hon. Minister of Health to introduce a bill, "An Act Respecting Dispensing Opticians", carried ,(Bill No. 34).

On motion, Bill No. 34, read a first time, ordered read a second time on tomorrow.

Motion, the hon. Minister of Health to introduce a bill, "An Act To Provide For The Provision Of Lower Cost Prescription Drugs", carried, (Bill No. 39).

On motion, Bill No. 39, read a first time, ordered read a second time on tomorrow.



Motion, the hon. Minister of Labour and Manpower to introduce a bill, "An Act To Amend The Occupational Health And Safety Act", carried (Bill No. 42).

On motion, Bill No. 42 read a first time ordered read a second time on tomorrow.

MR. MARSHALL: Order 27, Bill No. 33.

MR. SPEAKER (MR. OTTENHEIMER): Order 27, the adjourned debate on Bill No. 33

The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, my colleague the member for Burgeo-Bay d'Espoir (Mr. Simmons) is absent today, I think he adjourned the debate the other day. I am not going to speak very long on this, Sir, because I think much that has to be said about this bill has already been said.

I want first of all to congratulate the Newfoundland and Labrador Status Of Women who are

MR. NEARY: who are responsible  
really for this legislation being before the House today.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: I had the honour, Sir,  
and the privilege to sit in on one or two meetings - I think it was  
two meetings, downstairs on the first floor in our Common Room with  
the representatives, I believe the president and members of the  
executive of the Newfoundland and Labrador Status of Women Council  
in this Province and I must say it was very helpful indeed, Sir.  
It was very informative, very educational and very helpful indeed.  
And but for the Newfoundland and Labrador Status of Women Council,  
as hon. gentleman know, this bill would not be before the House today.  
And I want to congratulate them for the magnificent accomplishment  
that they have made in such a short time. I am sure, Mr. Speaker,  
that they must have been pleasantly surprised to learn that this  
bill was coming before the House as soon as it did because last  
year the Minister of Justice (Mr. Hickman) tried to stonewall the  
bill, the progress of the bill, the legislation, the drafting of it  
and instead was going to opt for a white paper or a pink paper or  
a green paper - I am not sure which it was, and the hon. gentleman  
apparently had grave doubts whether or not this major reform in  
this Province as it applies to females, to women should be brought  
before the House without some kind of a white paper or pink paper.  
So it would appear to me, Sir, that the new faction in the Cabinet,  
the three or four who managed to beat the Moore's faction at the  
convention have now taken control of the Cabinet and are now intended  
to show the old guard, especially the converted Liberals that they  
are going to bring in some good legislation despite the fact that  
some of the old guard maybe very conservative in their thinking,  
that the new guard are going to just brush them aside. So today we  
have this piece of legislation as a result, I suppose, Sir, of  
some kind of a political quirk that the Minister of Justice (Mr.  
Hickman) when he made that statement about bringing in a paper,

MR. NEARY: some kind of a paper into the House first to get the feelings of the members and the various groups throughout the Province, when the Minister of Justice (Mr. Hickman) made that statement he did not anticipate that there would be a Leadership Convention in between. So I think that has a lot to do with hastening the progress of this bill and getting it before the House at the present time. I do not know if we are going to see any more of this but there is every indication, Mr. Speaker, from our vantage point on this side of the House that we may see more legislation like the bill we have in front of us today brought before the House, that have been postponed and stalled and on which the government has procrastinated for the last six or seven years. Well I hope so, Sir, because I am in favour of this bill and there are a good many more things that I would like to see, reforms of one kind and another brought before this House that would be good for the people. I am in favour of anything that is good for the ordinary people and this bill, as the students in the gallery may realize, it is a bill called, "An Act To Reform The Law Respecting The Property Of Married Persons," and as these young people will realize, up to the present time a married woman had no legal status as far as matrimonial property is concerned, especially the home. And this bill now makes it compulsory, this bill which will become the law of the land when it goes through Committee of the Whole and third reading, signed by the Lieutenant-Governor will become the law of the land and will give the woman the right to half of the matrimonial home whether she contributed to it or not. She will be

MR. NEARY: entitled to half of that home in case of a break-up, in case of a divorce, in case of a legal separation, in case of death - for any reason at all - after January 1st when this bill comes into effect, the woman will own half of that home. And I think that is absolutely magnificent. Now, mind you, there may be a lot of males in the Province who may not understand that, who may pound their breasts and say, 'But I went out and I worked and I paid the mortgage and the home should be mine - I should be king of the castle.' There are an awful lot of Newfoundlanders like that, you know, who think that their home is their castle, they own it and the poor old wife has no say in it. Well, this is all going to change now after this bill is passed and comes into effect on January 1st. There will be no more of this, for instance - we have heard an awful lot of comment on this bill from the lawyers, who are very concerned about the fact that they put their homes in their wives' names for business reasons. Because, you see, under the law, another law in this Province, if you were head of a business and it went bankrupt and the house was in your name, then your creditors could claim the house. So how the lawyers got around that was that they found a loophole in the Act so that you could put the house in your wife's name and then if the business went bankrupt you would not lose your home. Your children and your wife would still have a house, a roof over their heads and a place to sleep. So that was a little bit of a gimmick that they used. But the lawyers were arguing the other day that now with this new bill, if you make it compulsory for the woman to own half the home and you go bankrupt, then your creditors could claim half the home. Well, my only answer to that is that we have not had a satisfactory explanation for that yet from the government who are piloting this bill through the House and that may be a bit of a problem. And the minister in closing the debate may be able to straighten us out on that matter. He may be able to say, 'No, we are going to amend this bill so that if the husband gets in business and he is reckless and he gambles and he loses, he goes bankrupt, that his

MR. NEARY: creditors will not be able to claim half of the home and the woman will own the other half. I am sure the minister is going to straighten us out on that. But the part that made me laugh when I was listening to the lawyers arguing this - do you know what some husbands did and are still doing? For business reasons they say, 'Sure, I am going to put my house in my wife's name and then if anything happens to the business, she goes belly-up, I will be back next year looking for the house back from the wife.' And the poor old wife has to sign it back to him again, probably to go out and get a mortgage to start up another business. So actually, what they were doing was using their wives. And, of course, I suppose in one sense the wives did not mind being used, because they thought that the husband would get the pot of gold at the end of the rainbow. But I am afraid that in a lot of cases there have been an awful lot of broken hearts over this business and sometimes in their cuteness they got caught. But they did, I suppose, in one sense use their spouses. They said, 'Alright, I am not going to take any chances, I will give you the home,' and as soon as they got out of the woods, they wanted a divorce, they wanted a separation or they wanted to raise some mortgage money - back to the wife: 'Here, sign the home back to me again.' That has happened in a good many cases, probably too many cases.

Now this is going to be a good bill for a lot of reasons, but I suppose, Mr. Speaker, we have to think about all those people who have in the past been legally separated, divorced, spouse died, spouse took off, left for some unknown reason and left a situation, Mr. Speaker, where the wife and children were left high and dry, they were left with nothing. In a good many cases the home was in the name of the man. The man paid the mortgage, he felt he was the boss. He had no argument from his wife. All of a sudden trouble came on the horizon and the next thing the wife found herself out in the street, out in an apartment. Well, now, this bill, I hope, will remedy all that. I hope that the loopholes that

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MR. NEARY:

are in it will be plugged.

And, Mr. Speaker, I also hope that  
this will not become a bonanza for the lawyers. It could become a  
nightmare for the lawyers, but I hope it will not be a lawyer's dream.  
I hope this piece of legislation will not

MR. NEARY: mean a bonanza for the lawyers.

MR. CANNING: They get paid for their nightmares.

MR. NEARY: They get well paid for their nightmares,  
I guarantee you that.

MR. MORGAN: It will double the divorce cases.

MR. NEARY: It will what?

MR. MORGAN: It will double the divorce cases.

MR. NEARY: My hon. friend says it will double the divorce cases in this Province. I hope the hon. gentleman is wrong, because I still have great faith in human nature, Sir. And I heard my colleague, the member for Terra Nova (Mr. Lush) the other day, talking about how beautiful it was - love and star-gazing - and I could not help getting carried away with my hon. friend, who seems to be so experienced in romance and love, Sir. I got completely overcome with the hon. gentleman and I said, 'There is a happy man if I ever heard one!' So I hope the hon. minister is wrong, that this will not bring on divorce. Now there may be some who are just waiting for this legislation to go through. The only thing that is keeping the family unit together is the fact that the man owns the home and the woman has no way to turn. She may be completely frustrated and desperate, living a life of hell in a home with a man she does not want to live with, but because he owns all the assets and the property there is nothing she can do.

MR. MORGAN: Or vice versa.

MR. NEARY: I beg your pardon?

MR. MORGAN: Or vice versa.

MR. NEARY: Or vice versa, that is true, Sir. But nine chances out of ten it is the man who calls the shots because he is working and he is paying the mortgage and he thinks that the woman contributes nothing, that she should be kept barefooted and pregnant and in the kitchen all day long. Well, that day is coming to an end.

MR. LUSH: We are getting close to it now.

MR. NEARY: It is coming pretty close.

MR. NEARY: I thank my hon. friend for giving us that wonderful, enlightening message when he was talking about the spirit of this bill and telling us about romance and love, and I must say, Sir, that I was really impressed with the hon. gentleman, who had a little twinkle in his eye when he was doing it.

Mr. Speaker, I do not know if there is anything else I can say. Oh, yes, there is something else I can say about this bill.

Prior to the introduction of this bill, members of the House and even people outside the House were very reluctant to talk about 'shack up' jobs. And I heard various members who were commenting on this bill referring to the section about cohabiting - people cohabiting, that is people who live together. "A man and a woman who are cohabiting and are not married to one another may enter into an agreement to be known as cohabitation agreement, in which they agree on their respective rights and obligations." In other words, Mr. Speaker, this is what is commonly known as a 'shack up'. Now there are people who are of strong views on this. This is the first time, by the way, that I have ever seen enshrined in law a recognition of people who are shacked up. I do not know if the bill goes too far on that matter or not, Sir. I am not sure if it does or not. Perhaps my hon. friend, the member for Exploits (Dr. Twomey) could give me a little sermon -

SOME HON. MEMBERS: Bay of Islands.

MR. NEARY: - the member for Bay of Islands (Mr. Woodrow) rather, could give me a sermon on whether or not the hon. gentleman as a matter of principle agrees with Page 17, section 32 (1). And I will read it for the benefit of the hon. gentleman who was not in his seat when I read it before.

MR. WOODROW: I have already read it.

MR. NEARY: It is called a cohabitation agreement - 32 (1): "A man and a woman who are cohabiting and are not married to one another may enter into an agreement to be known as a cohabitation agreement in which they agree on their respective rights and obligations."

Now the reason I raise it, Sir - because the Leader of the Opposition brought it



Mr. Neary: to my mind the other day when the hon. gentleman asked the administration if they had had any prior consultation with the churches in connection with this particular matter of cohabitation. And I believe the answer was in the negative. The answer was, no that they had not.

