

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
3:00 p.m. - 6:00 p.m.
THURSDAY, NOVEMBER 8, 1979

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

ORAL QUESTIONS:

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

MR. JAMIESON: Mr. Speaker, my question is directed to the hon. the Premier. In view of the First Ministers' Meeting, which is to be held, as I understand it, on Monday or Tuesday, has the Prime Minister conveyed to the Premier the proposals likely to be discussed at that meeting and, if such is the case, is the Premier in a position to indicate to the House at this time just exactly what position he is likely to be taking with regard to proposed oil price increases, and is his position going to be that indeed insofar as we in this Province are concerned that oil price increases are going to be an extremely severe hardship to our people, particularly during the coming Winter, and will he take the position that no change should be made in the present formula which was negotiated some time ago and to which this Province was a party?

MR. SPEAKER: The hon. the Premier.

PREMIER BECKFORD: Mr. Speaker, I thank the Leader of the Opposition for his question. There are a number of alternative proposals that have been sent to me by the Prime Minister and sent to all premiers across the Country. We are now assessing these various alternatives that the federal government have put forward and are in the process of formulating an official position which we will be taking at the First Ministers' Meeting on energy pricing on Monday in Ottawa. So that position has not been finalized and hence I cannot inform the Leader of the Opposition or this House just what the details of our position will be. Suffice it to say that one of the cardinal principles which will govern the finalization of a position will be the impact that it will have on Eastern Canada.

PREMIER PECKFORD:

and on Newfoundland, in particular, of any increase will be substantial and that we will want to see in any kind of position that we will be putting forward that area well looked after before we could agree to any substantial changes from the present.

MR. D. JAMIESON: A supplementary, Mr. Speaker.

MR. SPEAKER (SIMMS): A supplementary, the hon. Leader of the Opposition.

MR. D. JAMIESON: I find it, to say the least, surprising, this being Thursday and the meeting being on the coming weekend, that the government does not have a firm position to put forward. I find it doubly so and I hope this is not rhetorical, Mr. Speaker, because of statements made by the Premier in which he said, and I believe I am quoting him correctly, that he tended to side with particularly the Province the Alberta which is seeking major increases. I believe he qualified it to some degree by saying 'some cushioning effect was built into the formula.' But what I would like to ask as a specific question now is whether or not it is anticipated by the Premier that the meeting on Monday or Tuesday, or it may go both days, is going to be a definitive meeting, is it an exploratory meeting and will we, in fact, in this House and presumably across the Province, have an opportunity to learn before it is in fact accomplished what it is that indeed is agreed upon if, in fact, anything is agreed upon?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Well, Mr. Speaker, I cannot inform the Leader of the Opposition whether the meeting will be definitive or not, it has not been held yet. And I think that the most optimistic expectations by the Prime Minister and other people across the country would be that something definitive will come out of the meeting. Whether, in fact, that will occur or not I do not know; I do not know if anybody knows. I am sorry to hear that the Leader of the Opposition is surprised about our particular position. We received many of the alternatives for the first time yesterday in writing and we want to respond to those alternatives and to look at those in light of what our position will be. So I do not know whether the meeting on Monday will be definitive or not; it will depend on how the other first ministers view it. There have been

PREMIER PECKFORD: statements in the press by some to say that it is only exploratory, by others to say that we should have some definitive agreement out of it. So there is nothing for sure about Monday's meeting and whether, in fact, we will have an agreement on energy pricing or not. But I can assure the Leader of the Opposition that the Province will be taking an aggressive and forceful stand there and we hope to be able to put together a number of realistic and creative proposals for the First Ministers. We are not just going to go to the

PREMIER PECKFORD: meeting in a reactive situation but we are going to go there with concrete proposals on how we see the thing moving over the next number of years.

MR. JAMIESON: A further supplementary.

MR. SPEAKER: (Simms) A further supplementary. The hon. Leader of the Opposition.

MR. JAMIESON: Well, Mr. Speaker, without in the least being argumentative, my surprise comes from the variety of statements that have been made in the public press. I have viewed the very photogenic Premier on television on numerous occasions in the last weeks in which he has said that he is disposed to agree with the premier of Alberta and to oppose the position of the premier of Ontario. As I understand it, the position of the premier of Alberta is that he wants to see a rapid rise in oil prices. The argument being put forward by Ontario is quite the contrary. What I am asking the Premier is, is he still of the view which I have heard him express - and this is not obviously the point to debate the wisdom or otherwise of that view - but is he of the view that in fact a rapid escalation in oil prices to something close to world prices is the desirable route for Canada to follow and is that the statement that he will be making, or part of the statement that he will be making on Monday?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, it is the first time that I have been called photogenic and I thank the hon. Leader of the Opposition for that supposed comment and compliment. Secondly, on the question, I am not sure whether the premier of Alberta has suggested a rapid rise to world prices. I think the premier of Alberta has talked about a rise to world prices. I think that he is fairly flexible on how quickly that can get to the Chicago price or the world price. So I do not know if the concept of the quickness or the rapidity of it was in the Premier of Alberta's statement. I have said on a number of occasions, as the Leader of the Opposition accurately points out, that I think we have to be realistic in this country and some movement upwards is almost

MR. JAMIESON: Well, Mr. Speaker, one final supplementary from me. Has the government given - never mind the documents that have been submitted in the last few days, since we are perfectly well aware that the federal Minister of Finance has talked, for example, of something of the order of thirty cents a gallon and various other people have put forward other proposals; they are not pie in the sky, they have been put forward by officials or spokesmen for the Government of Canada - has the Government of Newfoundland asked itself or calculated what the impact on consumers is of these various proposals? What I would like to know is surely it is legitimate on the part of not only the Opposition but the people of this Province to know whether it is seventeen cents a gallon at the pump, whether we are looking at \$2.00 gasoline by 1981, or indeed, what is going to happen this Winter. These formulae have been, in fact, in the public domain for several months now. They have not come, as I said, from casual sources but from the Minister of Finance and others. Does the government have a group at work and can they tell us what these likely formulae would produce by means of a tremendous increase, or whatever the increase is going to be, in the cost of living of ordinary consumers of this Province?

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

PREMIER PECKFORD: Mr. Speaker, I think it is quite legitimate for the Leader of the Opposition to ask the questions he is asking, absolutely so. It is crucial that he continue so to do.

SOME NON. MEMBERS: Hear, hear!

PREMIER PECKFORD: Secondly, the members of government, public servants and so on, have been going through the various impacts that the alternatives will have. But there have been alternatives mentioned by the federal Minister of Finance and by the Minister of Energy of the federal government, and others coming from Mr. Davis, the Premier of Ontario, and from Mr. Lougheed and from all over the place. All I can say is that there are now on paper four or five different

PREMIER PECKFORD: scenarios that are being proposed as possible alternatives to be considered on Monday and we are going through those specific ones now to get what the impacts will be so that we can more clearly define a definitive position for Monday. We have gone through them, but some of the ones that you hear being verbally put forward by some minister of the federal government are not necessarily what actually comes out at the other end after one sees other negotiations going on.

Two or three months ago, before the Prime Minister started talking to the other First Ministers about it, they were saying certain things, and now, of course, after talking to everybody, they are saying certain other things, so it has been part of the negotiation process and these

PREMIER PECKFORD: scenarios change. But we now have a document that arrived yesterday on which we are going through the various scenarios to see what the impact would be on the Newfoundland consumer and therefore that will, in large measure, determine the kind of response that we will have and the kind of proposition that we will put forward on Monday.

MR. JAMIESON: May I be permitted one final supplementary, Mr. Speaker?

MR. SPEAKER: (Mr. Simms) I do not see any other member standing. The hon. Leader of the Opposition.

MR. JAMIESON: This is a matter just for clarification. Do I understand from the hon. the Premier that there is now in front of him, as a first minister and the other first ministers, a specific single federal proposal with regard to oil pricing? Is that the proper conclusion for me to draw from what has been said and is it now a question of the federal government having put to the hon. the Premier their position and are they asking for a response? Is that the position? Because it does, it appears to me, change things quite substantially from what has been the case up to now.

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, that is not the situation. There is a package of alternative proposals which will be a basis for discussion at the Monday's meeting and directions which the federal government think are realistic at this time. And there are a whole range of them but they are in a package, a document, that was sent to all the First Ministers of Canada as a starting point to begin our positions as the First Ministers as we enter the meeting on Monday. But it is a discussion document as far as I understand it and, as far as I understand, the other First Ministers perceive it as being a launching pad from which we can talk instead of us all going there with our own proposals, if you will, we have some basis now to work around those four or five alternatives.

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

MR. SPEAKER: The hon. member for LaPoile.

MR. S. NEARY: Mr. Speaker, it would appear to me that what the hon. gentleman is trying to get at here is whether or not the position of the Premier, especially, and the Minister of Mines and Energy (Mr. L. Barry) is now flexible or are they maintaining the hard line that they have been maintaining all along in supporting Premier Lougheed and the Government of Alberta in their policy of the rest of Canada can freeze in the dark? Is that the policy they are subscribing to now that will break up Canada? Premier Lougheed is contributing more to breaking up Confederation than Rene Levesque will ever do. Is this the policy now that the Premier of this Province is supporting - let other Canadians freeze in the dark - or is he now flexible on the position of increasing the Alberta oil to world prices?

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

PREMIER PECKFORD: Mr. Speaker, I do not perceive the Premier of Alberta's position to be that as just articulated by the member for LaPoile.

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

MR. SPEAKER: Supplementary, the hon. gentleman for LaPoile.

MR. S. NEARY: The hon. gentleman is aware that about two years ago Premier Lougheed did say, "Let the rest of Canada freeze in the dark," and that seems to be the position that the hon. gentleman has been supporting. And the reason the hon. gentleman is giving for that position is that Newfoundland may or may not have offshore discoveries of oil and gas, so it brings that question into focus now.

Could the hon. gentleman tell us in his gamble and in punishing

MR. NEARY: Newfoundlanders, who have the second lowest per capita income in the nation, record unemployment, if there are sufficient quantities of gas and oil, and I would like for the hon. gentleman to tell us whether or not there are sufficient quantity of gas and oil at the moment to make it commercially feasible to operate wells offshore, and if there are, how long will it take to get them ashore? How long will Newfoundlanders have to pay world prices for heating fuel before that oil is brought ashore here in Newfoundland? And how long will it be before we will know if there are sufficient quantities of oil to make it commercially feasible for the oil companies to start producing the oil offshore?

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

PREMIER PECKFORD: Mr. Speaker, two points; one, to do with the commercial quantities of oil off our shores, that is a very difficult question to answer. It depends on a whole bunch of factors, a whole bunch of variables. So in anything I say it would be just parameters and nothing totally definitive. There is a semi-submersible rig now, I think, gone back to the Hibernia well, replacing the drill ship which has moved away, because a semi-submersible can operate in harsher weather than a drill ship. Another couple of semi-submersibles will join that one in the near future and additional testing will be going ahead on the Hibernia well.

So it is difficult to say when in fact we will know, hopefully in the next six to twelve months there will be some final answers on the Hibernia-Mobile acreage as it relates to commercial quantities of oil.

If in fact there are commercial quantities discovered in that particular area of 200 to 500 feet depth of water, then it is highly likely that the development sequence could see production coming ashore from that development within four years.

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

MR. SPEAKER (Simms): A final supplementary, the hon. member for LaPoille.

MR. NEARY: As I understand from the hon. gentleman's answer, Sir, right at this moment, and maybe for the next six months to a year, there is nothing definite on the offshore discoveries, even though people - and the Premier is gambling the future of the Province, putting all his eggs in the one basket, The economy is in chaos while the hon. gentleman is being pushed towards oil in this Province, and people are mortgaging their homes to buy stocks in the oil, but there is nothing definite at this moment. And the hon. gentleman says a minimum of four years to get the oil ashore even if it is discovered. The oil companies say a little longer, they say ten years. The oil companies are giving a different story publicly than the hon. gentleman is giving. And what I want to ask the hon. gentleman -

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

MR. SPEAKER: A point of order, the hon. President of the Council.

MR. MARSHALL: I had to intervene, Mr. Speaker, I quote as an authority the recent issue of Beauchesne, "a question may not be a speech however short, nor of an unreasonable length." And I think that the hon. gentleman is not only getting into the area of making a speech but also in the area of making a (inaudible).

