

PRELIMINARY  
UNEDITED  
TRANSCRIPT

HOUSE OF ASSEMBLY  
FOR THE PERIOD:  
10:00 a.m. - 1:00 p.m.  
FRIDAY, APRIL 10, 1981

The House met at 10:00 A.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

Hon. members I know would like to join me in welcoming to the galleries this morning forty Grade XI students from Charisma Collegiate in Springdale, from the district of Green Bay, along with their teachers, Mr. Mercer and Mr. Peters. We hope they enjoy their visit.

SOME HON. MEMBERS: Hear, hear.

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

MR. SPEAKER: A point of order, the hon. member for LaPoile.

MR. NEARY: Mr. Speaker, my understanding is that in my absence permission was granted to the Press Gallery to do live coverage of the House of Assembly. I believe there have been some different interpretations on what is meant by 'live coverage' and I understand that the television stations had already made plans to just do news, to come in and tape the thing- not do it live- and just provide news clips of the proceedings of the House on that day.

Well, I do not know what the procedure is, I am in Your Honour's hands on this, but I know under the ordinary rules of the House that anytime you want to you can withdraw leave. Now I was absent, unavoidably absent on that day, as Your Honour knows. And I do not see why, if they can bring in the cameras on that day to do news clips, why they could not bring the cameras in every day and do news clips. So if I can withdraw leave, Mr. Speaker, and perhaps Your Honour might want to take that under advisement, I want to do it, because I do not think they just should be allowed to come in one or two days a year, I think we should have the television cameras in this House, as far as I am concerned, on a daily basis doing live coverage.

MR. THOMS: Hear, hear.

MR. NEARY: But if they want to come in just as a experiment to do news clips, to tape the proceedings of the House and then provide news clips, well I am all for that too. I am all for anything that can get this House televised, Mr. Speaker.

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

MR. SPEAKER (Simms): To the point of order, the hon. member for St. John's North.

MR. CARTER: In the private session of this House unanimous leave was given to provide live TV coverage for the hon. the Minister of Finance's (Dr. Collins) Budget Speech. Now, Mr. Speaker, it makes nonsense of unanimous consent if that consent can be withdrawn at any time. I can understand the hon. gentleman's desire to get publicity on this matter, but nevertheless I feel that unanimous consent having been given, it cannot be withdrawn.

MR. SPEAKER: Well, to the point of order, first of all, the Chair was under the impression that the request from the Parliamentary Press Gallery was to provide live coverage of the Budget Speech. First of all, that was the request that was put to hon. members. I understand now

MR. SPEAKER (Simms): that that is not the case, that they wish to tape the presentation of the Budget Speech and use excerpts from it in later newcasts.

The point of order that has been raised is not one that I necessarily should deal with immediately, so I think I will take it under advisement and give it some consideration.

MR. MARSHALL: Further to the point of order, Mr. Speaker.

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

MR. MARSHALL: Mr. Speaker, I would just like to note that the hon. member is withdrawing leave, that is my understanding.

MR. SPEAKER: My understanding -

MR. MARSHALL: The hon. member for LaPoile (S. Neary) is withdrawing leave?

MR. SPEAKER: That is my understanding.-

The hon. the member for LaPoile.

MR. NEARY: I am in Your Honour's hands. I am asking if there is a procedure in this House whereby I can - I am not sure if I can - if I can withdraw leave. Your Honour will have to rule whether or not a member can withdraw leave. And if Your Honour rules that that is the case, then I will withdraw leave.

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

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

MR. MARSHALL: Mr. Speaker, the House cannot be played cat and mouse with by the hon. member. There are rules for the governing of the House and one of the rules is that hypothetical questions cannot be asked of Your Honour, that Your Honour cannot be asked to prejudge situations. So, I

MR. MARSHALL: think it is incumbent on the hon. member to indicate as to whether or not he is going to withdraw leave and then, Your Honour, if he withdraws leave, then Your Honour decides as to whether or not he can, bearing in mind that if he withdraws leave, Mr. Speaker, he prevents and precludes the public from seeing the Minister of Finance's (Dr. Collins) speech.

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

MR. SPEAKER (Simms): To the point of order, the hon. member for LaPoile.

MR. NEARY: To that point of order, Mr. Speaker, I have to correct a statement that the hon. gentleman just made. It is the media who are refusing to show the minister live, to show the minister's speech, not I. The media have already decided that, that they are merely just going to provide news clips. But what I am asking Your Honour is if I would be in order to withdraw leave. If I am, I withdraw, but Your Honour is going to rule on that at a later date.

MR. SPEAKER: I have taken the matter under advisement and maybe the way around it would be to put the question at a later date and then we will see if we have leave again.

STATEMENTS BY MINISTERS

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

MR. OTTENHEIMER: Mr. Speaker, I am pleased to announce the appointment of Judge Edward Langdon as Associate Chief Judge of the Provincial Court. Judge Langdon is a native of Botwood and married to the former Peggy Critch of Botwood. Judge and Mrs. Langdon have three children. Judge Langdon received his early education in Botwood and attended Memorial University. He then taught in Deer Lake and Botwood until his appointment to the Provincial Court in 1969.

MR. OTTENHEIMER:

In 1975 Judge Langdon received his L.L.B. from Dalhousie Law School. He attended Dalhousie under the auspices of the Law School Training Programme for Provincial Court Judges. He was admitted to the Newfoundland Bar in 1980.

Judge Langdon has served in St. Anthony, Woody Point, Port aux Basques and Gander and brings a wide knowledge of Newfoundland to his new position. He is presently the Provincial representative on the Executive of the Canadian Association for Provincial Court Judges and is a Past President of the Newfoundland Provincial Judges' Association.

The position of Associate Chief Judge is a newly created one in order to relieve the Chief Judge of certain of his administrative duties. This has become an increasing burden as the jurisdiction of the Court expands, especially as a result of the new Small Claims Act. I am confident that this appointment will serve to provide

MR. G. OTTENHEIMER: even more efficient administration of the Provincial Court throughout the Province.

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

MR. L. THOMS: Mr. Speaker, I would just like to make a comment that I can understand that the Department of Justice has created this new position. The Chief Judge certainly needs some administrative assistance in the Province and I would just like to wish Judge Langdon well in his new appointment.

MR. SPEAKER: Any further statements?

MR. J. MORGAN: Mr. Speaker.

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

MR. J. MORGAN: Mr. Speaker, as a result of meetings this week between the provincial Department of Fisheries and the large fishing company, H.B. Nickerson & Sons Limited from Nova Scotia, as a result of these meetings between the government and the company officials concerning their operations in Newfoundland at locations along the Northeast coast at Jackson's Arm, at Charleston, at Triton and South Dildo - these are the large major plants owned by that company - I wish to inform the House of Assembly that I have now received written assurance from H.B. Nickerson & Sons Limited that the company is now committed to the off season use of these major inshore plants on the Northeast coast of our Province.

SOME HON. MEMBERS: Hear, hear!

MR. J. MORGAN: The company, in a written letter as of yesterday to us - a written assurance rather - has ensured the Newfoundland Government that through the use of Northern cod as well as further reprocessing of fish landed during the inshore fishery, the goal of year-round utilization of their major plants at South Dildo, Charleston, Triton and Jackson's Arm will be reached.

SOME HON. MEMBERS: Hear, hear!

MR. J. MORGAN: The company, Mr. Speaker, in meetings this week reported that 21,000 man days of employment and over a million dollars in wages had been generated by Winter operations in these normally seasonal plants this past Winter. The further processing of fish, mostly squid, that had been frozen in 1980, as well as some Northern cod landed by company trawlers in Triton, in particular, this past Winter, provided an average of 320 jobs per month in plants that would otherwise have been lying idle. The plants at South Dildo and Jackson's Arm were also utilized, according to Nickerson's officials, during this past Winter they were utilized in that way, mostly by reprocessing of squid.

Based on the information provided by the company for the first four months of the 1981 fishery, this year, and based on a written commitment, I am satisfied that significant progress is being made towards meeting the government's objectives of (1) utilizing inshore plants to the greatest degree possible during the off season, and (2) adding more value to Newfoundland fish products through further or secondary processing.

Mr. Speaker, as a result of these meetings held this week between the company officials and the



MR. MORGAN:

officials of the provincial Department of Fisheries and myself, the company giving us these undertakings, the Newfoundland Government has now decided to lift the "freeze", the "freeze" that was placed on licence renewals for expansion and new acquisitions and has now instructed the Licencing Division of the Department of Fisheries to process all outstanding requests in a regular manner. And I would like to say, Mr. Speaker, that as a result of the commitment for further expansion and utilizing these plants they have on a year round basis -

MR. NEARY:

You were forced to back down.

MR. MORGAN:

Mr. Speaker, could you ask this member to keep quiet over here?

MR. SPEAKER (Simms):

Order, please! The hon. member wishes to be heard in silence.

MR. NEARY:

Trivial stuff.

MR. MORGAN:

Mr. Speaker, we are now going to process the applications from that company in a regular normal way and these will include too the acquisition of a company at Gooseberry Cove in Trinity Bay, where they intend to move in to establish a processing operation. Also applications for licences are made at Pacquet, Mr. Speaker, in the White Bay area.

MR. NEARY:

That is absolutely ridiculous.

MR. MORGAN:

Mr. Speaker, please keep this honourable noisy gentleman quiet over here.

MR. SPEAKER:

Order, please!

MR. NEARY:

The Anchor Point crowd will look after you.

MR. MORGAN: Mr. Speaker, Gooseberry Cove is one area where Nickerson will be expanding by means of acquisition of a company there, and Pacquet in the White Bay area, where the company has now made application for processing licences and will operate a facility there owned by the federal government, also, at Woody Point and Rocky Harbour in the Bonne Bay area, and in St. Barbe.

AN HON. MEMBER: Hear, hear!

MR. MORGAN: So the company, Mr. Speaker, is expanding its operations in this Province because, in meetings this week, they firmly believe in the future of the Newfoundland fishery.

Mr. Speaker, I will be watching with interest the progress made by the company, Nickerson's, over the next year in achieving the full utilization of its facilities along the Northeast Coast of our Province.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): The hon. Deputy House Leader.

MR. LUSH: Mr. Speaker, since one is not permitted to debate in responding to a Ministerial Statement, then I will not debate. But, Mr. Speaker, I think it is obvious to everyone from reading this statement as to where the change is taking place and, Mr. Speaker, I would suggest that there is no great change taking place with respect to the operation of Nickerson's in this Province. None whatsoever.

SOME HON. MEMBERS: Oh, oh!

MR. LUSH: What the minister could have done to really indicate the change, Mr. Speaker, was instead of telling us what the achievements of the company were over the past year was to say based on the new policy what will result.

MR. LUSH:

For example, reference was made to the 21,000 man days of employment and over \$1 million of wages generated by Winter operations. So what the minister could have done was to have indicated to the House as a result of this new change that he is suggesting that by Nickerson's, what that would have resulted in man-days and in dollars.

So, Mr. Speaker, I would suggest that simply Nickerson's have just reaffirmed their philosophy and policy with respect to operation in Newfoundland and they put it in writing for the minister because the minister could not understand it otherwise.

SOME HON. MEMBERS:

Hear, hear!

MR.SPEAKER (Simms):

Further statements?

SOME HON.MEMBERS:

Oh, oh!

MR.SPEAKER:

Order, please!

The hon. Minister of Rural,  
Agricultural and Northern Development.

MR.GOUDIE:

Mr. Speaker, I am pleased to

announce to the House that Cabinet has approved a recommendation -

SOME HON.MEMBERS:

Oh, oh!

MR.SPEAKER:

Order! Order, please!

MR. MARSHALL:

Mr. Speaker, a point of order.

MR.SPEAKER:

Order, please! The hon. the  
President of the Council has a point of order.

MR.MARSHALL:

The hon. gentlemen there opposite  
obviously do not wish to hear the statements that are being  
made but there are other people who would like to hear them.

MR.NEARY:

To the point of order.

MR.SPEAKER:

To the point of order. The hon.  
member for LaPoile.

MR.NEARY:

Mr. Speaker, that is not a point  
of order. All we were saying to the ministers was it must  
be Friday again. If they ever stopped the weekend edition  
of the papers there would be no Ministerial Statements,  
that is what we were indicating.

MR. SPEAKER:

I suggest that  
maybe that is not a point of order but it is pertinent  
that members should -

SOME HON.MEMBERS:

Oh, oh!

MR.SPEAKER:

Order, please! Members should give the opportunity to  
ministers to make statements. Obviously if the members to  
my right want to respond to those statements they would have  
to hear them, and it would be very difficult if there is  
continuous interruption.

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

MR. GOUDIE: Mr. Speaker, I am pleased to announce to the House that Cabinet has approved a recommendation from the Board of Commissioners of Public Utilities which will exempt the people in the Happy Valley - Goose Bay - North West River area from the fuel adjustment clause in their electricity bills.

SOME HON.MEMBERS: Hear, hear!

MR.GOUDIE: The House will recall that some time ago the matter of an alteration of rates to be charged by the Power Distribution District for the supply of power in the Happy Valley -Goose Bay - North WestRiver interconnected area of Labrador was referred to the Public Utilities Board for investigation, examination and report. In accordance with Section two of the Electrical Power Control Act, the Public Utilities Board had made an interim report to Cabinet which contains the recommendations. A public hearing will be held on the matter in due course.

The recommendations of the Public Utilities Board are as follows: That the rates charged by PDD to customers in the Happy Valley - Goose Bay - North West River area as of April 15th, 1981 be the same as those charged by Newfoundland Light and Power Company Limited to their customers and made effective on November 1, 1980 with the exception that a fuel adjustment clause will not apply. The rates shall remain in effect until such time as final recommendation is made and shall not be affected by any change that may be granted in the fuel escalation formula to Newfoundland Light and Power or to Newfoundland Hydro in other public hearings; that the provincial government pay to PDD as a subsidy the amount required to cover PDD's deficit on the cost of services in the Happy Valley - Goose Bay - North West River area.

MR. GOUDIE: I am pleased to confirm that Cabinet has approved the recommendations of the Public Utilities Board with effect from April 15, 1981.

I apologize to the Opposition, Mr. Speaker. This statement was just completed a few minutes before the House opened. We will have copies made and distributed.

MR. SPEAKER: Further statements?

ORAL QUESTIONS

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, my question in the absence of the Premier and we are not sure if the hon. gentleman is recovering from exhaustion and fatigue or if he is campaigning in Bellevue today driving a car, so therefore I am forced -

MR. MORGAN: Do not be so foolish. Act your age for a change, in the House.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Simms):

Order, please! Order, please!

MR. NEARY:

Nickersons just finished with you.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. MORGAN:

Would the hon. gentleman be quiet,

Mr. Speaker?

MR. NEARY:

Nickersons just dealt with you and the Anchor Point fishermen will deal with you probably next week.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. NEARY:

Mr. Speaker, my question for the President of the Council (Mr. Marshall) in the absence of the Premier has to do with TerraTransport and C.N. layoffs. As hon. members know, 150 TerraTransport employees are going to be laid off - 150 in St. John's, some of which reside in the President of the Council's district, 20 in Bishop's Falls, 10 in Grand Falls, 40 in Corner Brook, 90 in Port aux Basques and 110 other - that is Terra-Transport. And then C.N. Marine will lay off another 105 in Port aux Basques.

