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PRELIMINARY  
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TRANSCRIPT

HOUSE OF ASSEMBLY  
FOR THE PERIOD:  
3:00 p.m. - 6:00 p.m.  
THURSDAY, JUNE 4, 1981

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

STATEMENTS BY MINISTERS

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

MR. WINDSOR: Mr. Speaker, I am today announcing the promotional programme for the "Taste of Newfoundland and Labrador" project which will be launched here in St. John's tonight. The programme is designed to provide visitors to the Province with the opportunity to enjoy traditional Newfoundland dishes on a consistent and reliable basis, while at the same time increasing the financial benefits to the tourist industry.

Fifty-one restaurants have agreed to carry a selection of the thirty-eight "Taste of Newfoundland and Labrador" dishes on their menus. It is hoped that next year some 200 restaurants will participate in this project.

The project is a cost shared endeavour of the Department of Regional Economic Expansion and the provincial Department of Development under the Tourism Development Subsidiary agreement.

I have had distributed to all hon. members and they will find on their desks a kit which provides some of the materials that we are using in this, notably, of course, the badge that I have and wear in my lapel, and I would ask hon. members to co-operate. I see some hon. members already have by wearing that today. There is this decal, which will be put on the front entrances to these restaurants to signify that they have participated. There is some information here on the programme itself and some of the rules and regulations on the recipe contest that we have had in place. There are 'Today's Special' fold-outs which sit on the table and indicate a special for that

MR. WINDSOR: particular day that the restaurants will have as part of their menu. There are place mats, again with the same style, which will be used in the restaurants as well.

I have also included a list of some of the selections that will be appearing on these menus. I might say that these will all be consistent and will be monitored to ensure that the quality and the price and so forth are standard throughout the Province so that you can get a consistently satisfactory Newfoundland style meal in these fifty-one restaurants.

I have also included, for the information of hon. gentlemen, a list of the fifty-one restaurants that are participating.

MR. SPEAKER (Simms): The hon. the member for Torngat Mountains has about one minute.

MR. WARREN: Mr. Speaker, I would like to congratulate the minister on bringing in such a worthwhile programme and letting the people who are visiting Newfoundland and Newfoundlanders themselves know what kinds of good meals can be served in this Province. However,

MR. WARREN: Mr. Speaker, I am surprised that the minister did not advise the hon. House how much money is coming from the federal Treasury, how much money is coming through the federal Department of Regional Economic Expansion. Is it a 90/10 cost sharing or 60/40? If it is a 90/10, I think the minister should not only be glad to bring in such a programme but once again it shows what Newfoundland would do without Ottawa.

Thank you very much.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (Simms): Further statements?

ORAL QUESTIONS

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

MR. STIRLING: Mr. Speaker, now that the Minister of Mines and Energy (Mr. Barry) has changed his tack on the transportation of power across Quebec, now that we are no longer asking for a power corridor—now we are asking for the right to wheel power over the Quebec transmission lines—would the minister indicate to the House what capacity there is in the existing transmission lines in Quebec to take the hydro power, the 1,000 megawatts of hydro power that he is suggesting should come from the Gull Island site that are excess to our needs that will be coming to the Island portion of Newfoundland as per the government's programme?

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

MR. BARRY: Mr. Speaker, it is our understanding on the best evidence, and there has been some confirmation between Quebec officials of Hydro-Quebec and Newfoundland Hydro officials, that the existing Quebec transmission line could probably take up to 1,000 megawatts. The amount that would be available for export would depend upon Newfoundland's immediate demand at the point in time that the project was completed. That would be



MR. BARRY: We are urging very strongly, Mr. Speaker, that the federal government consider not just permitting a power corridor but also doing the most efficient thing, which is permitting the wheeling of energy over the existing system.

MR. STIRLING: A supplementary, Mr. Speaker.

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

MR. STIRLING: Yes, Mr. Speaker. After the Minister of Mines and Energy (Mr. Barry) had his celebrated T.V. discussion with the Minister of Mines and Energy prior to last election, I called the Minister of Mines and Energy for Quebec and he had the President of Hydro-Quebec with him in his office when I had the discussion, and the information that they gave me, Mr. Speaker, is that there is no capacity in the Quebec Hydro system. And I would ask the minister -

AN HON. MEMBER: I have the proof here.

MR. STIRLING: - I would ask the minister if he would file with this House of Assembly what evidence that he has that there is any capacity in the Quebec Hydro system? And would he include any documentation that he has, any correspondence that he has with anyone in Quebec to indicate that he has some evidence that there is capacity in the Quebec Hydro system?

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

MR. BARRY: Mr. Speaker, again I think we are having some indication of the naivety of members opposite -

SOME HON. MEMBERS: Oh, oh!

MR. STIRLING: - and specifically the Leader of the Opposition if he is going to accept the position presented

MR. BARRY: to him by the Quebec Minister of Mines.

Now I am telling the Leader of the Opposition and I will check, Mr. Speaker, and if it has been documented, of course, we will make that available. I have no idea whether it is down in writing, but I can assure the hon. member that we have had at the officials level indications and confirmation that the capacity is there. How long it will be there will depend upon how quickly James Bay and further hydro electrical developments come on stream in Labrador. But at the present time we foresee that with the construction of Gull Island starting immediately there could be sufficient capacity on the Quebec grid to permit the export of surplus energy from Gull Island in the short-term until it was needed of sufficient quantities to make the project financially viable.

Now, Mr. Speaker, I would submit that the people of this Province would prefer to see an objective entity such as the National Energy Board decide whether the capacity is in the Quebec system than a Minister of the Quebec Government, which might have its own reasons for continuing to provide an impediment to the transmission of electricity.

MR. STIRLING: A supplementary.

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

MR. STIRLING: A supplementary, Mr. Speaker.

MR. NEARY: Make him sit down! Make him sit down! He is not competent.

MR. STIRLING: Mr. Speaker, in a three week election campaign you can get away with fooling the people like that.

MR. NEARY: That is right.

MR. STIRLING: But the people of Newfoundland and Labrador, as a result of partial statements being made by all

MR. STIRLING: members on that side, now would like to have some hard proof, hard concrete proof that this government knows anything about what they are doing in this whole development area. They are talking, first of all, about a -

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

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

MR. MARSHALL: In question Period, as Beauchesne says, and everyone knows, you cannot make a speech. The hon. gentleman is making a series of speeches.

AN HON. MEMBER: That is right.

MR. MARSHALL: I would suggest, to be helpful to the hon. gentleman, if he would come to his question because we lose his trend of thought, whatever



MR. W. MARSHALL:

trend of thought there may be there. But, Mr. Speaker, we are to be spared these speeches during Question Period.

MR. L. STIRLING:

To that point of order, Mr. Speaker.

MR. SPEAKER (Simms):

To the point of order, the hon.

Leader of the Opposition.

MR. L. STIRLING:

The authority I quote is

Barry's Theorem.

MR. LUSH:

Specious and vexatious, Mr. Speaker.

MR. SPEAKER:

Authority for what?

MR. L. STIRLING:

That there be no point of order.

MR. SPEAKER:

Oh, I see, okay.

With respect to the point of order, we all are aware of the rules. And again, I assume the hon. Leader of the Opposition (Mr. Stirling) was giving a little preamble. It also is pointed out in Beauchesne, of course, that preambles and supplementary questions need not be very lengthy because you are usually on the second or third question. So I bring that to the attention of all hon. members and ask the hon. Leader of the Opposition to ask his question.

MR. L. STIRLING:

Thank you, Mr. Speaker.

We will have lots of interruptions of that type, Mr. Speaker, because there is no information made available to the people of Newfoundland and Labrador, and I now challenge the minister: would the minister table in this House any evidence that he has that there is any capacity? And while he is on his feet, would he also indicate to this House whether or not there are any continuing negotiations going on with Quebec Hydro or the Quebec government about hydro transmission along their transmission routes - which is now what he is talking about, the use of the Quebec transmission system, and I presume that he is talking to them - could he indicate to the House of Assembly what state negotiations are along those lines?

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MR. SPEAKER (Simms):

and Energy.

The hon. Minister of Mines

MR. L. BARRY:

Mr. Speaker, for the information of the Leader of the Opposition (Mr. Stirling), the Quebec transmission system is within the Province of Quebec. This government's jurisdiction, Mr. Speaker, does not run within the Province of Quebec. The information that we can obtain, Mr. Speaker, about the transmission system within the Province of Quebec at the present time must come from, and has come from in the past, Quebec officials.

Mr. Speaker, what we have asked the federal government to do is to provide an objective, independent mechanism, i.e., the National Energy Board, to determine what the capacity of the Quebec transmission system is. We have had indicated to us by Quebec officials that there

MR. BARRY: is surplus capacity, sufficient, as I have said, to take up to at least 800 megawatts, probably 1,000. And, Mr. Speaker, I for one as a Canadian, am not prepared to accept a statement by the Quebec minister or any other Quebec politician who has an interest, at the present time, in their present strategy, in blocking our ability to market power, or I am not prepared to accept their stated position. The Leader of the Opposition (Mr. Stirling) may be that naive to accept the position given him by the Quebec politicians, but we submit it should be determined by an independent National Energy Board.