Now I happen to know, Mr. Speaker, -

MR. LUSH: The hon. House Leader said, yes.

MR. NEARY: The hon. House Leader said, yes. Well I am sorry I missed that. Did the hon. gentleman say yes that they had had representation from the churches in connection with this matter?

AN HON. MEMBER: He said, 'yes'.

MR. NEARY: From some of the churches?

MR. MARSHALL: The Premier will indicate that I said the government consults all interested groups including members of the churches. I did not say we had representations.

MR. NEARY: Well, Mr. Speaker, let me answer that if I may for the hon. gentleman. I some how or other down deep in my heart suspect that the churches were not consulted on this bill, especially concerning Section 32 (1) on the cohabitation agreement. I am reasonably sure, Mr. Speaker, I -

MR. LUSH: No, they have not.

MR. NEARY: Pardon?

MR. LUSH: They have not.

AN HON. MEMBER: My hon. friend can vouch for that, can verify that. Well I will take my hon. friend's word for it, that the churches were not consulted.

AN HON. MEMBER: Not that I know of.

MR. NEARY: They were not.

AN HON. MEMBER: (Inaudible).

MR. NEARY: They were not involved - you mean, prior to the bill coming on the Table of the House, coming before the House?

PREMIER PECKFORD: Yes.

MR. NEARY: The churches were asked for their opinion.

PREMIER PECKFORD: They were involved in a lot of meetings that were held both in Corner Brook and in here, there were representatives of

Premier Peckford: the Ministerial Association who had their input into this bill long before it ever came before this House. Last year when the hearings were being held, seminars and meetings were being held through the Status of Women's Council, the Ministerial Association were very, very much involved in the input that they had and what came out the other end which is now this bill.

MR. NEARY: Mr. Speaker, we now have it on the public record from the hon. the Premier, Sir, that the churches had input into this bill.

MR. LUSH: Cohabitation.

MR. NEARY: And that they did approve of Section 32 (1) the cohabitation agreement. Is that what I understand from the hon. gentleman?

PREMIER PECKFORD: You understand from the hon. gentleman that the Ministerial Association were involved for a long period of time in the preparation of this bill, that they had their input.

MR. NEARY: Mr. Speaker, the hon. gentleman is being a little bit evasive. I will ask him again just to make sure, because if I cannot understand what the hon. gentleman is saying maybe it is because I am so stunned, but is the hon. gentleman saying, that this bill in its present form, with Section 32 (1) Cohabitation Agreement, page 17, was presented to the Ministerial Association and they approved of this bill in its present form?

PREMIER PECKFORD: I am saying that all agencies in the Province that were interested and including the Ministerial Association, were involved and contributed and had their input into this bill. Every single section and every single word and every single phrase, I have not got a check list to know where every agency's position was on every particular concept, every particular phase, every particular section of that Act, that they had their input, that it was done democratically is without question.

MR. NEARY: I thank the hon. gentleman for the information. Now let me ask the hon. gentleman again, can the hon.

Mr. Neary: , gentleman tell me, because some how or other I have a feeling to the contrary, that Section 32 (1) was approved by the Ministerial Association. That is what the hon. gentleman is saying.

PREMIER PECKFORD: No, I did not say that.

MR. NEARY: Well all right, well let me put the question another way.

PREMIER PECKFORD: I said I do not know what each agency, whether it was the Ministerial Association, whether it was the Status Of Women's Council, whether it was the Women's Institute, whether it was the Federation of Labour, whether it was the United Steelworker's of America, what each one of those agencies views were on every single aspect of this bill. What I am saying is that the bill was compiled after consultation with all agencies who were interested, including the Ministerial Association.

MR. NEARY: All right, well let me -

PREMIER PECKFORD: That is all I can say. I mean obviously -

MR. NEARY: - let me ask the Premier this, maybe I will put the question another way, were there any objections from the Ministerial Association or any of the churches in this Province about Section 32 (1), Cohabitation Agreement?

MR. NEARY:

Were there any objections?

PREMIER PECKFORD:

I do not know. I will have to check the files down in the Department of Justice. As a result of all the meetings that were held, as a result of the white paper going out to all the areas and all the interested groups, because there was that, so I do not know who objected to what in a specific term like that neither could I tell the hon. gentleman whether, you know, the Steelworkers of American or the Status of Women Council agreed or objected to this, that or something else. All I can tell the hon. gentleman, he knows what I am saying and he knows, obviously, that off the top of my head here—but I have checked it out enough to know that it was done democratically, there was full consultation and everybody had their input and now we have this bill which is a bill which represents a consensus of the Newfoundland society today.

MR. NEARY:

Just for the benefit of the students in the gallery, we are not being discourteous to the speaker. If I yield, if I ask the hon. gentleman on the other side a question the hon. gentleman really should stand to answer my question. But if I allow him the opportunity to answer that is my prerogative but, Your Honour, has to recognize the hon. gentleman and the hon. gentleman should stand. So all I am trying to do is get some information because what the hon. the Premier has said now, for the benefit of the students, is that this was done in a democratic way, that the Ministerial Association were consulted, that there were no objections - he says now he is not sure. Well here we are debating the principle of a bill, in second reading that we are doing now we are debating the principle of a bill and you would think that the government who is piloting this bill through the House would have all the information in connection with this bill at their fingertips in the House in case a poor old fellow like myself asks questions of the government in connection with this

MR. NEARY: bill. You would think they would have any objections before them in the House because it is very important to know, because there may be , Mr. Speaker , there may be members of this House who have some very strong feelings on Section 32(1). I have no doubt at all, Sir, that there are members on the government benches who have some very strong feelings as a matter of principle. And when the question is put, Sir, I would be very surprised, if these gentlemen are in their seats, if they would vote in favour of that section of this bill. That is how strong the feelings are. I somehow or other gather that from talking to some of the members and from talking to people outside of the House.

MR. YOUNG: You do not agree with shacking up.

MR. NEARY: No, I did not say that, Sir. I did not say it , Mr. Speaker . I did not say that I did not agree with shacking up, I said there are members of the House. The hon. gentleman should listen.

AN HON. MEMBER: Leave him alone.

MR. NEARY: Yes. I should leave him alone. I should ignore him. The hon. gentleman is out off his depth altogether. He is quite suited for what he is doing, digging holes in the ground.

MR. YOUNG: Burying the Liberals.

MR. NEARY: That is right. I would suggest he is burying more Tories these days than Liberals. But there are people , Mr. Speaker, in this hon. House who have some very strong views on this. I am not saying that I am one of them. I am not saying I am one. I probably could be persuaded as the song says, I could be persuaded. But I am prepared to listen to the arguments pro and con. I am prepared to listen to what the hierarchy of the various churches have to say about this. I am prepared to

MR. NEARY: listen to the agnostics. I am prepared to listen to the atheist arguments. I am prepared to listen to the people who have no religious affiliation at all. I am quite prepared to listen to all the arguments but we do not have all the arguments in front of us whether they be spiritual, moral or otherwise. I am prepared to listen and I am prepared to learn but I would certainly like to have and I would like for the hon. the Premier to find out. All the hon. gentleman has to do now while I am on my feet is to send a messenger to the Justice Department to find out if there were any strong objections to Section 32(1) of this bill. That is all the hon. gentleman has to do to satisfy me and then I will sit down and take my seat. I will keep talking until the messenger comes back up and then the hon. gentleman and I will enter into complete agreement. I will sit down and we will go into Committee of the Whole on the bill and we will whack her through in jig time. But I would like to know. Can I find out? The hon. gentleman tells us it was done in a democratic way. Okay, Fine! I cannot question the hon. gentleman, Sir. Maybe it was.

MR. NEARY: I would like to find out if there were any strong objections to this particular section, and I would like to find out, also, if there have been any objections raised since the bill came before the House. Now, Mr. Speaker, I have no doubt at all that - even though the member for St. John's East (Mr. Marshall), the Government House Leader assures us that everything is done now in a democratic way, that everybody has input into this, the bill was circulated, incidentally, to everybody so the hon. gentleman tells us, that everybody in the Province got the bill except the members of the House, We were the last to get it. We did not see it until it came into this House. I can understand the Newfoundland Status of Women having the draft bill to look it over because they are the ones who motivated the government into bringing this legislation before the House. But we did not see it until it came in for second reading in this House and so, Mr. Speaker, we had no opportunity - all the groups, the minister tells us, outside the House had an opportunity to study the bill but the members, the elected representatives of the people who have to make it law had no opportunity. Therefore, the only chance that we had to find out from our various sources if the bill complied with all the religious and spiritual principles and moral principles that we expect to find in society today, that if this bill conformed to these very high standards and these ideals, lo and behold, Mr. Speaker, the feed back that I have gotten, the feed back, Sir, that I have and the hon. Premier tells me no, this is not so, is that it does not, this section of the bill does not and should be taken out, should be removed from the act. And when it comes into Committee of the Whole, Sir, I would be very surprised if the hon. Government House Leader, or the hon. the Premier himself, did not make a motion that that particular section of the legislation be removed.

I do not know if the government is considering it. Possibly they are, Sir. Possibly they are. But I would be very surprised if they did not take it out. Apart from that, Mr. Speaker,



MR. NEARY: and the points that were raised by the Leader of the Opposition when he spoke in speaking for this side of the House, showed the legal problems that can crop up in the implementation of this bill. I am sure my hon. friend was making notes and my hon. friend will be able to move amendments to plug up these loopholes.

MR. MARSHALL: They have all been answered.

MR. NEARY: They have all been answered. Yes, they have all been answered, the hon. gentleman says, Mr. Speaker, do you know what it will cost the ordinary people of this Province to find out their rights under this bill? It will be a real bonanza for the lawyers. It will cost you about, I would say to get an interpretation of a section of this bill, the down payment, as soon as you walk into the lawyer's door, \$100. Before you get your rear down in the Chair, \$100. And then if you are going to ask him for a bit of advice and he has to write a few letters and he has to spend an hour or two contemplating it that is another \$150. And then you will have to pay him for the stamps and the stationery. So you are talking about - finding out your legal status from the lawyers is about \$300. And then if it happens to be a complicated case it could cost you \$1,000 or \$1,500.

MR. LUSH: We are asking questions now (inaudible)

MR. NEARY: Those are the questions we have answered so far, Sir. The hon. gentleman was very critical of the news media the other day because they said, one of the news media said that the bill was retroactive. Well I honest to goodness thought that the bill was retroactive. I did, Sir, and I read it. And this poor-old newsman got rapped on the knuckles by my hon. friend. There is not a person in this Province, Sir, who does not think that this bill is retroactive. Did the hon. gentleman realize that? And I have gone through it again and I still cannot find out, I cannot satisfy my own mind whether or not it is retroactive. It comes into effect the 1st. of January. That is all it says. But how far back does it go? I had a call the other night from a lady who has been divorced for a few years, who wanted to know if it



MR. S. NEARY: would apply to her. Well, after hearing the hon. gentleman I said, "I do not know. I will have to find out when we are into Committee of the Whole on the bill. Call me back when the bill goes through the House and I will be able to give you the answer." Will or will it not be retroactive?