I want to ask the hon. gentleman what message this government communicated to Mr. Pepin when he was here recently in connection with this matter. Because my understanding of the news reports is that the provincial government completely caved in and said, 'Yes, we agree with containerization. Immaterial of how many jobs it will cost, we agree with containerization. Put it in on the backs of the employees of Canadian National in this Province.' Was that what happened, would the hon. gentleman tell the House?

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL: Mr. Speaker, in response to the early part -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. MARSHALL: In response to the early part of the question, Mr. Speaker, I would observe by the way the hon. member is conducting himself that he is acting his age, certainly his mental age if nothing else.

Well, Mr. Speaker, with respect to his question on this, the government is concerned about employment in this Province, is very, very concerned about the operations of the Canadian National Railway in the Province and has indicated this a great deal by the studies it has had, the study it had by consultants into the operation of the railway. As to the present situation, we regard it as a very concerning situation, the plan for containerization brought in by Canadian National, brought in by the federal government.

There is some talk and there is some thought that this overall will result in the taking up of some of these jobs that have been lost, but the jobs that have been lost are a matter of concern. The whole matter of the railway and the railway's operation in Newfoundland, as the hon. gentleman knows, is a matter of concern. The railway's operation in this Province and the federal government's backing of it and refusing to comply with its normal obligations of providing the synchrolift in St. John's, the downgrading of the railway, the failure to maintain or to put in a standard gauge railway, make the railway more effective,



MR. MARSHALL: the delegation by the federal government to the Canadian National Railway of the responsibility for the railway which the federal government itself took on under the Terms of Union and delegated to the CN, and the way that this has operated since Confederation is certainly a matter of great concern to us. And this particular action at the present time and the layoffs are regarded by this government as very serious and the government is in discussion about the matter with the authorities concerned.

MR. NEARY: Supplementary, Mr. Speaker.

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

MR. NEARY: The hon. gentleman in his usual, typical fashion in an outburst against the Government of Canada, did not answer the question I put to the hon. gentleman, But at the end there the hon. gentleman said that the question I asked, Mr. Speaker, was in connection with the meetings with Mr. Pepin, if this government objected to containerization being implemented in a big way by CN in this Province on the backs of its workers, 525 of them to be laid off right across this Province from St. John's to Port aux Basques. Now the hon. gentleman at the end said that the provincial government is in negotiations with people in authority to try to do something about these layoffs. Would the hon. gentleman indicate who the government is negotiating with, who they are talking to and what plans are they talking about? What is involved in these discussions - if indeed there are any discussions?

MR. SPEAKER: The hon. the President of the Council.

MR. MARSHALL: Mr. Speaker, as far as the matter of containerization, this was discussed at the time between Mr. Pepin and the then Minister of Transportation and Communications. It is noted that containerization was an element which was

MR. MARSHALL: explored in our study into the long term operations of the railway. There is some thought in some people's minds that this containerization will, in the long run - maybe not in the short run - in the long run will serve to strengthen the viability of the railway but it is not something that we are completely and absolutely sold on. We are very concerned over the layoffs that have been announced. And as to where we are taking them, we are taking them up with Canadian National in the first instance and also, immediately there following, with the federal government. And I say, whether the hon. gentleman likes to hear it or not, that it is quite evident whether it is in the hon. gentlemen's district of Port aux Basques or whether it is in Bishop's Falls or whether it is in St. John's or whether it is anywhere in this Province, that it has been quite evident over the past thirty years that the way in which the federal government has assumed its responsibilities with respect to the railway in this Province is less than satisfactory.

As the hon. gentleman knows, every province in Canada when it joined Confederation, one of the reasons it joined Confederation, aside from the three founding provinces, particularly the Western provinces, was for the purpose of providing a railway for their territories. They got a railway; unfortunately when we joined we are the only Province where the federal government seems to be determined to take the railway away. So that is another example of the inequitable treatment that this Province has received with respect to the railway.

The hon. gentleman need not talk to us about

MR. W. MARSHALL:

the railway. The railway has been a matter of burning concern, its operation in this Province and it will continue to be. And, Mr. Speaker, this particular step itself will be a part of the continuing discussions that this government will have with respect to the operations of the CNR in this Province with a view to putting it on the viable basis that it was when we entered into confederation. It should never been allowed to get to the stage that it is at the present time.

SOME HON. MEMBERS: Hear, hear!

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

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

MR. S. NEARY: Mr. Speaker, I thank the hon. gentleman for his version of the history of the Newfoundland railway. And his version is this, Mr. Speaker - let us see hon. members applaud this-that the hon. gentleman, the former Minister of Transportation, when he met with Mr. Pepin agreed to these layoffs, agreed to allow CN-because they would not do it without the blessing of the provincial government-to bring in containerization -

MR. MORGAN: You were afraid (inaudible).

MR. S. NEARY: Yes, Mr. Speaker. - allowed them to bring in containerization on the backs of its employees, and that is the statement I am making. And now, Mr. Speaker -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. S. NEARY: - they are trying to weasel their way out of it by saying they are holding negotiations.

MR. SPEAKER: Order, please!

The hon. member during Question Period is not supposed to make a statement.

MR. S. NEARY: Who are they holding the negotiations with and what is it they are attempting to do now? Locking the barn door after the horse is stolen! Are they now trying to save the jobs of these 525 employees who will be laid off? Are they trying to save these jobs? That is the question and there is a simple yes or no answer and not a tirade and an outburst against the Government of Canada.

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

MR. W. MARSHALL: That is the hon. gentleman's version. And if the hon. gentleman's version were adopted at any time it would be a black Friday in Newfoundland every day, seven days a week, 365 days a year -

SOME HON. MEMBERS: Hear, hear!

MR. W. MARSHALL: - because that is not true. Just because the hon. gentleman gets up and makes a statement, the hon. gentleman thinks it is to be taken as the Holy Writ or the Holy Oracle.

Mr. Speaker, this government is extremely concerned with any layoffs in this Province, particularly the layoffs with respect to the railway. Because of the studies which we have undertaken, studies which, by the way, Mr. Speaker, we ought not to have had to have undertaken because it is a federal responsibility, but we took it because we are concerned with the livelihood and the viability of this Province and to see that the Province of Newfoundland gets its rights. So because of this particular study, Mr. Speaker, and as we say, we are in continuing discussions with the head of the CNR, Mr. Jean-Luc Pepin, the Minister of Transport, and other government officials with respect to these matters. And if the hon. gentleman wishes to be of assistance to us, what the hon. gentleman might do, instead of getting up and making statements of this nature with innuendoes that are completely unfounded, he could go

MR. MARSHALL: to the five quiet quislings in Ottawa who sit on the government side of the House and and ask them to support the people of Newfoundland in endeavors in the railway. And at the same time they might have some time, Mr. Speaker, for the jurisdiction on the offshore for our rights to fisheries and our rights to transmit electrical power.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: A supplementary, Mr. Speaker.

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

MR. NEARY: Now, let us see what the answer was, Mr. Speaker. The answer was a personal attack on me, a personal attack on quislings, the six quislings in Ottawa - five rather - the offshore oil jurisdiction. The hon. gentleman completely evaded the question and refused to deal with the question that I put to him. So I am going to put the question again and, incidentally, just for the hon. gentleman's benefit, I might say, that in this particular matter that I think the Government of Canada, especially the Minister of Transport (Mr. Pepin) is making a grave mistake. I think they should, instead of giving an ultimatum to CN to reduce their deficit in Newfoundland, instead of doing that and forcing CN to lay these 525 employees off, I think they should give CN the money to keep them on the payroll and have the jobs eliminated through attrition; if somebody resigned or if somebody retired or somebody died or quit, that they would not be replaced. That is the way to do it, Mr. Speaker. So, therefore I am in the hon. gentleman's corner, as far as that is concerned. But let me ask the hon. gentleman again what representation they have made so far to the Government of Canada, to Mr. Pepin, to stave off these layoffs? That is the number

MR. NEARY: one priority, that should be our target, stop the layoffs. Now, what has the government done so far or what do they plan on doing to stop these layoffs?

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

MR. MARSHALL: Mr. Speaker, I can only repeat my answers to the questions given by -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MARSHALL: Mr. Speaker, if the hon. gentlemen there opposite do not want an answer, I will not give it to them. Now, I can only repeat, Mr. Speaker, the answers that were given before. The hon. gentleman gets up in this House and he makes statements, and questions which contain allegations and innuendos and everything else, and if he does not pull the answer out that he particularly wants, he keeps at it and at it and at it. But the fact of the matter is, the truth of the matter is that this government is extremely concerned about the operations of the CN in Newfoundland.

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: It has discussed the matter of containerizations in great depth with the CN and with the Federal Government and it is extremely concerned that this railway be taken from a 1949 railway, which it was - and then in 1949, as a result of the Commission of Government it was a 1930 or a 1920 railway - into the twentieth and the twenty-first century. And that the railway does not cease to exist in this Province to cause a lot of layoffs to people in this Province. And I say, Mr. Speaker, if the hon. gentleman

MR. MARSHALL:

had been as assiduous in his concern over the railway and jobs in this Province when he was a member of a government at a particular time when the railway went down pretty well to nothing, we definitely would not be in the sorry shape that we are in today.

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: But, Mr. Speaker, we are extremely concerned about the jobs. We are in close contact with the federal government to see that any layoffs - we are going to demand that any layoffs, if there are any necessary, are going to be minimized to the greatest degree possible.

MR. LUSH: Mr. Speaker.

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

MR. LUSH: Mr. Speaker, I want to direct a question to the Minister of Forest Resources and Lands (Mr. Power) re his recent statement concerning the harvesting of infested timber. In that statement the minister indicated that 300 jobs would be created. I am just wondering what criteria were used to come up with that figure of 300 jobs, you know, Is that how many men it takes to harvest 130,000 cords in X days? Just why was that magic figure arrived at? What were the criteria used?

MR. SPEAKER: The hon. the Minister of Forest Resources and Lands.

MR. POWER: Mr. Speaker, the figure of 300 jobs is primarily based upon the number of men required to harvest the timber, the number of persons needed to debark that timber, because it all has to be debarked before it is sent overseas, and also, obviously, the number of persons who will have to be involved, not only in the debarking, but the stockpiling and storage in certain given areas around the Province.

MR. LUSH: Mr. Speaker.

MR. SPEAKER (Simms): A supplementary, the hon. the member for Terra Nova.

MR. LUSH: Now, Mr. Speaker, that makes no sense at all, no sense whatsoever, because to harvest 130,000 cords there is no number of men involved, that could be done by ten, it could be done by twenty. So, Mr. Speaker, the minister has to come up with something more substantial than that. Involved here is time; you know, how long is this going to take? Does the minister know how many cords of wood a man can cut? This is what we have to know, How many cords of wood can a man cut? so that we can know precisely how long these jobs are. Are these jobs going to last two weeks? Are they going to last three weeks? Is it going to be a month? And is the minister requiring that each of these companies take on so many men? I want to know precisely how this figure of 300 was arrived at, because it is nonsense to say that is how many men it takes to cut 130,000 cords. And I have cut as many cords of wood as anybody in this hon. House and know what I am talking about.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: The hon. the Minister of Forest Resources and Lands.

MR. POWER: Mr. Speaker, old habits die hard, I suppose, in the Liberal Party in the Province. I suppose the member opposite is suggesting that instead of having in the Province what we are doing, having companies in this Province who are going to go out to small contractors around the Province, going to cut wood primarily using chain saws or small skidder operations or what have you, what the member opposite is



MR. POWER: suggesting is that we go into a highly mechanical operation, employ ten or twelve people and therefore leave the 290 or so unemployed. .

MR. LUSH: Supplementary, Mr. Speaker.

MR. SPEAKER (Simms): Supplementary, the hon. member for Terra Nova.

MR. LUSH: Obviously the minister does not have one single clue as to how this figure is arrived at, not a clue. And, Mr. Speaker, this is what I want to find out, how this figure was arrived at because this figure is important because if we do not know how this figure was arrived at and how long this is going to be, I suggest to you we are talking about here 300 men cutting 130,000 cords of wood which I suggest is going to - well, I am not going to suggest it at all. I am asking the minister: How long is this going to take? Is this going to be a two month operation, is this going to be a one month operation or is this going to take a year? Is this going to be 300 jobs for 300 men for a year, for ten months, for nine months, for six months, whatever?

MR. SPEAKER: The hon. Minister of Forest Resources and Lands.

MR. POWER: Mr. Speaker, the member who seems to suggest that he knows a lot about woods operations is now trying to say that these jobs should be twelve month jobs, 365 days of the year.

MR. LUSH: I am not saying that

MR. POWER: Mr. Speaker, obviously anybody who is involved with the woods operations in Newfoundland, either with the large pulp and paper companies now, or with the saw-milling industry, knows that it is not possible to have wood cutting operations for 365 day per year.

MR. LUSH: Ho, ho, ho! What a joke.

MR. POWER: Mr. Speaker, these persons who are going to be employed in this project -

MR. LUSH: Resign boy! Resign.

MR. SPEAKER (Simms): Order, please!

MR. POWER: - cutting 135,000 cords of wood this year with an additional 20,000 cords that is coming on stream from the paper companies based on negotiations we did last week -

MR. LUSH: Well, well.

MR. POWER: - Mr. Speaker, those jobs are going to go through the regular cutting season in the forest industry in Newfoundland today.

MR. LUSH: I have heard it all, Mr. Speaker, I have heard it all.

MR. SPEAKER: Order, please!  
The hon. member has a supplementary?

MR. LUSH: Mr. Speaker -

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!  
Supplementary, the hon. member for Terra Nova.

MR. LUSH: What an answer, Mr. Speaker, by a gentleman who grew up in nothing, Mr. Speaker, but a logging community, whose family, all of them were nothing but loggers, Mr. Speaker, to suggest that logging cannot be carried on for 365 days a year. Well, Mr. Speaker -

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

MR. THOMS: Your father was a logger for 365 days a year, that I can vouch for.

MR. LUSH: That is right. Well, Mr. Speaker, obviously the minister does not know what he is talking about. Again, I want the minister to answer the question and if he does not know it now I ask him to take it under advisement.

MR. LUSH: These 300 jobs - what is the duration? Are we talking about two months for 300 men, are we talking about two weeks or are we talking about three months? That is what is important. And the minister made the statement that for 300 jobs he should know the duration of those jobs.

MR. SPEAKER (Simms): Order, please!

I must draw the member's attention to Beauchesne, Fifth Edition, paragraph 357, page 129, section 171, subsection (d) which says: "An oral question must not repeat in substance a question already answered or to which an answer has been refused." So the question is not in order.

Further questions?

The hon. member for Grand Bank.

MR. THOMS:

Thank you very much, Mr. Speaker.

I am almost afraid to ask a question this morning. The minister seems to be a little bit edgy, it must be the Bellevue by-election finally getting to him

MR. NEARY: I am going to ask you about your advisor, the advisor you have down there. We will ask him about him next week.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

The hon. member for Grand Bank.

MR. THOMS: With fear and trepidation, Mr. Speaker, I would like to ask the Minister of Fisheries (Mr. Morgan) a question. From the statement that he made this morning.

MR. LUSH: am I to understand now that H.B. Nickerson's will be processing in Newfoundland all of the Northern cod that it will be harvesting?

MR. SPEAKER (Simms): The hon. Minister of Fisheries.

MR. MORGAN: Mr. Speaker, as I said in the statement made to the House of Assembly, the company will be now processing Northern cod in the time of the season when they harvest Northern cod from the offshore trawler operations in their plants that they own, which are the major plants, at South Dildo, at Charleston, at Triton, and Jackson's Arm. These are the four large fish plants they own and most of these plants, in fact until last Winter where they processed a bit of squid, they were closed down in the Wintertime.