AN HON. MEMBER: Hear, hear!

MR. SPEAKER (Simms): The hon. member for Torngat Mountains wishes to yield?

MR. HISCOCK: Mr. Speaker, no.

MR. BARRY: Make him sit down again.

MR. SPEAKER: The hon. member for Torngat Mountains.

MR. HISCOCK: Mr. Speaker, my question is to the Minister of Municipal Affairs and Housing.

Mr. Speaker, I understand that some five months ago the minister requested the Nain Town Council to give them a letter advising that they would repay \$170,000 per year over the ten year period towards a \$1 million loan for the water and sewerage. Could the minister advise the hon. House why has this not been approved for the Nain Council?

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

MRS. NEWHOOK: Mr. Speaker, the request for phase one of water and sewer in Nain is presently now being reviewed by government. Our department has made a submission to Cabinet and the proposal is now being analyzed and I would say

MRS. NEWHOOK: that there will be a decision on it very, very shortly.

MR. WARREN: Mr. Speaker, a supplementary.

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

MR. WARREN: Yes, Mr. Speaker, the minister has been saying, since way back in February, "very, very shortly," and I would like to remind the hon. minister that the construction season in Northern Labrador is much, much shorter than "very, very shortly." I would like to ask the President of Treasury Board why is it that this request has been held up in Treasury Board for the last four months?

MR. NEARY: Four months?

MR. WARREN: Maybe the minister would like the question repeated, or else he does not like to answer anything that is held back. I understand that Treasury Board has held back a guaranteed loan for the Nain Town Council which for the last four months has been on the Treasury Board's paper and has not gone into Cabinet. Could the minister advise why it has not gone to Cabinet?

MR. SPEAKER: The hon. Minister of Finance.

MR. NEARY: He does not know what is going on.

DR. COLLINS: Mr. Speaker, I am not aware that there has been any undue delay. I will look into the matter but I would be very surprised if there was any undue delay. There may be the normal processing going on but I would be very surprised if there was any undue delay because I would have otherwise been informed of it.

MR. WARREN: A supplementary.

MR. SPEAKER: The hon. member for Torngat Mountains.

MR. WARREN: My final supplementary, Mr. Speaker, is to the President of the Treasury Board. Dated February 5th., 1981, signed by the Mayor of the Town Council of Nain, in which he gave

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MR. WARREN: authorization for the \$170,000  
to be repaid. Could the minister advise - could the minister  
check with

MR. WARREN:

his officials on the Treasury Board and see if this could not come up before the next Cabinet meeting?

MR. SPEAKER (Simms): The hon. member for Windsor-Buchans.

MR. FLIGHT: Mr. Speaker, I have a question following on the Leader of the Opposition's question to the Minister of Mines and Energy (Mr. Barry). The minister indicated that he believes that to the best of his knowledge without being totally technical there is roughly 1000 megawatts carrying capacity on the Quebec system, the hydro system, and that it is possible to wheel 1000 megawatts of surplus energy out of Labrador over those lines - which would be, I suppose, the surplus from Gull, if Gull were to come on. But we have a court case going that is asking for 800 megawatts and the minister indicates that we believe that will be judged in our - we will win that case, which would then give us in the short-term 1700 megawatt surplus. If we brought the whole 800 in here, we would have all of Gull's surplus. Would the minister indicate whether or not it is possible to wheel that much power out over the existing lines through Quebec?

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

MR. BARRY: Mr. Speaker, the minute that the final judicial decision confirming, as it will, this Province's entitlement to the 800 megawatts, the minute that that is confirmed, Mr. Speaker, then financing will be arranged for the construction of a transmission line to move that hydro electricity to the Province. And, Mr. Speaker, we will then be in the position to take the approach of developing a Gull, hopefully a Muskrat, possibly both, to

MR. BARRY: export the total capacity surplus to any additional industrial needs, and that amount of power will justify the construction of a new transmission line. But, Mr. Speaker, again, again, the difficulty in members opposite in separating meeting our own needs in the best possible way -

MR. MOORES: Answer the question 'boy'.

MR. BARRY: -attempting to confuse a legal case with the sale of surplus energy that may be needed to get Gull Island underway, Mr Speaker, I get the cold shivers when I consider members opposite being involved in negotiating with the province of Quebec. If that ever happened, Mr. Speaker, it would all be given away again.

SOME HON.MEMBERS: Hear, hear!

MR. FLIGHT: A supplementary Mr. Speaker.

MR. SPEAKER (Simms): The hon. member for Windsor- Buchans.

MR. FLIGHT: Mr. Speaker, the minister has indicated that he has no doubt that we will win the court case and we will get the 800 megawatts and then we will immediately - then we will have all the output of Gull to export, which can obviously be in the short-term. The court case should end in four or five months or so, that is the report. So would the minister indicate whether or not there are talks going on with Quebec? The answer to his question seemed to indicate that the

MR. FLIGHT: existing lines would not have the carrying capacity to carry out the total production of Gull and Muskrat, assuming we had 800 recall.

So would the minister indicate whether or not there are negotiations now ongoing with the Province of Quebec to designate a corridor out through Quebec on the assumption we are going to be in a position to export all of the Gull power?

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

MR. BARRY: First of all, Mr. Speaker, hon. members opposite may have the expectation, possibly even the hope, that all of the power will be exported because that is their typical short-term, short-sighted, narrow-minded approach to development. It is our intent, Mr. Speaker, to see industrial development within this Province utilizing some portion of that electricity, and that is why my colleague, the Minister of Development (Mr. Windsor), is having his discussions with aluminum companies and others to develop customers within this Province that will provide employment as well as being a catalyst for the development and to assist in the financing of other hydro-electric projects.

But, Mr. Speaker, there has been tabled in this House documentation, letters from the Premier to the Prime Minister of Canada, attaching correspondence between this Province and the Premier of Quebec, setting out, Mr. Speaker -

MR. STIRLING: That is not true.

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

MR. LUSH: Sit down, boy.

MR. BARRY: - Mr. Speaker, setting out clearly to the Prime Minister -

MR. NEARY: Not true!

MR. SPEAKER (Simms): Order, please!



MR. BARRY: Mr. Speaker, it was in the submission to the National Energy Board, the position of the Province.

MR. NEARY: A gigantic bluff.

MR. BARRY: Mr. Speaker, the hon. the member opposite - we issued a report from the Petroleum Directorate which it took him five months - there had to be a Globe and Mail reporter come down and ask him about it and he said, 'Oh, my, how long has this been out? I just saw it.' It was out for five months on one of the most important resource developments in Newfoundland and he had not seen it.

MR. STIRLING: Barry's Theory again.

MR. BARRY: It had been given to the press.

Now, Mr. Speaker, I am telling the hon. member that the Premier's correspondence with the Prime Minister of Canada on this point has been set forth and that is that this Province does not want to be put in the position of having to negotiate with a gun to its head.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. BARRY: This Province, Mr. Speaker, wants to have the right to go before an independent, objective, federally appointed National Energy Board to have the terms and conditions of the wheeling of energy -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. BARRY: - and/or of a power corridor set, determined by federally appointed officials and not, Mr. Speaker, solely at the whim, the arbitrary whim of the Quebec politicians.

MR. HANCOCK: Mr. Speaker.

MR. SPEAKER: The hon. the member for St. Mary's  
- The Capes.

MR. HANCOCK: I have a question for the Minister of Justice (Mr. Ottenheimer), Mr. Speaker. There is a large number of rapes taking place around this Province lately, Mr. Speaker. It soon will not be safe for young girls to walk the streets. I am wondering if the minister is taking any extraordinary measures to step up police patrol in this Province?

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

MR. OTTENHEIMER: Mr. Speaker, the police forces obviously are aware of, you know, the various crimes or various threats and the various incidents of the various crimes and in a responsible and planned manner are doing everything within their power to keep the incidents at as low a rate as possible and to eliminate crime if possible.

MR. HANCOCK: Supplementary, Mr. Speaker.

MR. SPEAKER (Simms): Supplementary, the hon. member for St. Mary's - The Capes.

MR. HANCOCK: I would like to ask the minister, seeing that the new Crime Prevention Section of the Newfoundland Constabulary was set up less than a year ago, I think it was, could the minister comment on whether that is working out as well as it should and do they have the personnel to carry out the duties required of it because crime seems to be on the increase especially in the St. John's area, Mr. Speaker?

AN HON. MEMBER: Hear, hear.

MR. SPEAKER: The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, the Crime Prevention Unit, established a number of months ago by the Royal Newfoundland Constabulary, is doing a very excellent job and is doing a very excellent job in the city. Obviously that does not mean that there is no crime and you could establish, you know, fifty Crime Prevention Units, you know, and that does not mean there will be no crime but they are doing an excellent job.

MR. HANCOCK: Final supplementary, Mr. Speaker.

MR. SPEAKER: Final supplementary, the hon. member for St. Mary's - The Capes.

MR. HANCOCK: I wonder if the minister could indicate whether or not we are going to see extra RMCP officers patrolling this Province this coming year?

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

MR. OTTENHEIMER: Of course as the hon. gentleman knows, the contract is not yet completed so essentially the level of policing now is the level, you know, previous to the contract's expiry. But every year there is a review of manning needs in various areas -

MR. HANCOCK: Any indication that they are cutting down?