MR. W. MARSHALL: If the hon. gentleman would stay in the House and listen to people when he is not making speeches, he would have found out that it is not.

PREMIER PECKFORD: It comes into effect in January 1980.

MR. S. NEARY: Well, is the hon. gentleman referring to me or the media?

MR. W. MARSHALL: Well, I am referring to you. I did not mention the media.

MR. S. NEARY: Let me say to the hon. gentleman, Sir, in answer to that there is no member of this House who spends as much time in his seat as I do, no member on either side of the House. I am like 'Joey' sometimes I wonder about me bladder. 'Joey' used to sit in this House day in and day out, morning, noon and night and never even get up to go to the toilet. Now, I am not quite that big on it but I guarantee you I spend more time in this House, I spend more time than any other member in my seat in the House and I only wish they would keep an attendance record here. And so, Mr. Speaker, it does not make any difference, if I happen to go out in the Common Room here to make a phone call or to see a constituent or to see somebody who wants to give me some information about some skulduggery or wrong doing on the part of the administration, if I go out to get that, I got one ear cocked to what the gentleman is saying and I got the other ear cocked to hear what is going on in the House. But I am, again, like 'Joey', Sir, one thing I have never been able to master, I can not listen to two conversations at the same time. I find it very frustrating. I am on the phone, somebody

MR. S. NEARY: is calling me to tell me about some wrongdoing on the part of the Government that I am intensely interested in, and the minister is in speaking in second reading on this bill and I am trying to listen to him, and I get completely frustrated. And so, Sir, the hon. gentleman made it abundantly clear, well he did not make it clear to the people of the Province, did not make it clear to the media, did not make it clear to other members of the House who happened to be in their seats at the time, because everybody but everybody up to the time the minister made his latest outburst against the media the other day, everybody but everybody thought that the bill was retroactive. And I still can not see anything in there that says that it is not. And so, the hon. gentleman for my benefit, if for nobody else will have to go through that again.

Now, I presume the hon. the Premier is not going to bother to check to find out if there is any objection to Section 32 (1), it is going to be left in, It will be left in the legislation, is this what I understand? For the first time in the history of this Province we will have enshrined in law recognition of shack-ups.

MR. LUSH: Without any responsibilities.

MR. S. NEARY: No responsibilities at all. Yes, Sir, that is the first time, Mr. Speaker, it will be enshrined in law and I am not saying whether it is right or wrong, let me make that clear.

My understand of it is, and I just want to read it again to make sure, "A man and a woman who are cohabiting," in other words, if you live in a commune, that is what it means, cohabiting and are not married to one another you may enter into an agreement to be known as a cohabitation agreement. Is that not what it means? You know, if I am going to vote for or against it, I would like to know what it means. I have been told by people who have more knowledge of this kind of a situation than the hon.

MR. S. NEARY: gentleman and they tell me that is what it means. I mean, I am not a doctor, I am not a lawyer, I am not an academic, I am not an intellect, I can only go on what other people tell me. I am not a leader, I am a follower. And I have been told by people who are very well versed in theology and in moral scruples and moral principles that that is what it means and I am inclined to take their word for it more than the hon. gentleman. and what I am asking the hon. gentleman, will it be left in or will it be taken out of the act? Will my hon. friend from Placentia (Mr. W. Patterson) support the bill in its present form?

MR. W. PATTERSON: I will be speaking on the bill and I will make my position clear then.

MR. S. NEARY: Very good, Sir, I must say that I will be looking forward to that. That will be the first time this session, I believe, that the hon. gentleman had a few words.

MR. PATTERSON: No, if you had stayed in the House you would have heard me the other day.

MR. S. NEARY: I only heard the hon. gentleman the other day on a petition. Well, what about my hon. friend the member for Exploits (Dr. Twomey), let us take him. Will the hon. gentleman vote for this bill in its present form? Has the hon. gentleman got her turned on there? Will the hon. gentleman vote for this bill in its present form?

DR. TWOMEY: I am giving it some thought.

MR. S. NEARY: Giving it some thought. What about the member for St. John's South (Dr. Collins)? Will the hon. gentleman vote for this bill in its entirety, in its present form?

DR. COLLINS: I am going to have a few words.

MR. S. NEARY: The hon. gentleman is going to have a few words. Well, I will tell you this, I thought we were going to close the debate today but I believe, now, Sir, that I have managed to motivate various and sundry members by just going at random up and down the ranks of the Tory benches. I now discover, Sir, that we are going to have a number of speakers. Well, what about the member for Ferryland (Mr. Power), the hon. gentleman has read this bill, I presume, on, "An Act To Reform The Law Respecting The Property Of Married Persons". Will the hon. gentleman support this bill in its entirety? When the hon. gentleman is asked to vote on this bill will the hon. gentleman vote on it, as is, in its entirety? Will the hon. gentleman?

MR. POWER: Of course, I will.

MR. S. NEARY: Of course. The hon. gentleman says, 'Of course, he will.' Well, there is a man who sticks by his principles.

MR. SIMMONS: What about the Minister of Health?

MR. S. NEARY: What about the Minister of Health  
(Mr. House), the member for Gander -

MR. SIMMONS: Not Gander, Deer Lake.

MR. S. NEARY: Oh, Deer Lake! The hon. member for Humber Valley  
is going to vote for this bill in its entirety, no amendments!

MR. HOUSE: I make no (inaudible).

MR. S. NEARY: Is the hon. gentleman going to speak  
on the bill? I mean, Mr. Speaker, this is such a major reform. This  
is such a worthwhile piece of legislation, Sir, I would hope that  
members on either side of the House would participate in the debate.  
But, anyway, Sir, I do not want to prolong this. I hope I have made  
my point as far as the cohabitation agreement is concerned which seems  
to be really the only part of the agreement that some people are taking  
very strong offence to, the only thing. People in this Province,  
Mr. Speaker, over the last several years have gotten themselves uptight  
over abortion. Uptight! I think I asked the first question in this  
House about hysterectomies - is it? - and abortion and so forth and I  
think the people got the shock of their lives when they discovered  
the slaughter houses that we were running in this Province, especially  
at the General Hospital. And I have since had consultation with medical  
doctors and I must say that people whom I have talked to who saw the  
programme on television last week - well, I tell you before the CBC  
showed that they should have distributed barf bags in every home in  
Newfoundland. You will find some people who are not opposed to  
abortion, they are neither pro-life nor pro-abortion but I do not  
think I have yet met one single person, even those who are strong  
on abortion who will say to you, that the law has not been abused.  
They say the law was good, the spirit of it was good, but it is  
being abused. It is like every other law that is made, it is not  
being properly policed, it is being abused. And all you have to do  
is open up the door, Mr. Speaker, like we are doing here, open up  
the flood gates and you will soon discover, Sir, that that law will  
be abused -

PREMIER PECKFORD: You are against it?

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MR. S. NEARY: Against what? No, I am talking section 32 (1).

PREMIER PECKFORD: You are against section 32 (1).

MR. S. NEARY: Mr. Speaker, I told the hon. gentleman there a few moments ago that it is like the song, maybe I could be persuaded. But I ask the hon. gentleman to produce the documentation and the evidence

MR. NEARY: to indicate to me that the Ministerial Association had gone along with section 32 (1) of this act.

PREMIER PECKFORD: I thought you had your research done as far as debate was concerned.

MR. NEARY: Mr. Speaker, I can only research, with the time I have at my disposal, and my research does not take me, Sir, to all points of the Province -

PREMIER PECKFORD: It takes you to Panama and New York.

MR. NEARY: Yes. That is right. And it will take me there again if I can get to the bottom of the skulduggery and the wrongdoing that went on in the Moores Administration, as the hon. gentleman is aware. And if I can get to the bottom of EGRET and International Sterling and International Forest Products, and the rip off, not rip off, blatant fraud of anywhere from \$30 million upwards, I am going to get to the bottom of it supposing I have to sup with the devil to do it.

MR. MORGAN: You are doing that now.

MR. NEARY: That is right. Maybe I am. But I guarantee you that I would let my children go with that gentleman any time but I would not let them go with the hon. member for Bonavista South (Mr. Morgan).

MR. MORGAN: Who is paying for your trips to the South?

MR. NEARY: Ah, Mr. Speaker, who is paying - Does the hon. gentleman want the receipts?

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Cross): Order, please!

MR. NEARY: Does the hon. gentleman want the receipts? Mr. Speaker, as I said, I would let my children, I would take my twins, eleven years old, and I would let them go to visit that man anytime, but I would not let them visit that hon. gentleman with his record of the past.

MR. MORGAN: Who is paying for your trips?

MR. NEARY: I would not let my little girls go -

MR. MORGAN: Who is paying for your trips?

MR. NEARY: - and visit the hon. gentleman but I would let them go and visit the other hon. gentleman.

MR. MORGAN: Answer the question, who is paying for your trips? I cannot afford to go to Panama every second month.

MR. SPEAKER (Cross): Order, please, order!

MR. NEARY: If the hon. gentleman would like for me tomorrow, I would be very glad to bring in my receipts and lay them on the table of the House.

MR. MORGAN: I cannot afford to go.

MR. NEARY: Well, the hon. gentleman must be living the good life. I have never become used to a luxurious life, Sir, that is one thing, and if I -

MR. MORGAN: You go, every second month, to the South.

MR. NEARY: - take my wife's retroactive pay, maybe the Newfoundland Status of Women will not agree with it, to do some research for the people of this Province, well then, Sir, I would say that democracy has a chance.

Well, as I said, Mr. Speaker, I have three girls, three young girls, fine young ladies fourteen, thirteen and eleven and I would take them and let them go and visit that particular gentleman that the hon. member from Bonavista South (Mr. Morgan) is referring to any time at all, but I would not let them go and visit the member for Bonavista South, with his record.

MR. MORGAN: Answer the question, who is paying for your trips?

MR. NEARY: Mr. Speaker, I do not have to answer the question but I will if the hon. gentleman wants me to. If the hon. gentleman wants to make a charge, let him make it.

MR. MORGAN: I am asking you a question.

MR. NEARY: No, I am asking the hon. gentleman to make the charge. The hon. gentleman, Mr. Speaker -



MR. MORGAN: I only asked a question.

MR. NEARY: - the hon. gentleman is the master of the smear and the personal assassination in this Province, the master of the smear. And the hon. the Premier -

MR. MORGAN: I only asked a simple question.