MR. NEARY: I would like to ask the hon. gentleman a question, Sir. I wish I could debate -

MR. SPEAKER: To the point of order, I should make a ruling. I was about to intervene myself and direct the hon. member for LaPoille (Mr. Neary) to ask his question.

MR. NEARY: A broad subject, Sir, I wish I could debate it with the hon. gentleman. But I want to come back again and ask the hon. the Premier if his position is now altered

MR. NEARY:

somewhat vis-a-vis Premier Loughheed's policy of socking it to the consumers in the rest of Canada? Is the hon. gentleman now flexible on this matter or will the hon. gentleman go along with the Government of Canada if they recommend that it not be done? Do we now have to look to the Government of Canada to rescue Newfoundland consumers, or will the hon. gentleman tell us whether or not now his position is flexible or if he intends to alter his position when they go to the meeting in Ottawa next week?

MR. SPEAKER: (Simms)

The hon. the Premier.

PREMIER PECKFORD:

Well, Mr. Speaker, on the whole point, I do not think I am in disagreement with the oil companies. It depends on where oil is discovered or gas is discovered, and whether it is oil or gas; it depends on the depth of water. So, on one hand, you can see a production sequence of four or five years; in another part of the offshore, you will see it in six or eight years; and in another part of the offshore it will be eight or ten and another part of it will be ten or twelve. So it depends to a large degree on the kind of hydrocarbon it is, whether it is oil or gas, it depends on the depth of water, it depends on the ice and whether there is any or none at all, and a whole bunch of other factors. And the ten years is used primarily, as is my understanding of it, to deal with some developments that could occur off the Labrador Coast, which is different from the discovery that we have 160 or 180 miles, or whatever it is, from here, which is not in the ice infested waters situation. So I do not think I am in disagreement with many of the oil company people who talk about development here.

My position on the energy pricing:

I have answered the questions for the Leader of the Opposition and the hon. the member for LaPoile (Mr. Neary) on that matter, and this House can be assured that the Government of Newfoundland will ensure that the low income and fixed income people of this Province are protected in any position that we take as it relates to increases of energy costs through the First Ministers' meeting on Monday.

SOME HON. MEMBERS:

Near, near!

MR. SPEAKER: (Simms) A question, the hon. the member
for Baie Verte - White Bay.

MR. RIDEOUT: Mr. Speaker, my question is for the
Minister of Mines and Energy (Mr. Barry). I think it has become
apparent to all of us that Petro-Canada have been, in the last number
of months, playing a major role in offshore oil and gas exploration in
this Province. It is not too many months ago, I believe, that the
Premier welcomed in this House the participation of Petro-Canada in
offshore oil and gas exploration in the Province. I wonder if the
minister would tell the House, in view of the decision
of his colleagues in Ottawa to substantially dismantle Petro-Canada as
it now exists, whether or not he feels this will have any adverse effects
on offshore oil and gas exploration off our shores?

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

MR. BARRY: Well, I am glad that the hon. member
opposite said, 'substantially dismantle' because the Government of Canada
has made it clear that it does not intend to remove its presence from the
encouragement of frontier exploration. Our position basically has been -
whether it be through Petro-Canada or whether it be through some other
agency does not overly concern us - that what we do want to see is

MR. BARRY: continued federal government support of the exploration effort. I have made representations to both the Minister of Energy, Mines and Resources and the Minister of Finance in this respect and I believe that we will see continued federal support of offshore drilling programmes.

MR. SPEAKER: (Simms) A supplementary. The hon. member for Baie Verte-White Bay.

MR. RIDEOUT: Mr Speaker, the minister, I think, in his response referring to frontier exploration is the crunch as far as this Province is concerned, whether or not the Government of Canada is looking at frontier exploration in the High Arctic, for example, as compared in the offshore off this Province, and I would like to ask the minister in view of the representation that he has made to his colleagues in Ottawa, whether or not he has reason to be optimistic that Petro-Canada will be permitted to continue to participate in offshore exploration off our shores?

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

MR. BARRY: Mr. Speaker, for the hon. member's information the phrase 'frontier area' includes the High Arctic, includes the Newfoundland continental shelf and there is no question as I understand it, that the federal government has committed itself to supporting exploration in frontier areas, which includes offshore Newfoundland and Labrador. On the second point, again I have to repeat that this government is not concerned whether it is through Petro-Canada or whether it is through some other agency of the federal government, so to us I suppose it is fair to say that we are neutral on decisions relating to Petro-Canada. Our concern and our interest is in seeing that there will be continued federal government support in encouraging exploration offshore Newfoundland and Labrador and we expect to see this forthcoming.

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

Mr. RIDEOUT: Mr. Speaker, we could debate at another time, but I am not sure that this Province can afford to be neutral

MR. RIDEOUT: in the way the minister has indicated on the issue of Petro-Canada, but I want to ask another supplementary. Another very important boost for offshore exploration of this Province has, of course, been the super depreciation allowance that the federal government has had in place - excuse me, the super depletion allowance that the federal government has had in place over the past number of months and there has been some talk, at least, in various circles as to whether or not this super depletion allowance might be allowed to continue. Could the minister tell me whether or not he has made any representation to his colleagues in Ottawa in this regard in view of the importance of this particular programme for the continued, I hope, increased activity of exploration off our shores?

MR. SPEAKER: (Simms) The hon. Minister of Mines and Energy.

MR. BARRY: Yes, Mr. Speaker, both myself and, I understand, the Premier as well have made representation with respect to the importance of continued tax incentives, such as super depletion, to encourage

MR. L. BARRY: exploration off Newfoundland and Labrador. There will probably be some modifications in the super depletion regulations because of abuses which have occurred, I do not think off Newfoundland and Labrador but in certain areas where investors have been able to spend a dollar and in some cases get back a dollar and five and actually make money instead of merely saving a certain proportion of their taxes. So that type of abuse will, in all likelihood, be modified, but we have asked the Federal Government to be careful that they do not throw the baby out with the bath water. If Canada is interested in seeing a secure supply of energy on the East Coast, then super depletion is a very important mechanism for ensuring that this comes about as quickly as possible.

MR. D. JAMIESON: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary, the hon. Leader of the Opposition.

MR. D. JAMIESON: Well, Mr. Speaker, given the fact there have been more babies thrown out with more bath water in the last four or five months than I have seen in the history of the country, I would like to ask the Minister of Mines and Energy (Mr. Barry) how he can conceivably say that this Province is neutral on the future of Petro-Canada? Surely on a casual answer of that kind we are entitled to know whether or not the Government of this Province is prepared to see Petro-Canada survive with all of the costly accoutrements of it saddled upon the taxpayers of this country and the balance of it sloughed off to the private sector. Now I think it is not obviously, I understand, Mr. Speaker, the point at which to get into any argument on this but if the gentleman is stating government policy with regard to the future of Petro-Canada, then I will be consulting my House Leader to find a way in which we can get this issue debated on the floor of this House as fully and consistently and completely as possible. But is it a fact that the hon. member means that you are neutral and do not care what happens to Petro-Canada as long as the frontier development operations of it continue? Is that the gist of what the hon. member has said?

MR. S. NEARY: They do not care about anything.

MR. SPEAKER: Order, please!

MR. S. NEARY: All they have on their minds is oil.

MR. J. MORGAN: Are you deaf or what?

MR. SPEAKER: Order, please!

The hon. Minister of Mines and Energy.

MR. L. BARRY: Mr. Speaker, I think I made it clear in my earlier answer that we are neutral on Petro-Canada because we understand from the public expressions of intention on the part of the Federal Government that the functions performed by Petro-Canada which are important to this Province will continue. That is our understanding from the public expressions of intent which has emanated from the Federal Government in Ottawa. Now if these functions of Petro-Canada which are important to this Province continue, yes, we are neutral on what happens to Petro-Canada.

MR. D. JAMIESON: Final supplementary, Mr. Speaker.

MR. SPEAKER: Final supplementary, the hon. Leader of the Opposition.

MR. D. JAMIESON: Mr. Speaker, I asked the hon. member a simple question. A task force was established by the Federal Government to make recommendations with regard to the future of Petro-Canada.

MR. JAMIESON: That task force has brought down a report which I have no doubt that the erudite gentleman has read and digested thoroughly. Does he agree with that report to the Government of Canada?

MR. SPEAKER (Simms): The hon. Minister of Mines and Energy.

MR. BARRY: Mr. Speaker -

AN HON. MEMBER: Edgar Bergen and Charlie McCarthy.

MR. BARRY: - I do not think I have seen a report yet that I agree with in 100 per cent of its entirety. I do not think I have seen a report yet.

AN HON. MEMBER: Even the ones you wrote yourself?

MR. NEARY: Including the one you wrote about the Companies Act?

MR. BARRY: Good stuff. I hope to see that bold initiative implemented here before long.

PREMIER BECKFORD: 99.9.

MR. BARRY: Mr. Speaker, I think I have already answered the question. I am not prepared to say that I agree with the report brought in with respect to Petro-Canada in its entirety. In particular, to be a little more precise, there are certain at least implications if not direct references there as to what the effect of Petro-Canada's so-called back-in interest or its right to pick up lands as they are relinquished offshore. There is an implication that there should be some continued federal Crown corporation involvement in having rights offshore and our position purely and simply is that with the transfer of offshore rights - the confirmation, I should say, rather than transfer of offshore rights in this Province by the Prime Minister of Canada, this means that the federal government does not grant rights to Petro-Canada or to anybody else offshore. The Newfoundland Government grants these rights and this is a matter which will require some extensive negotiation with the federal Minister of Energy, Mines and Resources and we are

MR. BARRY: presently arranging to have these follow-up meetings which was part of the original discussions with the Prime Minister of Canada, that these types of detailed negotiations would have to follow the general expression of principle. What it boils down to is that we believe whether it is Petro-Canada or any other Crown corporation which might continue to operate offshore, they will operate like any other enterprise; they will deal with the Newfoundland Government, they will deal with oil companies. If they enter into a working relationship with an oil company, put money into a farm-out agreement, for example, then they should be entitled to whatever their share of that joint venture would be, but they should not be in a position, no Crown corporation should be in a position of saying, "We have a certain percentage interest because we are entitled to it under federal legislation or regulations." It is not federal regulation or legislation that applies out there, it is Newfoundland legislation or regulations, and I would be very interested in any debate that the hon. Leader of the Opposition wants to raise on this point because, as I understand it, his position on the record is that this Province should not have ownership and jurisdiction over offshore rights.

MR. SPEAKER (Simms): Order, please! The time for Oral Questions has expired.

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

MR. SPEAKER: A point of order, the hon. Leader of the Opposition.

MR. JAMIESON: I do not know when it is necessary to give notice but I find that in trying to pick all of the bones out of that answer, which was about as convoluted a one as I have ever heard, that I suspect that there will be grounds for me to file some kind of an objection to what was said at the end of that with regard to my comments and my position with regard to offshore ownership, and if it is necessary to give notice of that I do so now.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms):

I take that as notice.

Before proceeding with the routine

matters -

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

Before proceeding with routine matters,

there are some distinguished visitors to the galleries and I am sure all hon. members would wish to welcome, first of all, the member elect for St. Mary's the Capes, Mr. Derrick Hancock -

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

- and a member of the Legislative Assembly

for the Province of Nova Scotia, Mr. Pat Hunt, who is also in the galleries.

SOME HON. MEMBERS:

Hear, hear!

NOTICES OF MOTION:

MR. SPEAKER:

The hon. Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, may we revert to Presenting

Reports?

MR. OTTENHEIMER: I am required to lay before the House of Assembly a copy of subordinate legislation which is filed under the Statutes and Subordinate Legislation Act, and these are copies of the editions of the Newfoundland Gazette published between April 6, 1979 and November 2, 1979. I know hon. members look forward to reading them over the coming weekend.

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

PREMIER PECKFORD: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce the following motion: Be it resolved that a Select Committee of this hon. House be appointed to inquire into and to hear evidence on all matters relating to the adoption of a flag for the Province and to recommend a specific design therefor. Be it further resolved that the Select Committee have power to sit at all times whether or not the House is in session, adjourned or prorogued, in relation to the matters to them referred, the power to send for a person's papers and records. And be it further resolved that the Select Committee report back to this hon. House with its views or recommendations in connection therewith on or before the 30th day of April, 1980.