MR. OTTENHEIMER: - and almost every year there are increases in various areas with populationing, and where they are and the extent of them naturally depends on population moves and any other number of related factors. But the general trend is that there is an increase usually each year in the aggregate; that does not mean every specific detachment.

MR. LUSH: Mr. Speaker.

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

MR. LUSH: Mr. Speaker, I have a question for the Minister of Labour and Manpower (Mr. Dinn). I wonder if the minister can indicate to the House what is his reaction to the latest and most recent request for his resignation made by the President of the IBEW of Canada? Is the minister going to dismiss and belittle this national union's leader's interpretation and concept of

MR. T. LUSH: the minister's interference with the Labour Relations Board in the same way he has done with the other unions in this Province?

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

MR. J. DINN: Mr. Speaker, I am not particularly concerned that somebody had requested my resignation.

MR. G. OTTENHEIMER: You are in good company. You have no reason to be concerned, period.

MR. J. DINN: I am in good company. They have requested the Minister of Justice (Mr. Ottenheimer), I understand, the Minister of Finance (Dr. Collins), the Minister of Education (Ms. Verge), the Minister of Health (Mr. House) -

AN HON. MEMBER: The Premier.

MR. J. DINN: - the Premier. I am not really overly concerned. I am concerned that I do my job as Minister of Labour and Manpower. And when a person, claiming to be aggrieved because of an alleged - it does not have to be a contravention but an alleged contravention, of any of the provisions of this Act, that is, the Labour Relations Act -

SOME HON. MEMBERS: Oh, oh!

MR. DINN: Read the Act.

I will just have to read this because I have to - I mean, hon. gentlemen opposite just do not know what is going on. If they knew what was going on, they would not be wasting the time of this House. But any person claiming to be aggrieved, any person -

MR. G. OTTENHEIMER: What section of the Act?

MR. J. DINN: This is section 125.1, 'Any person claiming to be aggrieved because of an alleged' - it does not have to be a contravention but 'an alleged contravention of any of the provisions of this Act other than the ones referred to in section 118, may make a complaint in

MR. J. DINN: in writing, to the minister' - which I have, hon. members opposite have and all the people of Newfoundland know and the minister upon receipt of the complaint may require an industrial inquiry commission appointed by him pursuant to section 138 or he may appoint a conciliation officer to investigate and make a report to him in respect of the alleged contravention.

SOME HON. MEMBERS: Oh, oh!

MR. J. DINN: But, Mr. Speaker, I do not think, I really do not think that what have here is anything really serious.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. J. DINN: I have every confidence in the Labour Relations Board, every confidence! Every confidence in the Labour Relations Board.

AN HON. MEMBER: (Inaudible)

MR. BARRY: Do not be lying, boy.

MR. STIRLING: That is not what you said in your letter.

MR. J. DINN: There is nothing in that letter that expresses anything but confidence in the Labour Relations Board. And every confidence in their decisions, Mr. Speaker. So I requested of the Labour Relations Board, rather than appoint a commission of inquiry -

MR. L. STIRLING: A point of order, Mr. Speaker.

MR. SPEAKER: Order, please!

A point of order has been raised by the hon. Leader of the Opposition.

MR. L. STIRLING: I do not want to take up much time. You may have to check Hansard, Mr. Speaker. It was said by the

MR. STIRLING: Minister of Mines and Energy (Mr. Barry).  
I just want to bring it to your attention to have it checked.

MR. SPEAKER(Simms): What was?

MR. STIRLING: He called out across the floor,  
"It is a lie!"

MR. NEARY: I heard it. Withdraw it.

MR. STIRLING: And it is not acceptable.

AN HON. MEMBER: He was not on his feet.

MR. STIRLING: But I will not waste Question  
Period, Mr. Speaker, I bring it to your attention.

MR. BARRY: To that point of order, I would  
ask you to note a few earlier paragraphs in Hansard while I  
was up speaking and we will see what language was used by  
the Leader of the Opposition -

MR. STIRLING: (Inaudible) not true.

MR. BARRY: - and see if mine was any  
different.

MR. SPEAKER (Simms): Well, the Chair did not hear it.

MR. WINDSOR: (Inaudible) over there.

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

MR. DINN: So, Mr. Speaker, I did not set  
up an industrial inquiry or appoint an officer to go out and  
investigate. I sent a letter to the Labour Relations Board  
in which I said, 'I would be pleased to hear your reaction  
and response to this important question.' Now I could have  
gotten carried away. I could have gotten carried away, I could  
have called for a big industrial inquiry, I could have appointed  
an officer to go and search out documents and investigate, but  
I really do not think that this is that serious a situation.

MR. DINN: I have every confidence in the Labour Relations Board and their decisions. The Board may think whatever they want - I cannot, I am not responsible for what people think - but I do have a responsibility, I do have a responsibility as Minister of Labour and Manpower and, Mr. Speaker, that responsibility is an onerous one at times. But we cannot shy away, we cannot shove it under the rug, and people have to look after that responsibility, and that responsibility was well looked after by me in this instance.

SOME HON. MEMBERS:

Hear, hear!

MR. LUSH:

A supplementary, Mr. Speaker.

MR. SPEAKER (Simms):

A supplementary, the hon.

member for Terra Nova.

MR. LUSH:

Mr. Speaker, in recent days,

or as recent as yesterday, the minister was resting his case or substantiating his case to the Labour Relations Board on the basis of a decision made by the Supreme Court, and I quote him from yesterday's Hansard, which said, 'The Supreme Court of Newfoundland had ruled prior to this on another occasion that when in reply, either side, the union or the employer requests a hearing that the Labour Relations Board is duty bound to hear submissions. In other words, the Supreme Court ruled that the Labour Relations Board is duty bound to give a hearing when either side requests for a hearing.'

Well, it is my understanding that the minister's department, that the Labour Relations Board is appealing this decision.

MR. NEARY:

Right on.

MR. LUSH:

So is the minister now not in a conflict of interest situation? He is quoting something

MR. LUSH: brought down by the Supreme Court when his own Labour Relations Board, the Board that he has appointed, is appealing this very decision.

SOME HON. MEMBERS: Hear, hear!

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

MR. DINN: Mr. Speaker, that is an excellent, an excellent presentation by the hon. member opposite. I informed him of it yesterday and it is an excellent - the first presentation that has been made by any member of the Opposition, an excellent presentation. And I compliment the hon. member for Terra Nova (Mr. Lush), an excellent presentation. And that is why my letter stated, Mr. Speaker, - the hon. member should read -

MR. LUSH: Well, how stupid.

MR. DINN: - the hon. member should



MR. DINN:

read my letter, Mr. Speaker. It is very clear in my letter what I laid out there to the Labour Relations Board.

MR. LUSH:

His own Board is appealing it and he rests his case on it.

MR. DINN:

While I recognize that the board may not be legally, may or may not, you know, it may not be legally required to hold a hearing: It is still under appeal. There are certain people who believe that -

AN HON. MEMBER:

Sit down!

MR. DINN:

- there are certain people who believe that when a hearing is requested it should be given.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Simms):

Order, please! Order, please!

MR. DINN:

There are other people who believe that it should not be given, and that is why I said in my letter, very clearly, 'while I recognize that the board may not be legally required' -

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. STIRLING:

You are in a conflict of interest with your own board.

MR. DINN:

There is no conflict there at all, no conflict at all. I did not make a statement of fact that it is illegal or it is not illegal, It may or may not be.

SOME HON. MEMBERS:

Oh, oh!

MR. DINN:

This is the first sensible question that the hon. member asked since this whole thing started and I compliment the hon. member for that. I say this, I have every confidence in the Labour Relations Board and their decisions. The fact of the matter is that I have responsibilities.

MR. STIRLING:

They have no confidence in you.

MR. DINN:

The hon. Leader of the Opposition

MR. DINN: (Mr. Stirling) is chiming in, I looked after him yesterday. I checked this morning and I was not aware that there were any resignations put in anywhere.

MR. STIRLING: That is typical of the way you handle everything.

MR. DINN: So I handled the hon. the Leader of the Opposition yesterday.

MR. STIRLING: (Inaudible).

MR. SPEAKER (Simms): Order, please!

MR. DINN: He has not even got the intestinal fortitude -

MR. SPEAKER: Order, please!

MR. DINN: - to stand up in this House and ask questions today. He sat down yesterday and squirmed his way -

MR. STIRLING: (Inaudible).

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

MR. DINN: - through the Oral Questions period.

MR. SPEAKER: Order, please! Order, please!  
The hon. Minister of Labour and Manpower.

MR. DINN: So, Mr. Speaker, he has not got any courage to get up I mean, it takes a little bit of stiffness in here to get up and ask a few questions and I would be delighted to answer the questions for the hon. Leader of the Opposition, as I do for any member of the Opposition.

MR. STIRLING: We will see about that.

MR. SPEAKER: Order, please!

MR. DINN: I do not hold back any information here, Mr. Speaker, I am delighted to be able to do it.

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

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

DR. COLLINS: Mr. Speaker, I beg leave to revert to an earlier proceeding for the purpose of giving a short Ministerial Statement.

MR. SPEAKER: Is there agreement to revert to Statements by Ministers.