MR. NEARY: - the hon. the Premier must be ashamed, must be ashamed when he hears the hon. gentleman. He must be ashamed. There are two or three members he should have never taken into his cabinet and the hon. gentleman is one. That was the beginning of the hon. gentleman's downfall. St. John's East Extern, Bonavista South should have been cut adrift when the hon. gentleman had the chance to do it, and I will come back to St. John's East Extern before this session is over. And I will show the hon. gentleman why he should have cut them adrift if the hon. gentleman wants to be honest and wants integrity in his government, I will give him good reason. But anyway, Mr. Speaker, I got sidetracked there for the moment. But I would say, Sir, I would like to see the documentation on this particular section.

Having spoken now, Sir, for almost forty-five minutes one thing I am glad of that there will be other members. I am glad to hear that other members will speak on this bill who had no intention of speaking until I stood in my place this afternoon and raised this particular matter of cohabitation. They had no intention at all and now that they have heard the arguments pro and con they are going to have a few words. Well, I am glad to hear it. Apart from that, Mr. Speaker, I think it is a good bill. Again I want to go back to where I started in the beginning; I want to congratulate the Newfoundland and Labrador Status of Women for persuading the government, especially the new Premier, to introduce this major reform covering women, females in this Province. It is a good bill. It is going to be good for the women of Newfoundland. Whether or not most of them will understand it, it will still be good for them, and when it sinks in I think the Premier of this Province, the new Premier, who is trying to make a mark for himself over the

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MR. NEARY: long haul, with all the criticisms, with all the legal arguments, the legal jargon that has been raised by the lawyers here in the House,

Mr. Neary: when all the dead wood is all brushed aside, the underbrush is all cut away, I believe that the hon. gentleman will be proud and pleased that he brought this reform before the House. I am all for it. There are certain sections that I have reservations about, as the hon. gentleman knows, but it is a good bill, and I hope, Mr. Speaker, that we will see other major pieces of legislation and major reforms come before this House in this sitting.

MR. SPEAKER (MR. CROSS): The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I want to say just a few words, Mr. Speaker, on this bill before it moves on into Committee on the principle of the bill, and before I go to other places, two political rallies this evening. I am glad that the hon. member for LaPoile (Mr. Neary) sat down when he did because I was going to have to leave shortly to go on the political campaign. But I did want to say a few words on this very important piece of legislation.

Mr. Speaker, I am extremely proud that we were able to bring in this piece of legislation this session. I think that not only with the piece of legislation that we brought in a couple of weeks ago relating to Labrador, which was a major piece of reform, on political representation, giving a fourth seat to Labrador, and now we have a major new thrust on reform legislation in the presence of this particular bill, and hopefully in a couple of weeks, because of some delays, we will be able to bring in a third piece of legislation, The Elections Act, which will reform completely all the rules and procedures governing Provincial elections in this Province. These will be, perhaps, the three bench marks of reform in the Spring of 1979 and hopefully we can go on to many, many other major pieces of reform legislation in the next few months and years ahead.

I think, the Minister for Lands and Forest (Mr. Morgan) is working on another piece of reform as it relates to land in this Province, that we will be bringing before, perhaps, this Legislature, at least announcing a policy on it, in the not too distant

Premier Peckford: future. And there are many other areas of government. There is another piece of legislation, Mr. Speaker, that will be coming before this House within the next couple of weeks, hopefully, on Newfoundland culture, and on the establishment of a Newfoundland and Labrador Arts Council to fully represent the cultural community of this Province and to provide them with some avenues of assistance and some avenues to make sure that Newfoundland materials, Newfoundland created materials are given the opportunity to really have full expression.

This is a major, major piece of legislation and I do not know if all hon. members fully appreciate its impact, and the nature of the reform that is being brought in here. It has to do most basically, and it is long, long overdue, with equality, just simple equality. And this must not, of course, Mr. Speaker, be the end of our attempts as leaders of our community, as leaders of our Province to bring in other reforms. I guess the day is not too far now in the future when, it has already been discussed by the United Nations, this is the International Year of The Child, when there will be written into legislation, into law, certain provisions as they relate to the rights of children. It has already been considered, I do not know if it is in any jurisdiction right now, in broad terms, but the time is fast approaching when we are putting our minds and our attention to that area to ensure some equality to children. And here we have it now for the most part. This particular bill deals with the rights of women. Because of the natural evolution of our society where the male has been dominant and therefore the breadwinner in a family or in a relationship has led to certain inequalities as a result, and here we are now today trying to correct some of those inequalities to provide some semblance of balance into the whole system of matrimonial property laws.

So I am extremely proud that we were able to bring this bill in at this time. A number of people have expressed an awful lot of concern about the question of retroactivity. It is in the bill that this bill comes in in January 1980. Obviously, you know,

Premier Peckford: that says it all. I cannot see how the member for LaPoile (Mr. Neary) or anybody else who has been listening to the debate or has read the bill could in any way construe that it had any retroactivity provisions attached to it, because it will become law in January 1980.

And secondly, Mr. Speaker, in order to ensure that people have some understanding of the bill, those people who might not be as close to it as others, we will be preparing a brochure that will be going out

PREMIER PECKFORD: to interested people all around the Province explaining the main provisions of the bill in full detail so that some of the misunderstandings that might come out of the debate in this House or in the media can be corrected through this information brochure on all the major provisions and details of the bill, in more simple language.

AN HON. MEMBER: Before the bill passes.

PREMIER PECKFORD: Yes, before the bill - well, not before the bill passes the House but before it becomes law in January, 1980. There is no way you could get a brochure out before it passed this House now because we are into second reading, we are going on into Committee and will hopefully have the bill approved in the next few days. The bill will be passed through this House, but the repercussions of the bill, the implications of the bill, what the bill means, will be put in the form of an information brochure that will go out to everybody so that they will have the opportunity to fully understand it, to those who might find some difficulty in so doing. So the retroactivity provision, Mr. Speaker, is not there.

And, of course, we also understand, I am sure, that existing relationships are not affected by this bill.

I think these are some of the major popular concerns that might be bothering people, the retroactivity and the whole question of existing separations or existing divorces. They are not affected by this bill, but any future relationships, of course, will be.

And the other point, I suppose, Mr. Speaker, is any time you break new ground as we are doing here now, as you draw attention to certain inequalities in our system and in our society, you are always going to be under some kind of criticism and attack from those vested parts of the community which might feel as if you are trampling upon some basic human right. And I think we have to be very careful of that so that we are really not doing that.

And I guess one of the areas where some people might feel some concern - either based on principle

PREMIER PECKFORD: or because of their education, because of their upbringing they might feel some concern on the cohabitation concept as articulated by the member for LaPoile (Mr. Neary) a few minutes ago. And no doubt there are those of us who have that concern and who feel that rather strongly.

By the same token, Mr. Speaker, we must not be in the last wagon in the train of reform or progress, we must take the responsibility of being the leaders and being one of the lead wagons in trying to get the drift of public attitude and translate it into some kind of legislation and law. And that is what we are doing here. And I say that I guess we all might have some concerns about cohabitation, but on the one hand, if we are enshrining it in law, we are doing so in a way which - the operative word in the phrase that the hon. the member for LaPoile mentioned, of course, was the word 'may' on which he put very little stress - they may form certain contracts. It does not legislate that they must or that they will, the word is 'may'. But it does identify and recognize a reality in our society. Mr. Speaker, I think that is the question. To use the word and the phrase and the concept is one thing - to make it obligatory is another which is not in the Act. But to recognize it and to identify it as being a reality is something that we have to do in this House, and we would be burying our heads in the sand if we said anything different. There are relationships in our society, many of them, which go under the term 'cohabitation' or whatever you want to call it, and I think we would be remiss in our duties as lawmakers, as legislators, if we did not recognize that. So we are recognizing a reality. That is not to say - we recognize a lot of realities; that is not to say that some of the members of this House might not feel that that kind of practice, that that kind of behaviour by certain members of society is right, wrong or indifferent, it is that you are recognizing it and therefore you are going to insure that if those kinds of relationships exist, equality is also a part of it, Mr. Speaker. I think that is the important fact. It is there whether you like it or not, whether it is right or whether it is wrong, and then you

PREMIER PECKFORD: have a responsibility as a society and as a Legislature to insure that that relationship is an equal one, that there is some equality in that relationship. To do otherwise would be to not be in the vanguard of progress or in the vanguard of reform, but rather to be putting your heads in the sand and not recognizing reality and allowing thereby certain equalities to continue. I mean, equality is all-embracing and you just cannot suddenly get selective. To me, that would be somewhat less than fair, to be selective in how you apply your equality concept, a little bit selective in how you apply certain fairness to certain relationships. If we are going to do it, if we are going to provide some equality now, if we see that there is certain inequality as it relates to relationships, well then let us do it for all the relationships



PREMIER PECKFORD: that exist. Not necessarily agreeing with separation, not necessarily agreeing with divorce, not necessarily agreeing with marriage, not necessarily agreeing with cohabitation, these are particular relationships that have developed in a democratic society, and what we are trying to do is ensure there is some equality in those relationships and to pass no judgement upon the rightness or wrongness of those relationships, obviously. And we have passed, Mr. Speaker, this Legislature and all the Legislatures in the world have passed many, many laws dealing with particular things in their societies which never meant to say anything about whether we agreed with those things that are going on in our societies there is some equality in them. And that is what we are doing here. Doing no more or no less. To do otherwise would demonstrate some unfairness on our part as legislators. To demonstrate that there is for some strange reason parameters on our concept of equality; that we are only talking about equality in a small particular area and we leave out certain other relationships, even though a lot of equality will continue to go on. So that is what we are doing here and it is on those grounds, Mr. Speaker, that I would defend, as one person in this Legislature, the concept or the idea of putting that cohabitation in here. Because if you are serious, if you are principled on the idea of equality, then it knows no bounds and it must recognize all the relationships that exist and apply that equality equally. That is the true test of it, that is the true recognition of it, and let us then, Mr. Speaker, not be afraid, let us not be afraid then to be in the vanguard of reform and albeit there are certain serious concerns that individuals might have about the whole concept of cohabitation, which is not the principle of this bill. We must be clear in what we are doing. We are recognizing certain things happening in society and we are going to ensure as far as possible, seeing these exist, and there is no way to outlaw them if you disagreed with them, and if you agree with them there is no way that you necessarily should pass some law to make sure that there is more of them, the least you can do is recognize that these situations