The commitment received from Nickerson's in writing from a vice-president of the company as of yesterday afternoon confirms they will use Northern cod in these plants and keep them going throughout the year. Now hopefully that will mean, based on their trawler operations that they have, they have a limited number of trawlers, that it will mean practically all the fish they catch of the Northern cod. But we will watch what happens. Our main objective of course is to make sure the plants they own in Newfoundland are not lying idle when they take fish back to other places like Nova Scotia. They own these four fish plants I mentioned -

MR. NEARY: They are going to get their licences.

MR. MORGAN: - and we want to see Northern cod placed in these plants and the plants kept open in the Wintertime. And that is received from the company.

MR. NEARY: They are going to get their licences.

MR. THOMS: A supplementary.

MR. SPEAKER (Simms): A supplementary, the hon. member for Grand Bank.

MR. THOMS: Mr. Speaker, the statement made by the minister this morning also refers to the goal of year-round utilization, but it does not tell us whether or not there is a time limit in which that goal is to be reached. Are we to expect these plants to be fully utilized year-round in two months time, six months time, a year from now, five years from now? What is the anticipated goal?

MR. SPEAKER: The hon. Minister of Fisheries.

MR. MORGAN: Of course, Mr. Speaker, as we know the offshore fishing activity closed down on February 20th., based on the fact that the Northern cod stocks quota had been reached and now these plants, most of them are waiting for the inshore fishery to open or commence. They are doing some processing of squid right now that was frozen and being reprocessed from last year.

But the plants will of course be going full swing now in a matter of weeks based on the inshore fishery, the seasonal fishery on the Northeast Coast, and then we are looking forward to carrying on after the end of the inshore fishery by means of fish that they would catch from the offshore sector, from their trawlers.

MR. THOMS: One final supplementary, if I may, Mr. Speaker.

MR. SPEAKER: A final supplementary, the hon. member for Grand Bank.

MR. THOMS: The statement as well refers to written assurances and

MR. THOMS:

written commitments on behalf of H.B. Nickerson and Sons. Would the minister undertake to table the agreement in the House between H.B. Nickerson and the Province?

MR.SPEAKER (Simms): The hon. Minister of Fisheries.

MR. MORGAN: Mr. Speaker, we have no problem with tabling the document. In fact the company has - I did not table it this morning because it was only received in fact a matter of hours ago. I have been out in the Bellevue district all week trying to get votes for our party. We are going to win, by the way, tonight. We are going to win the election tonight, by the way -

MR. NEARY: We are going to win by two thousand votes.

SOME HON.MEMBERS: Hear, hear!

MR. MORGAN: - by a very small margin, seventy-five to one hundred votes, but we will win it.

MR.THOMS: We were worried until we heard you were out there.

MR.MORGAN: Mr. Speaker, the agreement, if you can call it an agreement, is a letter issued to the Department of Fisheries signed by the Vice President of Nickerson, and I understand the company will confirm today, if the media want any confirmation or anybody in Newfoundland wants any confirmation, the company will confirm, they have given us this assurance in writing and they have given us the authority, as well, the permission to make public the letter they have given us. So there is no problem with making all information regarding this matter public. It is a firm assurance and we are convinced now that this will mean many, many jobs for Newfoundlanders on the North West Coast.

MR.THOMS: So you will table the letter then will you?

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

MR.NEARY: Mr. Speaker, yesterday in the House during my absence the Minister of Development (Mr.Windsor) tabled an answer to a question that I asked involving the Newfoundland Development Corporation which indicate that fourteen companies that borrowed fairly heavily, got substantial loans from that corporation, fourteen of them since 1973 up to the present time went belly-up and it cost the taxpayers a loss of \$3, 326,000. The loans amounted to \$4,885,000 and the amount recovered through disposal of the assets of these companies was \$1,362,000 for a loss of \$3,326,000. Would the Minister of Finance (Dr. Collins) indicate to the House whether or not all these files are now closed or will the government attempt to recover this loss, the difference between the loans made originally and the subsequent loans and the amount recovered from the disposal of the assets through public auction, etc., have these files now been closed and written off and is the government now taking the losses on these companies of \$3,326,000?

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

DR.COLLINS: Mr. Speaker, the announcement was made by my hon. colleague the Minister of Development (Mr.Windsor). The question I understand was directed to me but it would possibly be more apropos if the hon. Minister of Development gave the details.

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

MR.WINDSOR: Mr. Speaker, it has been my lucky day and I thank my hon. colleague. Do you realize that I was appointed to this portfolio on August 20th and this is the first question hon. gentleman opposite have been able to

MR. WINDSOR:                   muster about development of  
Newfoundland and Labrador?

SOME HON. MEMBERS:           Hear, hear!

SOME HON. MEMBERS:           Oh, oh!

MR. WINDSOR:                 I can relax now, my weekend is  
made, Mr. Speaker, I have finally been recognized as being  
minister of a portfolio. This is really a great day for  
me.

MR. THOMS:                    You do not deserve to be recognized.

MR. WINDSOR:                 And I would not have had it now,  
Mr. Speaker, except for the Minister of Finance (Dr. Collins).

                                  Mr. Speaker, to answer that question,  
the hon. gentleman opposite made



MR. WINDSOR: a great deal of the loss of several million dollars by these fourteen companies. He neglected to point out the other information that was included in that answer yesterday, that these are fourteen out of 259, if I am correct - I do not have the copy with me - something like 9 per cent of the companies, Mr. Speaker, that have been made loans or grants since 1972, since the corporation was founded. Some 2,602 jobs, if I remember correctly, have been created and only 9 per cent of the companies, Mr. Speaker, have folded. I also pointed out in that statement, Mr. Speaker, that the loans that are made to these companies are the higher risk loans that are normally made only when the private lending institutions cannot get involved or will not get involved because these are riskier ventures. I think that only a 9 per cent failure rate is very commendable, Mr. Speaker, and we are very pleased with the job that Newfoundland and Labrador Development Corporation has done for this Province.

The funds that have been lost, Mr. Speaker, indeed have been written off. These are federal-provincial, as I understand it, this is a federal-provincial programme, the corporation has been funded jointly by the Province and the Government of Canada. Every effort was made to recover as much as possible from these companies. I also pointed out, by the way, that while these fourteen companies did operate there was more than \$7 million paid out by way of salaries into the economy of this Province.

MR. NEARY: A supplementary, Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I would like to point out for the benefit of the hon. gentleman that the question that I asked was not answered in its entirety, that there are a large

MR. NEARY: number of companies that borrowed money originally for a specific project who are now not operating that project: The building has either been sold to somebody else or used for a different purpose than the original application.

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

MR. SPEAKER (Simms): Order, please!

A point of order has been raised by the hon. the President of the Council.

MR. MARSHALL: You know, Mr. Speaker, this is the Question Period. The hon. gentleman is now making a speech. If he is dissatisfied with the answers, I understand he has a procedure he can use.

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

MR. SPEAKER: To the point of order, the hon. member for LaPoile.

MR. NEARY: It is generally accepted in every jurisdiction, Mr. Speaker, that you are allowed to give a few preliminary comments to the question that you want to ask.

MR. MARSHALL: Yes, but not a speech.

MR. SPEAKER: Well, to the point of order, the hon. member perhaps may not have exactly been giving a preamble but may have been expressing dissatisfaction with an answer. But, in any event, he has about thirty seconds to complete his question and get an answer as well.

MR. NEARY: Well, the question I wanted to ask the minister: There was a loss here of 339 jobs. I would like to ask the minister if his colleague, the Minister of Manpower (J. Dinn), included that in the statistics that he has been bandying around this House in the last couple of weeks. Did he subtract 339 jobs which cost the taxpayers of this Province \$3.5 million?

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

MR. WINDSOR: Mr. Speaker, I am sure he does not include the 300 that are lost but he does include the 2,300 that have been created and are still ongoing.

MR. SPEAKER (Simms): The time for Oral Questions has expired.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

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

MR. MORGAN: I was going to make a Ministerial Statement but I figured one is enough for one day, so I want to table the reports on the pricing and marketing of lobsters in Newfoundland and the study carried out by the Fishing Industry Advisory Board. I will table it in the House for copies for all members and the reports to be sent to all companies throughout the Province.

NOTICES OF MOTION

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

DR. COLLINS: Mr. Speaker, I wish to give notice of two motions in relation to the Budget which will be brought down on this coming Tuesday.

Mr. Speaker, I give notice that I will on tomorrow move that the House resolve itself into Committee of Ways and Means to consider the raising of supply to be granted to Her Majesty.

And I give notice that I will on tomorrow move that the House resolve itself into Committee of Supply to consider certain resolutions for the granting of supply to Her Majesty.

MR. SPEAKER: Further Notices of Motion?

PRESENTING PETITIONS

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

MR. PATTERSON: Mr. Speaker, I rise to present a petition from sixty-five businesses in the Placentia area. The petition is in protest of the property tax value system for school tax purposes in the Placentia area. It reads: "We, the undersigned business people of the Placentia area, strongly protest the implementation of the property tax system for school tax purposes. Many of the communities in our school tax area do not have a property tax system; therefore, we think it is quite unfair for the business people of this area. As you are aware, it will mean a higher cost of living for the consumer, who is already burdened with taxes."

You can appreciate, Mr. Speaker, that many of the communities in the area are not incorporated but yet they are communities that fall within the jurisdiction of the School Tax Authority.

I would like to support this petition and ask that it be tabled and referred to the

MR. PATTERSON: department to which it relates.

MR. SPEAKER (Simms): I wonder would one of the Clerks at the table get the petition?

Further petitions?

ORDERS OF THE DAY

MR. MARSHALL: Order 20.

Motion, second reading of a bill, "An Act Respecting The Protection Of Personal Privacy," (Bill No. 2).

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

MR. OTTENHEIMER: Mr. Speaker, the bill that we have before us now, "An Act Respecting The Protection Of Personal Privacy", is one which I am of the opinion - obviously without knowing it - will have the unanimous endorsement of the House. It is of the kind of legislation for which we have usually had unanimous support. It is a kind of reform legislation, and in that respect, I suppose, similar to the Matrimonial Property Act, although obviously dealing with a much different kind of problem, and similar to the Freedom Of Information Act in that it is what could well be called a kind of reform legislation.

I think hon. members are all aware that certainly during the recent decade, at least, and it could be argued even earlier, advancements which have been made

MR. OTTENHEIMER:

in technology and communication, the retrieval of data, transmission of data, all of this electronic revolution, does certainly potentially pose a threat to the unwarranted invasion of a person's privacy, and I think that is probably one of the reasons that this important area of a person's rights has recently received much wider attention than it did previously.

The bill is not a lengthy one and I will endeavour to give an explanation of its basic principles and then to say a few words of comparison between this bill and others that exist in Canada. Three provinces do have protection of privacy legislation, rather surprisingly the three Western provinces. We are the first Eastern province. British Columbia, Manitoba and Saskatchewan have personal privacy legislation. Yet in the legislation we were speaking about, yesterday actually, well there were two previous to Newfoundland, which makes three, but all Eastern provinces, New Brunswick, Nova Scotia and Newfoundland. I do not know that it proves much but it is rather interesting from a geographic point of view the way that this has developed.

Now what will the act essentially do? After its passage, and it comes into effect upon proclamation, it will create by statute a tort, recognized as a civil breach of law; put another way it will recognize as unlawful a breach of a person's right - not contractual right - which the common law today does not recognize. Although certain aspects of an invasion of privacy, it could be argued from a common law point of view, certainly defamation and certain others, but this will certainly expand it and create by statute a tort

MR. OTTENHEIMER: which in fact will be the violation of the privacy of an individual, The violation of the privacy of an individual without proof of damage will be a breach of the law, will be a tort.

So the principle is quite a simple one: A violation of the privacy of an individual will be illegal and action taken without proof of damage.

All of the bills, the other three, and the proposed Newfoundland legislation, are all similar in that privacy is not defined. You know, there are many - you know, one can define sodium chloride and one can define an isosceles triangle, and all numbers of things can be defined but, there are certain concepts which I think by attempting to define you are really giving them such restrictions and limitations that it could be an infringement upon the rights you are trying to protect.

So none of the three existing provincial laws do in fact define privacy, nor does this, and that is not unusual, I mean a reasonable test and many concepts are not defined as such. And the bill goes on to give I suppose an explanation, a broadening, but not specifically a definition, that the nature and degree of privacy to which an individual is entitled is that which is reasonable in the circumstances, due regard being given to the lawful interests of others.

Obviously there is an important area of judicial interpretation. I think that that is essential in this kind of legislation and I say in that the three other provinces which have protection of personal privacy legislation take a similar approach. They create the tort, making it actionable without damage for a person willfully and without a right to violate the privacy of an individual and they do not give a definition.

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MR. OTTENHEIMER: Now the bill specifically then identifies four areas where once it is proved that these things have happened without the consent of the individual establishes prima facie proof of the violation



MR. G. OTTENHEIMER:

of privacy. I will indicate those four areas. It is important to point out that the legislation says 'without limiting the generality! In other words, these four are not exhaustive, not exclusive, not the only, but they are four areas specifically identified. And again, 'without limiting the generality' obviously means that these are not exhaustive. Again I think it would be very unwise for legislation to attempt to be exhaustive certainly in this kind of area where to date there is very little jurisprudence even in the three provinces which have the legislation, very little.

In the four areas specifically identified and called in the notes 'examples' are: surveillance of another person, whether visually or otherwise, whether or not it is accomplished by trespass, and it includes eavesdropping, spying on other people. So unwarranted surveillance is one of the four examples. Another is listening to or recording of a conversation or of telecommunications as well, or including telecommunications, tapping. Another example is the use of a name or likeness of the voice of another person, impersonation, which would advertise or promote the sale of some product or service. And then the use of letters, diaries or other personal documents of an individual. All of this without consent, of course.

Obviously, section five says, 'An act is not a violation of privacy where it is consented to by the person or is incidental to the exercise of a lawful right or authorized or required by law or indeed in the conduct of the duty of a peace officer. Also it would not be a violation of personal privacy to publish a matter which is in the public interest or was fair comment on a matter of public interest or was in accordance with the rules of defamation

MR. G. OTTENHEIMER: In the event that the breach of personal privacy has been established in court, the court has a fairly wide discretion in terms of remedies. It may award damages, it may grant an injunction, it may order the defendant to account for any profits that may have accrued to him as a result of the breach of the other person's right, and it may order the defendant to deliver up any articles or documents that have come into his possession and grant any other relief that appears necessary under the circumstances. So there is a broad area of discretion that the court has in remedies. And again I am inclined to think that in this kind of legislation, it is important to have a fairly broad area depending upon the nature and circumstances related to the breach of privacy.

I think the two other significant factors are with respect to limitation that an action is supposed to lie two years from the time when the violation of privacy became known or should have become known, and in any case before the expiration of seven years. And, obviously all things have to have a possible end somewhere, the death of a person extinguishes the right of action. The Act is binding on the Crown, it is binding on the government as well as on everybody else and also the Act takes paramountcy if there is a case of conflict.