SOME HON. MEMBERS: No. No. No.

MR. SPEAKER: Order, please! I understand there is no agreement.

MR. WINDSOR: Go up and give it to the press.

SOME HON. MEMBERS: Oh, oh!

NOTICES OF MOTION:

MR. SPEAKER: The hon. Minister of Education.

MS. VERGE: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The Education(Teachers' Pensions)Act."

MR. SPEAKER: Further notices?

PRESENTING PETITIONS:

MR. SPEAKER: The hon. member for Fogo.

MR. TULK: Mr. Speaker, I beg leave to present a petition on behalf of ninety residents in the community of Wings Point, in Gander Bay. The prayer of the petition, Mr. Speaker, is as follows:

"We, the undersigned voters and residents in the community of Wings Point, Gander Bay, hereby petition the provincial government to upgrade and pave the road through our community immediately and to install guardrails on Hibbs Hill in our community."

Mr. Speaker, I support the petition for a number of reasons and one of the reasons, Mr. Speaker, is that the residents of that community are not asking the government to undertake massive or huge expenditures; rather they are asking the government to pave approximately one-half a mile

MR. TULK:

of road through their community. This particular road was built, Mr. Speaker, if indeed you can call it built, several years ago, but it has been neglected and I would suggest to the Minister of Transportation (Mr. Dawe), if he were in the House, that it has been neglected because it is a road off the main highway. In the Spring and the late Fall of the year, that road is practically impossible, and people are beating up their cars and causing extensive wear and tear on their vehicles.

Mr. Speaker, in the Summer the dust problem for people living in that community is totally unbearable. If you paint your house or if you have clothes on the line you can make up your mind that in a few hours it is not going to be looking as white or as bright as it was earlier.

I said earlier, Mr. Speaker, only a small amount of money would be required and I suppose there are members in this House who could hardly believe that you would have to petition the government in this day and age to carry out such a small and minor task. I would like to suggest to members of the Cabinet that they do indeed exist, such roads do exist. And it should be, in my opinion, Mr. Speaker, a natural right almost for people where they live in the communities to live in a dust free environment. Surely those people have the same rights as people who live on any of the streets in either St. John's or any other of our major towns, surely they have the right to be able to hang out a bit of clothes to dry.

MR. NEARY:

That is right.

MR. TULK:

Surely they have the right to be able to drive over roads without beating up their automobiles. This House may not be aware, Mr. Speaker, that those people also pay taxes and in many cases, Mr. Speaker, they pay a great deal more than some of the hon. members on the other side.

MR. TULK: Perhaps the government might be encouraged to take a small amount of the expenditure that they are now using for places like the Premier's house and spend it on projects such as this road. Instead of that, Mr. Speaker, what we see the government doing is downgrading the Department of Highways where there is one unit, one highway's unit in my district this year has, I believe it is under the zero based budgeting that the government is using, I think they have six culverts to place, they have something like 200 yards of gravel that they are allowed to haul and I think they have three days of putting up highway signs.

AN HON. MEMBER: Now there you are.

MR. TULK: Now, Mr. Speaker, that is a government that is suppose to care for people in this Province.

MR. MOORES: Tell Dorothy Wyatt that.

MR. TULK: Mr. Speaker, I would urge the minister, if he were in the House - he seems to be ducking the House since he brought in that thing called the road's programme sometime ago.

MR. MOORES: Deliberately. Afraid to come into the House.

MR. TULK: I think he is deliberately avoiding the House but I would urge him if he were in the House to rise and support this petition. In any case, Mr. Speaker, I ask that the petition be placed up on the table of the House and referred to the department to which it relates.

SOME HON. MEMBERS: Hear, hear!

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

MR. STIRLING: Mr. Speaker, I was waiting for somebody from the other side to support that petition and it is obvious that they do not intend to support the petition.

Mr. Speaker, this is one of many petitions coming from people all over this Province. We have heard from the people in St. Mary's-The Capes and you will hear from them in every district in this Province looking for just the basic necessities. Mr. Speaker, one of the things that is becoming very obvious to people throughout this Province is that this government, for all of its publicity, does not have the simplest thing under control. In the middle of the Summer they have still not ordered the calcium chloride for the dust treatment. Mr. Speaker, where would they get the money for some of these things? This government - and I will tell you one place where they will get a fair amount of money - this government has participated in spending \$15 million, Mr. Speaker, \$15 million -

MR. TULK:

At what?

MR. STIRLING:

I just wanted to make sure I had the attention of the President of the Council, because he was the one who was so concerned about money, they spent \$15 million giving LCDC a study to do on the Lower Churchill and then ignored their recommendation to go ahead with Miskrat Falls.

MR. SPEAKER (Simms):

The hon. Leader of the Opposition, I think, is really extending the bounds of petitions.

MR. STIRLING:

I am talking about the petition and where they can get money.

MR. SPEAKER:

Order, please!

The bounds of flexibility, I think, for being relative to a petition are fairly straightforward to everybody and this is not a time for debate and I would urge the hon. Leader of the Opposition to contain his remarks to the petition presented by the member for Fogo (Mr. Tulk), which is what the rules call for.

MR. MARSHALL:

A point of privilege Mr. Speaker.

MR. SPEAKER:

The hon. President of the Council.

MR. MARSHALL:

I am not going to accompany it with a motion but I am going to point out for the benefit of all hon. members, and particularly the Leader of the Opposition, that when Your Honour rises, or, for a matter of fact, Mr. Speaker, when Your Honour speaks, the hon. member who is speaking is to take his Chair and not to, Mr. Speaker, it is a matter of grave discourtesy to this House and to Your Honour.

MR. BARRETT:

He has no class.

MR. SPEAKER:

To the point of privilege. There is no

MR. SPEAKER (Simms): prima facie case but, of course, the point made is accurate and all members are well aware of that, I hope.

The hon. the Leader of the Opposition.

MR. STIRLING: Mr. Speaker, it is simply an attempt -

MR. CARTER: Apologize! Apologize!

MR. STIRLING: Mr. Speaker, I do apologize for the intrusion and the lack of common sense being used by the President of the Council (Mr. Marshall), who knows better. A point of privilege should never be brought up by such an off-handed method and he knows better.

Let us get back to the petition. And again, the Barry Theory is in effect: once you start getting very close to giving them a solution to the problem, Mr. Speaker, dealing with the petition. The petitioners have petitioned to have the road done. Well, where is the money going to come from? And I would suggest in commenting on where the money is going to come from, one of the areas is \$15 million that has been spent by this government and they knew in advance they would have nothing to do with the recommendations. They have not accepted the recommendations. There is another \$100 million again that could be used on roads that they should be taking out of the Gull Island project, except they have let that agreement expire. They are now back to waiting for good faith with the Lower Churchill Development Corporation.

Now, Mr. Speaker, dealing with the roads question, not only in that district but in many other districts - and, Mr. Speaker, I would hope that the government can take this one more piece of evidence as the kind of evidence that is needed to get the government to pay some attention to the real problem in this Province. They could create some jobs, they could get some unemployment -



MR. MARSHALL: (Inaudible).

MR. STIRLING: Pardon?

MR. MARSHALL: (Inaudible).

MR. STIRLING: Mr. Speaker, it appears that the government now has a common thread running through it, bluff your way through and hope we can get to the next election.

Thank you very much, Mr. Speaker.

MR. SPEAKER (Simms): Any further petitions?

ORDERS OF THE DAY

MR. MARSHALL: Order 19, Bill No. 7.

MR. SPEAKER: Order 19, Bill No. 7, second reading of a bill, "An Act To Amend The Local School Tax Act." Debate on the bill at last day was adjourned by the hon. the member for St. Barbe (Mr. Bennett), who is not present today.

The hon. the Minister of Education. If the hon. the minister speaks now she will close the debate.

MS VERGE: Thank you, Mr. Speaker.

As has been acknowledged by members opposite as well as my colleague, the Minister of Finance and President of Treasury Board (Dr. Collins), this bill sets out improvements in the present system of administering school taxes in our Province.

I would first like to address myself to the various measures contained in this bill

MS VERGE: which amount to these improvements and elaborate on them and answer a couple of questions raised about them by the member for Trinity - Bay de Verde (Mr. F. Rowe). Then I would like to turn my attention to the larger question, that of the concept of school taxation or local revenue raising to finance education.

This bill contains in part merely housekeeping measures. The first clause removes from Cabinet and gives to school tax authorities themselves the right to choose their own chairperson and vice-chairperson.

MR. NEARY: Is that like chairman?

MS VERGE: That is like chairman or chairwoman. Unfortunately, there are not very many women who are members of school tax authorities in our Province yet but the percentage is improving.

In future, assuming the passage of this bill, school tax authorities themselves will choose from among their own members a chairperson and vice-chairperson.

Now, school tax authorities - and we have seventeen of them in our Province now - comprise representatives of school boards operating within the school tax region and the school board representatives must form a majority of members of each authority. The balance of members of each school tax authority includes representatives of the municipalities operating within the same school tax region.

Clause, 1 (2) of this bill provide for each school board and municipality represented on a school tax authority to have an alternate representative, so that if the regular representative is unable to attend any meeting, the alternate representative may attend and function as a voting member of the authority.