exist and then apply equality equally. So I am very happy to see this bill on the order paper, now being discussed in second reading, and hope that as many hon. members as possible will debate the various concepts contained herein because as the member for Lapoile (Mr. S. Neary) said, I think it marks a big day, the day that this bill passes this House, it marks an advancement, a major advancement in our attitudes and treatment towards various members of our society and various relationships in our society. A very, very major step forward. And in the same vein, Mr. Speaker, let us hope that in the next couple of weeks we can debate a whole new procedure for the conducting of provincial elections in this province, a whole new procedure as it relates to the financing of elections in this Province so that once again we can argue about certain of the details of the legislation but agree on the principles of certain reforms which usually, when they are good reforms and major reforms, can be agreed on by all members of the House. And so, Mr. Speaker, I, obviously, am in favour of this piece of legislation and just wanted today to make a few comments on it; that it marks a milestone in our progression towards equality and let us continue to do that in this House. And albeit there are certain concepts contained herein that by themselves may not necessarily be what we believe in, but recognizing reality we do then try to apply equality so that the bill really then has some weight to it and covers as many situations as possible so that we can not next year, or the year after, then have to come back and suddenly make amendments which really should have been a part of the original bill, to give it the kind of weight and clout and progress and reform that we are trying to do here today.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Ottenheimer): Hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, again just a few brief words on this. Firstly, I would like to state immediately that I am in favour of the principle of this bill and in making that statement I think of the hon. Premier who has just laid out the principle of the bill so clearly, and I am sure by doing so perhaps dispelled certain doubts in many people's minds, that he is to be very much congratulated for taking the lead in this matter, a matter perhaps that might have been thought best to leave at rest. Why stir up difficulties? Why stir up controversy and so on and I think that he is to be congratulated in taking it so much in hand and bringing it forward. I will not go into the principle in any great deal, therefore, only to make this point, that this is not chiselled in stone. Everyone recognizes this. This is not, as has been said, this is not the ten commandments. They are likely - because it is such a major piece of legislation, it will be unusual if, as time went on, there were not adjustments and were not changes made to it, but that is not in any way to prevent one from agreeing to the principle of the bill, the major thrust of the bill, at this time. I think one could say about the principle of the bill here that the hope is that this will actually strengthen the family and that there is no thought that this is designed to anyway weaken the family. There are strains in every relationship and the family is not immune from such strains and one of the strains relates to the financial arrangements within the family. And the hope is and the expectation is that a bill like this will actually decrease those strains and, therefore, will actually act to strengthen the family relationship in our society. There is another aspect to it too which was, of course, a point that the Premier brought out very clearly and that is that justice is concerned here. At the stage that we are at now, we do need a readjustment in this field in the marital relationship. Perhaps this was not necessary previously. For long periods of time

DR. COLLINS: I think it could be said that the woman was dominant in the family relationship. The family relationship for many, many years, for centuries, really circled around the home, around the church, and then there was also work outside the home. Well, in the home and in the relationship with the church and the relationship with the church is a very strong and a very relationship, the woman in the family was really the dominant character. I think we all would admit this in nine times out of ten relationships, and the work outside the home was almost secondary to the home itself and to the relationships with the church and this is where the man was perhaps dominant, but that was not really the main feature of the family and the marital relationship. Well, as time has gone on and I suppose this is in fairly recent times, for better or for worse - we perhaps do not necessarily need to judge on that at this time - but it is a fact of life that for better or for worse the work outside the home is becoming of increasing importance, not only to the man but also to the woman. And there perhaps is less emphasis on the relationship of the family to the church and less emphasis on the actual running of the home itself. The home is probably easier to run now and this is why there is a bit of direction away from the home, so that if the happenings that occur outside the home and outside the church are now becoming so much to the fore, well we have to look at the woman's place in the whole situation and this is where an adjustment is necessary. Now there have been concerns in making this adjustment whether one is going to harm certain unusual situations, and I think that is a very legitimate concern and one can think of many relationships, many situations, that do not fit into the average mould, that perhaps a bill like this might have difficulty addressing itself to, and this is why I think that the passage of time will throw those out and presumably we will have opened enough minds to make the necessary adjustments. The fact that there may be unusual circumstances that this bill would have difficulty dealing with should not prevent us from moving ahead in this field.

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DR. COLLINS:                   Someone said there that the lawyers  
can understand this and perhaps not others and whether this is true  
or not I would like just for a moment, Mr. Speaker, to look at it in  
rather simple terms, and that is, how does this

DR. J. COLLINS: affects a person who is about to enter into marriage? Exactly what does that mean for the person? And if I may I would like to look at it from the point of view, not as shall we say the young girl or the young man entering marriage but actually from the point say, of a career woman of mature years who has her own possessions before going into marriage. Perhaps I might be allowed to bring it up in that light because of a letter I received here from just such a person. In the letter that person makes a point that, are we not creating more troubles than we are solving by going into a bill like this? I thought that was rather striking that this did not come up from, shall we say, the man, a man of a conservative nature and perhaps a man of mature years, but this actually came up from the distaff side, this came up from a lady who had business connections and who had possessions.

Now, such a person and I would like to look at it from that point of view, going into marriage what does she face now under this bill? She faces the fact that at the point that the marriage becomes valid that that person now has a half ownership in the home and she cannot contract out of that. This was the change that occurred. This was not so previously but now this is so, and perhaps, a lady such as I am speaking of she might have herself brought a home into the family. Well, this would mean that she is now sharing that home half and half in terms of ownership and she cannot contract out of that. She must also agree, as would her spouse, to the sale of that home from that moment on or for the mortgaging of that home from that moment on.

Now, the courts upon application may make some variation there in the ownership and in the ability to mortgage and to sell but that would be only done under satisfactory arrangements. It also should be pointed out that this half ownership does not apply to other assets at the time the marriage becomes valid, this only applies to the home as the major asset. Each individual in the home would still have their own possessions and they would retain rightful ownership. This is my understanding

DR. J. COLLINS: and I am open to correction if I understand this incorrectly, but each party to the marriage would retain full ownership of possessions other than the actual matrimonial home.

Now, the other major change it seems to me is that if the marriage is dissolved for whatever reason or indeed one spouse dies, then what comes out of this bill that we are discussing? What does come out of it is that upon application either spouse can request an equal share in all of the matrimonial assets not only the home but the other matrimonial assets apart from certain exceptions such as personal belongings and so on and so forth. Now, those seem to me the things that have to be understood, that at the beginning of the marriage it is just the home that is shared equally, it is not the other assets in the marriage. And on the dissolution of the marriage, for whatever reason, then application is made to the court to bring into effect half ownership of the matrimonial home and all of the assets. But the court is given certain discretion in accepting that division and the court will bring into effect -

MR. STRACHAN: Not the home. The home is (inaudible).

DR. J. COLLINS: No, insofar as the home is concerned also, because the home is part of the matrimonial asset at that stage. The court can adjust that in relationship to, say, the care of the children and so on and so forth.

MR. STRACHAN: (Inaudible) equal ownership in the home.

DR. J. COLLINS: Yes, there is a right of equal ownership from the moment of marriage but if the marriage breaks down or is dissolved that would not apply if one person died - but if it breaks down the court can still make arrangements whereby one of the parties to the marriage retains the home totally under certain arrangements for good reason, and that is such as the care of children and so on and so forth or if there would be undue dissipation of the assets of the marriage or any number of things that are listed out there that I will not go into

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DR. J. COLLINS:

in detail but which we can go over when  
we go clause by clause.

Now there are just three questions in  
my mind on this and most of these have been alluded to already. One  
was the



DR. J. COLLINS: information given to parties contemplating marriage. And I was glad to hear the Premier say that a brochure will be evolved, and hopefully this will be widely circulated. But, you know, people do not often pay attention to brochures and so on and so forth. I wonder if it would not be a good idea that this bill would be given to each person taking out a marriage licence, and secondly - and I think this may settle one point that the hon. the member for LaPoile (Mr. Neary) brought out there, that whereas the bill is a complicated document and legal advice might well be desirable - whether there should not be some provision that there would be a set fee for such a service. I think that that might be a desirable thing.

MR. NEARY: The lawyers usually will not allow you to do that.

DR. J. COLLINS: Well, we will have to get into the lawyers' union.

The other point that comes out of this also is that if the courts do have a large part to play in this, the matter of costs would come in there, and again, in this regard, perhaps not at this stage, but at an early stage, some amendment might come in there to settle or clarify how the court costs related to this bill would be borne by each party.

The final point I would like to make is that my understanding is that confidentiality of this whole matter is at the discretion of the court. I believe that the court would only keep the whole action confidential if it thought fit. I would like, perhaps, to see it the other way around, that there would be automatic privacy or automatic confidentiality in this whole arrangement and it would only become a matter of public knowledge if that were thought to be good for some clear reason.

AN HON. MEMBER: (Inaudible) of reason?

DR. J. COLLINS: Well, I would not like to speculate at this time, but I would like to see the emphasis the other way, that this should be a matter that could be settled between the persons in dispute

DR. J. COLLINS: with the court rather than this becoming a matter of public news and so on.

So with those few minor caveats, I think, Mr. Speaker, I would say that I support this bill and would hope that it will have good effects for the good of family life, that it will achieve justice where perhaps justice is not well served at the moment in certain circumstances and that as time goes along we will be able to make this an even better Act than it is at the present time.

On motion, a bill, "An Act To Reform The Law Respecting The Property Of Married Persons," Bill No. 33, read a second time, ordered referred to a committee of the Whole House on tomorrow.

MR. MARSHALL: Order 30. Bill No. 31.

MR. SPEAKER: (Mr. Ottenheimer) Before reading Order 30, although it is not quite 5:00 P.M., rather than having to interrupt an hon. member, I can inform the House now that I have received notice of one matter for debate at 5:30 P.M. when a motion to adjourn will be deemed to be before the House - notice given by the hon. the member for Bellevue (Mr. Callan) arising out of a question asked the hon. the Minister of Tourism (Mr. Power), and the subject matter, the upgrading of provincial parks.

Motion, second reading of a bill, "An Act To Enable Gaden's Limited And Labatt Breweries Of Newfoundland Limited To Become Federal Corporations," (Bill No. 31).

MR. MARSHALL: Mr. Speaker.

MR. SPEAKER: The hon. Government House Leader.

MR. MARSHALL: Mr. Speaker, this is a bill that I do not think will really need a large amount of debate. It is a bill, as the title indicates, to enable Gaden's Limited and Labatt Breweries to become federal corporations. Presently they are incorporated under the Newfoundland Companies Act. It is an Act that is similar to one that was passed two sessions ago with respect to the Bennett Brewing Company Limited whereby the Bennett Brewing Company Limited was allowed, also, to become

MR. MARSHALL:

a federal corporation. And the reason for it is that it is better for them in their operations in that it serves the interests of the company better. And we have consented to it for one very good and real reason. And the reason for that is that as a result of the passage of this act, the assets of the company will become part of the overall associated federal companies that are the holding companies of Labatt's Breweries and Gaden's Limited, and consequently the profits will be greater and the net result is that the Province of Newfoundland will derive more in income tax than it would had it been a Newfoundland corporation. That is the sole and entire reason for the bill. As I say, it is exactly similiar to one that was passed two years ago with respect to the Bennett Brewery Company Limited which this House sanctioned.

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

MR. NEARY: Mr. Speaker, this bill, as the hon. gentleman says, will place all the assets of Gaden's Limited, Labatt's Breweries of Newfoundland under federal jurisdiction. The hon. gentleman did not make it clear to me, at least, what amounts he is talking about when he is talking about an increase, I presume it was not income tax, it was the corporation tax the hon. gentleman was talking about?