So that essentially is it. I think the basic nucleus and general thrust, the general purpose of it is to create by statute, or to recognize by statute that the breach of personal privacy is illegal and an action will lie without proof of damage; it does not have to be established that a person has suffered financially or in any other way,

MR. OTTENHEIMER:

that, you know, his right to privacy is an established right irrespective of damage that might accrue to him. The legislation, similar to the legislation in other provinces, does not define privacy and it imposes, makes reference to what is reasonable in the circumstances, due regard being given to the lawful interest of others. Then it gives four examples, which are not exhaustive - so the judgement of the court in other areas - was not intended to exhaust the instances but it gives four examples - surveillance, listening or recording of people's conversations, use of a person's voice or likeness, and the use of his letters, diaries, other personal documents without consent, all of these are regarded as prima facie proof of violation of privacy of the individual.

That is essentially the purpose and principle of the legislation. As I say, it is in operation in three other provinces - British Columbia, Manitoba and Saskatchewan. There has not been a great deal of litigation on it, as a matter of fact, fairly minimal. That, I do not think, is an argument for not enacting the legislation because the creation of a right or, you know, the identification of what could be a problem and a statutory remedy may well and hopefully, you know, would preclude the infringement of personal privacy. Once it is established that it is illegal to so do, and I think the fact of establishing that is worthwhile in itself, the fact that there may not have been at least in the other jurisdictions many actions taken with respect to the statute, I do not think one could - one could, but I do not think it would be valid to argue from that therefore the legislation was unnecessary because law should have an example setting, criteria setting, effect and certainly its usefulness is not by any means necessarily judged by the number of actions and litigations.

So I think it is worthwhile, it is progressive, it is a meaningful piece of legal reform

MR. OTTENHEIMER: and I am very pleased to have the opportunity to introduce it.

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

MR. THOMS: Thank you very much, Mr. Speaker.  
I simply rise to support this particular piece of legislation. It is a piece of legislation that basically what it does is create what lawyers call the action of tort, tort action, which simply means-tort is simply a civil law. So they make it a civil wrong to invade a person's privacy.

It think this is important in this day and age, particularly in respect to the electronic gadgetry that one finds today. Although this makes an invasion of privacy a civil wrong, one that a person, if it happens, can go into court, claim an invasion of privacy and the court has a right then to grant certain remedies once the illegal act has been proven: He can grant damages, he can give an injunction - I am not sure that is a new remedy - he can order the defendant to account to the plaintiff and so on.

And then we have a catch-all clause that says the court can grant any other relief to the person bringing the action as the court deems necessary. It makes one wonder why the other four provisions are there. If the court can grant any necessary relief, it would not seem to me to be necessary to follow up with the other four, although it is usually done.

Mr. Speaker, I would like to point out though and make the hon. members aware that this act does not in any way affect - and I am speaking from memory here, I certainly would not classify myself as a criminal lawyer - but I understand that evidence which is gathered illegally, in other words, any evidence which would be gathered, this act here makes it a civil wrong

MR. THOMS: for me to bug somebody else's office, for example. And that other person can sue me for damages, can go to court and get an injunction to make me stop it, etc. However, if, for example, a policeman or any law enforcement agency bugs a person's office, as I understand it, even though it is illegal, even though it is a wrong, even though it is a civil wrong under this particular act, then the evidence so gathered, even though it has been gathered illegally, can still be used as evidence against that person in a criminal charge.

MR. OTTENHEIMER: Yes, Just to make a comment on that, that is correct. Of course, as the hon. member would agree, it would be impossible for us to alter that because that is in the area of federal jurisdiction.

MR. NEARY: No, it is not.

MR. THOMS: Yes, it is in that area.

It has to do with the Criminal Code. I am just pointing out that this act does not prevent that.

MR. OTTENHEIMER: No. And all I wish to say is that although we may wish to change that, we are unable to.

MR. THOMS: I appreciate the minister's position on that. The Province could not, of course, amend the Criminal Code because the Criminal Code is a federal statute which governs all provinces.

MR. CARTER: Mr. Speaker, may I ask a sincere question?

MR. THOMS: Yes, go ahead. I do not know if I can answer it or not.

MR. SPEAKER (BAIRD): The hon. member for Grand Bank yielded for a question. The hon. member for St. John's North.

MR. CARTER: I just want to ask what provisions there are now - forgetting the act all together, assuming that this act is not to be enforced - what protection is there for the individual and his right of privacy now

MR. CARTER: outside this act? Surely there is some.

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

MR. THOMS: Thank you very much, Mr. Speaker.  
I am not quite sure of the answer to your question. In the context in which I am speaking, the courts have ruled that even where there are privacy acts that evidence gathered is admissible even though it was obtained illegally.

MR. CARTER: In other words, you cannot complain to the authorities if someone has violated your privacy. What about the law of trespass? Does that not cover such things?

MR. OTTENHEIMER: Very minimally.

MR. THOMS: Very minimally, yes.

But in any event, Mr. Speaker, I just wanted to point out to the members that this does not in any way have anything to do with - which I am not so sure, I mean, in my own mind, is right and proper that law enforcement officers can, in effect, break the law - and this is the law once it is passed - and even though they have obtained the evidence illegally can then have it admissible in court. There is something incongruous when you look at the two things.

But, be that as it may, Mr. Speaker, it is a good piece of legislation. We have no problems in supporting the legislation.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: I too stand, Mr. Speaker, to support the legislation.

I might say the introduction of this bill raises some very important questions about

MR. NEARY: privacy. As those hon. gentlemen who have spoken so far indicated, with the electronic devices and with the gadgets that are available today, one would sometimes wonder if there is any privacy at all.

I had a conversation recently with a gentleman who was in the electronic business, who told me that it is possible to sit out in front of Confederation Building with a small microphone held out through your car window directed towards the Premier's office and you could pick up the conversation from the Premier's office on the eighth floor by just sitting across the road in a car with a little microphone stuck out through the window.

MR. OTTENHEIMER: It could happen or does the hon. gentleman think it does?

MR. NEARY: It could happen.

MR. OTTENHEIMER: It could happen.

MR. NEARY: I am told by this gentleman, who is a specialist in the electronic field in this Province, that that could happen. It could happen to anybody. I use that as an illustration, the Premier's office, but it could happen. I could drive up to the Minister of Justice's (Mr. Ottenheimer) house, sit outside his house and listen to a conversation going on inside the house.

MR. CARTER: Just for an example of that, there are tape recorders of which the microphones are so sensitive

MR. CARTER: that you do not have to be near them in order to pick up conversations, and they are self-regulating.

MR. NEARY: That is right. And then they have these cameras. What do they call these lens? The telescopic lens. It is absolutely frightening, Mr. Speaker, and I am beginning to wonder myself if there is any privacy at all. You have people going around collecting data and information on individuals, storing the information, collecting the data sometimes very indiscreetly, sometimes going and knocking on people's doors and saying, 'Do you mind if I ask you a few questions about your neighbour?' Questions like, Does he drink? Does he run around? Does he pay his bills? etc., etc. And sometimes people, not knowing the difference, fall for that sort of thing and that information is taken, stored in a computer somewhere, and God only knows how much damage it does to the individual, how much damage. You go to look for credit sometimes, people go to look for credit, so they have told me, and they pull out the weirdest things about people. Insurance companies are notorious for using information, and most of it sometimes inaccurate, against people. So I do not know if this bill is going to help cure that, Mr. Speaker, or not. I have grave doubts about it. This bill merely gives the individual the right to create a civil action against proven cases of where people have used the electronic devices to tape telephone conversations and so forth against individuals and they have found out about it.

I am also very concerned, Mr. Speaker, about some of the activities of the police. The RCMP and the Newfoundland Constabulary, they are no exception.



MR. NEARY: I understand that - I have no way of proving it. We all know the RCMP have been involved in illegal bugging of telephones. We know that. That is an established fact. The commission of Enquiry investigating the operations of the RCMP have already established that fact. We do not know how widespread it is in Newfoundland, we do not know how widespread it is in the ranks of the Newfoundland Constabulary, if indeed it is being done. And I have reason to think that it is being done, illegal wiretapping. How can we stop this sort of thing, Mr. Speaker? How can we stop it? A few years ago hon. members will recall in this hon. House I came in with tapes of actual telephone conversations that took place between a former Tory bagman and a former project manager of Scrivener Projects over here at the Health Sciences Complex.

MR. CARTER: Was that not reprehensible?

MR. NEARY: Pardon?

MR. CARTER: Was it not wrong for you to have that in your possession?

MR. NEARY: No, it was not wrong for me to have it in my possession.

MR. CARTER: How can you get up and (inaudible).

MR. NEARY: Mr. Speaker, I was not the one that did it. I was merely at the time trying to uncover scandal and skulduggery, extravagance and waste and misuse of public funds, especially the crimes that were committed.

MR. CARTER: No matter what means you used. In other words, the end justifies the means.

MR. NEARY: Well, let me tell the hon. gentleman the story of that now. It was not I who used the means, it was the former Premier and the former Tory bagman.

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Tape No. 1144

AH-3

MR. NEARY:

Let me tell the hon. gentleman  
how some of these tapes were made.

Mr. Moores, when he was Premier  
of this Province had a tape, had a microphone set up in his  
kitchen up at Mount Scio House to try

MR. S. NEARY: to trap, he set out to deliberately try to trap the former manager of Scrivener Projects over here at Memorial University by manoeuvring him into his kitchen when there was party going on, and had one or two ministers standing by there, to bait this gentleman, to bait him, to try to trap him into saying things. And the former Tory bagman did the same thing, he was taping conversations coming in from this former manager of Scrivener Projects and the former manager of Scrivener Projects was taping the former party bagman. They were both at it.

But I will tell you the frightening part of it, Mr. Speaker; the frightening part of it was this, that it was all designed to try to undermine the credibility of this gentleman who said that the Premier and the ministers had committed crimes. It was all designed for that purpose to try to undermine Mr. Davidson's credibility. That was the purpose of it. And, Mr. Speaker, the former Tory bagman told me in my own house, when he got frightened and he came to see me and spent four hours talking to me, told me that he had called up the RCMP and said to the RCMP, 'Look, I feel that I am being blackmailed by this man. Is it all right if I tape his conversations?'

MR. CARTER: 'Who are you talking about anyway?'

MR. S. NEARY: I am talking about a former Tory bagman. The hon. gentleman knows who. The hon. gentlemen should be more familiar with Tory bagmen than I am. And this gentleman, this Tory bagman - just listen to this, Mr. Speaker, how the RCMP were duped. Just listen to it because it is a fact and it is something we should be very concerned about, a blot forever on the administration of Justice in this Province and how the government attempted to cover up for their wrongdoings at the time. This gentleman called up the RCMP - just listen now - and he said, 'Mr. RCMP, I feel that a certain gentleman

MR. S. NEARY: is trying to blackmail me. Would it be all right if I taped telephone conversations with that gentleman?' And the RCMP says, 'My son, look, we do not care what you do. It is none of our business'. So he interpreted that as meaning that he had the blessing of the RCMP to tape the conversations. Now what did he do with the tapes when he got them? He arrived down at Pleasantville, down at the RCMP headquarters and said, 'Look, you remember I called you there a short while ago about taping telephone conversations? Well, I have taken these tapes now that indicate that this gentleman is trying to blackmail me and I want you to put them in safekeeping. I want you to put them in your vault for safekeeping in case I have to refer to them in future'. Involving the RCMP in his devious little crime that he was committing, involving the RCMP, and they fell for it and they took the tapes and put them away for safekeeping! Later on when it came to investigating that gentleman and the former manager of Scrivener Projects Limited, the old RCMP remembered they had these tapes. 'This gentleman has no credibility he is only out to blackmail the Premier and the government, the ministers.' And we saw the raid that took place on my office to prove that, when an RCMP officer went down and laid an information that the crime allegedly committed, that gave them the search warrant to come into my office, was that Mr. Davidson and Mr. Doyle and Mr. Somebody Else had extorted \$5,000 from the Newfoundland Government under threat of exposing certain documents.

And when I asked the Minister of Finance if this was true he said, 'No, it is not true. We paid \$5,000 to this gentleman for services rendered'. Paid it for services rendered, the Minister of Finance told us here in the House. So what they did, apparently successfully, they duped the RCMP into thinking that somebody was trying to blackmail Mr. Moores and the government and

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Tape No. 1145

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MR. S. NEARY:                   the poor old RCMP fell for it and they were distracted from investigating the crimes that had been committed at that time - some very serious crimes, by the way, very serious - And that will forever be a blot on the administration of the Justice in this Province.

MR. NEARY: We do not know how widespread illegal wiretapping is in Newfoundland and Labrador, but we know it is going on. And there is something else that annoys me, Mr. Speaker, that when we have a demonstration here in front of Confederation Building, I have seen it happen so often, that you have a group of innocent people who come up for peaceful picketing, peaceful demonstration in front of Confederation Building, and what do you see? You see the plain-clothesmen, the CID going around with their little microphones under their neckties and concealed cameras so that they can get pictures of the ringleaders. You would not know but they were in El Salvador or in Poland somewhere, taking pictures of these innocent people. Now, what do they do with these pictures? And what do they do with these tapes?

I would like for the Minister of Justice (G. Ottenheimer) to tell us. These people no doubt are kept on file, on an active file somewhere. And if we ever have an insurrection in this Province, I presume the files will all be gone over to try and find the culprit. Innocent people, some students, young students, women, people protesting, peaceful demonstrations and having their picture taken by these hidden cameras, by these hidden microphones and the information put on file somewhere for some purpose that we do not know about. I think that should be stopped.

MR. CARTER: Did you not have a whole pile of documents on people?

MR. NEARY: No, the documents that I had were affidavits.

MR. CARTER: Did you not have to burn all those?

MR. NEARY: No, the documents were affidavits and they are still down in my files. These files are still opened, by the way, as far as I am concerned, The cases are not closed, they have not been dealt with satisfactorily and they

MR. NEARY:

will be dealt with sometime.

MR. CARTER:

Can anyone have a look at them?

MR. NEARY:

Yes, well, a lot of them were tabled in the House. The hon. gentleman already saw the documents.

So, Mr. Speaker, I would like to hear more about this collecting data and storing data, how much of this is legal, how much of it is illegal, how much of it should go on. The government now itself is in the business of storing data. Pretty soon the government will be able to give you your whole history in this Province from the day you were conceived until the day you die.

Over here at Newfoundland and Labrador Computer Services, every little minute detail now about people is being fed into the computers and stored over at Newfoundland and Labrador Computer Services. So the government are in the business themselves, maybe legally, and what I would like to know is how much of this information is given to outsiders, if any.

And, Mr. Speaker, I have to raise this matter too, talking about privacy. Well, here is something now, this government talking about privacy. Every year, as hon. members know, members of the press prior to the Budget, one or two hours before the Budget is brought down, they are locked up in a room so that they will not divulge any of the details in the Budget. Now, this year the procedure is changed. The Minister of Finance (Dr. Collins) and the Minister of Justice (G. Ottenheimer) and the President of the Council (W. Marshall) and the Premier apparently do not trust the media, they do not trust them, because this year they are asking the media to sign a declaration. They are asking the media, before they are allowed to go into this room that they go into every year, and are locked in until the Budget is - or five minutes before the Budget is brought down in this House, and there is no way

MR. NEARY: they can get the information out. They are not allowed to use the telephones, they are locked in this room. They can study the Budget, make their notes and do their stories and so forth. This year the Minister of Finance (Dr. Collins) and the Minister of Justice (G. Ottenheimer) are asking these people to sign a declaration, and I think that is an insult to the media. In other words, what they are saying, they distrust the media, that they are saying you cannot keep it secret. And I think this is awful. It has never happened before. It is the first time it has happened. There is no reason for it. There never have been any leaks. There never have been any leaks, Mr. Speaker, and if I were the news media I would refuse to sign that declaration and say you can take your Budget and you can stuff it.