MS VERGE: The other provisions, which are more substantive, bring the local School Tax Act in line with the provisions of the Municipalities Act by adopting definitions of 'real property,' 'owner' and 'building,' which are the same as those set out in the Municipalities Act. Basically, the definitions are more inclusive and more accurately reflect buildings and accommodations in our Province now by enlarging the definition of 'building' to include mobile homes and trailers.

MS. VERGE:

The bill goes on in clause four to say that 'Productive farmland and woodland shall be exempted from being subjected to school tax'.

Now, Mr. Speaker, as I indicated before, in our Province we now have seventeen School Tax Authorities. Each of these authorities raises revenue by imposing a poll tax on individuals who have a capacity to pay, and some individuals who have low income or who receive social assistance are exempted from the requirement to pay this poll tax to the School Tax Authority. Every School Tax Authority does impose a poll tax. However, only part or a minority of the School Tax Authorities charge any kind of a property tax. I am just looking for my notes now: Actually it is only two or three of these seventeen School Tax Authorities which impose a property tax on residences while a larger number of authorities charge a property tax for business or commercial properties. And this amendment as set out in clause four would exempt productive farmland and woodland as designated by the minister responsible. In the case of farmland that would be the Minister of Rural, Agricultural and Northern Development (Mr. Goudie) and in the case of woodland, the Minister of Forest Resources and Lands (Mr. Power), from being subjected to school taxation.

In the existing Act there is a section which says that, 'An authority may grant an exemption or an abatement of school tax on polls on real property subject to the approval of the minister'. And this section will continue and will give a larger discretion to School Tax Authorities and to the minister to exempt particular kinds of property in special circumstances.

MS. VERGE:

This section has already been used in the case of Corner Brook School Tax Authority to give partial exemptions to productive farmland in that School Tax Authority, just to give one example.

The other provisions of this bill are relatively minor in nature. One which says that, 'Any person subject to the poll tax who resides in more than one School Tax Authority of the Province during a year pays to each authority on a pro rata basis'. So that if an individual resides for half of the year in Corner Brook and the other half of the year in St. John's, that individual will pay to the Corner Brook School Tax Authority half of the poll tax imposed by the Corner Brook Authority and that individual will pay to the St. John's Authority half of the poll tax imposed charged by the St. John's School Tax Authority. And this will provide for a more equitable distribution of payments among the different School Tax Authorities.

Finally, a couple of more amendments bringing this Act in line with the Municipalities Act.

So, Mr. Speaker, in summary I again repeat that these provisions will improve the administration of school taxation in our Province. The larger question is that of the validity of local taxation and school taxation for financing in part education. In our Province, Mr. Speaker, last year about \$12 million was raised through School Tax Authorities to finance the cost of primary, elementary and high school education. This amounted to only about 5 per cent of the total cost of educating children from Kindergarten through Grade XI, the provincial government contributing about \$220 million to this service, with about \$189 million, by far the greatest portion of that cost, being devoted to the salaries of the 7,800 teachers of the Province.

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MS. VERGE:

Nevertheless the amount, the 5 per cent, the \$12 million raised locally through School Tax Authorities is significant for our Province where we have such a shortage of resources and where the needs in education are so great. I am sure each member can give a litany of needs of school buildings, of operating grants for school boards and additional personnel for

MS. VERGE: primary, elementary and secondary education in his or her district.

Mr. Speaker, systems of raising revenue for education locally exist elsewhere in Canada and actually the portion of revenue raised locally through municipal taxation or school taxation elsewhere in our country is greater than it is in our own Province.

MR. TULK: What does it cost us for teachers salaries?

MS. VERGE: Mr. Speaker, to reply to my friend from Fogo (Mr. Tulk), the total cost for teachers' salaries in the last fiscal year in our Province was about \$189 million. That includes salaries for all kinds of teachers, from classroom teachers to school district superintendents and also salaries for substitute teachers.

Mr. Speaker, elsewhere in Canada 35 per cent of the total spent on education was raised through local taxation and, I repeat, in our own Province last year the amount raised was only about 5 per cent; in fact, it was less than 5 per cent. So we enjoy the company of our fellow provinces in raising money for education locally through a system of school taxation or municipal taxation. Mr. Speaker, there is no doubt then that this money is needed and it cannot be found elsewhere, it cannot be found from the general revenue fund as suggested by my friend from Trinity - Bay de Verde (Mr. F. Rowe), the education critic, unless we raise other taxes. We do have the option of raising our sales tax above 11 per cent, or our personal or corporate income tax rates, to make up for the amount raised through school taxation. Clearly, if we did away with school taxes, the Province, through the general revenue fund, would have to tap other sources of taxation to make up for this \$12 million a year. His suggestion that the money be raised locally by local parent/teacher fund raising campaigns, that clearly is unrealistic and ridiculous.

MS. VERGE: I think my colleague, the Minister of Fisheries (Mr. Morgan), very thoroughly demolished that suggestion.

MR. NEARY: They are laughing at you.

MS. VERGE: The school taxes also allow the school boards clout in making decisions. School boards under our system are responsible for contributing a portion, 10 per cent, of the cost of building buildings, of operating school buses. School taxes give them a means to raise this revenue. School taxes also allow for much more input into policy positions in education than they would have otherwise were they to rely totally, completely on the Province for their finances.

School taxes also promote among our school boards fiscal responsibility when they have to be conscious of the total cost when they have a responsibility to raise a portion of the cost of operating buildings and providing services, then I suggest that they are on balance more fiscally responsible than if they were simply coming to government with their hands out expecting the full cost to be handed over to them.

In conclusion, Mr. Speaker, I say that this bill makes needed improvements in our system of administering education finance in raising school tax revenue and that the concept of raising money locally through school taxes is a valuable one for education and it is better than any of the other alternatives for footing the bill for education in our Province. And, Mr. Speaker, I urge that this bill be passed by my colleagues, by this hon. House.

Thank you.

I would like to move second reading.

SOME HON. MEMBERS:

Hear, hear.

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



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Motion, second reading of a bill,

"An Act To Amend The Newfoundland Teachers' Association Act, 1974".

(Bill No. 8)

MR. SPEAKER (Butt):

The hon. Minister of Education.

MS. VERGE: Yes, Mr. Speaker, this bill simply sets out provisions for the constitution of the Newfoundland Teachers' Association which were formulated by that Association itself, by the membership and executive of the Newfoundland Teachers' Association, to improve the rules governing the operation of that Association. And I move, Mr. Speaker, that this bill be passed quickly because the teachers have indicated that they want it and the provisions are sound and just.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

On motion, a bill, "An Act To Amend The Newfoundland Teachers' Association Act, 1974", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 8).

MR. MARSHALL: Motion 21, Bill No. 16.  
Motion, second reading of a bill, "An Act To Amend The Judgment Recovery (Nfld.) Act". (Bill No. 16).

The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, this is very simple and straightforward. It does four things. When the bill was initially passed in 1970 the word 'limited' was inadvertently left out, so it should be 'Judgment Recovery Limited', it puts Limited in. Number two, it increases the number of the Board of Directors from four to seven. Number three, a national organization previously in existence called The All Canada Insurance Federation now no longer exists and the organization is now called The Insurance Bureau of Canada, and that term is used. And the fourth thing it does is whereas the old bill required two signatures of the directors

MR. OTTENHEIMER: to pay all bills, this will allow them to pass their own by-laws whereby amounts below a certain sum may be signed by one director only. That is what it does.

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

MR. NEARY: Mr. Speaker, I am not going to delay the passage of this bill, but judgment recovery is something that we do not know very much about. And perhaps the minister when he is concluding second reading of this bill could tell us is there any funding in this? Where does the funding come from? Does it come out of general revenue for this judgment recovery? Because my understanding is that if there is an accident and somebody is not insured, the only recourse that the victim of an accident has is through this process. I mean, where does the money come from? Is there any funding there now? And how much funding is in this judgment recovery fund?

And would the minister tell us if there is a large volume of demands on this judgment recovery fund now because of people violating the Highway Traffic Act and not insuring, as they should, under the compulsory insurance in this Province? I had a number of cases brought to my attention in the last year or so where accidents happened, it may be just a coincidence that the people who spoke to me were the victims of an accident, and the person that was responsible for the accident did not have any insurance. Mr. Speaker, how widely is the compulsory insurance enforced? Is there ever any road checks done? Would the minister tell us if he intends to implement road checks to ask people for their up-to-date identification to show that they are insured against public liability? I mean, it seems to me that the number of accidents is increasing and that there have been a number of people in the last year or two who have been victim of accidents where the culprits, the people responsible

MR. NEARY: for the accidents, had no insurance. I mean, how can this happen? And maybe it is time we got after these people, because I am told there is a bit of a racket being run too -

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: - where people get insurance and give the insurance number

MR. NEARY:

when they are getting their license renewed, and then they do not pay the premium and the insurance is cancelled, so a month later, a month after motor registration closes - the deadline for licensing vehicles in this Province, when it comes to an end, a month later you have a large number of people driving around this Province with no insurance on their vehicles. And that is not right, Mr. Speaker, it is not fair, because I would think by and large the great majority of Newfoundlanders obey the law and they do get compulsory insurance - or they do get insurance because it is compulsory. But you have a number of lawbreakers or the people who are always looking for loopholes in the law and they will work the racket every time. Perhaps the minister could tell us how -

MR. HANCOCK: Once the insurance companies catch them they should automatically take their license plates.