SOME HON. MEMBERS: Hear, hear!

NOTICES OF MOTION

MR. SPEAKER: (Simms) The hon. the Minister of Consumer Affairs and Environment.

MRS. NEWHOOK: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Protect The Environment Of The Province By Providing For Environmental Assessments".

SOME HON. MEMBERS: Hear, hear!

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

MR. J. WINDSOR: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend, Revise And Consolidate The Law Relating To The Establishment And Administration Of Municipal Governments In The Province".

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: (Simms) The hon. the Minister of Finance.

DR. J. COLLINS: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The Gasoline Tax Act, (1978)".

SOME HON. MEMBERS: Hear, hear!

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

MR. DINN: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The Occupational Health And Safety Act".

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Tourism, Recreation and Culture.

MR. POWER: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act For The Establishment Of The Newfoundland And Labrador Arts Council".

SOME HON. MEMBERS: Hear, hear!

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

MR. HOUSE: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce the following bills: "An Act Respecting Newfoundland Optometric Association And Governing The Practice Of Optometry In The Province"; "An Act Respecting Denturists"; "An Act To Amend The Medical Act, 1974".

SOME HON. MEMBERS: Hear, hear!

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

MS VERGE: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce two bills, the first, "An Act To Amend The Memorial University(Pensions)Act" and the second, "An Act To Amend The Memorial University Act."

SOME HON. MEMBERS: Hear, hear!

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

MR. OTTENHEIMER: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Change The Constabulary Force Of Newfoundland To The Royal Newfoundland Constabulary".

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER: (Simms)

Energy.

The hon. the Minister of Mines and

MR. BARRY:

Just to add to this feeling of buoyancy, Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Repeal The Government/Atlantic Gypsum Limited/Lundrigan's Limited Agreement Act, (1969)".

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. The President of the Council.

MR. MARSHALL:

Mr. Speaker, on behalf of the Acting Minister of Fisheries, the hon. the Minister of Rural, Agricultural and Northern Development (Mr. Goudie), I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The Fisheries Loan Act".

SOME HON. MEMBERS:

Hear, hear!

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

MR. SPEAKER:

The hon. the Minister of Finance.

DR. J. COLLINS:

Mr. Speaker, I wish to table answers to question number twenty-five, twenty-six and forty-four.

MR. SPEAKER:

The hon. the Minister of Municipal Affairs and Housing.

MR. N. WINDSOR:

Mr. Speaker, I table answer to question number nine on the Order Paper dated July 20th from the hon. the member for LaPoile (Mr. Neary). In so doing, I note that the answer is the same as was tabled on the last three previous occasions when he asked the same question.

MR. SPEAKER: The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, when the House closed there were a number of questions on the Order Paper to which I now wish to table the answers.

The first one is, and these were asked by the hon. member for LaPoile (Mr. S. Neary), Question 49 on the Order Paper of August 15th, Question 50 on the Order Paper of August 16th, Question 38 on the Order Paper of August 13th, Question 39 on the Order Paper of August 13th, Question 47 on the Order Paper of August 15th, and Question 45 on the Order Paper of August 14th, and Question 51 on the Order Paper of August 16th, I think that is the entirety of that.

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I table the answer to Question #14 on the Order Paper before we adjourn.

MR. S. NEARY: Do we get copies of the answers?

PREMIER PECKFORD: Oh, absolutely.

PRESENTING PETITIONS

MR. SPEAKER: The hon. member for Carbonear.

MR. R. MOORES: Mr. Speaker, I have with great pleasure this opportunity to present, on behalf of the 1,100 of my constituents in Carbonear, a petition dealing with the difficulties now being experienced with the absence of the completion of the Carbonear By-pass Road. 1,100 signatures, Mr. Speaker, happens to be the single largest petition ever presented by me or for that matter, to my knowledge, by any other MHA representing that great district in this House.

A very brief history of the Carbonear By-pass Road: It was started in 1973 and was, hopefully, to be done in phases. Phase one was completed just before the 1975 Provincial election and there was a three or four month lapse of time there. And then during the election in 1975 there was more dynamite blasted on phase two of it than perhaps there were bombs used in World War II. But phase two was never completed and the By-pass Road, which is a multi-million dollar

MR. MOORES: near fatalities that have been ignored, virtually ignored by both Ministers of Transportation and Communications in the past few years. I hope this time that the present minister meets his commitment, goes through on what he has told the meeting in Carbonear and finishes this highway.

Thank you.

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

MR. JAMIESON: Mr. Speaker, may I admit at the outset that if the hon. House Leader wished to call me out of order at this point he probably could, because in supporting this petition I do so in a totally and nonpartisan way raise what I know is of interest and concern to the Minister of Transportation and Communications (Mr. Brett) and I am grateful for his response already, but the reference a few moments ago to near fatalities does prompt me to make this representation in support of this particular one with regard to the Sunnyside-Come By Chance situation and I merely want to talk about it in fatality terms. I am aware, I repeat, that it is something which the minister is looking at and I just want emphasize the importance of this and I hope to have the opportunity to ask him a question on it. I also support the Carbonear one as well.

o o o

MR. SPEAKER: Orders of the Day.

MR. NEARY: Mr. Speaker.

MR. SPEAKER: Order 11.

MR. NEARY: Mr. Speaker, since the House last met.

MR. SPEAKER: Order, please! Is the hon. member rising on a point of order?

MR. NEARY: No. I think this is the appropriate time, Sir, to pay tribute to an outstanding Newfoundlander who passed away since the House last met, and I am referring to the sad passing of Dr. Alain Frecker who was a former member of this legislature. I would like to pay tribute to Dr. Frecker this afternoon

MR. NEARY: since this is the first opportunity that we have had to do it in this House. As a man who was not only a member of this House of Assembly for several years but an outstanding Newfoundlander, I think we were all saddened and Newfoundland was saddened at the passing of Dr. Frecker, a man who contributed greatly, Mr. Speaker, to the social and academic life of this Province.

Dr. Frecker was one of nature's finest gentleman, Sir. I had the honour and the privilege to serve in the Cabinet with Dr. Frecker, the late Dr. Frecker, and I am well aware of the contribution that he made to public life in this Province. He was one of nature's finest gentlemen. He served his country well. He will long be remembered for his contribution, especially in the field of education and to the social well-being and the cultural well-being of Newfoundlanders everywhere. I am sure, Mr. Speaker, that all members on both sides of the House will join with me today in extending our sincere condolences to the family of the late Dr. Frecker.

MR. SPEAKER: (Simms) The hon. President of the Council.

MR. MARSHALL: Mr. Speaker, we would certainly like to associate, all members on this side of the House, I know we join with all members in the expression of sympathy. But before so doing, not that I wish to make an issue of it in this particular case, of course, but I would point out to the hon. member that matters of this nature are most appropriately done before the routine orders of the day occur rather than at the present time.

As I say, we certainly wish to associate ourselves with the expression of sympathy. Dr. Frecker was known, I think, to most Newfoundlanders and certainly to people associated with the political, the educational and the social life of this Province. Probably the best description that I can think of of Dr. Frecker was given when his brother-in-law, Bishop McGrath, delivered the homily at the funeral and he referred to the gentle soul of Dr. Frecker being laid to rest. I do not think that there can be a more descriptive description of Dr. Frecker than as a gentle soul and certainly

MR. MARSHALL: a gentle person. I myself, with other members of this House, have served in the House with Dr. Frecker on the opposite side of the House at the time where the hon. gentlemen there opposite are. I have always found him to be, as I say, a thorough gentleman to deal with. He was an outstanding Newfoundlander and his loss to this Province and the people of this Province is great indeed. So I associate myself

MR. MARSHALL: and, I know, the government side of the House with the expression of sympathy which has been made in extending to his widow, Dr. Helene Frecker, and his family, all of whom are quite active themselves in the social, the political, and the educational life of this Province. It has been a great loss, it has been a great loss to Newfoundland, and we certainly do associate ourselves with the expression of sympathy and would ask that Your Honour convey our sympathy to his bereaved family.

MR. SPEAKER: Is it the pleasure of the House to adopt the said motion? Those in favour "aye", contrary "nay", carried.

ORDERS OF THE DAY:

MR. SPEAKER (Simms): Order 2, Bill No. 1. It is moved and seconded that Bill No. 1 entitled, "An Act To Reform The Law Respecting The Property Of Married Persons," be now read a second time.

The hon. Minister of Justice.

SOME HON. MEMBERS: Hear, hear!

MR. OTTENHEIMER: Mr. Speaker, I think the legislation which is being introduced today will be and certainly should be marked by hon. members and by Newfoundlanders in general as one of the most progressive and important and enlightened piece of legislation that perhaps this House in all its sessions may be asked to enact.

It is a piece of legislation which will continue and help to bring to full realization ideals which intelligent people, men and women, have held and espoused for a number of decades, and indeed, for the very progressive for a number of centuries. It is, however, quite recent in our history that we in Newfoundland and other parts of Canada have given anything but lip service to that ideal of equality between men and women.

It was in 1925 that women first could vote in Newfoundland. It is within living memory and experience of some thousands of women in the Province today when they did not have the right to vote. In 1925 there was an amendment to the House of Assembly Act, and it reads, and it is interesting to see just how it was gone

MR. OTTENHEIMER:

about at that time:

"Section 4 of the said chapter is hereby repealed and the following substituted therefore: namely, every male British subject of the full age of twenty-one years and every female British subject at the full age of twenty-five years of sound understanding and resident in the colony for two years shall be entitled to vote." So it was in 1925 that Newfoundland women could first vote, but even then there was not equality because men voted at twenty-one and women at twenty-five. It was not until the Terms of Union in 1949 that that full parity of voting for men and women was achieved in Newfoundland.

Hon. members may recall a couple of weeks ago there was some commemoration in newspapers of an important event, that being the anniversary of a decision of the Privy Council in the United Kingdom which first gave legal recognition to women as persons. Without going into the background of the case, and it is quite an interesting one because it dealt with a woman being appointed to the Senate. An objection was taken that in the British North America Act where provision was made for a person or persons to be appointed to the Senate, the point was made that person did not include women and that this woman was improperly appointed.

It might be interesting to recall that the Supreme Court of Canada said that for the purpose of the British North America Act a woman was not a person. But the Privy Council in London reversed that and, certainly for the first time in Canadian law, at least in the context of the British North America Act, it clearly established the legal status of women as persons.

In that decision of the Privy Council it might be interesting to read just a few lines here of what the Justices said to endeavour to explain why up until that time or recently, women were not so recognized. The court said, "The exclusion of women from all public offices is a relic of days more barbarous than ours but it must be remembered that the necessity of the times

MR. G. OTTENHEIMER:

often forced on man customs which in later years were not necessary. Such exclusion is probably due to the fact that the deliberative assemblies of the early tribes were attended by men under arms and women did not bear arms. " So that is the British judges' analysis of the situation.

The next forward move legally, the recognition of equality for women, I think in Newfoundland certainly was in the Human Rights Code, certain additions made in 1971 and certain in 1974. In 1971, for the first time, fair employment practices for women was made part of the Human Rights Code, and in 1974, provision with respect to equality of rights to accommodation. So the line of development has been pretty slow. Not until 1925 could women in Newfoundland vote, not until 1949 could that right be exercised at the same age as men, not until 1930 were women recognized as legal persons, and not until 1971 and 1974 was there in this Province statutory and legal protection for women from the point of view of equal opportunity for employment and equal opportunity with respect to accommodation.

So I am inclined to think that the Matrimonial Property Act certainly should go down in the history of this Province as one of the few progressive and enlightened acts with respect to giving legal effect to that equality that perhaps this Legislature will be asked to pass at least for some time.