DR. COLLINS: (Inaudible) sign for sandwiches.

MR. NEARY: Just imagine, Mr. Speaker, before you are allowed to go in this room where you are going to be locked in with the Budget, you have to sign a declaration saying that you will keep the information that you are getting secret. You cannot leak it out anyway. Well, I suppose maybe you could with the electronic devices we have, maybe if somebody wanted to be clever enough they could do it. But it has never happened.

My hon. friend from the Daily News now, if he is the one assigned to cover the Budget, he will have to sign a declaration before he is allowed to go into the vault or the room, the locked room.



MR. NEARY: I think that is wrong, it never happened before, and if I were the news media I would refuse to sign it and I would refuse to go into that locked room, I think it is an insult to the integrity of the newsmen in this Province. What the government is doing is questioning their honesty and their integrity, and they are asking to have it done in writing, sign a declaration.

You talk about invasion of privacy, Mr. Speaker. I do not know if that is relevant or not but I had to toss it in there because I think it is all inter-related.

MR. THOMS: Everything the hon. member says is true.

MR. NEARY: Of course.

And so, Mr. Speaker, I support the bill. The minister himself had to admit that in other provinces, in other jurisdictions where they have similar legislation, that the legislation is not used. I do not know why. There apparently have only been an insignificant number of civil actions taken under the legislation in other provinces. I do not know why. Is it too hard to prove that your privacy is being invaded? Is that the problem?

MR. OTTENHEIMER: I was just going to say, you know, perhaps people do not feel that it has been.

MR. NEARY: They feel that their privacy has not been invaded?

MR. OTTENHEIMER: You know, it could be. When something does not happen obviously it is difficult to say why.

MR. NEARY: And it could happen in other jurisdictions that governments do not tolerate invasion of people's personal privacy like they do here. Everything here - Mr. Speaker, a politician in Newfoundland, why, it is almost like living in a goldfish bowl.

MR. NEARY: Why I remember when I was uncovering the scandals in this House, that I will continue to do as long as I am a member of this House, every day somebody would come to me and whisper in my ear and say, "Boy, they got you this time." Moores was down at Bally Haly, you got two weeks are you are going to be in jail." Ministers were whispering to me, my own colleagues were whispering to me, and this is the crowd now that are gloating about protecting people's privacy. And they are still at it. I still hear these little innuendoes.

Why the other day when we had to - and our job sometimes can be an awesome task in this House - when we had to deal with the former Minister of Transportation who lied to the House, it all started again. I heard the rumblings. I can name you the hon. gentleman on the government benches who started the smear campaign, who started the smear tactics again, saying, "Oh, Neary is not clean, look at this and look at that." We saw the President of the Council (Mr. Marshall) himself stand in the House and, through innuendo and smear tactics, try to undermine credibility of members on this side of the House. It is not going to work, Mr. Speaker, it will not work. It is a mug's game. And anytime that any hon. gentleman on the other side of the House wants to get personal - I am not interested, by the way, in a gentleman's personal life, I am only interested in their politics - but anytime they want to stoop, anytime they want to stoop that low, well then sobeit, I will have to take them on, that is all. And I am quite prepared to do it.

But it is not the way to operate this House. It is not the way to do it.

MR. CARTER: Sir Galahad, have you found the Holy Grail yet?

MR. NEARY:

Pardon?

MR. CARTER:

Have you found the Holy Grail yet?

MR. NEARY:

Mr. Speaker, I think what we should do is zero in on the politics of it and leave families alone, unless hon. gentlemen open up a can of worms for themselves. And so, Mr. Speaker, I have to say again I agree with the bill. I do not know if it is going to do any good or not. I do not know if it is going to cure the matters that I raised. I doubt it very much. I would say that illegal wire-tapping is still going to go on in this Province. Only there a few weeks ago the whole population of Port aux Basques, through some quirk in the system, thought that their homes were being bugged illegally.

You know, Mr. Speaker, how many times has wiretapping gone on - and I believe it is within a six month period the individual has to be notified, the individual has to be told that his telephone was bugged, tapped, and the reason for it.

MR. NEARY: I do not know if they pay very much attention to that procedure, Mr. Speaker, I do not know if they do. The Minister of Justice (Mr. Ottenheimer) is the only one who can answer that. I believe it is getting out of hand, I think we should be very concerned about it, I think it should be stopped, I think that evidence collected - and this is another thing, by the way- anybody who wants to read my files or the files in the minister's office will see that the RCMP in this Province have cooked up charges, trumped up charges, have used search warrants to get information and lay different charges than the ones suggested in the search warrant. That has happened in this Province. There has been a delay of three months in carrying out search warrants and the information changed and the dates typed in by the RCMP themselves, not typed in by the magistrate. That has happened in this Province.

AN HON. MEMBER: You mean they faked the documents?

MR. NEARY: Well, you might say they were faked documents.

MR. J. CARTER: That is very strong stuff.

MR. NEARY: It is very strong and it is all true. It all can be proven.

MR. J. CARTER: You say it outside the House.

MR. NEARY: I have said it outside the House, inside the House, I will say it on top of the House, down in the basement of the House, if the hon. gentleman wants me to.

MR. J. CARTER: Say it outside the Bar of the House.

MR. NEARY: It is all true. I hope, Mr. Speaker, that a couple of law students -

AN HON. MEMBER: He will not say it outside the House.

MR. NEARY: - now there you go. I have already said it outside the House. I am only repeating now what I have said dozens of times outside of this House. Someday a couple of law students should write the story of the '70s from '72, say, up to about '79, a couple of law students should take it on, do a thesis on it, do a paper on it. Not only would they get

MR. NEARY: a high mark when they graduate but there would be some interesting stuff, I guarantee you, surface. Absolutely shocking, frightening! The hon. gentlemen know what I am talking about, and they have sat on it, kept a lid on it, have not done anything about it. All kinds of things are surfacing now in connection with the Moores administration. And all we get is a statement from the Premier saying, 'Well, it was a misunderstanding between a couple of members,' or 'It will never happen again.' But we have to forget the past, we have to forget that nine years of corruption, sweep it under the rug, forget about it.

MR. J. CARTER: What about the twenty-three years of corruption?

MR. NEARY: Mr. Speaker, for the benefit of the hon. gentleman who keeps interrupting me over there, if the hon. gentleman knows of any corruption in that twenty-three years all he has to do is do what I do, bring it to the attention of the House and try to get it dealt with. The whole trouble is that the hon. gentlemen on the Public Accounts Committee tried so hard to implicate the Smallwood administration in the Public Works scandal, and every man, from the Deputy Minister down, said, 'No, it did not happen, it only happened since 1972.'

MR. J. CARTER: Ha, ha, ha!

MR. NEARY: Now the hon. gentleman can laugh like the jack rabbit but that is a fact. All you have to do is check the Hansards, check the public hearings of the Public Accounts Committee. One after the other they asked their questions: 'Did this happen before? Was there a list before? And they were told, 'No, No, there was no list.' They were told no but they kept probing and asking, and the only thing I can say to the hon. gentleman if he know examples today -

MR. J. CARTER: The Bell Island contract.

MR. NEARY: Yes. What about it?

MR. CARTER: "Right on my desk."

MR. NEARY:

Oh, yes.

That matter has been dealt with and that file is closed, Mr. Speaker. It takes two to sign a contract. And so I am glad to have the opportunity to debate these matters, They bring back unpleasant memories of the wrongdoing and the skulduggery and the corruption of the '70s, that is what this bill brings back. Some it may cure, by the way, some of the unethical procedures that were used by Tory bagmen and by managers of projects in this Province and so forth, it may cure some of that but it will never answer the questions in connection with the wrongdoing. For instance, the awarding of two contracts in connection with the Carbonear Hospital that were

MR. NEARY: given without calling public tender, one for a smokestack given to a firm that had no more idea of how to build a smokestack than I do of building a rocket to the moon. But the Minister of Public Works at the time said, "Oh, well, he can subcontract it out." Subcontract it out! Hundreds piled upon hundreds of thousands of taxpayers' dollars. Is all that, Mr. Speaker, is all that now just going to be wiped from the record just like you would take an eraser and go to erase something off a blackboard because we have a new administration, a new Premier, and a new administration and a new flag? Is all that going to be forgotten?

MR. WOODROW: Like the song, it is time to clean the slate and make a new start.

MR. NEARY: I see.

MR. THOMS: The slate got a little bit dirty there recently.

MR. NEARY: And, Mr. Speaker, the administration may change but twelve of the faces are still the same. Twelve of the faces. My hon. friend has not yet made it into the Cabinet unfortunately. I think he would make a good Cabinet minister, Mr. Speaker. He seems to be passed over just about every time there is a reshuffle. I think the hon. gentleman is honest and a man of integrity.

MR. LUSH: Industrious.

MR. NEARY: And industrious and bright and has the interests of the people of this Province at heart.

MR. THOMS: He is certainly the best looking one over there.

MR. NEARY: The hon. gentleman has been brushed aside for the same old tired faces that were in the Moores administration, twelve of them. And they can sit there with

MR. NEARY: the faces of a robber's horse, day in and day out as I flick across examples of skulduggery and corruption, and they say, "Oh no, that is all over now. We have been cleansed and purified. We have been saved and so we do not even want to talk about that." How many files are still open in the Minister of Justice's Department in connection with these matters? They do not want to hear about it. The cringe when you mention it. They cringe. And then they bring in a trivial piece of legislation hoping that all of their sins of the past will be covered up by a few Ministerial Statements and a bit of legislation making it legal to take civil action against somebody if they happen to tape your telephone conversation.

Mr. Speaker, I do not think that is good enough. I think if we are going to bring reforms into this House they should indeed be reforms and not excuses. This is all right as far as it goes but it does not go very far. And the minister had to admit himself that the legislation is not very useful in the other provinces of Canada. And so while I support the bill, Mr. Speaker, while I support it I have to say that I do so with a heavy heart, knowing that there is no such thing in this Province, there is no such thing as personal privacy in this Province.

MR. CARTER: Go out to Bellevue.

MR. NEARY: The gossipers on the other side will be at work again now in due course. The gossipers will be at it again. They will not answer the charges but they will try their smear tactics. The Minister of Fisheries



MR. NEARY: (Mr. Morgan) there a few years ago, you would never believe the level that that gentleman went through to try and smear the Leader of the Opposition of that day. You would never believe it. And you talk about a man's privacy being invaded and the privacy of his family.

AN HON. MEMBER: (Inaudible).

MR. THOMS: You were in the House.

MR. NEARY: Yes, you were in the House and you know about it.

MR. THOMS: Slimey.

MR. NEARY: And so while I support the bill, Mr. Speaker, as I said I do so with a heavy heart. When I go to bed tonight I will know that -

AN HON. MEMBER: Mr. Nixon said that.

MR. NEARY: Yes. That is right. The hon. gentleman put it right when he talks about Watergate because that is exactly what they did over there. That is exactly what they did. They have been lying right from 1973 on, lying through their teeth. And that is what Nixon did, and do not be surprised, Mr. Speaker, if in due course some of them do not get caught. And I will be looking forward to hearing

MR. NEARY: the report of the Mahoney Royal Commission tabled in this House. I hope it will give us the names, Mr. Speaker, of the twenty-two people who did indeed get the colour televisions in this Province.

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

DR. COLLINS: Mr. Speaker, just a very few words on this bill. You know, the weekend papers usually have a section of the comics or a bit of very fluffy sort of reading and this House has a similar type of thing. On most Friday mornings we hear the hon. the member for LaPoile (Mr. Neary). He gets up and he is sort of the comic section for the House for that week.

MR. CARTER: The comic relief.

DR. COLLINS: The comic relief. He just has his entertaining little moments.

Now, I mainly got to my feet just to say a word on this point that the hon. member brought up with regard to what we are doing to the poor press. He makes it sound as though we are carrying out some Draconian measures, some sort of Nazi-like measure or whatever, where in actual fact, of course, that is not the case. The press have always had a lock in - it is not a lock up, actually, it is called a lock in - they have had a lock in for every Budget day.

Hon. members will recall that there was a leak with regard to the federal Budget not too long ago. I just forget now the exact cause for it, but there was some delay anyway in the Estimates being presented in the House, and the press actually did print the material before it was actually mentioned in the House. Now, that excited a certain amount of discussion in all jurisdictions and we had communications with places like C.B.C. and so on and we were checking with each other

DR. COLLINS: how we handle these things. We found that we tend to be rather lax in the way we did it. Most jurisdictions have much more stringent measures in effect to prevent leaks at Budget time. So what we are doing this year is we are fitting in essentially with what other jurisdictions do. So it is not any great -

MR. NEARY: That is untrue.

DR. COLLINS: It is absolutely true. It is not the measure - not the complexion of things that the hon. member is putting on it.

Anyway, Mr. Speaker, just a few words on this bill. This fits in with the open government that the Peckford administration has been promoting all along. It is quite in line with that.

There are complications to doing this. For instance, I do not see how the Liberals will ever get back in power with the Freedom of Information bill. I mean, there is going to be so much exposure, how will they be able to last? They will not be able to last more than a few days. So that is one complication to bringing in this bill that I do not know if hon. members are aware of.

Another point is that this is largely - I think this point has been mentioned before - but this is largely for the bureaucracy, because most information that the ordinary citizen seeks, he goes to the officials really to get that information and often the officials tend to lean over backwards to prevent information going out. I suppose they are uncertain as to what they can give out; they do not want to take the responsibility, and

DR. COLLINS: the citizen is therefore short-changed. Now, this will lay it out, that unless information is within very clearly defined categories, no one can withhold information. So that is a very good move, I think.

This is not the final word, no doubt, but I think it is a very good start. Almost no bill brought into this House is the final word, we do get amendments, but this is a very good start. For instance, over the budgetary process itself; I think there is probably excessive secrecy over the budget process, quite honestly. It is a traditional thing that no one gets a look at the Budget as it is being prepared except within the departments concerned and I think that that is probably overblown. And there is a general move to have more contact with, let us say, the business community or citizens groups or whatever in attempting to put the Budget together. And I think that as time goes along, we might be able to bring into effect actual procedures whereby there will be allowed to take place greater input into the preparation of the Budget. I think that would be a very good thing.

This bill, I think, was required by the very size of government. Government is getting so large now and there had to be such citizen contact with government these days, that we do have to have guidelines to make sure, as I mentioned, that the citizen is not unduly restricted from having information that he has every right to have. There are risks to doing it, there is no doubt about it, because there is always the possibility that misuse may be made of legitimately obtained information about government measures and government operations. There is even the risk that inadvertently information might be given out because we deal with a very, very sizeable organization. There is always an opportunity for just plain, simple common or garden type mistakes.

DR. COLLINS: And there is always the risk of inadvertently released confidential or personal information and I think that is something we will have to guard against.

And then, of course, there is cost. I think that this will be a serious cost to government. As a matter of fact, I am wondering if in the Budget in future years we will have to have a separate head for the hon. member for LaPoile (S. Neary) because I am sure that it is going to be a tremendous cost to government to satisfy the often rather difficult to understand requests for information that the hon. member puts in. And I would not be a bit surprised if in future years we will have to have a separate heading entitled the hon. member for LaPoile.

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

MR. SPEAKER (Baird): To the point of order, the hon. member for LaPoile.

MR. NEARY: I have the impression the hon. gentleman thinks we are on the Freedom of Information Bill. What we are dealing with here is the privacy act, Mr. Speaker. Has the hon. gentleman been away for a couple of days or something? We are not discussing freedom of information now, it is the privacy bill we are on. The hon. gentleman is debating the wrong bill.