MR. NEARY: That is right. My hon. friend makes a very valid point there. He says if you catch somebody working that racket and they are caught, their license plates should be taken of the vehicle immediately.

MR. HANCOCK: The insurance company should do it.

MR. NEARY: They should not be allowed to drive for a year or two. I mean, this is a pretty serious matter, Mr. Speaker.

MR. HANCOCK: The insurance company should notify the Motor Vehicle Registration, you see, if the insurance was cancelled.

MR. NEARY: That is right. Because in this day and age where you have compulsory insurance, you would think that when an accident occurs that both parties would be able to produce their identification to show that they

MR. NEARY: have the insurance. I think the- what does it say on here? I do not know if there is anywhere on the license or on the insurance itself, but here is one here to an insurance company. Your name is on it, the expiration date, but even at that that does not tell you anything because, Mr. Speaker, that could be sent out by the insurance company and cancelled and you still have this little pink slip in your wallet and if you are stopped by a law enforcement officer, by a policeman, you could produce this and he would not know the difference.

MR. HANCOCK: I will tell you what the answer is. The answer is for the insurance companies to notify Motor Vehicle Registration.

MR. NEARY: Right. My hon. friend again makes a very valid point and one that I was just going to make, a suggestion that I was just going to make. What we should do is make it incumbent, make it compulsory for the insurance companies to advise Motor Registration, as soon as the insurance runs out or is cancelled that Motor Registration should be advised especially where the insurance companies do not collect the premium. We know then that the purpose of getting the insurance or intimating that you were going to get the insurance was merely so you could get your license plates renewed. I think that is a very valid point, Mr. Speaker, and I will be curious to hear the hon. gentleman's reaction to the points that I just raised.

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

MR. J. CARTER: Mr. Speaker, before the minister speaks and closes the debate, I would like to have a few words along the same lines, by the way, as the member for

MR. J. CARTER: LaPoile (Mr. Neary). He makes some very good points and it is very unusual that I find myself somewhat in agreement with him.

MR. NEARY: We both signed the Public Accounts report.

SOME HON. MEMBER: Hear, hear!

MR. J. CARTER: However, there are a couple of points that should be made and that is that a person might contract for insurance - well, insurance is compulsory - but he might contract for a year's insurance and because it is quite expensive - if you are under twenty-five or if you have had an accident or there has been a claim against your policy it can amount to several hundreds of dollars and possibly even over \$1000 for a year's insurance - so the practice has sprung up whereby the insurance companies will accept monthly payments. Now you contract for the insurance for a year, but the understanding is that you pay for it month by month, and you do get your pink slip or your red slip showing that you are insured. Now after the first month, a person might decide, well, he could not make the payments or he lets the payments lapse, the insurance lapses, but he still has his pink card. If there is a spot check, he has the card. Even if he has an accident, presumably he has the card to get him out of trouble momentarily.

MR. J. CARTER:

And as the member for LaPoile (Mr. Neary) has said, the insurance companies should be forced, or required, to report all cancellations of public liability insurance to the Motor Registration Division.

Now I am told from very reliable sources that an extraordinarily large percentage of cars are driving around our roads completely without insurance. Now they may very well have their insurance cards. I hesitate to quote any figures because the information that was given me was confidential and I do not think the official at the time was certain of the figures, except to say that the number is very, very large, and that unfortunately they do not have the facilities to correlate a large number of reports of expired policies. It would be necessary for them to perhaps set up a small computer operation or hire extra staff, but I think it is intollerable, Mr. Speaker, that we should be out driving, knowing that a large percentage of the cars that are driving towards us, and may very well damage us, are doing so without any insurance whatsoever. So that we have no claim if we are injured, or if our cars are hurt we have no recourse whatsoever; the person who is driving may have very sparse resources so that the danger is entirely - well, I suppose it comes against our insurance but that does not do you much good if you are badly injured.

And so, Mr. Speaker, I heartily endorse the sentiments that have been expressed and perhaps are yet to be expressed on both sides of this House requiring the administration to enforce the law, which is compulsory public liability insurance, and to enforce it by means of requiring insurance companies to report all cancelled or lapsed policies to the Director of Motor Registration, and for the Director of Motor Registration to somehow correlate this information so that



MR. J. CARTER: the people who have allowed their insurances to lapse, their plates may be seized, or their licence taken away, and their ability to drive stopped. And I realize that it is hardly relevant under this act because it is only a bit of housekeeping legislation, but I think I welcome the opportunity to make these points. I was going to make them probably in the Budget Debate, but it is a good opportunity to make them and a very timely opportunity and I hope the administration, as I am sure they will, will take due notice of it.

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

MR. HISCOCK: Mr. Speaker, I would just like to have a few comments on the bill itself. I would like to ask the question why is there a need to have a Judgement Recovery Act in the first place? Why is it that it has to go on the Province that we have to pay for some other -

MR. MARSHALL: Insurance companies -

MR. HISCOCK: Insurance companies, But why do we have it. The point is that I have had in my district an incident not too long ago where a person from the Quebec side of Blanc Sablon came down and had an accident with one of the residents in Coastal Labrador, and he was awarded the damages, took the person to court, went to Corner Brook, went through all the expense of taking the person to court, was awarded by the judge the damage, but because of some technical judicial relationship with Quebec and Newfoundland by not having a sheriff to issue the warrant or the writ, or a police officer from Newfoundland going to Quebec because they do not have jurisdiction, as a result of this the person does not get, let us say, the \$1,500 or \$2,000 that he was awarded by the Newfoundland Court. Now under this he has to go to the Judgement Recovery Act, and I would like to ask the Minister of Justice (Mr. Ottenehimer) to comment on this; what relationship do we have with other provinces with regard to people, let us say,

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MR. HISCOCK: coming in, tourists and having damages, we going to other provinces and having damages by way of accidents, what arrangement do we have there so that we do not have to go to the legal part and then the person have to go to Ontario, go to Quebec and have the court case there. Because it is a great expense and so much so that the majority of the people do not bother.

But another one that I was listening to on the Open Line programme driving in the other day, and this was a woman who stated

MR. HISCOCK: that in one of the construction trucks a wheel got jammed between the two tires and spun off and hit the car and a rock and great damage was done through it. And, of course, the insurance company said it was an act of God. She felt that it should be the responsibility of the company to make sure that they do an inspection before they leave the construction site. I think that is a valid point, and hopefully, in other legislation - we do not have to bring in legislation for it - but in other legislation with regard to insurance, that these companies, construction companies in particular, and larger trucks, as I said, travelling on highways, it should not be left up to the person who has the damage done to him or her to find out that they have to be out-of-pocket because of an act of God.

So I would just like to reiterate on this side, as we said, that the insurance companies should contact Motor Registration immediately after the insurance is stopped. With regard to registration of insurance, as the member for LaPoile (Mr. Neary) said, they should be required by law to send back that slip. When your licence is cancelled, of course, you have to send in your licence to Motor Registration. So the insurance companies, by law, once they get the insurance - after the insurance is cancelled then the slip should come back to the insurance company itself.

I hope that the minister will take some of these - it is not a major piece of legislation but it is a piece of legislation that hits deep into the pocketbooks of people who have damage done to them.

Thank you.

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

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

MR. OTTENHEIMER: Mr. Speaker, to reply to the points made by hon. members, and firstly, the hon. the member for Eagle River (Mr. Hiscock). As a matter of fact, an incident on which I recall having received a letter from the hon. gentleman. It is the same matter, is it not, to which he was referring?

The problem there is that Newfoundland has reciprocal enforcement agreements with the other provinces but Quebec has not entered into such an agreement. Obviously, we would wish them to, and we will approach them again. But that was the problem there. Obviously, it is a hardship on the person involved.

MR. NEARY: Why will they not enter it?  
MR. OTTENHEIMER: Pardon?  
MR. NEARY: Why will they not enter it?  
MR. OTTENHEIMER: I am not aware that they gave a reason. They might have, but I am not aware of what it is. I suppose if they just wrote and said no, you know, they would not obviously be required to tell us why.

With respect to the other matters mentioned, the funding of this Judgement and Recovery is through the insurance companies. They made the contribution so they are not public funds as such. I will have to check and bring up when we do in Committee, let us say, the amount of funding and, let us say, the number of demands over the past year. I will check that and when it goes through Committee on the first clause, I will be able to give the House that information.

There is no doubt the point made by the hon. the member for LaPoile (Mr. Neary) and the hon. the member for St. John's North (Mr. Carter), you know, is a valid one. People can now get their insurance card, pay for a year, and then three months later cancel it, and obviously, they still have the card, they get the money back. There are, of course - the system as it goes now - I will just read what the present Highway Traffic Act says: "Every person who obtains a registration of a motor vehicle when such motor vehicle is not insured, or fails to comply with this act or fails to produce proof that a policy is in force, in addition to the penalties set forth to this act, the court shall, when a person is convicted, report the conviction to the registrar", - that is now done - "who shall order that the identification plates and motor vehicle licence

MR. OTTENHEIMER: of the person convicted under that subsection be returned to the registrar, or order the person convicted under that subsection to return the identification plates and motor vehicle licence to the registrar and advise the registrar of the order."