AN HON. MEMBER: I beg your pardon?

MR. NEARY: The hon. gentleman mentioned income tax. I assume, Sir, it was corporation tax the hon. gentleman was talking about. In the meantime, Sir, in connection with this bill I suppose all kinds of matters can be raised. We are talking about the breweries. I personally always look beneath the surface. When we are talking about anything in connection with distilleries or breweries they are suspect in my mind. Only recently the Minister of Justice told us he was going to take a look at the breweries and the distillers to see if the RCMP, police investigation that has been going on across Canada was extended into Newfoundland. The minister was not in his seat the other day when I raised this matter. It has to do with breweries.

AN HON. MEMBER: Repeat the question.

MR. NEARY: I was asking the hon. gentleman, in connection with the breweries and the distillers if the RCMP investigation that is going on across Canada had overflowed, had extended into Newfoundland? The Minister of Justice told us last week, according to the newspaper now, the Minister of Justice (Mr. Hickman) told us that he was going to try to find out if the investigation did apply to Newfoundland. Well I quoted - I do not know if I still have the clipping or not, I think I threw it away yesterday, the clipping, I threw it away - the hon. gentleman was quoted, the Minister of Justice, as having said that he was taking a look to see if the investigation included Newfoundland.

MR. HICKMAN: No, it was not me.

MR. NEARY: It was not the minister. Well does the minister know if this investigation is going on in Newfoundland?

MR. HICKMAN: To my knowledge it is not.

MR. NEARY: To the minister's knowledge it is not. Okay, Sir, that settles that matter.

Now, Mr. Speaker, in connection with the breweries, Sir, the matter of - and I do not know if this will have any bearing on it or not because as hon. gentlemen know it is the Province who distributes the beer in this Province. Actually it is the Province who owns and distributes the beer. Now by placing it under federal jurisdiction I do not suppose this will change in any way, shape or form, that the Province will still own the beer. The only thing they will do now is collect their - having the companies registered under federal registration rather than under the Provincial Companies Act, and, as the hon. gentleman says, that may or may not increase the corporation tax.

MR. MARSHALL: It will increase it.

MR. NEARY: It will increase it. Substantially increase the corporation tax?

MR. MARSHALL: I have not got the figures but I have in the other case. It is not a substantial amount, in the other case is about \$35,000.

MR. NEARY: I do not understand, Mr. Speaker, how the corporation tax, the federal tax would be increased as a result of just placing the brewery

MR. NEARY:

under federal jurisdiction as far as being recognized as a company is concerned or under the Provincial Companies Act. That does not amend or change the Income Tax Act or the Federal Corporation Tax in any way, shape or form. The only way, Mr. Speaker, that I can see more benefits coming to the Province would be with an increase in the production and selling of beer.

AN HON. MEMBER: No.

MR. NEARY: No. Well how does it change the -

MR. MARSHALL: I will answer that when I close the debate on the bill.

MR. NEARY: Well, okay, Sir, I am not a corporation tax expert.

MR. NEARY: By the way, will this bill in any way, shape or form bring us nearer the day when we will have draft beer in this Province? Is that the reason behind it?

MR. MARSHALL: No, it has nothing to do with that.

MR. NEARY: Has nothing to do with it? So, therefore, I can assume that this bill has nothing to do with draft beer. It is too bad that the hon. member for St. John's Centre (Mr. A. Murphy) is not here, the man that used to always talk about the poor man's champagne. Well, maybe we can look forward, maybe this session when the government is in the mood for reform, to having a bill brought into the House to make it legal, to legalize the production and distribution of draft beer in this Province. Would the hon. gentleman tell us if the administration is considering that? Is the administration considering legalizing the production and distribution of draft beer in this Province? Well, let me ask the hon. gentleman another question, and I know I am kind of grasping for straws here but I want to raise this matter, Mr. Speaker, and I think Your Honour would knock me down if I was not in order and I may be borderline at the moment but I am merely asking questions about the bill we have before us, Sir, "An Act To Enable Gaden's Limited And Labatt Breweries Of Newfoundland Limited To Become Federal Corporations". Well, when these breweries become federal corporations, will they then be able to produce and distribute canned beer in Newfoundland? Could the hon. gentleman tell me that when he is replying to the few questions I have to ask about this bill.

I cannot see, Mr. Speaker, how the bill is going to put any bread and butter on the table of the ordinary people in this Province, cannot see it. It will probably take away, you know. I have not been sold on the idea of the bill. You know, I am not for or against it; I just do not think the hon. gentleman did a very good job of introducing it. Certainly it did not give us

MR. NEARY: the proper explanatory notes, but I would like the hon. gentleman to tell us how the corporation tax is going to increase as a result of switching the company over to federal jurisdiction? How the corporation tax will go up and if the hon. gentleman could tell us if in the foreseeable future we can look forward to the sale of draft beer in this Province and canned beer in Newfoundland and Labrador? I mean if nothing else comes out of the second debate on this bill, perhaps the hon. gentleman can enlighten us as to what we can expect in this regard in the future.

MR. SPEAKER (Ottenheimer): If the hon. minister speaks now, he closes the debate.

MR. MARSHALL: Mr. Speaker, the bill has nothing whatsoever to do with canned beer or draft beer as far as the government concerned. The government is always openminded to everything and all sorts of reform. It just has not turned in the infant months of its present administration - it has other concerns - its mind to it yet. Maybe this will come. If it comes, it will come only because it is beneficial to the people of the Province.

The principle of the bill relates, as I indicated, to the transfer of the status of these companies from a provincial to federal concern and the question which the hon. member asked is, "How this arises? How do we derive more money?" We derive more money because there will be more corporate tax payable to this Province as a result of its share. The reason why at the present time, on a tax basis anyway, I understand the breweries are operating from a tax point of view and they take in depreciation and all of that and at a margin if not at a loss. As a result of putting it into a federal corporation, these losses are mixed with the gains received all throughout Canada so that we get our proportionate share of it. Of course, that is the only reason why we really give the government stamp on this bill. It is our policy to co-operate with individuals as much as we can but, of course, we have to be sure that the public is going to derive some benefit and in this it derives a very real benefit in that there will be more money coming into the provincial coffers. For that reason I move second reading.

May 17, 1979

Tape No. 1423

GH-3

On motion, a bill, "An Act To Enable Gaden's Limited And Labatt Breweries Of Newfoundland Limited To Become Federal Corporations", read a second time, ordered referred to a Committee of the Whole on tomorrow. (Bill No. 31)



Motion, second reading of a bill

"An Act To Amend The Increase Of Pensions Act, 1961" . (Bill No. 2).

The hon. Minister of Finance.

DR. J. COLLINS:

Mr. Speaker, the Increase Of Pensions Act,

1961, states that those receiving pensions from the Province, and also from certain other organizations, and they are laid out here in the explanatory notes, for instance, the Canadian National Railway and so on, that if such persons do receive a pension in excess of \$1,200 per annum that that act, The Increase Of Pensions Act will not apply to such persons. The amendment that we are now giving second reading to clarifies to whom this applies other than persons receiving a pension directly from the Province. It therefore amends sub-section (C) of section 2 so that it would read, rather than saying Canadian National Railway and so on, it would now read that this would apply to a person receiving a pension from any agency or corporation established by or under an act of the Legislature or the Parliament of Canada. So that is a clarifying and an updating amendment to that section of the act. I move second reading.

MR. SPEAKER (MR. CROSS):

The hon. member for LaPoile.

MR. S. NEARY:

I was hoping, Sir, that the hon. gentleman

would tell us the implications of this bill, why it was necessary to bring this bill before the House. Now, when I see bills like this appearing before the House, Sir, there is usually a specific reason for it. There is usually a problem created by an individual or a group of people and I would think in this particular instance we probably have a situation where somebody along the line, some group has encountered some difficulty and have had to bring their complaint or their problem to the Cabinet, and in order to resolve the matter the Cabinet had to have the legislation dropped. The hon. Minister of Justice seems to want to enlighten me about something or another.

MR. SPEAKER:

The hon. Minister of Justice.

MR. HICKMAN: I was Minister of Finance at the time the bill came up. This was purely to cure some administrative problems, that is all.

MR. S. NEARY: Oh, well in that case, Mr. Speaker, I will not waste the House's time I will sit down. The Minister of Justice (Mr. Hickman) just cleared it up for me. Because the Minister of Finance, Sir, in his introduction was as clear as mud but now that the Minister of Justice has cleared it up for me I will take my seat, Sir, and I support the legislation.

MR. T. LUSH: Actually it was just for administrative purposes, no more than that.

MR. S. NEARY: No more than that, that is what I thought it was in the first place.

On motion, a bill, "An Act To Amend The Increase Of Pensions Act, 1961", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 2).

Motion, second reading of a bill, "An Act To Repeal The Teachers' Loan Act", (Bill No. 7) be now read a second time.

The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, this bill simply repeals an act which is no longer operative. There was a time when there used to be a teachers' loan funds that I gather in the days of Commission of Government and in the early fifties was availed of

MR. HICKMAN: because there was a lower interest rate than then prevailing. Since then that has been replaced by the Canada Student Loan and I think that as of now there is something like \$5,000 that has been borrowed over the last year or two out of that fund.

Student teachers or education students are now going the route of the Canada Student Loan like everyone else and it is no longer around

MR. NEARY: Well, the only thing I would like to know, Mr. Speaker, is if the NTA, you know, asked to have this act repealed? Is the initiative being taken by the minister or by the government or did the NTA ask to have this Loan Act repealed?

AN HON. MEMBER: Do you object to it?

MR. NEARY: No, I do not have any objection to it. I think it served its purpose. I think it was a wonderful thing.

MR. HICKMAN: It was.

MR. NEARY: As a matter of fact, Mr. Speaker, I would say it probably worked better than the student loan. I would say their track record under this act, Teacher's Loan Act, their track record is probably far better than the one that is being experienced at the present time under the Student Aid and the Student Loan Programme, much better.

MR. HICKMAN: The Teacher's Loan Board and the Loan Board recommended the repeal of this act and on that board is a representative of the Newfoundland Teacher's Association.

MR. NEARY: Okay, well let her go.

MR. SPEAKER (Cross): The hon. member for Eagle River.

MR. STRACHAN: Mr. Speaker, the only point here is very simple. The only point is that the statement is an outstanding amount. Could the minister tell us exactly how much we are talking about, the outstanding amount which has now been assigned to the Department of Finance? Since this will repeal this Loan Act, exactly how much are we talking about in the amount of finances?

MR. HICKMAN: I have - does the hon. member for Terra Nova (Mr. Lush) have anything to say?