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

MR. SPEAKER: To the point of order, the hon. the House Leader.

MR. MARSHALL: Mr. Speaker, I mean, the hon. minister obviously knows what bill we are debating. The fact of the matter is, I mean, the hon. member gets up and

MR. MARSHALL: debates on points of privacy and brings in everything from almost the kitchen sink. There is nothing more related to the principle of this bill, that is the right to privacy, than freedom of information ; both go hand in hand. That is why they are introduced together, Mr. Speaker, and that is why the hon. member is so relevant and is so aware of what he is debating.

MR.SPEAKER (Baird): To the point of order. There is no point of order, just a difference of opinion between two hon. members.

The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, I will be responding in a large measure to the hon. member and when the hon.member speaks on any bill he ranges so widely it is very difficult to know where things stop and where things start.

MR. NEARY: I do not call the bills. It is your colleague who calls the bills.

DR. COLLINS: So these were responses to matters that the hon. member brought up by and large. Anyway, Mr. Speaker, as I mentioned, I only wanted to say a few words in support of this bill to make an explanation -

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

MR.SPEAKER: A point of order. The hon. member for Grand Bank.

MR. THOMS: Mr. Speaker, I hate to see the Tory whip not earning his money. I do not believe we have a quorum in the House.

MR. MARSHALL: How small,

MR.SPEAKER: Quorum call.

MR. THOMS: Well, it is your responsibility. It is your responsibility to keep a quorum in the House. Live up to your responsibilities. Your responsibility is to make sure there is a quorum here.

MR. SPEAKER: Order, please!

MR. SPEAKER (Baird): We have a quorum present.

The hon. the Minister of Finance.

DR. COLLINS: Mr. Speaker, in terminating my remarks, then, I support this bill and cite it as yet another great advance of the Peckford administration. I congratulate my hon. colleague for bringing forth the bill and doing so in such an excellent and far-sighted manner.

MR. LUSH: Mr. Speaker.

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

SOME HON. MEMBERS: Hear, hear!

MR. LUSH: Mr. Speaker, I want to say a few words about this particular bill. Like the hon. the member for LaPoile (Mr. Neary) who spoke so eloquently and with such conviction, Mr. Speaker, regarding this particular bill, I support it, but support it hesitantly.

Mr. Speaker, my concern is not only with relation to this particular piece of legislation, but with the increasing legislation that we, as a Legislature, have been passing in recent years, legislation that affects the individual lives of people right throughout this Province.

Sometimes I am a little concerned that it is done rather hastily, done without too much thought as to the real effect that the legislation will have, and also without any real consideration as to why it is necessary. For example, sometimes, Mr. Speaker, I wonder if the same thing does not happen in government as it does in education, that we look at other governments, particularly within Canada, and we hear of the legislation that they have and that we, in sort of wanting to match them, almost take their legislation verbatim and apply it to this Province, as I was saying, making the analogy that it is something like in education where we look up-along

MR. LUSH: and see the kinds of things they are doing, and they look a little bit sophisticated and all of a sudden we find people bringing in goals and objectives in education from other provinces in Canada - textbooks and this sort of thing, things that are quite out of place with respect to our own culture and with respect to our own traditions.

Now, the minister himself indicated that this particular act is in place in other parts of Canada and that it does not seem to be too effective, that is if I understand him to be correct. That is what I understood, that it was not all - or did not know how it was working out. Now, Mr. Speaker, if it is not too effective in other parts of Canada, that is a good reason for looking at it very carefully before we would bring in that particular piece of legislation in this Province.



MR. LUSH: But, Mr. Speaker, there does seem to be some inclination, there does seem to be some feeling that our privacy is being invaded. There does seem to be some inclination that today, with the excess availability of information created, of course, by our technological world, there does seem to be some protection of the individual in our society.

The Minister of Finance (Dr. Collins) mentioned that government is growing so large that there is a necessity to have guidelines to govern our lives and to give the individual citizens contact with the government. Well, Mr. Speaker, that would be fine if that was the result of the legislation that we are creating. But I find, Mr. Speaker, that governments are becoming more remote from people -

SOME HON. MEMBERS: Hear, hear.

MR. LUSH: - that they are not getting closer to the people, Mr. Speaker, that the government is becoming completely beyond the reach of people and people are being frustrated. They cannot get a hold of government, the government is so far removed from the people of this Province and to suggest that this legislation or other kinds of legislation are bringing the people and bringing the citizens in closer contact with the government, is not the reality of the situation, Mr. Speaker. But, Mr. Speaker, my main concern is the large amount of legislation that we have been creating, the large amount of legislation that the government have been presenting to this hon. House, Of course, there is not much we can do about it because the government have the majority and the legislation will get passed, but, Mr. Speaker, over the past few years we have passed an awful lot of legislation that affects the lives of all Newfoundlanders, and let me refer to some of them; the Municipalities Act: Now even though that is not meant to be an individual piece of legislation, it is such that it affects the lives of every Newfoundlander and, as a matter of fact, changes

MR. T. LUSH: the way Newfoundlanders lived or the way Newfoundlanders governed themselves or the way they lived in their communities, changes that dramatically, and I want to leave that for another day. Because I have raised in this House matters pertaining to local improvement districts, I think it is, I hope the Minister of Municipal Affairs (Mrs. Newhook) is certainly looking at these regulations because I plan to raise them, I plan to raise them as soon as the opportunity presents itself. I want to get into that because this Municipalities Act, Mr. Speaker, does create a lot of problems for Newfoundlanders and Labradorians.

Then, of course, there was the Matrimonial Property Act, an Act that has far-reaching effects on the lives of every Newfoundland. And then, Mr. Speaker, there is the Freedom of Information Act. The oddity, Mr. Speaker, about legislation is that it seems to mushroom; you create one piece of legislation giving one group of people certain rights and privileges and then that necessitates and requires the initiation of another piece of legislation. For example, we have the Freedom of Information Act which is giving out information and now we have the Privacy Act which is the preventing of the dissemination of information.

Now, Mr. Speaker, I know they are not completely related, but I am just pointing out how this creation of legislation sort of feeds on itself and mushrooms. And, Mr. Speaker, I just wonder, you know, how much legislation is there in this Province? How much legislation is there? And there is a concern, Mr. Speaker, in other parts of Canada and if we want to take a lesson - it seems as though we do not - there is a concern in many areas of Canada that we are, indeed, creating too much legislation. What certain governments are looking at is setting up a Department of De-regulation, trying to minimize on the regulations. And that

MR. T. LUSH: is what I think the hon. the Minister of Finance (Dr. Collins) should have addressed. You know, sure we have to have regulations but, Mr. Speaker, let us keep it to a minimum. We passed legislation here, the Juries Act, for example, another piece of legislation that affected the lives of people in this Province. The Wilderness Act, another piece of legislation that affected the custom and the tradition of Newfoundlanders. Then, Mr. Speaker, there are all sorts of regulations and bills governing the wildlife and the environment that have affected the lives

MR. LUSH: of Newfoundlanders. Regulations, Mr. Speaker, respecting the building of Summer cottages, that have really frustrated the people of this Province.

So, Mr. Speaker, the list goes on and on, so much so that over the last three or four years we have passed in this hon. House so many regulations that have had the effect of changing our society. And, Mr. Speaker, not that that is an unfortunate thing, because we do live in a changing society, but it seems to me, Mr. Speaker, that the balance is not there to ensure that we are holding onto those traditions and customs that are associated with this Province and which the people of this Province want to maintain, their lifestyles. And I have mentioned, Mr. Speaker, many that are changing that. I have mentioned many, many pieces of legislation that certainly now are changing our lifestyle and it is frustrating on our people. And that is a concern I have. I certainly maintain that we do have to adjust to a complex and changing world but certainly, Mr. Speaker, we must take great care with the kind of legislation that we bring in and we must ensure that it is indeed absolutely necessary and that it does not affect the lifestyle, and tradition and customs of the people of this Province.

And that is my concern, Mr. Speaker, that is my concern with the vast amount of legislation and bills that we have had presented before us in this House over the past couple of years.

Now, Mr. Speaker, there is more to come, there is more to come. And so, Mr. Speaker, my fear is that we are going to regulate ourselves right out of existence. We are going to regulate ourselves right out of existence. So, Mr. Speaker, I just want to leave these, I do not know if this is

MR. LUSH:

something I should say or not but I will take a look at it. I do not know if I should table it or not. It was passed to me, I believe, by the Minister of Forestry (C. Power) but I will refer to it a little later. I think it has something to do with the question I was asking him this morning.

But, anyway, Mr. Speaker, that is the concern that I want to leave with the hon. the Minister of Justice (G. Ottenheimer) and the government who are responsible for the creation of all of this legislation because, as I have said before, we are powerless. There is nothing we can do about it.

MR. LUSH: There is nothing we can do about it. If we disagree with every piece of legislation that comes in, it is going to get pushed through so, Mr. Speaker, we are helpless in that respect; we can only caution the government, we can only bring out some concerns. So, Mr. Speaker, the concern I want to leave with the hon. Minister of Justice (Mr. Ottenheimer) and the government members, who will over the next few months be attempting to create other legislation, I want to have that concern, that I am afraid that we are going to practically legislate ourselves out of existence that we are going to impose restrictions and regulations on Newfoundlanders so much so that it is going to affect and change our traditional lifestyle. And as I have said before, I have named at least a half dozen acts, a half dozen bills that we have passed in recent months that have that precise effect. So, Mr. Speaker, that is my concern and I would hope that when hon. members opposite, the government, when thinking about legislation that they certainly think about these concerns and that we do not adopt legislation because it is in existence in other Canadian provinces. We do not do that because, Mr. Speaker, that is no reason for it being here, because it is in existence in other Canadian provinces. There are some things in other Canadian provinces that we would like to have but it does not necessarily have to be the volume of legislation that they have. So, Mr. Speaker, that is no reason for bringing in legislation, because it is in place in other provinces of Canada, we bring in legislation because there is a dire need for it, Mr. Speaker. That is why we bring it in, because there is a real, dire need and unless, Mr. Speaker, there is that real need for legislation, it should not be brought in. Because we have enough futile legislation around now and we do not want to bring in any other legislation that is ineffective and that will not do anything other than

MR. LUSH: fill up books within the building, within the Confederation Building. So, Mr. Speaker, having expressed these few concerns I will take my place and say again that I support the bill but it is rather reluctantly and rather hesitantly.

MR. SPEAKER (Baird): The hon. member for St. John's North.

MR. CARTER: Mr. Speaker, I was not going to say anything on this act because it is an act with which I concur but the members on the Opposite side, although swearing that they will vote for and support this act, at the same time have used the debate on this act as a forum to attack the government, present, past and future.

SOME HON. MEMBERS: Oh, oh!

MR. CARTER: I have never heard - if that is support I would hate to see opposition, so God save us from that. We have heard from the self-appointed Sir Lancelot in his quest for the Holy Grail, the member for LaPoile (Mr. Neary). My own name for him would be Sir Rantsalot. He reminds me of the story, Mr. Speaker, of the captain on a ship, a small crew, and every night the captain would end the log with, "Mate drunk, Mate drunk." Every night he would put in the log whatever was there and then "Mate drunk." One day the

MR. CARTER:

captain was sick and the mate had to fill out the log. The mate filled out the log and at the end of it he put down, "Captain sober." So although he was telling the truth -

MR. THOMS:

A time joke.

MR. CARTER:

- he was telling a great lie.

And I think it ill-behooves, particularly, the member for LaPoile (Mr. Neary) to get up and suggest that this act is an improvement. Because I am certain that once this act goes through and is signed by the Lieutenant-Governor that he will just have to burn his files because he has more poison stored in his filing cabinet, if you can believe what he says, and I have to take his word -

MR. THOMS:

One full cabinet.

MR. CARTER:

- I have to accept the word of all hon. gentlemen here. We all have to accept each other's word. I accept his word when he says he has a room full of poison just waiting to be-like a Pandora's box, raise the lid and goodness knows what will come out. I will tell you what will come out, an awful lot of unsupported and unsupportable half-truths, and innuendoes and smears. And, Mr. Speaker, I think it is a crying shame that the hon. gentleman is not thoroughly investigated.

MR. NEARY:

You will not allow (inaudible) investigate.

MR. CARTER:

I think he should be forced by a resolution of this House to bring that filing cabinet in here on his back.

MR. NEARY:

Mr. Speaker.



MR. SPEAKER (Baird): Does the hon. member for St. John's North (Mr. Carter) yield to the member for LaPoile?

The hon. member for LaPoile.

MR. NEARY: I will voluntarily bring up the filing cabinet and put it on the table of the House if the hon. gentlemen will assure me that they will read it.

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

MR. CARTER: Mr. Speaker, I would not mind giving such assurance but I do not know if my stomach is strong enough to be able to wade through the pile of garbage that the hon. gentleman apparently has. And I think it is a shame and a disgrace that he should be able to get up and wave papers and wave things - I think he is another modern day McCarthy and I think it is a great pity. I do hope that this act goes through and I hope it has lots of teeth in it and I hope the hon. member is the first one to be investigated.

MR. SPEAKER: Is it the pleasure of the House that the said bill be now read a second time?

MR. OTTENHEIMER: Well, perhaps I could have a word or so, Mr. Speaker, if Your Honour does not mind.

MR. SPEAKER: The hon. Minister of Justice.

AN HON. MEMBER: He is a bit slow on his feet this morning.

SOME HON. MEMBERS: By leave.

MR. OTTENHEIMER: Mr. Speaker, just a few remarks on the remarks which have been made by some hon. members. I think the hon. member for Terra Nova (Mr. Lush), who was the last speaker on the Opposition side, developed the point of more and more legislation and, you know, whether the Province would be well served with more legislation. Certainly I think there is a kernel of truth, after one gets the microscope out and zeros in on it, in that point.

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MR. OTTENHEIMER:            However, as conditions do change, obviously the law has to change with those conditions and the traditional way of waiting for common law, which avows and develops over sometimes generations, certainly is not a process, in my mind, which is today totally adequate when changes happen so quickly. And when there are the kinds of electronic surveillance and computerization and data transmittal which are available today, then to wait for that evolutionary process

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would not be appropriate.

The point was also made - and indeed, I informed the hon. members in introducing it - that there has not been a great deal of jurisprudence, a great deal of case law, with respect to freedom of information, with respect to right to privacy legislation in the three provinces where it exists. I would suggest that that does not mean that it is ineffective. The fact that there is not a great deal of litigation does not mean that the law is ineffective, because the law is there as a guidepost, as a criterion, as a set of principles to be adhered to, and the fact that there is not a lot of litigation does not mean that the law does not serve a very useful purpose.

The final point I want to comment on briefly relates to matters referred to by the hon. the member for LaPoile (Mr. Neary), and he was speaking in terms of, in general, wiretapping. Now, I think one has to distinguish there. The Criminal Code, federal law, does authorize wiretapping under certain conditions, that is what could be called legal wiretapping, what is legal wiretapping. And I do not think anybody is particularly pleased that there is perhaps a necessity in society for legal wiretapping. I think most people will agree that as long as the law is adhered to very strictly then it may well be necessary under certain circumstances to detect criminal conspiracies in terms, sometimes, of national security. These things, I am the first to recognize, can be overworked and one can try to use these terms to cover, you know, a multitude of other activities, but the point itself is obviously there may well exist in our society occasions when legal wiretapping is required. I think most people would agree. Apart from that, of course, it is totally in the area

MR. OTTENHEIMER: of federal jurisdiction, as the hon. member knows.