And then the penalties, for example, " for obtaining the registration of a motor vehicle when such motor vehicle is not insured, maximum fine \$700, minimum fine \$250; maximum imprisonment, three months, minimum imprisonment, sixty days."

Then,"For operating or permitting the operation of a motor vehicle without a policy, maximum fine \$700, minimum fine \$250; maximum sentence, three months, minimum sentence, sixty days."

"Failure to

MR. G. OTTENHEIMER: "produce proof that a policy is in force" - that is where a person has a policy but they have lost their card and that is a nuisance but it is not awfully serious - \$50 maximum fine; ten dollars minimum fine; ten days and one day for prison".

SOME HON. MEMBERS: Carried. Carried!

MR. G. OTTENHEIMER: Well, I certainly do not want to prolong it. But there is the problem where people buy and pay on monthly instalments and they get a card. The only thing I can think of there - and we will see if it is possible to do this - is have two colour cards. One for people who are paying on a monthly basis, and they could be required to have their current receipt, and people who pay on an annual basis would have a different colour. Now as it is now the insurance companies do report to the Registrar of Motor Vehicles cancellations. But there are other possibilities too. Maybe when a person cancels an insurance policy, you know, we could require the insurance company to ask for the return of the card in order to get their refund. Now if a person had lost his card, then he would have to make an affidavit or even a statement or take an oath or do something. You know, there are mechanisms presumably which we will look into.

MR. S. NEARY: Does Motor Registration follow up then when they are notified of cancellation? Do they follow up and say (inaudible) insurance now (inaudible).

MR. G. OTTENHEIMER: Well, they are supposed to. They are supposed to. I know there are - and this is not Motor Vehicle Registration - they are supposed to. Of course, when there are periodic road checks, as we know, when the police stop cars they usually ask for license, registration, proof of insurance and then they usually have a check on the brakes and different things. But,

MR. G. OTTENHEIMER: you know, there are these periodic checks. We could argue they are not frequent enough and, of course, if you have them too frequent, the public says the highways are all blocked up by checks. So it is a question. But when there are road checks, they do check for the insurance card..

MR. S. NEARY: There are no road checks.

MR. G. OTTENHEIMER: Well, you know, I do not think they are as frequent as they used to be, but there are periodic road checks.

AN HON. MEMBER: They are illegal.

MR. G. OTTENHEIMER: Well, I would not say they are illegal.

SOME HON. MEMBERS: Oh, oh!

MR. G. OTTENHEIMER: I do not think that is the case. But with respect to those internal



MR. OTTENHEIMER: mechanisms when people cancel their insurance, you know, certainly we can have a look and talk to people in transportation to see if it is possible to streamline that system a bit.

SOME HON. MEMBERS: Hear, hear!

On motion, a bill, "An Act To Amend The Judgement Recovery (Nfld.) Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 16)

MR. MARSHALL: Order no. 23, Bill no. 53.  
Motion, second reading of a bill, "An Act To Amend The Attachment Of Wages Act." (Bill No. 53).

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

MR. OTTENHEIMER: Mr. Speaker, this bill permitting the attachment of wages is amended periodically, obviously essentially, because of inflation and changing economic circumstances. The last time it was amended was in 1977, four years ago, or approximately four years ago, and we are guided here by advice from the Department of Social Assistance, not that this is operative exclusively or mainly or in any way with social assistance recipients but that they are the department who keep, I suppose, an overview on rising costs and what people need in order to live. And what this does is increases the amount exempt from attachment. That is what it does. That is all it does. So it increases - I suppose I will read it through - but it increases in the case of a - and perhaps it is not necessary to increase it, you know. It is all there. Although I will correlate it because hon. members have to read on both sides.

In the case of a married person supporting a spouse, the amount of exemption goes from \$375 to \$440. A married person supporting a spouse and one dependent, from \$445 to \$465. A married person supporting a spouse and more than one dependent from \$445 to \$465. In the case of a widow,

MR. OTTENHEIMER: widower, divorced person, unmarried person supporting one or more dependents from \$375 to \$410. In the case of a married person supporting one or more dependents but not supporting a spouse, \$375 to \$410. In the case of any other person, from \$280 to \$300. That is essentially what it does. And these are the amounts exempt from attachment. That is what it is.

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

MR. THOMS: Mr. Speaker, thank you very much. I do not intend to spend a great deal of time on this particular bill except to point out that in my opinion the exemptions are still far too low.

MR. NEARY: Right on.

MR. THOMS: Far, far too low. They are not keeping pace with inflation or the cost of living in this Province today. In the case of a married person, for example, supporting a spouse, that is a man and his wife, the sum of \$375 is exempt. That means, Mr. Speaker, that a creditor having a judgment and an attachment against a person's wages can attach everything above the sum of \$375 a month.

In the city of St. John's , for example, today you cannot get a half decent apartment for \$375, and that is going up and up. Before very long, Mr. Speaker, in this city an average apartment, not an apartment down in Elizabeth Towers, not some deluxe apartment that some entrepreneur is going to build in this city.

MR. NEARY: As a matter of fact, Elizabeth Towers is low now compared to some of them with the services you get.

MR. THOMS: Your ordinary average run of the mill apartment is going to cost \$600, a minimum of \$600. This particular bill is just not in keeping, is just not in tune with the times. Now it is better than before. In the case of a married spouse it is now \$440, now in the case of a married person supporting -

SOME HON. MEMBERS: Oh, oh!

MR. THOMS: - \$375 a month, and it now goes to \$440. But, Mr. Speaker, if a person is making \$600 a month, for example, \$440 of that is protected under this particular piece of legislation, and he has to pay his rent, food, -

MR. NEARY: Clothes.

MR. THOMS: - clothing, electricity, heat, light, if he smokes, his package of cigarettes, if he would like to have a

MR. THOMS: bottle of beer. Everything has got to come out of \$440. Now it is my opinion that these people, people who extend the credit should take the risk and that these exemptions should be well above the exemptions that we find here because a person in St. John's today cannot even live in poverty on \$400 a month.

MR. TULK: That is right.

MR. THOMS: You cannot even live in poverty on \$400 a month.

MR. TULK: No, it cannot be done. Do you agree? Would the minister agree with that?

MR. THOMS: There is just no way where at the present time you are paying a minimum of \$400 for a - you are not, you are not paying a minimum of \$400, you are paying a minimum of \$500. The new apartment that is going up at the bottom of Kenna's Hill, for example, is losing money by charging \$500 a month for each apartment. So to go into that apartment house - and that is not a luxury apartment house; that is an average, everyday - should be - living accommodations for a couple in this city, and the rent there is \$500 a month and here we have \$440 as an exemption. I think, Mr. Speaker, that the administration, I think that the minister should look at this very closely in the light of what it costs to live today. And I believe the first thousand of that should be exempt, not the first \$440. Now you might want to compromise on a figure of \$900 or \$950, but you cannot live in the city of St. John's with a half decent apartment, an average apartment, you cannot feed yourself and your wife, you cannot buy your clothes, you cannot pay your electric bill, you cannot pay your heat bill, you cannot drive your car. I just do not know at the moment what that figure would be, but I know it is not \$440 a month. That is one thing I do know, it is not \$440 a month. Now that figure might be \$850 or it might be \$1,200 -

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MR. TULK:

It is closer to \$1,200.

MR. THOMS:

to \$440.

- but it is certainly nowhere close

MR. TULK:

It is closer to \$1,200.

MR. THOMS:

where there is any money out of the administration's pocket.

MR. THOMS: You know, it is not going to cost the minister, it is not going to cost this administration any money by raising those exemptions. In a sense, I suppose, it really matters very little to you. I do not know what kind of a lobby there is to have these exemptions as low as they are, or if there is any lobby. I do not think they probably even think about it. But I think you should give serious consideration. Now, my recommendation would be that we would support this particular bill at this time, because \$440 is better than \$375. But I think an honest, sincere attempt by your department has to be made to determine what that figure is. Now, I just simply do not believe the figure \$440. I just cannot accept that as being an honest to goodness, well-researched or thought-out figure. I think they just took the figure \$375 and decided to raise it to \$440. But I think we should have a good look at it. We should be able to come up with a realistic figure of what a person requires to live on in this Province with any sort of decency. And then when we get that figure, then my goodness, nobody should be allowed to touch those dollars.

But I will certainly support the legislation. It does increase the old figure somewhat, but I would urge the minister to have his officials do a thorough review in this matter and come up with more realistic figures than we see in this bill right at the moment.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, this is the kind of a piece of legislation where you are damned if you do and double damned if you do not. The legislation merely increases the exemption, it does not resolve the problem.

AN HON. MEMBER: Exactly.

MR. NEARY:

The problem is still there of credit being pushed at people right, left and center, goods being placed on shelves and racks in stores and in shopping malls, the temptation placed in people's way that they feel that they can take advantage of these things that are on display and whip out a credit card and never ever have to pay at the other end.