Hon. members who were here before the last election will recall that there had been quite some discussion and debate in the previous Legislature. Indeed, the Matrimonial Property Act has been the object of Province-wide dialogue and discussion for over six months. I would say there are very few of any matters of provincial legislation which have received such thorough public discussion and comment. There have been briefs of the Status of Women Council which hon. members should be aware of. First reading May 1st., 1979, Second Reading May 17, 1979 and the former bill was in the committee stage up to and including May 25th., when hon. members will recall there was dissolution and we are back now to consider a revised form, an altered form of that bill. During the last election campaign there was, I think, wide discussion of it; the principles involved have been discussed and debated on open lines and in newspapers. by

MR. G. OTTENHEIMER: the Newfoundland Law Society at its meeting in Corner Brook and indeed the legislation has been the object of internal scrutiny in the Department of Justice and by the Cabinet and representations from various groups have been made and in quite a number of instances these representations have been given effect.

The point I want to make is that we have, all of us and many others, talked about and debated and discussed and analyzed and commented upon this principle and now there is an opportunity obviously to do so in this Legislature. And I hope hon. members will avail of the opportunity to the extent that they wish and to the extent that the rules permit them to discuss and debate and analyze this proposed legislation. What I am suggesting however, is that any suggestion towards procrastination, to send it to a committee, to send it somewhere for further study, to wait another six months, to wait another year, to have representations from this one and that one - procrastination is a nice excuse for inaction and certainly I do not think the women of Newfoundland or indeed the men of Newfoundland or any progressive forward looking people in this Province wish to have any procrastination. Already for six months -

SOME HON. MEMBERS: Hear, hear!

MR. G. OTTENHEIMER: Already for six months there has been wide debate and here there is certainly opportunity, it can be debated as many days as one wishes. What I hope we will not have, however, and what I hope the women of Newfoundland will not have to listen to will be not that it be debated in full for days and for weeks if necessary in this Legislature - that is what the Legislature is for - but I hope that there will not be the suggestion, you know, 'Let us send it to a Select Committee; let us wait for six or nine or twelve months; let us have further representations.' Because you can have representations and you can study and talk about a thing forever, but what is necessary here is that good faith be expressed in action and not through any procrastination.

SOME HON. MEMBERS: Hear, hear!

MR. G. OTTENHEIMER: Now the overall purpose of this act is to translate the equality of men and women into an area where it has not yet been legally recognized and that is with respect to matrimonial property, that is with respect to the economic equality of spouses in marriage. That is the basis

MR. OTTENHEIMER:

purpose of it, not to establish equality in general, which all sensible and intelligent people accept, but to give it a legal expression, a statutory expression with respect to the area of matrimonial property and to give a statutory reference to the economic equality of both spouses in marriage. That is the overall objective of it. The purpose as put forward in the bill - and I will just refer to that - is more specific, but certainly is in accord with that. The purpose of the Act, section three, is to reform the law with respect to matrimonial property in order to recognize the contribution made by each spouse in a marriage; give a one-half interest in the matrimonial home to each spouse; provide for the deferred sharing of most other property acquired during marriage; and provide for a judicial discretion in sharing business assets built up by a spouse during marriage. That is the way the bill puts it. I put it that the overall purpose is to give legal, statutory recognition to equality in terms of matrimonial property and the economic partnership concept of marriage.

What I do want to state at the very beginning - because I have heard comments to this effect before that this bill attempts to relegate marriage to a financial or an economic contract or union - is nothing could be further from the truth. This Act deals with the economic aspects of marriage. What it says is, There is an economic aspect to marriage. It does not say there is only an economic aspect. It does not suggest the economic aspect is the most important one. It does not do that at all. All it does is it says there is, in fact, an economic relationship and this economic relationship should be based on legal principles, and the essential legal principle is one of equality between the two spouses. So I hope there will not be foolish references such as, 'All this bill does is it tears down marriage, it makes marriage nothing more than a financial or an economic matter between the contracting parties'. Nothing could be further from the truth at all. It deals only with the area of economic equality, recognizes that there is an economic relationship and tries to establish that economic relationship on a reasonable basis of equality.

MR. OTTENHEIMER: One of the main areas with which the legislation deals is what is called the matrimonial home. It states that each spouse has an equal interest in the matrimonial home, which is defined generally as dwelling and property occupied by a person and spouse as a family residence. So the matrimonial home receives specific attention as perhaps the most important single component in the proposed legislation, apart from the overall principle which has to be the most important.

There has been a change in the definition of matrimonial home, which now includes a dwelling with up to three apartments. This was done because of the difficulty with respect to homes where there might be one or two or, indeed, three apartments, and of determining what part of it is a matrimonial home and what part is not. That is an alteration since the predecessor bill was in the House.

The bill will also limit each spouse's ability to dispose of or encumber that home through sale or mortgage without the written consent of the other spouse either in a marriage contract, which I will come to later - that is the part of the bill called Domestic Contracts - or a separation agreement or in some circumstances, pursuant to a court order. What it does is after establishing the principle of equal interest in the matrimonial home, it then has provisions to limit either spouse's ability to dispose of or encumber that home and by so doing, obviously, frustrate the purpose of the Act.

Also, in the terms of the matrimonial home, it will give an equal interest to that matrimonial home irrespective of when the home was acquired or how it was acquired. Now, people obviously can argue against that, I suppose - they can argue against almost anything. They can say, you know, 'Well, one factor should be the year - How long before was it acquired or how was it acquired, through purchase or through inheritance, or this or that? But the principle here is that once a residence is recognized as a matrimonial home, and bearing in mind that one aspect of marriage is the fact of economic partnership, then that home, no matter how acquired or when acquired, is automatically or ipso facto the matrimonial home.

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Tape 957

EC - 3

MR. OTTENHEIMER:

We have also made what I consider to be an excellent alteration - I was going to say amendment, but it is not an amendment because it is a new bill - and that is, we have, I think, plugged what could have been a loophole

MR. OTTENHEIMER: and now there is a section which will preclude the possibility of frustrating the intention of the act by a spouse holding property in a corporate name. In other words, the holding of property in a corporate name will not now prevent that home from being regarded as a matrimonial home.

The act also establishes, and this is an alteration from the previous bill, that the interest in a matrimonial home is a joint tenancy. Spouses may, of course, hold as tenants in covenant, may contract whatever relationships they wish between them, but the tenancy is one of joint tenancy.

I think it is important to note, Mr. Speaker, that the court has the power to award exclusive possession to either spouse and, in certain cases, to the guardian of a child or children where it is in the best interest of that child or children. I think hon. members will agree it is necessary to have a certain area of discretion. No legislation can pretend to take into account every single possible combination of various circumstances and there has to be an area where intelligence and judgement come into it. So I think that is a very important provision whereby the court does have the power to award exclusive possession to either spouse or to the guardian of children when that is in the best interest of the child.

There is also in Sections 7 and 10 - I will not go through that - a procedure established with respect to third parties purchasing a home which is in fact a matrimonial home.

So the first section of the bill deals in general with that matrimonial home and establishes an equality of interest, a half share for each spouse, and gives, if you wish, a special regime to that matrimonial home.

The next section of the bill deals with matrimonial assets. Now the basic principle, I would say, of this section of the bill is that all matrimonial assets are to be shared equally unless an equal division would be grossly unjust or unconscionable.

MR. OTTENHEIMER: Now whereas the matrimonial home regime becomes immediately operative with respect to matrimonial assets, the equality becomes operative upon termination of the marriage, through death, separation, whatever.

Now matrimonial assets, and here also the definition of matrimonial assets has been broadened and it is much more inclusive than it was previously, includes all real and personal property acquired by either or both spouses during the marriage.

The basic intention is to include all assets acquired by either or both during the marriage and acquired for family practice. There are exclusions and section 16 gives them; they are things like personal gifts, inheritances, trusts, a personal injury award except that portion which might be representing compensation for economic loss, family heirlooms, personal effects; they are excluded. Business assets are also excluded and there is also a particular approach to business assets.

Business assets are excluded from the matrimonial assets group except where one of the spouses has made a financial or other contribution to the building up of those assets. And that is a question, when it is determined, a question of fact which will be determined by the court. In section 27 there is a new principle as well and there has been a revision there to put in an anti-Murdock clause. Now the best way, I suppose, to explain what that means is to tell the hon. House briefly what the Murdock case decided and that was that a wife, I think it was a farmer's wife in this instance, had no share of the farm because the work she did was what would be expected of her, of a wife in her position. Now the purpose of this clause is to give recognition to a wife's economic

MR. OTTENHEIMER: contribution to marriage, in child care, in home care, in work performed with the spouse. As I mentioned, there is a broader definition of matrimonial assets than in the previous act and the revision includes all property acquired during the marriage except personal gifts, family heirlooms, etc. Again, the purpose of that part of the bill is put in statutory form in Section 17. I will read that because I think this is the purpose of this part, this is the part dealing with matrimonial assets. " The purpose of this Part is to recognize that child care, household management and financial support are the joint responsibilities of the spouses and that there is a joint contribution by each of the spouses, financial and otherwise, that entitles each spouse to an equal division of the matrimonial assets acquired during the course of the marriage." That, I think, puts it, probably, as succinctly as anybody can.

The overall principle is that the spouses contribute equally to marriage and therefore should be able to share equally in the assets built up during the marriage.

The third section of the bill is one called 'Domestic Contracts'. This is an alteration as well from the original form. Now, Part III of the bill recognizes the freedom of married people to arrange their own financial affairs by contract, if they so wish to do. In other words, the provisions do not apply if people make up their own contract and wish to determine their own economic relationship which they may establish. Previously, with respect to the matrimonial home, that could not be done, but now there is an area of freedom which has been enlarged although the matrimonial home section automatically applies unless there has been a contract to the contrary providing for some other arrangements between the spouses.

Also, the court may set aside any agreement, domestic contract, which adversely affects the children. There is one other area under the Domestic Contract which I think I should point out. and that is that persons cohabiting but not married may, if they wish, take advantage of the act. They do not automatically come under it, they may agree to come under it and that is how it affects them. Persons cohabiting may, if they wish, come under the regime through agreement of

MR. OTTENHEIMER: the act but are not automatically carried and, indeed, it does not change the situation a great deal because two people may-well, that is not necessarily true, one could bring in public policy.

MR. S. NEARY: Is there any mention of common law or anything?

MR. OTTENHEIMER: No, common law is not even mentioned. All it says is that people who cohabit may, if they wish, bring themselves under the law which is defined here. There is no attempt to establish an equality. There was a phrase in there which, I think, some hon. members and indeed members of the general public, not only hon. members of this House, found offensive and that was, 'as if they were married'. That phrase was in there in the previous bill, that people cohabiting may do this and be regarded as if they were married. That 'as if they were married' is no longer there and it merely establishes that people who cohabit may, if they wish, bring themselves, for economic purposes, under the ambit of the Act.

It comes into force July 1st, 1980. Now, the reason for some delay there, I think, is probably evident. It is a quite new departure in the law, it will be necessary for a number of people to become familiar with it. Also, the government is planning an educational campaign to explain the basic principles of it to the people of the Province and, also, there will be some people who will wish to establish, perhaps, their own domestic contracts, husbands and wives who may wish to make their own arrangements, but I think, essentially, it is necessary to have an educational period, because this is quite a fundamental change.

MR. BARRETT: Unless you contract out, it will apply to everybody.

MR. OTTENHEIMER: Right, right, unless you contract out. So that, really, is essentially what the bill does. There are two, what are called, consequential amendments in the act, and I will refer to them.

November 8, 1979

Tape No. 959

RA3

MR. OTTENHEIMER: One deals with the family relief act,
and the effect of that amendment is that the matrimonial property regime
is one of the factors which a judge will turn his mind to when he is making
a determination, under the family relief act,

MR. OTTENHEIMER: The other one is in terms of the Intestate Succession Act; that is where a person dies without a will. As the situation now is, if a man or either spouse dies without a will \$30,000 goes to the surviving spouse and all the rest whether it is \$1.00 or hundreds of thousands goes according to the pattern of intestate succession. What the amendment to the Intestate Succession Act will do here will be that when a spouse dies the net, the residue of his or her estate will go to the survivor. That is what that does. So those in general are the principles of the bill. The major changes, I would say, since the last one was introduced in the House are; number one, that the spouses may contract out if they so wish but if they do not it automatically applies.

MR. NEARY: What procedure do they have to go through when they contract out?

MR. OTTENHEIMER: A written agreement between a man and a woman setting up what they wish to do, to be guided by- it would not have to be by a lawyer, as long as it is signed and witnessed, signed and witnessed by both parties.