Then you get into the area of, let us say, illegal wiretapping and the possibility of illegal wiretapping by law enforcement agencies. There, I certainly share the hon. member's concern that that obviously is unacceptable in a free society - illegal wiretapping. What the Parliament of Canada authorizes is a different matter. And parliamentarians are accountable to their electorate and that is the final answer. The matter has to be closely surveyed and when it is legal, then obviously, there is recourse to the courts if it is not used properly. Illegal wiretapping I find unacceptable. I am certainly not aware of any going on in Newfoundland. The MacDonald Inquiry certainly indicates that obviously there have been instances of it. To the best of my knowledge, there are no instances of it in Newfoundland identified yet. Obviously, we do not have the final report.

With respect to evidence - now, evidence, of course, which would result from legal wiretapping: obviously when one accepts that under certain circumstances, and governed by law there could be legal wiretapping, then obviously evidence resulting from that admissible in court is, you know, valid and consistent.

The fact that evidence accruing from illegal wiretapping may be used in court

MR. G. OTTENHEIMER: is, I think, a matter of some concern, But again a matter within the federal jurisdiction. I am not saying this in the sense of shirking it off, 'it is all Ottawa'. But it is, in fact, under the distribution of powers, you know, a matter exclusively within federal jurisdiction but is certainly a matter, when the next occasion arises for discussion of amendments to the Criminal Code, that I am certainly prepared and I share that view, the point that evidence accruing from illegal wiretapping, there is certainly a strong point to be made that that should not be admissible. There is a very strong point to be made there.

In general, I think that sums up my remarks and I am pleased to move second reading.

On motion, a bill, "An Act Respecting The Protection Of Personal Privacy," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 2)

AN HON. MEMBER: Order 13, Bill 41.

MR. SPEAKER (Simms): Before introducing Bill No. 41, I would like to deal with the point of order raised earlier today by the hon. the member for LaPoile (Mr. Neary).

A question was raised that the point of order was, perhaps, hypothetical. However, it is my understanding that the hon. member did indicate that if it was in order then he would be prepared to withdraw leave.

First of all, I have to say that there does not seem to be anything in Beauchesne or in any other references on this particular question. So again it is a most difficult question for the Chair to deal with. But I do believe that the result of unanimous consent being able to later be withdrawn would be to reduce unanimous consent to perhaps something invaluable. To have a strict interpretation of the term 'unanimous consent' would mean that no such



MR. SPEAKER (Simms): we are now dealing with. So I would rule that withdrawal of unanimous consent in this instance, would not be in order. And the other matter I will deal with at a later time.

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

MR. SPEAKER: A point of order, the hon. member for LaPoile.

MR. NEARY: This is by way of information, I presume the only way I can do it is to raise a point of order. I would like to draw to Your Honour's attention that at a Public Accounts public hearing, sometime ago, there was unanimous consent to allow the television cameras to come in and do live coverage of the daily proceedings of the public hearings of the Public Accounts Committee, and then later on a member withdrew his vote. So there is already a precedent for it. I am not questioning Your Honour or challenging Your Honour's ruling, but that precedent is there.

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

MR. SPEAKER: To the point of order, the hon. member for St. John's North.

MR. CARTER: Mr. Speaker, I was present at that Public Accounts meeting where unanimous consent was withdrawn but I would like to point out to this House and to you, Mr. Speaker, that the unanimous consent that was granted at that time was granted on an interim basis. It was the clear understanding of the Chairman and of the Public Accounts Committee that it was unanimous consent that could be withdrawn at any time. In other words, it was an experimental procedure to find out if having the television cameras in would work. And it was quite clear, all members understood absolutely clearly, that at any time any member felt that the provision of live coverage was prejudicial to the workings of that committee, that consent could be withdrawn. That was clearly understood, Mr. Speaker.

MR. NEARY: One further point, Mr. Speaker.

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

MR. NEARY: One further point, Your Honour.

Did I understand when Your Honour was giving the ruling there that the question of coverage on Budget Day will be put again?

MR. SPEAKER: Yes.

MR. NEARY: It will be put again.

MR. SPEAKER: I will do it in Private Session on Monday, as is the tradition.

MR. NEARY: Okay, thank you, Your Honour.

MR. SPEAKER: The hon. the President of the Council.

MR. MARSHALL: Mr. Speaker, look, the rules in-what has happened, what happens in Committee, Your Honour is not privy to and it does not bind this House unless, Mr. Speaker, a matter that comes up in Committee is, in accordance with the rules of the House, brought to the House by way of appeal. So, you are not bound. Now, I will say that but I will say also on this, that Your Honour's ruling - well, I am not going to comment on Your Honour's ruling. I thought Your Honour's ruling was a real strong and a good ruling but I should not even be saying that anymore than criticizing. The hon. gentleman, when he is getting up and he is making these observations, after Your Honour's ruling, after Your Honour has made his ruling is, in effect, perpetrating a grave discourtesy to this House and Your Honour because Your Honour has made a ruling and, in effect, what he is doing is getting up and debating. If he wished to make this point he should have made it at the time of the inception of the point of order and, Mr. Speaker, I for one, would like to express my objections to the hon. member getting up on a point of order of that nature which, in effect, debates Your Honour's ruling when Your Honour's ruling at no time should be debated by any



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MR. MARSHALL:

member of this House.

MR. SPEAKER (Simms):

Well, to the point of order raised by the hon.member for LaPoile (S. Neary), again I must say that I was aware of the situation that he referred to in coming to my decision. My understanding of that situation is that all members were in attendance initially when the question was put to allow cameras before the Committee. The situation here was somewhat different because the hon. member for LaPoile was not in the House when the question was put initially in any event. That was the point I was trying to make in my ruling.

MR. SPEAKER (Simms):  
a difference of opinion.

I rule that the point of order is  
Order 13, Bill 41.

MR. CARTER:

A point of order, Mr. Speaker.

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

A point of order, the hon. member

MR. CARTER:

If I could just ask, is it your  
intention now to put this question to the House again on  
bringing in the television? Is the House still to be in a  
state of uncertainty as to whether or not the TV cameras will  
be allowed in on Tuesday?

MR. SPEAKER:

I think I addressed myself to  
that question, Perhaps the hon. member did not hear me, but  
I did say that the question of taping the Budget Speech and  
using it later to take excerpts from is a different question  
than the question I put the other day, and so I will deal  
with that question in private session, as we always do on  
Monday.

Now again, Order 13, Bill 41.

Motion, second reading of a bill,  
"An Act To Amend the Financial Administration Act, 1973".

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, just a few brief  
little words. This act is actually quite an important one,  
it is partly a re-organization act, an act to do re-organization  
of government departments, but it also is partly bringing in  
certain changes of the Financial Administration Act which  
allows the business of government to be carried on more  
expeditiously.

The first clause would result  
in the separation of the roles of the Comptroller from those  
of the Deputy Minister in the Department of Finance. And hon.  
members will recall that this was already announced in the  
House. It was commented on very favourably by the then hon.

DR. COLLINS: Leader of the Opposition in the person of Mr. Don Jamieson and, of course, it was also an item that we had studied when we looked at the Five Year Plan for government and it was also an item that the Public Accounts Committee had suggested might be brought forward.

What this, in effect, will do is that the formulation of financial policy, that is including tax policy, federal/provincial fiscal arrangements, debt management, pension policy and pension administration, they will now be all under the Deputy Minister, whereas the operation of the consolidated revenue fund, and that includes such things as government accounting, internal audit, financial system development and the enforcement of taxation statutes, they will be under the control of the Comptroller General. Now, the Comptroller General is also a servant of this House and he will report directly to this House and is responsible directly to this House for certain aspects of his comptrollership functions.

The second clause of this bill is just consequential to the first, it just changes the name of the Assistant Comptroller.

DR. COLLINS:

The third clause is quite an important one too. At the present time the Deputy Minister or other officers of a department are precluded from ordering supplies and so on and so forth, unless there is an appropriation already voted by the House. Now, this brings into effect quite often ridiculous situations such as you cannot order school books in one year for the next year, you have to wait until either the Budget is brought down to order school books, but you cannot wait that long because it is too late, or the only thing you can do is bring in a special warrant at the end of one fiscal year, knowing you are never going to use it, but it is just to allow you, then, to order the books. So this will really get rid of those strange situations where you just cannot do what any sensible business firm can do without any hesitation whatever. In other words, within clearly defined restrictions, a senior officer of a department can order very necessary goods and supplies in one year that will be delivered in the following year and, of course, in the following year the Budget will make allowance for funding those purchases.

The fourth clause deals with the matter where an individual owes money to government and government also owes money to that individual on another account and government is going to enter an action against the person or otherwise appeal to the courts to have the government's account taken care of. This section will allow government - there was some confusion about this, this will allow government to put a stop payment on what the person is owed by government up to the amount of the claim that government is making against that person. It is just to safeguard the rights of government in collecting arrears on such things as retail sales tax.

DR. COLLINS: So with those few brief comments - and if any hon. member, of course, has any other questions I will be glad to attempt to answer them. I move the adoption of this bill.

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

MR. NEARY: Mr. Speaker, the most significant aspect of this bill we are now debating, "An Act To Amend The Financial Administration Act, 1973," is that it will now separate the office of Comptroller of the Treasury from the Deputy Minister of Finance. There was a time, right up to the presentation of this bill in the House, when the Deputy Minister of Finance automatically, I believe, also became Comptroller of the Treasury and somehow or other down through the years may have gotten his duties a little bit confused and may have thought that he was there as a servant of the Lieutenant-Governor in Council, that he was a political appointment and that he dare not walk on the toes of his superiors, namely the Premier and the Cabinet. That is what it would appear

MR. NEARY: that happened, Mr. Speaker, over the years. The Comptroller of the Treasury, I would suspect from the evidence that we have seen in recent years of wrongdoing in government, the Comptroller of the Treasury did not assert his independence as Comptroller of the Treasury, and the man who enforces the Financial Administration Act. He did not do it. If the comptroller of the Treasury, if he had separated his duties as Deputy Minister of Finance and Comptroller of the Treasury, if he had done that, we would not have found ourselves in the embarrassing position in this Province that we have been in for the last several years, especially in connection with the hearings that have been taking place before the Public Accounts Committee in connection with, for instance, the film that was done in Gander, the film that was done on the Fisheries Conference, the Devine Advertising stuff, the McConnell advertising stuff and the wrongdoing in the Provincial Department of Public Works. All these things may not have happened, could possibly have been avoided if the Comptroller of the Treasury had done his duty, if the Comptroller of the Treasury had enforced the Financial Administration Act.

The Financial Administration Act, Mr. Speaker, is the Dible, it is the only safeguard, it is the safety valve that we have on public spending in this Province. It is the real safety valve. But if the Comptroller of the Treasury does not know what his duties and responsibilities are, as far as that act is concerned, then you can run into all kinds of similar situations as we have seen happen in the last eight or ten years, in this Province.

MR. NEARY: Now Mr. Fearn, the man whom we gave a very generous settlement to when he was either fired or flung out or whether he quit voluntarily, so far the House has not been told. But for some reason or other, the taxpayers of this Province had to make a very generous settlement with Mr. Fearn and also give him \$14,000 to relocate to an executive position on the mainland. How silly and foolish are we, Mr. Speaker? If this man did not do his job, if he did not enforce the terms and conditions of the Financial Administration Act, if he got across the Premier, if they had a row and he was fired, there was no need to give him this very generous settlement. It is an outrage!

And if I were welfare recipients and people on low income in this Province and people who cannot cope with the high cost of living and who cannot pay the high electricity bills, I would be hopping mad when I saw that piece of information coming out, the information that the hon. gentleman refused to give us at the time that it happened. But now the hon. gentleman has the opportunity to tell the House what happened with Mr. Fearn. Was Mr. Fearn the fall guy? Did he have to take the rap for all the wrongdoing that took place? Mr. Fearn was not here during the whole term of the Tory administration in this Province, there was another Comptroller of the Treasury when the great scandals over at the Fisheries Department took place, that have not yet been resolved to the satisfaction of the people of this Province, where \$4 million or \$5 million of taxpayers' money was defrauded. But for a fire in the Department of Fisheries, the matter would have never become known, even though we had a Comptroller, Mr. Speaker, a Comptroller of the Treasury that was supposed to be overseeing payments made by government. That great scandal would have never surfaced, if it was not for the fire at the Department of Fisheries.

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MR. NEARY:

Is it all over? Is that scandal all over? Are the books on that one closed? Maybe we will have to wait for the answer to that question, Mr. Speaker, but what I would like to know is why these matters were not detected by the Comptroller of the Treasury, the protector? Really the Comptroller is the protector of the Treasury, why were these matters not detected, Mr. Speaker?



MR. S. NEARY: Why? That is an interesting question! Was the Comptroller of the Treasury afraid of the Premier or afraid of the ministers, afraid of the Cabinet? It certainly would appear that way. But anyway the minister has an opportunity now to clear up the resignation of Mr. Fearn, and tell the House why it was so necessary to make such a generous settlement to a man who had been only here a brief time, just passing, ships passing in the night. Huge salary, all kinds of fringe benefits, and then a very generous settlement when he either got flung out on his ear or was forced to resign to save face.

Now, Mr. Speaker, this bill which separates the responsibility and duties of the two positions which came about, I might add, as a result of a recommendation of the Public Accounts Committee, not brought in through the initiative of the government. It is an amendment -

MR. W. MARSHALL: (Inaudible) Committee that brought in (inaudible).

MR. S. NEARY: Oh, Mr. Speaker, listen to Hogan's Hero over there.

SOME HON. MEMBERS: Oh, oh!

MR. S. NEARY: Yes, I can answer that, Mr. Speaker, but I will not deal with it now. But I could answer it. There was more information on the floor of this House up until 1972 than there is today. As a matter of fact, Mr. Speaker, one of the reasons for the undoing of the Smallwood administration was the fact that they gave out so much information.

SOME HON. MEMBERS: Oh, oh!

MR. S. NEARY: Oh, oh. That is very funny. But I happened to be a member of this House. I happened to be a member when - well, here we are today talking about allowing the television cameras to come in on the floor of the House and when I happened to be a member, when we allowed the television cameras to come on the floor of this House, when we brought Mr. Shaheen and his group in on the floor of the House. It was probably one of the greatest mistakes, Mr.

MR. S. NEARY: Speaker, that the Smallwood administration ever made, because it gave Messrs. Crosbie and Wells who had come across the House, who had betrayed their party and come across the House, it gave them an opportunity for about three or four days running to ask questions and cross-examine these gentlemen and put on a show.

MR. J. CARTER: It was Shaheen's snickering that killed it.

MR. S. NEARY: No, it was not Shaheen snickering. Mr. Crosbie - that was not the only occasion -

MR. SPEAKER (Simms): Order, please!

Perhaps the hon. member might want to be a little more relevant to the Financial Administration Act. I am not sure how he is trying to relate this.

MR. S. NEARY: Well, the Financial Administration Act, I would think, Mr. Speaker, gives you a very broad scope. But in the meantime, I will come back to the act itself and I will say that I am glad, I am glad to see that the duties and the responsibilities of the two positions are being separated.