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

MR. LUSH: Just a point of clarification, Mr. Speaker. Maybe the minister did it and I did not understand it because I still do not see what this act is doing. It has to do, I suppose, with university loans, it seems like, or loans for a person to upgrade themselves at the university. And the minister is saying now that since we have the Canada Student Loans that this is not any longer necessary.

Just for the point of clarification, Clause 2 in the explanatory note which says, "This Clause provides for the collection of the outstanding amounts payable to the boards." Now what boards are we talking about?

MR. HICKMAN: It is singular.

MR. STRACHAN: To the board.

MR. LUSH: To the board, okay, all right.

MR. STRACHAN: The Board set up under this Loan Act, right?

MR. LUSH: Okay, that is fine.

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

The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, I can only repeat what I have said earlier. The Teacher's Loan Fund, which was a very good fund at one time, was designed to enable education students to go to Memorial University, I suspect more so to Memorial University College. Lately that kind of financing has been replaced by the Canada Students' Loan Fund and there may even be others. The Teacher's Loan Board - the fund is administered by a board with NTA representation. The board recommends that as it is no longer substantially in use - I believe there was an application for a couple of thousand dollar loans it may have been last year. And there are only a few thousand dollars to answer the question of the hon. member for Eagle River (Mr. Strachan), outstanding. There has to be a provision so that the people who still owe the money can repay government and, obviously, if the board disappears the collection agency should -

MR. STRACHAN: How much? Just a couple of thousand? That is all?

MR. HICKMAN: A few thousand. I cannot remember -

MR. NEARY: Why is it going to the Department of Finance? Why not give it to charity or something?

MR. HICKMAN: Because it is money owing the Crown.

MR. NEARY: Oh, it is owed to the Crown.

MR. HICKMAN: Yes.

MR. NEARY: I see.

MR. HICKMAN: Right.

On motion, a bill, "An Act To Repeal The Teachers' Loan Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 7)

Motion, second reading of a bill, "An Act To Amend The Interpretation Act." (Bill No. 12)

MR. SPEAKER (Cross): The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, this is certainly not a monumental bill. This explanatory note says, "Clause 1 only re-paragraphs to remove ambiguity." And

MR. HICKMAN: if there is any principle to the bill at all, it is that Canada Post Office has now come along with a new designation called certified mail, which I gather is somewhat cheaper than registered mail. Under our Interpretation Act there has been no reference to certified mail, and this will now bring certified mail within the interpretive clause, dealing as well with registered mail. That is the monumental principle of this bill.

MR. NEARY: Well, Mr. Speaker, down in Petites tonight, Sir, there will be dancing in the streets as a result of this piece of legislation coming before the House. And the hon. gentleman does seem to downplay there a little bit the value of the Interpretation Act. Well, Mr. Speaker, it is a very important piece of legislation and a very important bill.

I had occasion recently - and I am still investigating, by the way, and I have to give the hon. gentleman warning that I have constitutional experts working on our Interpretation Act - I had occasion recently to use it because I wanted to find out the difference between a Crown company and a Crown corporation.

The hon. gentleman might remember that the hon. gentleman, after spending \$300 million of taxpayer money, refused to give the House the annual reports of Labrador Linerboard and the hon. gentleman told me to go down to the Registry Office or he would pass my request on to Labrador Linerboard, which was a Crown company and not a Crown corporation. So I immediately went looking for the Interpretation Act. And I have a feeling, Mr. Speaker, that the Interpretation Act which we are talking about now, Sir, in another particular instance, makes no distinction between a Crown corporation and a Crown company. And I also have to tell the hon. gentleman while I am talking about the Interpretation Act - the hon. gentleman is not listening to me - and I do not know but the hon. gentleman committed a crime in sending out the prospectuses to people down in the United States and across Canada and throughout the world who were asked to buy our bonds and to give loans to this government. In the prospectus, Sir, it says that Labrador Linerboard is a Crown corporation.

MR. NEARY: And it says that Labrador Linerboard accounts can be audited by the Auditor General, and that is false and misleading information, Sir. And under the Criminal Code, when you are sending out a prospectus you cannot give false and misleading information - it is a crime. And so I am taking a good hard look at the Interpretation Act and we are going to hear more about it in this session of the House, the spirit of the Interpretation Act. When you have no other recourse, Sir, when you have nothing else to turn to, Mr. Speaker - and the hon. gentleman just dismissed this amendment very lightly - nothing else to turn to, when you are splitting hairs and you are stonewalling and refusing to give the House information, then you may have to turn to the Interpretation Act. Is that not right, my hon. friend from Eagle River (Mr. Strachan)?

MR. STRACHAN: Absolutely.

MR. NEARY: The hon. gentleman completely agrees with me. So the Interpretation Act is a very important piece of legislation. When you pass on all your Acts to the constitutional experts in Canada and ask them to take a look at them to try to differentiate between a Crown corporation and a Crown company, and the Interpretation Act leaves you with the impression that they are both the same, it certainly leaves a big question mark, Mr. Speaker.

I do not know, Sir, what kind of a reform this is, what kind of a revolution this particular amendment is going to cause to the Interpretation Act, but I do want to draw members' attention to the fact that the Interpretation Act could be a very, very important bill, a very important piece of legislation. I have never had occasion to use it before - I am using it now - I have a number of lawyers looking at the Interpretation Act for me to try to give me their interpretation of a Crown company and a Crown corporation and they can see no difference. The constitutional experts that I have talked to in some of the universities tell me there is no difference and that anybody who says so is breaking the law and trying to cover up. So the Interpretation Act, Sir, may play a very prominent role in



MR. NEARY: this hon. House in the days and the weeks and the months ahead as we get down to business and try to unravel and uncover the skulduggery and the corruption in connection with Labrador Linerboard.

MR. SPEAKER: (Cross) If the hon. minister speaks now, he closes the debate. The hon. minister.

MR. HICKMAN: Mr. Speaker, I certainly do not want to get into the debate on the definition of Crown corporation but if I may aid and abet the hon. member for Lapoile (Mr. Neary) and his battery of lawyers in their research on the definition of Crown corporation, I would also refer him to the Corporation Tax and the Income Tax acts and draw to his attention the ruling that came from Ottawa on Robin Hood Flour and then, you know, the people in Calmer will be happy. I move second reading of the bill.

On motion, a bill, "An Act To Amend The Interpretation Act", read a second time, ordered referred to a Committee of the Whole on tomorrow. (Bill No. 12)

MR. MARSHALL: Order 23, Bill No. 27.

Motion, second reading of a bill, "An Act To Amend The Income Tax Act." (Bill No. 27).

MR. SPEAKER(Cross): Hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, some companies have their business year that does not coincide with the calendar year. It can start before or after the 1st. of January in any particular year and that is their year. Now, under the Income Tax Act this gave rise to some confusion in the assessment of tax in that some companies, say that, whose year ran from the 1st. of December of one year up the end of November the following year, there was some confusion there in that some companies said that their year, therefore, was the calendar year in which their year started and other companies were referring to their business year as the year in which their business year ended, the part of a calendar in which their year ended. So this amendment is to clarify that and it states that in regard to the assessment of



DR. COLLINS: tax, the sub-section refers to 1978 and subsequent tax years and where a corporation has a taxation year, part of which is before and part of which is after the commencement of 1978, sub-section 4 is applicable only to that portion of the taxable year of a corporation which falls within the 1978 calendar year. In other words, if the business year started on the 1st. of December and went through to the end of November the following year in 1978, taxation would apply from the beginning of the calendar year of 1978 to the end of the business year and then we will carry on from there.

MR. STRACHAN: (Inaudible) it says sub-section 4 will affect it.

DR. COLLINS: Yes, sub-section 4.

MR. SPEAKER (Cross): Hon. member for Eagle River.

MR. STRACHAN: Mr. Speaker, I understand this quite clearly because many companies, especially smaller companies, and many companies I know in Labrador have this in effect, because of high inventory. But if you have a high inventory, for instance, and bring in a good deal of supplies in November, then you do not want your taxation year to end December 31st., because your taxation period would end at a period in which you have a high inventory and a high inventory cost and, therefore, a high accounts payable. So, what one often does is to change your end of your year from December 31st. to generally May or June when your inventory would be lower and your accounts payable lower and, therefore, show a better cash flow position. Many of them do this. My only point here in arguing this is that I understand that quite clearly. In fact, we do it already.

I take it that there are two parts to this section here. This sub-section allows one to utilize only that portion of the year which is within the calendar year. Right? Correct? I think that is what it states here,

MR. STRACHAN:

and it states, therefore, that this subsection which we are now changing allows this, an Income Tax Act of the Province. I think it is already in in the federal. The federal act, I think, allows it, no question whatsoever I think. But what I am more concerned about, since I do not have the full act here, is what is subsection (4). If you read it, "Where a corporation has a taxation year part of which is before and part of which is after the commencement of 1978," then this subsection (4) is applicable. I do not know what subsection (4) is. "Subsection (4) is applicable only to that portion of the taxation year of such a corporation that falls within the 1978 calendar year." This subsection (5) explains very clearly the dates and so on but I am concerned about what subsection (4) is which is applicable to what this clears up. Because there is confusion there. There is no question of clarity in this matter here but this matter clarifies another subsection, subsection (4) which I think is, of course, the principle of it, if not the principle of this bill certainly the principle which this bill will affect. And I am wondering whether it would be possible to explain what this subsection (4) is that this subsection (5) clarifies, if it is as confusing as I find the bill.

There is no question, of course, in the validity of this. It has to happen and occurs in many cases. Many companies do it and change their years and now we are straightening out that taxation part. But I wonder what subsection (4) is. I hope the minister in closing could maybe clearly identify what it is.

MR. SPEAKER (Cross): If the minister speaks now he closes the debate. The hon. minister.

DR. COLLINS: Mr. Speaker, unfortunately I do not have that bill. Mr. Speaker, perhaps it would be best if I did read out the subsection in question. Section 2 reads as follows, "Section 5 of the said act is amended by adding immediately after subsection (3) the following subsection", and now we come to subsection (4). "Notwithstanding

DR. COLLINS:

subsection (1) when in a taxation year a corporation is liable for a deduction under subsection (125) of the federal act, the tax payable by that corporation under this act for a taxation year is equal to the aggregate of (a) 12 per cent of an amount calculated by allocating to the Province on the same basis as set out in the regulations referred to in paragraph (a) of subsection (4) of section 124 of the federal act. That is the least of the amount calculated under paragraphs (a) to paragraphs (d) of subsection (1) of section 125 of the federal act and allowed for the purposes of subsection (1) of section 125 of the federal Act. And (b) 14 per cent of an amount calculated by deducting from the corporation's total taxable income earned in the Province during the taxation year, the amount by which the 12 per cent rate is applied in clause (a) of the subsection."

Then we go on to subsection (5). So just if -

MR. STRACHAN:

Subsections and paragraphs.