MR. NEARY: (Inaudible) by a lawyer?

MR. OTTENHEIMER: People could say something to the effect of, we do not wish the Matrimonial Property Act to apply and we have agreed that the house will go here and the bank account there and this will be left to the children, etc., etc., and it could be done up. I am sure if your hon. colleague behind likes the idea of having it done up without lawyers, then I think I should repeat quite strongly that it certainly can be done. I believe if two people know exactly how they wish to have their assets disposed off when one or the other dies, then I would not think it would necessarily be particularly difficult.

MR. THOMS: You are presented with this contract at the altar, is that it?

MR. OTTENHEIMER: So the main differences are that the area of freedom is broadened where spouses may contract out

MR. OTTENHEIMER: of the provisions, including the matrimonial home; there is a broader definition of matrimonial asset; the insertion of what is called for shorthand, that anti-murdock clause, to assure that woman's contribution in the daily working of a family unit, including their business activities, is not a liability in any claims she might have. It cannot be held against her, so to speak. The interest created is a joint tenancy. Also, the court may order possession by the guardian of children. There is a new provision which will eliminate, which is intended to eliminate, the frustration of the purpose of the act by holding of property in a corporate name and, also, in terms of the matrimonial home itself, it has been defined with more clarity, that is a dwelling including up to three apartments. So there are the general purposes of the bill. As I said at the beginning, Mr. Speaker, I think in terms of social legislation, I think in terms of equality of rights, that this may well be one of the most important pieces of legislation that hon. members who are here will be asked to vote on. And when you go back and think that only in 1925 did women get the right to vote in Newfoundland - and then they had to be twenty-five and men twenty-one, not till 1949 was there parity there, and not until 1930 was there legal recognition in terms of the British North America Act, the use of the word, 'person', not until 1930 was it recognized that the person included the woman and there not by the Supreme Court of Canada, which denied it, but by the Privy Council in London, and not until 1971 and 1974 in the Human Rights Code, that equal employment opportunity was given to women. I think hon. members will agree it has been a fairly slow road. So I do hope that hon. members on both sides will certainly participate in the debate and certainly, I think, as I said at the beginning, there should be full debate and discussion on it, but I do not think that we should try to procrastinate and send it off to another committee for a six months' study, or a nine months' study, or this or that. Procrastination, I think, can only be regarded as an excuse for an action. We have it here now, it will come into effect July 1, it is not written in stone. There are very few acts, which in the course of time and experience are not and cannot be amended,

MR. OTTENHEIMER: that if we wait and try to think of every possible combination of circumstances one could go on forever. So what I am suggesting is that, obviously, we should have full debate here but I hope that we will not attempt to procrastinate by sending it off to a committee because I am sure then that procrastination would be regarded as an excuse for inaction.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: (Butt) The hon. the member for Grand Bank.

SOME HON. MEMBERS: Hear, hear!

MR. THOMS: I can assure the hon. the Minister of Justice that the Opposition will not be asking that a Select Committee be set up to do any further study on this bill - not saying that I am not going to ask for a few days, but I am certainly not going to ask for a Select Committee to be set up.

SOME HON. MEMBERS: Hear, hear!

MR. THOMS: It is interesting to note, Mr. Speaker, that throughout the minister's introduction to this particular bill that his reference was always to the woman. I think for those of us from the opposite sex in this House and throughout this Province, I should point out that this is a married woman's persons Act and not a married woman's property Act.

AN HON. MEMBER: It takes two to marry.

AN HON. MEMBER: Sometimes three.

MR. ROBERTS: These days you can never be sure.

MR. THOMS: A husband, under this bill, of course, can become unduly enriched - I am afraid that that can be the situation - as well as a woman becoming unduly enriched.

I would like to point out, immediately, at the beginning, that anything that I have to say in connection with this particular bill - and it is not an easy bill for a lawyer to speak on - I think the hon. the President of the Council (Mr. Marshall) and the hon. the Minister of Education (Ms Verge) can appreciate that this bill is

MR. THOMS: going to give lawyers more headaches than fees.

MR. NEARY: You are going to have me crying

MR. THOMS: I am in tears.

I would rather, as a lawyer, that this bill would never come before this House; however, I would like to say at the outset that I think if there is one piece of legislation that the government of this Province is going to bring in in their term of office that is going to be historic - and the Premier referred to this being an historic session of the House of Assembly - I think if anything makes it historic, it will be this particular bill.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: It is a 'Lynn Verge' bill.

MR. THOMS: It is a bill that reforms the law on matrimonial property. It is a bill that gives statutory recognition to marriage as a partnership. Unfortunately - and I guess it is a necessity - it is a sad commentary on our society today that it also gives recognition to relationships not unlike marriage but that are outside the marriage. There are certain flaws, I think, as most of us would admit. You know, if you want to take it to the extreme, the act itself gives an opportunity for some man or woman, if they wanted to, to make a real living out of the act. They can marry, divorce, get 50 per cent - marry, divorce, get 50 per cent - marry, divorce, get 50 per cent and easily become a millionaire in this respect. To take it to the extreme, I can also see - and I am sure some of my colleagues and maybe others from the other side will be discussing this particular matter as well - where this act encourages two people to live together rather than to marry. Now, I think probably we are only recognizing something that exists already. But if one partner does have a lot of property there is one way that you do not have to share, that is simply by not getting married. Then you do not have to share your property with the other person,

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MR. THOMS: unless you are crazy enough
to contract your way into and under the act.

AN HON. MEMBER: This is free legal advice we are
getting here now.

MR. THOMS: Of course. Whether the advice
is moral or amoral, as you would know, is not for me to determine.

MR. THOMS: for me to determine. The client comes to me, I point out to them the loopholes in the act, and it is up to them to take advantage of it. Now this is an act, Mr. Speaker, this is an act that is going to affect every married couple in this Province. It is an act that is going to affect, if they want to, every couple in this Province who are cohabiting. As I said at the beginning - I do not want anything that I say to be taken wrongly - we are supporting this bill, there is no question about that, but I think that it gives me an opportunity - I was not here during the debate in the last House - to look at some of the problems that could be associated with this particular bill. It is an important bill, it is a bill that we are going to have to live with for the next two hundred years. I think the bill has to be looked at very carefully between this second reading and third reading of the bill. For example, you could really have a stampede, you know, on June 30th in this Province.

Under the Interpretation Section, Part I, Section 4, Subsection (1), it says, "In this act 'matrimonial home' means the dwelling and real property occupied by a person and his spouse as their family residence and owned by either or both of them". Now, to me, this suggests that if the matrimonial home is not occupied by both partners to the marriage, and where this act comes into force on July 1st, then the thing is taken out from under the definition of matrimonial home. In order to come within the definition of matrimonial home, everybody who is separated for one reason or the other prior to July 1st, has to go back, occupy that home with the other partner so that they can be occupying it on July 1st.

MR. NEARY: There are going to be some reconciliations between now and July 1st.

MR. THOMS: There could be an awful lot of reconciliations between now and the end of -

MR. NEARY: Kiss and make up between now and the end of June.

MR. THOMS: I think under Part II, for example, under Part II where we talk about the matrimonial assets, the act does not seem to me to give due recognition to a situation where two people, where property has been acquired after separation, after acquired property. There is a reported case in our own local courts here now, you know, a divorce case, whereby the husband had very little, his net worth when that one was decided was very little, if any. But this particular person has the potential to earn a lot of money and to acquire a lot of assets after the separation or after the divorce. I believe our courts should have it within their discretion to make an order as to 'after acquired' property.

As well, under Section 19,

MR. THOMS:

where either spouse is entitled to apply to a court to have the matrimonial assets divided in equal shares. That is where a petition for divorce is filed, a marriage declared a nullity, where spouses are separated.

Now, section 20 of the Act then, of course, gives the guidelines that the judge is to use in making that division. Now, it does not have to be fifty-fifty. He, bearing in mind the guidelines, can make a seventy-five/twenty-five division, he can make an eighty/twenty division but he has to make a division. The judge has to make a division of that property upon application by either spouse. Now, there are lots of cases, lots of examples, where it is not necessarily the right thing, or it is not in the welfare of one or either of the spouses or the children. There is only one way that a division can be made and that is a realization of the assets by selling the assets. So a court under this particular section is forced to order the liquidation of the assets and share the money according to whatever division he may see fit.

There is another point, of course, that should be made, anybody who has looked at the Act, and that is section 42. It means that everybody in this Province who has a will already will now have to have that will revised. And that might not be a bad thing because most people need revision of wills but never get them done. There is another section that was not in the bill when it was introduced last time. As far as I can understand, it came out of the blue. I have talked with members of the panel that sat in Corner Brook and, as far as I understand, it was never discussed at all. It is a very interesting section. It is section 36. 'A minor who has capacity to contract marriage may enter into a marriage contract or separation agreement that is approved by the court.' Now, I think the common law says that a male has the capacity to marry when he is fourteen years old and a female when she is twelve years old. Under this particular section a minor, somebody nineteen years of age or under, can enter into a marriage contract but that marriage contract has to be approved by the court. That means, in 99 per cent of the cases, that these two people are going to have to go out, they are going to have to hire themselves a lawyer and

MR. THOMS:

they are going to have to make an application to the court to have their marriage contract approved. This is going to affect quite a few marriages and people who are marrying in this Province. I think statistics show that two-thirds of the women who marry in this Province, are twenty or under, two-thirds. One-third of the men who marry in this Province, are twenty years of age or under. This Act forces minors to go downtown, hire themselves a lawyer, make an application to the court before they can make a marriage contract. What the rationale is behind that particular provision, I do not know.

MR. THOMS:

As I say, I have checked with the people who have been involved with this particular act now for some time, and it came right out of the blue as far as they are concerned. It brings upon another very interesting question which I have not had an opportunity to do any legal research on, and that is whether or not a lawyer can accept instructions from a minor, even if a minor, man or woman, boy or girl, whatever you want to call them, whether or not if they came to me and said 'look we are getting married, we want to make a marriage contract, we want to make an application in the court to have that marriage contract ratified by the court', I do not think, as a lawyer, I could take those instructions from a minor, which means that they have the capacity to marry, they have the capacity to enter into a marriage contract, but at this point I have to go out and say, 'look, go get your mother and father, bring them into my office and we will discuss it'. I would be very surprised if a lawyer could take instructions from a minor, say a sixteen year old or a fifteen year old who is getting married.

SOME HON. MEMBER:

What is the legal age to marry?

MR. THOMS:

Legal age to marry; common law, as I mentioned while you were out, is males fourteen, females twelve.

Mr. Speaker, the new act that is being brought before the House today for second reading, contains, as the hon. Minister of Justice pointed out, a contracting out clause. I am not so sure that the contracting out clause does not really defeat the purpose of the bill. If two people want to they can contract out of this provision of the act. Now, when they enter into a contract such as that, it is normally at the beginning of a marriage when happiness abounds. Only when the bloom goes off the rose is a act such as this necessary. If you have a situation where someone

MR. THOMS: transfers his house to his wife so that if down the road he goes bankrupt the Bank of Montreal cannot sue him on a debt, get judgement, attach his house and sell it. I am not so sure that ownership should be the answer here. If the act could create a claim to half, or a claim to fifty percent, because unless - now let us be realistic okay? - I would say ninety percent of the people who own homes are not going to enter into a contract to contract out of. I cannot see too many people in my district, I cannot see too many people in Point au Gaul, sitting down and doing a contract to contract out of this particular act. Consequently, they are both going to have fifty percent of the house. They are never going to think about contracting out of the act

MR. THOMAS: so that a third party will not be able to come in, make an attachment against that house, against the spouse's interest in that house and sell it.