But, Mr. Speaker, unless the government is prepared to back the Comptroller of the Treasury it will be no better than it was before. Unless they really allow the Comptroller of the Treasury

MR. NEARY:

to become the watchdog of the Public Treasury, unless they really let him do his job then, Mr. Speaker, this bill will be useless, it will not serve the purpose for which it was intended at all if the government are going to ride roughshod and sit on and question and bully the Comptroller of the Treasury. The Comptroller of the Treasury, as my hon. friend knows, should have complete freedom, should answer to nobody but this House as far as protecting the Public Treasury is concerned. He and the Auditor General - unfortunately now the Auditor General is the only servant of the House, but I really believe that the Comptroller of the Treasury should be a servant of this House.

DR. COLLINS:

He is really.

MR. NEARY:

He is not really.

DR. COLLINS:

Well, the Act says he is.

MR. NEARY:

The act says he is but that is questionable, it is not clear in my mind, and I have gone through the Financial Administration Act quite thoroughly, Mr. Speaker, because of my duties on the Public Accounts Committee. And I will be curious, Mr. Speaker, now to see how government will deal with the violations, in the past ten years, of the Financial Administration Act. The Financial Administration Act has been violated. It has been proven that the Financial Administration Act has been deliberately violated. Now, Mr. Speaker, it has been, that has been confirmed and if it has not sunk in it will sink in in the next week or two, that the various sections of the Financial Administration Act have been violated, have been broken. In other words, Mr. Speaker, somebody has broken the law.

The former Premier of this Province, ministers in the Moores' administration and ministers in the present administration, because they are only a hangover, broke the law. Does my hon. friend from the Bay of Islands (Mr. Woodrow)

MR. NEARY: realize that, that the former Premier and ministers broke the law and nothing was done about it, Mr. Speaker, nothing has been done about it to this day?

MR. YOUNG: What can 'Luke' do about it? (Inaudible).

MR. NEARY: What will who do about it?

AN HON. MEMBER: 'Luke'.

MR. NEARY: No, the hon. gentleman was not in the Cabinet.

But, Mr. Speaker, I am going to ask the hon. gentleman who introduced this bill to tell the House now, today, what has been done about these very serious violations of the Financial Administration Act? On one occasion, Mr. Speaker, just listen to this, on one occasion. -

AN HON. MEMBER: Oh, oh!

MR. NEARY: My hon. friend can laugh all he wants, but this is a very serious matter.

On one occasion the Premier and the Cabinet, the full Cabinet, decided to authorize the Premier and one of his ministers to sign invoices for goods and services purchased by the Newfoundland Government - a deliberate violation of the Financial Administration Act. That is a matter of public record, I did not make it up. It is a matter of public record that when Mr. Moores was Premier of this Province, he went in to the Cabinet and he asked the Cabinet to give him and Mr. Maynard, who is now chairman of the Workers' Compensation Board, to give him and Mr. Maynard authority to sign invoices for McConnell Advertising and for Devine Advertising, the first time it ever happened in the history of Newfoundland. And what happened, Mr. Speaker? We all know the sad story that developed from that. We all know what happened as a result of that violation of the Financial Administration Act. But we still do not know, Mr. Speaker, what is going to be done about it. Is, for instance, the Justice Department - are the legal counsels in the Justice Department looking at the possibility of laying charges against the former Premier and the ministers who were responsible for that dastardly deed that opened up the Public Treasury to the worst kind of abuse with McConnell Advertising and Devine Advertising? What is being done about it? Are the lawyers looking at the possibility of laying charges? Well, I hope so. I hope they are. I hope we do not have two laws in this Province, one for the rich and one for the poor. It is the first time it ever happened in this Province, I hope it will be the last. And what it did was it opened up the Public Treasury for all kinds of abuse,

MR. NEARY: to be looted by a crowd of scoundrels and rogues who defrauded a couple or three hundred or more than that, I suppose, seven or eight - \$1 million I would think from the Public Treasury. A conspiracy-

MR. CARTER: Name them. Name names.

MR. NEARY: Yes, I just named them. I just told the hon. gentleman and the House the culprits who were responsible for this. Every man in that Cabinet was responsible for breaking the Financial Administration Act when he allowed his vote to give the authority to Mr. Moores and Mr. Maynard to sign invoices for McConnell Advertising and for Devine Advertising; that brought about that political poll that was paid for out of the Public Treasury, the comic book, the Great Newfoundland Game, snakes and ladders, the filming of the Tory Convention in Gander, the filming of the fishery conference to be shown on Provincial Affairs on television. And God only knows how much else - \$165,000 unaccounted for in this year's Public Accounts Report by the Auditor General. No bills, no invoices to substantiate the charges, the money that was paid out.

There is such a thing, Mr. Speaker, as collective responsibility and hon. ministers who were in the Cabinet at that time can argue, "Well, I was not there that day," or "I did not know about it." That is no excuse, Mr. Speaker, every member of the Cabinet is sent an Order-in-Council, whether he attends the Cabinet meeting or not, every minister is sent an Order-in-Council and if he does not read his Order-in-Council, then he is negligent, he is shirking his responsibility and his duties. He cannot say, "Well I did not know about it." Every Cabinet minister has to know about decisions made in Cabinet, every minister. There is no excuse.

MR. HICKEY: Did you take all the responsibility for Mr. Smallwood?

MR. NEARY: I certainly did. When I was in the Cabinet I did, not for the years that I was not in the Cabinet.

MR. HICKEY: I do too.

MR. NEARY: That is right, not for the years I was not in the Cabinet. But the years I was there, Mr. Speaker, I was well aware of collective responsibility. I did not try to pawn the blame off on one or two individuals as they are trying to do now when they have these little periods of amnesia, when they say, "I do not remember, I forget. I forget. Let one or two individuals take the rap." Like cowards and traitors and sneaks and rats they try to leave the impression that were Lily White and Simon Pure and only Mr. Moores and Mr. Maynard were the culprits. But, Mr. Speaker, that will not wash. Under our British Parliamentary system of government there is such a thing as collective responsibility. Every minister in that government, whether he likes it

MR. S. NEARY:

or not, was responsible for these decisions that were made.

MR. CARTER: (Inaudible) parliamentary talking like that.

MR. S. NEARY: No, but those who wanted to leave the sinking ship, those who wanted to skuttle Mr. Moores and Mr. Maynard, those who wanted to stick their knives in and make a little mile, a little distance between themselves and Mr. Moores and Mr. Maynard and the others who are involved, better remember the fools they are making of themselves. Because there is collective responsibility and if they do that they are just being traitors and cowards and rats. And I do not know who they are. Only they themselves have to live with their conscience. Well, that is what they were if that is what they were attempting to do. They have to live with their conscience, Mr.

AN HON. MEMBER: Something like you. You were like a rat (inaudible).

MR. S. NEARY: Mr. Speaker, they have to live with their conscience. They have to live with their conscience but, Mr. Speaker, that matter is not over and done with yet. That matter should not be closed -

DR. COLLINS: I will get the information (inaudible).

MR. S. NEARY: The hon. gentleman will give me the information on this matter?

DR. COLLINS: (Inaudible).

MR. S. NEARY: Well, I hope so because I hope the Justice Department are scrutinizing this very, very carefully to -

DR. COLLINS: You are talking about the McConnell Account.



MR. S. NEARY: I am talking about the \$165,000 referred to in the Auditor General's report again this year. I am talking about the violations of the Financial Administration Act that have not been dealt with. The law has been broken! The law has been broken and I want to know what is being done about it! I want to know if we have two laws in this Province, one for the rich and one for the poor.

Mr. Speaker, there is no graver or no more serious matter that could be discussed in this House than the abuse and misuse of the Public Treasury.

AN HON. MEMBER: By your ministers.

MR. S. NEARY: If I were the hon. gentleman I would go back to that advisor that he sneaked in there, his advisor, He cannot bring him in the House with him, so therefore, the hon. gentleman has to expound his ignorance if he does not have his advisor sitting down beside him, which is another blatant abuse of the Public Treasury of this Province. He could not get him on the Civil Service Commission, sneaked him in as an advisor! Well, he had better sneak him out again

MR. YOUNG:

He is a good man.

MR. NEARY:

Yes, he is a good man, alright.

A good man. We have lots of good men looking for jobs in this country, in this Province.

Mr. Speaker, there is collective responsibility and there is no way that ministers who were in the Moores' administration, who are in this administration, can shirk or duck their responsibilities, no way! And, Mr. Speaker, if charges are laid, and I have no doubt but they will be, if civil action is taken to recover the money, and I hope there will be, if all these things come to pass, ir, for instance, it has been proven that the legal counsel in the Justice Department say, 'Yes, the Financial Administration Act was broken', who do they lay charges against? Well, I know there are some hon. gentlemen sitting over there who were ministers, hope they lay them against Mr. Moores and Mr. Maynard. But that is not the way she works, that is not the way it works.

MR. HICKEY:

I do not know anybody who is

(inaudible).

MR. NEARY:

Well, anybody who has been following the Public Accounts, the various activities in connection with the spending in the Department of Public Works that has been investigated by the Mahoney Royal Commission, the Public Accounts Committee, the McConnell Advertising scandal, the Devine Advertising scandal, the Fisheries scandal, anybody who has been following these events certainly knows who is trying to weasel their way out of their collective responsibility.

AN HON. MEMBER:

(Inaudible) to accuse

(inaudible) Mr. Smallwood.

MR. HICKEY: (Inaudible) this whole question of somebody acknowledging having full knowledge of what is going on and do not have that knowledge?

MR. NEARY: No, I am not confusing - Mr. Speaker, I am not sure if I got the hon. gentleman correctly. What he is saying is, am I confusing that certain members of the Cabinet did not know what was going on? Is that what the hon. gentleman is saying?

MR. HICKEY: (Inaudible)

MR. THOMS: Selective amnesia.

MR. NEARY: In other words, selective amnesia. That is what we are talking about, selective amnesia?

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

MR. SPEAKER (Simms): Order, please?

A point of order has been raised by the hon. the Minister of Social Services.

MR. HICKEY: I do not want to be attributed in any way, shape or form as giving credence to that irresponsible statement of amnesia, convenient amnesia. I suffer from no amnesia. I am going to speak for myself. And questions put to me with regard to any so-called scandal the hon. gentleman refers to - I do not know of them, by the way,

MR. HICKEY: and I do not prejudge, and I am waiting for final judgement and disposition of those issues. But I suffer from no amnesia. I have never indicated in any way, shape or form that I wanted to weasel out of anything. I have said categorically from day one in response to all questions, I acknowledge, have full knowledge, and accept my collective responsibility since I have been a Cabinet minister. That, Mr. Speaker, is not to say that I am in full possession of all details, minute details of any given issue. And that is in no way, shape or form to indicate that I want to weasel out and put the blame on someone else. But I can only tell the truth.

AN HON. MEMBER: Is this a point of order, Mr. Speaker?

MR. SPEAKER (Simms): No, I would have to -

MR. HICKEY: Difference of opinion between two hon. members.

MR. SPEAKER: Well, I would suggest it is more of a point of explanation. The hon. the minister has taken the opportunity to explain his position.

SOME HON. MEMBERS: Hear, hear!

MR. HICKEY: Thank you, Your Honour.

MR. SPEAKER: But it is certainly not a point of order.

MR. MARSHALL: It is nought but a diatribe of hate.

MR. NEARY: Well, Mr. Speaker, I am glad to hear that the hon. gentleman is prepared to accept his collective responsibility while he was a member of the Cabinet. He does not have any choice, by the way, but I am glad to hear the hon. gentleman say it. I am glad to hear the hon. gentleman say that he is as guilty as Mr. Moores and Mr. Maynard of breaking the Financial Administration Act.

AN HON. MEMBER: Collectively.

MR. NEARY: Collectively. The hon. gentleman admits that. The hon. gentleman says yes, he was as much responsible for this decision of lifting the responsibility for signing invoices from the public service, as was stated in the Financial Administration Act, and give the authority to Mr. Moores and Mr. Maynard. The hon. gentleman admits that he participated in that decision and is responsible for it.

MR. HICKEY: (Inaudible).

MR. NEARY: No.

MR. HICKEY: (Inaudible).

MR. NEARY: Well, what are you - I will give the hon. gentleman an opportunity. Where is it you are drawing the line?

MR. HICKEY: (Inaudible) let you draw the line.

MR. SPEAKER (Simms): Order, please!

This is not Question Period.

MR. NEARY: No, but I will give the hon. gentleman an opportunity, Mr. Speaker -

MR. SPEAKER: It may be more relevant to get back to the Financial Administration Act rather than ask questions back and forth.

MR. NEARY: This has all to do with it. If my hon. friend wants to answer the question, I will yield, and if I do not lose my -

MR. HICKEY: Well, I will ask the hon. gentleman -

MR. SPEAKER: The hon. member yields.

The hon. the Minister of Social Services.

MR. HICKEY: As I acknowledge my share of collective responsibility, will he acknowledge in this House his collective responsibility, that he was just as guilty

MR. HICKEY: when Mr. Smallwood gave away the Churchill Falls, when Mr. Smallwood gave away this - any and all corruption that was common knowledge during the days of that administration? Is the hon. gentleman prepared to acknowledge his collective responsibility? Because if he is, I am; and I say it proudly that I will accept my responsibility in terms of what I should accept collectively. That is all I said.

SOME HON. MEMBERS: Hear, hear!

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

MR. NEARY: Mr. Speaker, I was a member of the Cabinet for three and one-half years and during that three and one-half years, one of the items that did not come up was the Churchill Falls, that had already been settled. But for the three and one-half years that I was

MR. NEARY:

in that Cabinet. I accept full responsibility, I was equal to every other minister and to the Premier on decisions that were made. And that is all I am asking the hon. gentleman to do, is to accept his responsibility.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER (Simms): Order, please!

MR. HICKEY: The fact the hon. gentleman still sits in this Chamber -

MR. SPEAKER: Order, please!

MR. HICKEY: - means that we can all sit here with honour as well.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: I do believe that exchanges of this sort tend to cause some disorder in the House because we are not really debating the principles that the hon. members are now debating between each other. We are debating the Financial Administration Act, which the hon. member pointed out himself in his introductory remarks, and I would ask the hon. member to try to have his remarks more relevant to the act that is being debated rather than to a debate between two members.

MR. THOMS: He is making him squirm, boy.

He has another half hour.

MR. NEARY: And anyway, Mr. Speaker, I am glad to hear that this violation, that I refer to, of the Financial Administration Act - now I do not know if Your Honour is aware of it or not, certainly members of the House are aware of it especially the Minister of Finance (Dr. Collins) - this is probably the main reason why we have this act before us today, is because Mr. Moores and Mr. Maynard and the ministers of that day made a decision to give Mr. Moores and Maynard the authority to sign invoices for McConnell Advertising

MR. NEARY: and for Devine Advertising. And that is what caused all the abuse of the Public Treasury and for that decision, and others that I am not allowed to mention at the moment, each man has to accept equal responsibility for that decision. And if charges are laid and may be this is why they are not laid, if charges are laid -

MR. THOMS: Adjourn the debate.

MR. NEARY: Let me finish my sentence first. If charges are laid it is virtually impossible to lay charges against one man or two men, charges have to be laid against every minister who was in that administration of that day.

Now, on that happy note, Mr. Speaker, I move the adjournment of the debate.

MR. SPEAKER (Simms): The hon. member for LaPoile (Mr. Neary) adjourns the debate.

The hon. President of the Council.

MR. MARSHALL: Mr. Speaker, I move the House at its rising do adjourn until tomorrow Monday at 3:00 P.M. and that this House do now adjourn.

On motion, the House at its rising adjourned until tomorrow, Monday, at 3:00 P.M.