DR. COLLINS:

There are a number of subsections. I think in essence though it is a means of calculating tax as between 14 per cent and 12 per cent of which the 12 per cent is applicable to small business. This just clarifies what part of the year from the beginning of 1978 onwards will apply in computing tax. It is really just a clarifying, to clear up some confusion there. So I would move second reading.

On motion, a bill, "An Act To Amend The Income Tax Act", read a second time, ordered referred to a Committee of the Whole on tomorrow. (Bill No. 27)

Motion, second reading of a bill, "An Act To Amend The Maintenance Orders (Enforcement) Act." (Bill No. 20)

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, the explanatory note sets forth what this act is all about. It is simply to expand the definition of the words 'maintenance order' in line with that in uniform legislation in other provinces in the hope that it will make enforcement that much easier. I move second reading.

On motion, a bill, "An Act To Amend The Maintenance Orders (Enforcement) Act," Bill No. 20, read a second time, ordered referred to a committee of the Whole House on tomorrow.

MR. MARSHALL: Order 28.

Motion, second reading of a bill, "An Act To Amend The Securities Act," (Bill No. 30).

MR. SPEAKER: (Mr. Ottanheimer) The hon. the Minister of Justice.

MR. HICKMAN: Mr. Speaker, again, the explanatory note sets forth that this is an administrative amendment applying to brokers outside the Province rather than brokers within the Province. I move second reading.

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

MR. NEARY: Mr. Speaker, I am not quite sure if I understood the hon. gentleman's explanation for this bill. Clause 1 amends section 8 to provide the requirements of sub-sections 8 and 9 not apply to institutional sellers of securities. These sanctions now read as follows: "Every broker shall upon his registration open an office in Newfoundland. Every salesman shall upon registration take up permanent residence in Newfoundland and his registration ends automatically when his residence in Newfoundland ends." And section 2: "Unless either person or the security is registered under the provisions of this Act or unless the statement, advertisement, circular or document has been first approved by the Registrar, no person shall advertise in a newspaper, magazine or periodically publicize in Newfoundland any statement or advertisement containing a solicitation or offer direct or implied to purchase or sell any security." Well, why not?

MR. HICKMAN: That is not coming out.

MR. NEARY: I beg your pardon?

MR. HICKMAN: All that is is taking out the word 'or' and putting in the word 'and'. That is to correct a grammatical error.

MR. NEARY: It says, "Unless either the person or the security is registered under the provisions of this Act" - this is the explanatory note I am reading.

MR. HICKMAN: No, just go back again. Clause 2 amends section 42 to replace 'or' with 'and' so that it will now read: "Unless either the person and the security," - not "or the security" - that is all.

MR. NEARY: "Unless either person or the security is registered".

MR. HICKMAN: Yes, it should be 'and'. That still remains. That will still be the law.

DR. J. COLLINS: 'Either' should come out too, should it not?

MR. NEARY: "Unless either the person or the security" - and now you are going to put in 'and' the security. Well, I mean, I still do not understand it.

MR. HICKMAN: It is a grammatical error, that is all.

MR. NEARY: Alright, boy, up she comes!

On motion, a bill, "An Act To Amend The Securities Act," Bill No. 30, read a second time, ordered referred to a committee of the Whole House on tomorrow.

MR. SPEAKER: (Mr. Ottenheimer) It being 5:30 P.M., a motion to adjourn is deemed to be before the House. A matter for debate raised by the hon. the member for Bellevue (Mr. Callan) is the upgrading of provincial parks.

The hon. the member for Bellevue.

MR. CALLAN: Thank you, Mr. Speaker.

Well, Mr. Speaker, number one, I do not intend to get into a confrontation with the Minister of Tourism (Mr. Power), we are too good friends for that and we have camped together too often in the national park last summer,

Mr. Speaker, one of the reasons why I decided to let this item stay on the Late Show was because being a nice, sunny afternoon, and as I understand the rules of the House, we

MR. CALLAN: will get away now at 5:40 P.M. rather than having to go on through until 6:00 P.M., which we would have had to do if there were nothing on the Late Show and no motion were given previously. I think possibly the Government House Leader (Mr. Marshall) is probably glad that it is all over for this afternoon as well.

Well, Mr. Speaker, seriously, on the provision of more adequate facilities in provincial parks, I am serious about that and I stick by the statement that I made a couple of days ago here in the House when I said that there is no real, concrete reason, for example, this first weekend of the camping season, why I, as a casual camper, should go to a provincial park rather than say a gravel pit which could be five or ten miles closer and less gas to burn to get to that park.

I know, and I dare say the minister knows, that on this weekend there will be hundreds and perhaps thousands of campers who will be flocking to gravel pits, and I, who intend to go to a park, for example,

MR. CALLAN:

the first I have to do is pay three dollars for a seasonal ticket, a permit, which, of course, I cannot very well count with the cost of this particular weekend because it is good for all the summer. But then to stay the weekend three nights, Friday night, Saturday night and Sunday night, and arrive back on Monday, I will be paying \$2.50 a night which is over \$7.00. The person who goes in the gravel pit will have much the same conveniences that I will, much the same, without paying the \$7.50 plus the \$3.00 which will be \$10.50 altogether. I say that for this reason, Mr. Speaker, that most campers, I think, and no doubt the minister has his statistics with him of the number of campers who visit parks annually - I know he probably has that because as a former employee, during my student days I worked in our provincial parks, that was one of the things that we did. Part of our job was to keep statistics. How many cars, how many visitors came each day, how many campers, what type of camper they had and that sort of thing. He has all of that, but the statistic that he probably does not have is how does that compare with the number of people who spend their camp times in gravel pits and do not bother to go to the provincial parks.

As far as protection from harassment by other campers and so on, I rather doubt that that will happen any more in a park rather than in a gravel pit. Every year it seems that we have a few dope addicts out in Gushues Pond Provincial Park and the police have to be called in and so on, so that can happen in a park as well as in a gravel pit.

Mr. Speaker, what I am getting at is really this, that in a provincial park I think there should be canteen service. It should be there rather than me having to travel five miles out of the park to go to - and there is no reason why it cannot be operated by the same private enterprise that I would have to travel five miles to out at a service station somewhere. There is no reason



MR. CALLAN: why he could not operate that same facility in the park and, therefore, save me the bother of having to go out perhaps a couple of times a day to get an ice cream or what have you for the children, and I think this would be something that would draw people to the parks. Secondly, and most importantly, Mr. Speaker, most people, I think, camp in travel trailers that have holding tanks, that have holding tanks, bathroom facilities, holding tanks. When people leave the parks after a weekend, there is no place to dump these holding tanks. There is no provision made in the provincial parks. People do it on the side of the road or they pull into the nearest gravel pit and do it, and I think there is a need for it and I think this would entice a lot more people to travel to the provincial parks as they do now to the national park which has both these facilities. Thank you, Mr. Speaker.

MR. SPEAKER (Ottenheimer): Hon. minister.

MR. POWER: Thank you, Mr. Speaker. I thank my good gentleman friend across the way, the member for Bellevue (Mr. Callan) for giving me this opportunity to talk a little bit about our provincial parks just before they open for the beginning of another season.

I agree with some of his comments as to the demand for certain facilities within a park that are certainly of great necessity. The dumping stations really bother me somewhat and I have checked with my officials since his questioning the other day. There are about 21 dumping stations across the Province at key locations, some of them operated by the federal parks people, some operated by provincial - there are, I think, three or four in provincial parks. There are some operated by private campground people and even some by garages for customers who buy a certain amount of gas or that type of thing within the framework of their business.

I am hoping that this year we will be able to get on an experimental basis, maybe some program in



MR. POWER: conjunction with possibly with the Department of the Environment, to exactly check and see what is happening to all this waste material because last year the amounts of people who visited our parks was absolutely unbelievable. I do not think many people in the Province actually know that last year we had something like 2,800,000 people visiting our provincial parks.

MR. CALLAN: Do you have a breakdown of tourists and (inaudible)?

MR. POWER: Yes, we do. We have and I will be tabling next week in the House of Assembly a report from all our parks for last year, but I even looked at the figures today and I was just amazed that we had 2,800,000 people visiting our parks last year. I was amazed to see that we had something like 17,000 senior citizens who used our parks with its swimming, camping and recreational facilities all combined free of charge. It is a very large figure - 17,800 senior citizens, I think, that visited our parks totally free of charge.

Again, we in the department itself are extremely concerned that - we want to encourage more people to come into our parks system, that is our prime concern. We want to develop it up to a certain level of satisfaction that when people come to our parks for the weekend, Mr. Speaker, they are not being burdened by unnecessary problems of going to visit a store or going out to get water and that type of thing. So we as a department certainly will try in every way possible to make our parks a more comfortable place in which to be. Again, it is a matter,

MR. C. POWER: I suppose, of dollars and cents. We have a fantastic demand for campsites. There are many people who like - and may be some persons who honestly of their own right choose to spend time in a gravel pit, maybe because it is close to a favourite fishing ground or some facility that they want to be close to. There are many other persons who go to, as there will be this weekend possibly, who have to spend time in a gravel pit because, simply, the parks are blocked to capacity and they cannot get. Now in our case we have tried, with the limited amount of dollars that we have, and in the last four or five years there have been major changes, we have doubled the number of campsites just about since 1972, we have added on fifteen or sixteen parks, we have almost doubled the number of picnic sites. The number of visitors have pretty well doubled. It has dropped off a little, tiny bit this year from what it was last year and the year before. But again, what we are trying to do is to spend the dollars we have in the best way possible. The demand for campsites is a greater demand sometimes than the demand for a dumping station or for a canteen service or what have you.

I have asked my officials to look into the possibility of using a national park system, something like they have in Terra Nova, where it might be possible in some of our provincial parks to have a private entrepreneur come in and build washroom facilities and build a small canteen and possibly make a dollar on it. It would mean that our Parks Division would not have to take money from its capital vote to put in those facilities, they would be done by a private business person thus helping the government in its general role to increase the recreational use of the countryside, of our parks but not hurting our capital flow, so that we can still maintain and develop as many campsites as is humanly possible.

MR. C. POWER: Again in our parks this year, we are adding on in many of our parks campsites as I say, we are trying to do a great deal with the canteen and picnic sites and then the dumping stations that we have. There is a fantastic demand for the number of visitors. To think that we will have, probably this year, close to 3 million persons visiting our provincial parks. I think it is a great comment on the wonderful work done by the park staff. I have looked at some correspondence that the previous minister had down in Tourism from persons as far away as California and all over the States and all over Canada commenting on complimenting our wonderful park staff on how courteous they are, how helpful they are and what a wonderful job they do.

And I just want to say that I congratulate them. I know that this season is going to be extremely busy and I just hope that this season, as I say is as busy as last year maybe I will see the good member in the park the weekend or sometime during the Summer. Thank you.

MR. SPEAKER: The motion is that this House do now adjourn. Those in favour "Aye", contrary "Nay", carried.

This House stands adjourned until tomorrow,  
Friday 10:00 a.m.