Mr. Speaker, as I said earlier, this party, this Opposition, I think, will be 100 per cent behind this bill when it comes to a vote. As everybody knows at one time when a man and a woman got married, there was one person and that one person was the man. We all, of course, agree that times have changed, things have changed, and that the principle of this bill is a good principle. It is not historic in one sense, I think that we are the seventh province now that will have a bill of this type. There are still three provinces that do not have a married women's property act. We are going to support this bill, although I have talked with the Chairman of the Canadian Bar Association for the Province of Newfoundland, Ray Halley; I have talked to David Day who is acknowledged as being the expert in family law in this Province, 'the expert', both of whom would like to have some input into the bill that we now have before us. There have been some changes. As I said earlier, we would not ask for a Select Committee of the House. However, I would ask that third reading of this bill - I do not not like to use the words postponed or delayed after hearing the Minister of Justice - but if we could have third reading of this bill a week or ten days from now rather than tomorrow or Monday or Tuesday. As I said, I have spoken to both Mr. Halley and Mr. Day, they would both like to have an opportunity to really digest the act and an opportunity to make a representation in writing. I am not saying that it is going to change anything, I have already given you our commitment that we are supporting the bill, but I would like to have an opportunity to see what they have to say about the bill itself. Now, it still means that the bill is going to go through, it is going to be passed, certainly in this session of the House, and within the next ten days or so, but I can give you our commitment that we are voting for the bill, all I am asking is an opportunity for one or two

MR. THOMS: people who have shown an extreme interest in the bill - a chance to give them an opportunity in between second and third reading to make their views known. And this expert opinion could help us greatly when it comes to the clause by clause study of the bill, but we will - like I say, I am not trying to delay the bill at all, it will go through in this session. It is not due for proclamation until July 1st so we are really not losing any time.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. STAGG: Mr. Speaker, I think this bill has gone through a sufficient gestation period, and it is incumbent upon this House to get it passed as soon as possible so that we can have benefit of it in this Province. It is a bill that is obviously long overdue, that a significant portion of our population, in some ways, has been discriminated against over the years and this government has decided that it is a major piece of reform legislation that it wants brought before this Province. Now, it is unfortunate and I think it is probably dirty pool on the part of the government to bring it forward at this time while there is a by-election

MR. STAGG:

on down in Burin-St. George's and a by-election just called in -
what is the other district? -

SOME HON. MEMBERS: Burgeo-Bay d'Espoir.

MR. STAGG: Burgeo-Bay d'Espoir. - because obviously that gives our
candidate at least 50 per cent of the votes down in these districts
because both of the candidates down there are people who are associated -
the former Minister of Fisheries is associated with this bill and the
gentleman, whoever gets the nomination for us of the multitude that are
going to run for the nomination for us down in Burgeo-Bay d'Espoir, he
is going to be the beneficiary of at least 50 per cent of the votes
because this government in its wisdom and its desire to bring democracy
and reform to this Province is putting this bill forward. So I say
the clarion call goes out to all the women in Burin-St. George's, 'Vote
for Walter!'.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: You cannot save Walter, my son, you might as well forget
it.

MR. LUSH: I think of them beating their breasts on the streets.

MR. STAGG: Oh, the hon. member said they were beating their breasts.
Well, that is an expression he may wish to elaborate on when he makes
his speech. That is the member for Terra Nova (Mr. Lush) who made that
chauvinist statement, for the record.

Now, in the marriage ceremony - I
attended a marriage a couple of weeks ago, not my own. There is a
phrase in the marriage ceremony which, in this particular church, said,
"And all my worldly goods with thee I share".

MR. JAMIESON: I thee endow.

MR. STAGG: Endow. In this case it was share. It was the King James
version I believe or the updated King James version of the marriage
ceremony. It is something that has been recognized, at least in
religious circles, for a long time, that a marriage is, in fact, a
partnership between men and women and it should be a partnership
in the event that there is a dissolution of a marriage.

MR. JAMIESON: It should say, 'with half my worldly goods I thee endow!'

MR. STAGG: Yes, I suppose, half my worldly goods with thee I share or endow.

Now, gentlemen and ladies I am going to give some statistics concerning the divorce rate in this Province and I will have a few general words about divorce because this bill predicated in large part upon the dissolution of marriage either by divorce or by mutual consent for dissolution, as far as the division of property is concerned, or in some cases by death because it does alter the Intestate Succession Act and puts one on his guard so far as the application of the Wills Act is concerned. But up to today - and my research is indeed up to date - there have been 4,692 petition issued in this Province, that is issued petitions, divorce petitions issued in this Province. That is at the trial division of the Supreme Court. And there have been 119 petitions issued at the Unified Family Court which gives us about 4,800 petitions issued. This is since 1968. It may also be of some trivia value to hon. members to know that the first petition was in July of 1968 and the lawyer in that case was Mr. David Sparkes. The lawyer in the second case was Mr. David Sparkes, the lawyer in the third case was the present judge of the Supreme Court, Mr. Noel, and the lawyer in the fourth case was the well-known, highly respected West Coast law firm of Martin, Easton, Woolridge and Pool. The individual lawyer remains unknown. But since 1968, there have only been 4,800 divorce petitions. Now not every divorce petition ends up in a divorce, some are dismissed, some are withdrawn and some are granted at the decree nisi stage but the parties never apply for the decree absolute. So I would say that there have been approximately 4,000 divorces in this Province in the past eleven years.

We had in 1976 - that is the latest period we have of Statistics Canada's exhaustive surveys - there were 238,000 married people in this Province. And it is quite an interesting statistic. I am not sure how they arrived at it but I do not argue with them. In 1976, let us see, married: 238,670 of whom 119,445 were men. And one would think that 119,445 would be women. Oh, but that is not so, it is 119,225 women.

MR. STAGG: And there is a separate section for widowed people, so I am not sure how they arrived at that, but in any event, there were approximately 240,000 people married, which gives you about 120,000 marriages and we have only had about 4,000 divorces, which gives you about 2 per cent; 2 per cent of the marriages in this Province in the past seventeen years or on any given year, will result in divorce, which is not a very high rate. I have the relevant statistics - I have not worked out the appropriate percentages, but I would believe that our per capita divorce rate would be relatively low which speaks well for the institution of marriage in this Province. And I think it speaks well for the quality of life we have in this Province, and it speaks well for our people generally. So this bill, while it would have universal application to all the marriages so far as the implementation of the bill is concerned, we are not dealing with an awful lot of people. It would be a relatively small segment of our population and I would not think that this bill is going to in any way encourage any more divorces; it might encourage a few, it might discourage a few as well. So it will probably balance out as time goes on.

Now, one might ask, How would a person get involved with this act? Well, the logical way to get involved with it is under a -

AN HON. MEMBER: Get married.

MR. STAGG - is get married, my learned friend says - yes, which is - I am trying to find - I think the member for Port de Grave (Mr. Collins) has stolen my notes! So he has! I have them back. Thank you very much!

Now, the Divorce Act which was passed in 1968, sets out a number of grounds for divorce. This is just - I think it is something that should be included in the debate, How would a person find himself being confronted with this Act, maybe on the receiving side of a divorce petition? The grounds for divorce in Canada, set out by the Divorce Act of 1968 - and there have been some minor amendments - but basically they are set forth in paragraphs three and four of the act.

MR. STAGG:

I will just read some of the main points into the record: "A petition for divorce may be presented to a court by a husband or wife on the grounds that the respondent' who is the party who is the opposite of the petitioner " since the celebration of the marriage a) has committed adultery;' so the Biblical prohibition against adultery is certainly reflected in the Divorce Act, "or b) has been guilty of sodomy, bestiality or rape or has engaged in a homosexual act' - it gets kind of serious as you go on - ' c) has gone through a form of marriage with another person; or d) has treated the petitioner with physical or mental cruelty of such a nature inclined as to render intolerable the continued cohabitation of the spouses.' Now, I pause there briefly, because this is the section of the Divorce Act that I find is being used more and more as the grounds for divorce, mental and physical cruelty. This is a relatively common grounds for divorce and in most cases, although not in all cases, it is the wife who brings the action and it is as a result of violent physical mistreatment on the part of the wife by the husband. There have been a few divorces brought by the husband, who has been suffering at the hands of the wife, but generally speaking, that would be an exception. But there are a number of cases on record where husbands have taken action for divorce on the grounds of mental and physical cruelty. It is that group of people who are physically and mentally abused in this Province that this act is really the salvation for. I would say that there will be probably hundreds of wives, maybe thousands of wives

MR. STAGG: - thousands is a big word - but let us say thousands of wives whose husbands will treat them an awful lot better as a result of this bill having been passed. Now, that is the bottom line. There is in this Province, as everywhere, a certain amount of the macho image of the man, that the wife is his property and that he can do what he darned well likes with her, particularly when it comes to assessing the number of slaps that he has to give her before it qualifies for a divorce. I have been in court a number of times - I think I have been in court about four or five hundred times for divorce cases so I have seen just about everything that can possibly come across one's bows as far as divorce is concerned, and some men quite justifiably think that - not justifiably - but some men do think that - yes, I would not want to be identified with the culprits - that a woman needs a few flicks every now and then just to keep her in line, and that if you only hit her five or six times during the course of the marriage that is quite all right and there is an element in our population who believe that. Well, I suggest that they would do well, those people would do well to read this bill and their wives would do well to read the bill, either the marriage is going to survive by, in this case, the husband reforming himself and cleaning up his act or the wife would avail of the provisions of this act and start a new life.

I was of the opinion, originally, when I saw this bill, that it was a bill that was brought forward by the women libbers and it was being thrust down the throats of us poor defenseless men. That was my male reaction to it before I read it. I have read it on a number of occasions. I have had frank discussions of it, especially with the female members of our caucus who will be heard, undoubtedly, on this bill, and I must say that I am in complete agreement with all sections of the bill, particularly a change that has been made in the bill in Section 35, as it is quite different from the other bill, which indicated that the two parties could not contract out of the matrimonial home provisions. That does

MR. STAGG: away with the possibility - well, it is always a possibility - but the possibility existed under the original legislation which was well debated last year that, for instance, if a man is widowed - no, a man is not widowed, if a man's wife dies he is a widower - if he becomes a widower, say, at the age of 55 and, well, owns a home worth - in St. John's, I suppose, most homes are worth \$100,000, at least \$100,000 in St. John's those days, certainly \$75,000 most homes -

MR. NEARY: I did not sell mine (inaudible).

MR. STAGG: - and I suppose hon. members opposite who live in St. John's, their homes will be worth a couple of hundred thousand dollars, at least. So you are looking at a man with a matrimonial asset of \$100,000, and he is at a particularly vulnerable stage in his life, and the same thing goes for women, too, of course, a widow could be the object of the gold digger variety - gold digger being either a male or a female - get the person, marry them as soon as possible and then contrive to bring about a divorce or a separation and \$50,000 in your pocket. Well, fortunately, under this act you can contract out of the matrimonial home provision. Now there is still probably a few old fools around, because, as they say, "There is no fool like an old fool". I have not gotten to that category yet myself, but there may be some hon. members or some people in the Province who are old fools or potentially old fools. These people will have to consider, if they are marrying someone of a - let us say, having had a short acquaintance with - whether they want to contract out of the matrimonial property act.

MR. SPEAKER: (Simms) Order, please! If I might give the hon. member a chance to catch his breath, it being Thursday I would like to inform the House that I have received notice of one matter for debate at 5:30 when a motion to adjourn will be deemed to be before the House, notice given by the hon. member for Lapoile (Mr. Neary) arising out of a question asked the hon. the Premier and the subject matter is offshore oil and oil pricing.

The hon. member for Stephenville.

MR. STAGG: Thank you, Mr. Speaker. You did give me a chance to get my breath. Am I supposed to reassess how long I am going to speak on this bill? I am sort of running out of material. But I will restate that the provision in the Act, section 35 which is different from the previous section 35 of the Act that was before this House last Spring does take away to some extent the possibility of unjust enrichment or unconscionable action provided that the party takes advantage of the bill. But I suppose no legislature -

MR. THOMS: You did not mention 36

MR. STAGG: But I will deal with section 36, I think. No legislature in the world can save a person who wants to make a fool of himself or herself. But at least in this case it gives you the opportunity of avoiding such a pitfall. Section 36; my hon. friend from Grand Bank (Mr. Thoms) asked me to have a look at it. Section 36, "A minor who has capacity to contract marriage may enter into a marriage contract or separation agreement that is approved by the court." I suspect that in due course we may have an amendment to that particular section of the Act if it is shown -

AN HON. MEMBER: (Inaudible).

MR. STAGG: I am getting my orders here.

MS. VERGE: (Inaudible).

MR. STAGG: I have been passed a note by my colleague from Humber East (Ms. Verge). She is indicating she has additional information concerning the age of majority and the capacity to marry. I am going to leave that to her when she deals with it.

Anyway we are dealing with section 36, a separation agreement that is approved by the court. I expect that what will happen is that it will be shown that such approval will not be necessary. But I think in the short run that it is a protection for the minor and that if it requires court approval, it might be approval by the registrar. Exactly court approval, I suppose, would be approval by a judge of the court. I am not particularly swayed one way or the other by that. It is an additional protection, really, and while it means business for my hon. friend and his colleagues here on

MR. STAGG:

Duckworth Street, it may mean some business for us rural practitioners as well, I do not expect it is going to be a major contributor to ones overhead however.

Mr. Speaker, I would also like to, at this time, indicate the manner in which our judges of the Supreme Court have dealt with divorce and the division of matrimonial assets over the past eleven years. So far as I am concerned we have in our court very wise judges. There are provisions presently under the divorce Act of Canada whereby a petitioner or a respondent may be given a lump sum determination of that person's contribution to the marriage. They are not given the power to actually physically divide assets nor are they given the power to order that one or the other of the spouses may have possession of the matrimonial home; nevertheless, they have very shrewdly, in some cases, but always wisely, given their decisions whereby the desired result usually came about. For instance, in the case of a division of the matrimonial assets, a lump sum determination is quite often made that is approximately half and half of the assets of the marriage. The business assets of the marriage have always been dealt with in a different manner, and this bill envisions a similar disposition, the business assets whereby either a husband or a wife may have assets that are basically growing up independent of the marriage. They are dealt with in a different way. I do not think the occasion will ever arise where a husband or a wife will have his ex-husband or wife sitting on his or her Board of Directors of a company. Because I think that that sort of thing would be relatively intolerable and certainly the company would go under very soon after the marriage went under. So this sort of thing is envisioned in the Act and it is satisfactorily dealt with, as far as I am concerned.

MR. STAGG: Mr. Speaker, the point raised by my colleague concerning a couple of lawyers in the Province who wanted to have some input into this bill before Monday, or whatever, as I understand it, there was plenty of opportunity given everybody in this Province, lawyers and others, to make their feelings known about what they wanted in this bill. I much confess that I did not avail of that opportunity myself to make my feelings known. If other gentlemen, in the legal professional especially, who consider that they have something to add, wish to do so, I would suggest that there has been notice for quite some time that this government was going to get involved in the matrimonial property matter. As a matter of fact, as I recall, it was a rallying cry during the election of 1979, that appeared on the manifesto of this party, that we were getting involved with the matrimonial property law. So any lawyers in the Province who have not made their submission, I submit that the doctrine of laches applies.

MR. COLLINS: The doctrine of what?

MR. STAGG: Laches, l-a-c-h-e-s, which is if you kept your mouth shut for too long you will not be heard. Another point is that we are here as -

MR. BAIRD: (Inaudible) you to (inaudible).

SOME NON. MEMBERS: Oh, oh!

MR. STIRLING: Pause for (inaudible).

MR. STAGG: Well, I had to pause while the laughter came in unison from the other side there.

We are members of the House of Assembly here, we are the legislators of this Province, and we do pass the laws. It is not the Law Society of Newfoundland that passes the laws. They had an opportunity like everybody else had to put their feelings towards government on this matter, and if they have not and I am not saying that they have not, but my learned colleague would seem to indicate that, at least a segment of the Law Society has not and they are relatively highly respected members of the profession, if they have not maybe that is tough, but certainly if they see that there are problems with the bill we, as a legislature, intend to stay

MR. STAGG: in existence for a long time. If there are obvious deficiencies we might consider amending it. So, it is high time, I guess, that everybody in Newfoundland woke up to the realities of the deficiencies in the law and this bill is going to remedy some of them. Undoubtedly, over the years there will be a certain number of amendments to it, thank you.

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

MR. JAMIESON: Mr. Speaker, it is not my intention to take a great deal of the time of the House with regard to this measure for two reasons. First of all, as my learned colleague from Grand Bank (Mr. Thoms) stated earlier, we are, of course, supportive of this legislation and see no particular reason why there needs to be any prolonged debate on it, although I do believe that everyone who wishes to have his or her say certainly ought to have it, but I wanted to get on the record and indicate to you at this stage in the game that it is certainly not our intention to prolong the debate unnecessarily. Having said that, I also want to record my own personal and quite enthusiastic support for the general principles of this legislation. I say that as someone who, I think the record will reveal, has had a good deal of concern about the quite shocking inequalities that have existed in a variety of ways and which continue to exist in a whole range of fields between the sexes and which are quite inappropriate and quite out of tune with modern day thinking and with, what can only be described as, common sense. Therefore, over the years - as I say the record will indicate that whenever the opportunity has afforded itself to me, I have tried to make sure that such, what might be described as longstanding prejudices as I could eliminate in anything in which I was involved, that that was done. I think that in Newfoundland in particular this is a matter and a subject which is long overdue. My hon. colleague from Stephenville (Mr. Stagg),

MR. D. JAMIESON: I quite agree with him about, some of the things which he said with regard to this attitude that tends to prevail. I am not sure what the historical roots of it are, and I was researching some things the other day for some writing I am doing, and it really is quite amazing, when one goes back to the Sixteenth and the seventeenth century in the history of Newfoundland in particular, how indescribably bad the attitudes were with regard to women and with regard to the lack of rights. We not only have to think about what the Minister of Justice said this afternoon, because even by 1925, we had progressed quite incredibly from what the original beginnings were, here in the City of St. John's. I commend some of the early reports of the clergy who came to Newfoundland in its founding period and the conditions and the circumstances that they found as they travelled about, but especially, indeed, one would perhaps be a little surprised to discover, in what was generally regarded as the most progressive part of the Island, namely, the ancient city of St. John's. So, therefore, from that point of view, and given my strong views on this matter, I am fully supportive and my colleagues are as well, And I say there was another reason, and it is, of course, that this matter was debated, at considerable length, at the last session of the House. So I want to leave it at that. I know, however, that it is important that the comments of my colleague from Grand Bank (Mr. Thoms) be taken into account, in a purely technical sense, with regard to the whole question of whether we are doing the right thing on what I call the small print. I have been speaking, over these last days, with a number of highly respected people not only, by the way, in the legal profession, and people who are as supportive of the general concept of this as I am. And I think, before we move into clause by clause, that some opportunity should be given for us layman, if you wish or laywomen if that is an appropriate phrase, to hear from some of our own constituents, in this regard. And I want to spell out, in a little more precise form, what I am getting at here, because it is a reiteration of what was said by the hon. member for Grand Bank (Mr. Thoms), that we would move ahead, of course, with second reading of this bill, without any difficulty.

MR. JAMIESON: It would then be simply a matter of the House Leaders, agreeing as to just when, it may be ten days, it may be two weeks, it may be goodness knows, perhaps, a week would be adequate. But what I am saying, in answer to the hon. member for Stephenville (Mr. Stagg), when he says, "there has been ample opportunity", that is true, and there is no question that many amendments, and many changes and improvements have been made in this legislation. We are not suggesting, select committees, we are not suggesting some kind of parade of witnesses, or six months hoist, or anything of that nature. And indeed, I almost am scared to venture into this legalese that one hears about the bill, but I am a little concerned that we may find, and I realize it can be amended later, and that is always open to this House, but we may find that the best draftsmen in the world and the best group in the world, have omitted, or not thought of some particular point, and that is the only reservation. I understand that the distinguished and hon. lady from Corner Brook (Lynn Verge) has some answers on some of the points which were raised and this, I am sure will be welcomed by us. But there are these questions about minors, and there are various questions of that kind, There is, I think, a whole range of these kinds of questions which we can probably answer among ourselves in third reading or on clause by clause, That is not the point that I am seeking to make, or that we are seeking to make at this time, it is simply that in organizing the business of this House, that once we have given second reading, and that may be Tuesday, or whenever it comes, once that has been done, then I suggest that when learned and distinguished ladies and gentlemen, as well as others who have a very real interest in this measure are looking at what I call the fine print and say, What does this mean? I think it is important that we be able to give them the full understanding of what it means

MR. JAMIESON:

and that is the reason why my colleague from Grand Bank (Mr. Thoms) made his point about letting some time elapse. We are not proposing any kind of forum. If nobody answers then the law to which the hon. member for Stephenville (Mr. Stagg) made reference will unquestionably apply. But I say, and I suspect it may be the experience of other members of this House, that in these last few days they too have encountered people who have full support for the bill, full support for everything that its totality embraces but who are asking, what seemed to me to be, legitimate questions as a layman. And perhaps if we had, I repeat, just a few days in which these things could be recorded, then it might help us with the third reading process and the clause by clause study.

I reiterate, because I think it is important that I do so, that when we get into this next phase we must take our responsibilities as members and I, of course, and my colleagues are quite, quite prepared to do so. And if in the course of second reading it is possible to resolve all of these questions that have been raised by various people then, of course, no difficulties arise whatever. But I wish I could be as sure that we have indeed done in the totality of the Act what it is we mutually wish to do as are some of the members opposite. I am not at all satisfied that it is enough to say, Well you know it is not - I think the hon. minister of Justice (Mr. Ottenheimer) who I commend by the way for the bill and I think has done a very humanitarian and very sympathetic job. It is true that it is not written in stone but any of us who had any experience with complex legislation will know that unless you do a very workman-like job and are clear as to what your intentions are in the clause by clause study, you suddenly find that you may have created difficulties or hardships or unanticipated problems at the other end of the line which it is not quite as simply to turn around as sometimes is said. In other words, amendments are difficult to bring in. Sometimes there are complexities that arise that can in the interim create real problems for people whom we are actually mutually seeking to help. I am not at all sure incidentally that this will cause any difficulty. We can probably adjust the timetable

MR. JAMIESON:

of the House to ensure that if there are those who have legitimate points to make that they make them known to the government, that they make them known in some way or other. It is conceivable, incidentally, that there will not be any or many. But I believe that we would all feel more satisfied at the end of this process - and it would be what the Premier (Mr. Peckford) has called, an historic document - if we did the best that is humanly possible to ask ourselves these rather difficulty questions that have been posed to me by people whom I respect. And I emphasize, once again, many of them are fully supportive of what is being sought here. But it is just a question of saying, let us not be so confident among ourselves as fifty-two individuals, or fifty-one or however many of us there are at the present moment, that we think we have covered all the bases, that we have, in fact, given an opportunity for the public to be heard and that there is no one out there who might well be able to identify something in a few weeks or a few months time. And anybody, I repeat, who has been in a legislature will know that this can happen, that you suddenly find that you have left out or omitted some word or other that is going to make an enormous difference and it does not come to light until an individual or group of individuals find themselves having to petition the House to get out from under what we never intended to be there in the first place.

And perhaps that is the best point on which I can conclude that the intentions, Mr. Speaker, I think are perfectly clear and the intentions are shared by virtually, I am sure, all members of this House and by a large segment of the public. That is not the difficulty. The things is, are we absolutely certain? And I think on a bill of this historic magnitude that we should be as certain as we possibly can be that we have at the end of this process achieved what we have mutually set out to do.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Butt): The hon. Minister of Education.

November 8, 1979

Tape No. 972

IB-3

SOME HON. MEMBERS:

Hear, hear!

MS. VERGE:

Mr. Speaker, it is with a great deal of pride and pleasure that I rise to speak in support of this bill.

MS VERGE:

I have a very intense personal conviction in support of this reform which I regard as long, long overdue and which I regard as a basic measure to meet the needs of the families of our Province.

I had personal exposure to many of the injustices which resulted from the present law. From 1973 until the provincial election this year, I practiced law in Corner Brook and had a fair family practice in which I came into contact with people trying to cope with property problems resulting from death of spouses as well as resulting from marital problems, separations and divorces.

Over the past four or five years, I, along with many women in Corner Brook and in other parts of the Province, tried to press the government to bring in this reform measure. The Status of Women groups of the Province were particularly active in speaking out on the need for this reform, and I would like to mention that sitting in the gallery now are the President and other members of the Newfoundland Status of Women Council which is based in St. John's.

SOME HON. MEMBERS:

Hear, hear!

MS VERGE:

I think that they, along with members of women's councils in Central Newfoundland, Corner Brook and Labrador West, deserve a lot of credit for calling to the attention of government the need for this measure.

SOME HON. MEMBERS:

Hear, hear!

MS VERGE:

In the course of my work with women's groups over the past few years, in asking for matrimonial property law reform, I came into contact with not only the government members but also the Opposition members.

AN HON. MEMBER:

Shame! Shame!

MS VERGE:

I remember National Women's Day, March 8, 1978, coming here to Confederation Building and speaking with members on both sides of the House about this important question,

MS VERGE: and at that time, as well as on many other occasions, in verbal and written form, the Opposition members assured me that they were one hundred percent behind the reform measures that we are advocating. So I was very happy to hear today -

SOME HON. MEMBERS: Hear, hear!

MS VERGE: - that the hon. the member for Grand Bank (Mr. Thoms) and the Leader of the Opposition are now supporting this bill. I must say, when I sat here in the gallery last May when the predecessor bill was being debated, I had some doubts about the sincerity of the support for this reform measure on the part of the Opposition members, but I was greatly reassured today.

Mr. Speaker, matrimonial property law deals with rights to property as between spouses. It is relevant at three stages of married life and I think this has to be underlined. First and foremost, it is relevant and important in the course of an ongoing and happy marriage. This is something which has been overlooked by many people who have spoken on the bill; however, I think its significance in the course of an ongoing marriage is apparent. It is important for psychological reasons for both spouses to realize that there is not only lip service but there is also legal sanction to the concept of marriage as a partnership of equals. This is written out in our bill in section three, where it says that "The purpose of the act is to reform the law with respect to matrimonial property in order to recognize the contribution made by each spouse to a marriage", and in section seventeen, which says, "The purpose of this part" - Part two, which deals with business and matrimonial assets - "is to recognize that child care, household management and financial support are the joint responsibilities of the spouses, and that there is a joint contribution by each of the spouses, financial and otherwise, that entitles each spouse to

MS. VERGE:

to an equal division of the matrimonial assets acquired during the course of the marriage.' So I think it is important for married couples in our Province to realize that the law now formally recognizes this concept of equality in marriage regardless of the role followed by the respective partners, regardless of whether each partner is earning money. It is also important for wives who, on average, are in a markedly worse financial position than husbands. Many wives devote their full time to household management and child care. Those who work outside the home for pay on average earn only about 60 per cent of what their husbands earn. This reform will give some measure of financial security to those wives which is important not only for psychological reasons but also when it comes to getting a charge account, getting a charge card.

Also, from my experience in law practice, I came across one case in particular which stands out in my mind where there was an ongoing marriage, relatively happy, where, sadly, the husband had a severe drinking problem which led to financial difficulties. At one period of financial pressure, the husband thought to bail himself out by putting a second mortgage on the matrimonial home. He went to a finance company to arrange for this and the mortgage instructions were sent to me. Initially, the mortgage company wanted the wife to sign the mortgage. She, however, refused to do this. Then I checked the title and it turned out that the title was registered in only the husband's name, quite a typical situation in our Province. The mortgage company decided to go ahead with the mortgage without the wife's signature, which was done. After about a year the husband fell into arrears and an employee of the finance company went out to the home, knocked on the door and the wife who was then home alone sick, came out to the door to be greeted by the finance company employee who told her that he was going to foreclose on the mortgage. Now, it turned out that she had never been told by her husband and he had gone ahead and put the second mortgage on the house. We had been able to do it without her signature, her

MS. VERGE:

knowledge or her consent. So I think that the significance of this reform bill is important for ongoing marriages which are more or less happy.

Secondly, it is very significant and relevant at the stage when marriage is terminated through death. This is something which will happen to most of our marriages. The bill provides for a more equitable distribution of matrimonial property upon the death of one's spouse. And thirdly, and this is the stage of a marriage which has received most attention, discussion and debate, it is relevant at a point which happens to, luckily and happily relatively few marriages in the Province, where there is termination by reason of separation or divorce.

MR. CHAIRMAN (MR. SIMMS): Order, please!

I do not wish to interrupt the hon. minister and she may continue with her remarks when the debate is raised at another time, but this being Thursday, it being five-thirty, a motion to adjourn is deemed to be before the House and the matter for debate raised by the hon. member for LaPoile (Mr. Neary) is the question of offshore oil and oil pricing.

The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I was dissatisfied with the answers given to my questions to the hon. the Premier (Mr. Peckford) this afternoon in connection with his policy of supporting Alberta in bringing the oil from that province up to world levels. I am not quite sure - the reason I am dissatisfied, Sir - I am dissatisfied with the Premier's answers, of course, but I am also not quite sure whether or not the point that I made registered with members of the House,

MR. NEARY: especially the members of the press gallery who think that the government's taking a neutral position on Petro-Can is more important than the Premier of this Province taking a position, getting in bed with Premier Lougheed and the Government of Alberta, the Premier of Alberta who stated that Canadians should be left to freeze in the dark. That is the policy that this Government is supporting. You remember the licence plates, Mr. Speaker, that came down to Nova Scotia a couple of years back. On the licence plates was 'let the bastards freeze'. That is the policy that this government is supporting. Supporting the wealthiest province of Canada to build up a multi-billion dollar heritage fund at the expense of the poor people of Canada. That is the policy that the Premier and this government is supporting and the news media think it is more important to report that the government is neutral on Petro-Can which is a federal responsibility, than report that the Premier and the government of this Province are supporting a premier out in Alberta who is out to destroy Confederation, who will do more damage to Canadian unity than Rene Levesque will ever do, by socking it to the consumers with huge increases in oil prices, especially consumers in Eastern Canada. Now, the Premier uses the argument, which is a myth, 'well, maybe sometime down the road ten, fifteen, a hundred years from now, we will discover oil of shore, in commercial quantities, and then we will get world prices.' That is the argument he is using. Well, maybe, Mr. Speaker, one of us in this House will win a million dollars on Loto Canada, it is the same thing, it is a big gamble, and the hon. gentleman is gambling the future of Newfoundland, is punishing people who are in the low income bracket, people on fixed incomes. These increases are devastating, not only can the working man not cope with it, but people on fixed incomes, and people in the low

MR. NEARY: income bracket cannot cope and are becoming discouraged and disillusioned at the policy of this government supporting Premier Lougheed and his government to up the oil prices four dollars a barrel for the next four or five years, on the gamble that we may hit the jackpot, we may get the pot of gold, sometime, at the end of the rainbow. The oil companies keep telling us - the Premier and his Minister of Mines and Energy and spokesman for the administration keep saying, 'Oh, it is out there boy, we are encouraged, hydro-carbon.' The oil companies keep saying, 'Take it easy we do not know if there is oil out there or not. We will not know for another year, and if it is there it is going to take us ten years to get it ashore.' So for the next ten years we pay the world prices, the people in Newfoundland that had the second lowest per capita income in the whole of Canada, where we have record unemployment, and the highest cost of living in Canada. That is the policy that this government is advocating, Mr. Speaker, and I claim that it is wrong, and I am hoping that the Government of Canada will knock some sense into our Premier's head when he goes up to Ottawa on Monday and say, 'Look, Mr. Premier of Newfoundland, we are going to compromise, and we hope that you will go along with us', because that is the only way obviously the hon. gentleman is going to change his hard-headed mind. He seems to be dug in, he has got the hard line. In the meantime, Mr. Speaker, I may say, also, that everything else in the Province is suffering, no fishery policy, the Minister of Fisheries fired out on his ear, no Fishery Loan Board, no development, no mining development, no fishery policy, no forestry development, everything else is gone down the drain, the hon. member is gone oil crazy. The hon. gentleman has been playing oil sheik for the last year or two. Everything else in Newfoundland is suffering, the economy is in a state of chaos, while the hon. gentleman leaves the impression that some

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Tape No. 975

MB-3

MR. NEARY: morning you are going to
fling your window open and the oil is going to come flowing into
your bedroom and you are going to go out and there is a
cadillac out in your yard. What a foolish policy, Mr. Speaker,
no wonder I am dissatisfied with the hon. gentleman's answers.

MR. SPEAKER (SIMMS): The hon. member's time
has expired.

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

PREMIER PECKFORD: Mr. Speaker, I am extremely disappointed in the questions that have been asked today. I wish that the government had an opportunity to have a late show as well, because I am extremely disappointed in the questions asked today. They were all asked on oil, they were all asked on energy. Nobody asked about our fisheries policy, asked about what the government's position is on the fishery, what we have been able to do in the fishery in the last number of months. Nobody has asked about the new initiatives we have been taking in forestry, the new initiatives we have been taking in tourism and the new jobs that we have created in the last four or five months since we have been in office. I think it is really a disappointment and a disservice to the people in Newfoundland that Her Majesty's Opposition would not attack the problem of unemployment and employment, would not attack the problem of forestry in our Province, would not attack the problem of fishery in our Province. And I say, Mr. Speaker, that the Opposition can ask all the questions they want on oil, we will not be hoodwinked. We are interested in the fishery, we are interested in the forestry, we are interested in tourism. There are many parts of the economy that we are interested in.

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: The hon. member for Lapointe (Mr. Neary) and the Leader of the Opposition will not hoodwink this government into trying to be nothing only an oil government, we are a fisheries government first, we are a forestry government. And if, in fact, we do somewhere down the road strike some hydrocarbons, fine and dandy. That will go on top of a great foundation built on renewable resources like the fishery, built on renewable resources like the forestry. That is the kind of policy that we want to pursue as a government and we will not be hoodwinked out of it.

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: So, the Leader of the Opposition and the member for Lapoile (Mr. Neary) can try to divert our attention away from the fishery, like was the Liberal policy from 1949 to 1971, but they will not succeed in diverting us away from the fishery; they will not succeed in diverting us away from tourism; they will not succeed in diverting us away from forestry, because these are the big renewable resources that have all the attention of government, all the attention of this hon. House. We cannot be hoodwinked by the oil companies' spokesmen on the other side of the House who want to talk about oil and want to talk about gas. We want to talk about the fishery; we want to talk about Northern cod; we want to talk about Gulf fishery; we want to talk about making sure that our seasonal fish plants are open longer than they are right now so that we can reduce unemployment. This business of hoodwinking the people of Newfoundland by asking questions about oil, this is just so much balderdash, Mr. Speaker, and it is incredible to think that on the first day of the opening of the House in November, 1979, that the Opposition would only talk about oil and talk about gas when we are here pursuing a very strong attack on trying to keep our Northern cod, on trying to keep the inshore fishermen going, on trying to reduce unemployment in LaScie, and trying to reduce unemployment in St. Anthony. This is astounding, Mr. Speaker.

MR. STIRLING: Point of order?

MR. SPEAKER: (Butt) A point of order.
The hon. member for Bonavista North.

MR. STIRLING: As a new member I would like to ask a question of the Premier -

SOME HON. MEMBERS: Oh, oh!

MR. STIRLING: As he is so - on a point of order -

MR. SPEAKER: Order, please!

MR. STIRLING: As he is so interested - by his leave since we have a half an hour, can we go back to the Question Period and answer all these questions he wants answered?

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER: (Butt)

Order, please! I would have to rule that there is no point of order existing in this matter.

PREMIER PECKFORD:

Thank you, Mr. Speaker.

MR. SPEAKER:

The hon. the Premier may continue.

PREMIER PECKFORD:

So, we will continue, Mr. Speaker, in the next number of days and weeks, continue to articulate fisheries policy, continue to provide more money for fisheries loans, continue to employ more people in forestry projects around the Province. We will not be hoodwinked. At the same time, if we can through our local preference policy put more than 795 people out on the oil rigs that are out there looking for hydrocarbons, we will do it, we will do it. We will employ more Newfoundlanders out there.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

And we fully support the proposition that under the constitution of Canada, where it has been shown and proven that a resource belongs to the Province, we want to get the first benefit from that resource. If that is Alberta's position, if that is Saskatchewan's position, if that is British Columbia's position, so be it. It is the Newfoundland position, first and foremost, that provincial resources developed must see the first return come to the Province of Newfoundland. If that happens to be Alberta's position, too, fine and dandy; they can support us whenever they want to.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please! Order!

On motion, the House at its rising adjourned until tomorrow, Friday, at 10:00 a.m.