MR. NEARY: That is what it seems like, Mr. Speaker, we are living in a society today where money is practically no good anymore. If you go to a hotel, for instance, if you travel, anybody who does any travelling, you go to a hotel the first thing they say to you, how do you intend to pay your bill? You say, I am going to pay by cash. By cash? Why, they would almost not allow you to register in the hotel. You are going to pay by cash? You would not know but it was filth and dirt of some kind. Cash? They say, 'Have you not got a credit card? What is wrong with you, have you not got a credit card?' How many times have I been scolded for not having a credit card? I mean, if I do not want to have a credit card I just do not want to have one that is all. Because I may be like numerous other people, I may be tempted to over extend my credit.

MR. TULK: You are wise.

MR. NEARY: Because that is what is happening, Mr. Speaker, in today's society, people are over expending themselves.

AN HON. MEMBER: Right on.

MR. NEARY: And the producers of products and the distributors of goods and services are brainwashing the human beings into feeling that they must have this, they must have that, to keep up with the Joneses you have got to have this, you have got to have that, you got to have the other thing; you have got to have this gadget, that gadget, everything push button, and what is happening, Mr. Speaker, that our society is getting in one awful incredible mess.

And the people who push the goods over the counter, they do not worry because they know that if you do not pay your bill all they want to know is your number, are you on the payroll? What is your number? That is all they want to know. Who do you work for? I work



MR. NEARY: for the Provincial Government. Oh, my God! What department are you working in? Take all the credit you want. Mad Man Murphy, do not pay until September, come and take your coloured television, you do not have to make a downpayment on it until September. But these people are aware, Mr. Speaker, they are aware that if you are on the payroll of some firm or some provincial department or federal department or fish plant, if you are on the payroll they know they can attach your wages, otherwise they would be a little more careful and a little more caution in doling out this credit left, right, and centre.

And, you know, if you have a weakness at all, Mr. Speaker, if you are either little bit weak at all and you want something, you want some gadget, something new coming on the market - ~~sometimes~~ things not so new, old things that people are in desperate need of -

MR. STAGG: Something borrowed, something blue.

MR. NEARY: - They know

MR. S. NEARY:

that if they give it to you, if you do not pay they can attach your wages. And that is the crux of the problem, Mr. Speaker.

I wonder in this bill if we are protecting the consumer or are we accommodating the distributors of goods and services in this Province. Is that what we are doing? Because I have a feeling that is what we are doing, Mr. Speaker. I think we would be better off, by the way, I believe we would be better off if there was no legislation at all, because then the shopkeepers would be more careful in granting credit. If we did not have this piece of legislation, this means, process whereby the distributors could collect their money through the courts, get an attachment on your wages, if we did not have this piece of legislation I feel we would be better off. Now I know that does not sound very sexy to the capitalists. It does not sound very glamorous to the people who want to be identified with capitalism, with the big shots, with the money-bags in this Province. That is not sexy! It will not appeal to them! No sex appeal as far as the money grabbers are concerned!

But, Mr. Speaker, it appeals to me, because if they did not have this process whereby they could make collection agencies out of our courts, why then they would be more careful in granting credit. Credit is almost as bad as alcohol. It is a curse in our society today, credit! You can, as I said a few moments ago - money is almost obsolete. We are getting nearer and nearer the day when everything will be paper, paper or credit card. There will be no money. We are getting close to that now. You go to a hotel and they are insulted if you offer to pay them in cash or by cheque. They are highly indignant and insulted and

MR. NEARY: look at you as if you had two heads. They look at you as if you are some kind of a freak of nature. What, no credit cards? And then they will ask you, Mr. Speaker, they will say to you, 'Well, do you have a credit card for identification purposes?' You say, 'I do not have a credit card.' Well, then they got to go in the back room and consult with the assistant manager or the manager. And now they tell me with these credit cards here in Newfoundland - Canadian Tire down there, for instance, or any of the firms now, they got it so sophisticated now that if you bring a credit card in and they want to find out if you defaulted or if you over-extended yourself or you did not pay your bill on time, they just whip it into the back room, stick it into a machine and instantly the information is fed back on whether or not you are a good credit risk, instantly. Right across Canada that system is practically in vogue now, working, instantly.

MR. CARTER: What is wrong with that?

MR. NEARY: What is wrong with it? Mr. Speaker, the first thing that is wrong with it is that - and I can understand a question like that coming from a capitalist - the first thing that is wrong with it is that they are storing too much information on people. And in the second place, if they make an error they can ruin your credit. I have known people who have had their credit rating ruined as a result of a mistake in the computer. Everything is computerized today, everything. Machines are running our lives. You go to an airport and you want to find out what time your plane is leaving and they say to you, 'Look at the computer'. Or, 'I cannot tell you, the computer is not working'. Why, Mr. Speaker, if the computers gave out at an airport it would be just like a morgue. People would be walking around like zombies, they would not know where they are going, what time they are going, what time their plane is leaving, they would not be able to get any information. And the same way with the

MR. NEARY: banks today. You go in and you say, 'What is my balance, what is the balance of my account?', Sorry I cannot tell you, the computer is not working'. You may need money right away, you may need a few dollars right away, an emergency, 'Sorry, come back tomorrow, The computer is not working'. 'But I need it now.' 'Well, I am sorry, we cannot help you.' 'But it is my money.' 'Too bad. Tough. Too bad. We cannot tell you, the computers are not working.'

And that is the way she is going, that is the direction we are headed in, Mr. Speaker. The next thing everything will be a credit card or a bit of paper. Cash? Why, people would be insulted if you produced cash.

And so this bill that we have before us now, as I said when I started out, you are darned if you do and you are double darned if you do not support it. What does the bill do? All the bill does is increase the exemption that the courts are allowed to pass judgment on to collect money to pay your bills. What we are doing is making collection agencies out of the courts. Half the magistrates' time

MR. NEARY: and judges' time in this Province, more than half, I would say, is tied up with these trivial matters, these nuisance things. When they should be out seeing that justice is administered in this Province, they are collecting money. They are collection agencies. And I do not blame the magistrates and the judges for resenting having to do that, and they do resent it, wasting their time, tying up the courts with a bunch of money-grabbers waltzing into the court with a bunch of documents saying, 'I want to get attachment against the wages of these people because they did not pay their bills.'

AN HON. MEMBER: It is scandalous.

MR. NEARY: It is absolutely scandalous, Mr. Speaker, the way they are abusing the courts in this Province. They should be made responsible themselves. If we did not have this bill I think we would be better off. How many times have I been told in the last couple of years - and I had a case recently of where - I do not know where the system breaks down, but there seems to be a breakdown somewhere in the system. I have had cases where workers had their whole cheque attached, their whole cheque whipped away from them, not one cent left in the cheque. That happened out in Port aux Basques, not a penny left in the cheque, everything taken, nothing left for food, medicine, lights, rent or anything, the whole cheque taken. Now, how does that happen, Mr. Speaker? And this is the crowd who talk about the National Revenue Department. Well, what they are doing is the same thing. They are giving the distributors, the storekeepers, they are giving them a means whereby they can put the gears to people. I believe we would be better off, instead of increasing the exemption under this, to abolish the legislation altogether.

MR. NEARY: If the word went out across this Province tomorrow to the moneybags and the money-grabbers -

MR. HISCOCK: Advertising community.

MR. NEARY: - yes, and the advertising world and to the distributors of goods and services in this Province - if the word went out that you could no longer use the courts of this Province to collect your bills when you allow people to over-extend themselves with credit, if that word went out, I guarantee you that they would soon tighten up their credit.

MR. OTTENHEIMER: They might also say, 'Cash or nothing' too, you know.

MR. NEARY: Well, I would say that is their tough luck. That is tough for them.

MR. OTTENHEIMER: It could be tough for some persons.

MR. NEARY: No, it would not be tough for the person; the hon. the minister knows the difference of that.

MR. CARTER: What kind of jumble is this?

MR. NEARY: Pardon?

MR. CARTER: What kind of jumble is this?

MR. NEARY: Jumble of what?

MR. CARTER: What is the member trying to say?

MR. NEARY: Well, what was the minister trying to say? I know what he said, but what was he trying to say?

MR. OTTENHEIMER: I am trying to say what I said. I said what I intended to say.

MR. NEARY: The hon. gentleman indicated that -

MR. ROBERTS: What did the hon. gentleman mean in that case?

MR. NEARY: Yes. The hon. gentleman indicated that if you did not have the legislation that the moneybags may sock it to the consumers, they may give no credit at all.

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Tape 2165

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MR. NEARY: Everything would be cash and carry. Now, that is a pious - ..

MR. OTTENHEIMER: No, not all, but obviously, some smaller operators might well opt for cash.

MR. NEARY: Well, what would they do? Recall all their credit cards, do away with the credit card system, wipe it out?

AN HON. MEMBER: They are talking about a corner grocery store.

MR. NEARY: Mr. Speaker, if you have a chore to perform, I will take my seat providing I do not lose my opportunity to speak if you want to welcome some people to the gallery.

MR. SPEAKER (Baird): Thank you.

I would like to welcome to the gallery fifty-seven students accompanied by their teachers from the high school in Little Heart's Ease in the district of Bellevue.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I am making a remarkable recovery here and I am glad that the young people are in the gallery today to hear what we have to say about these matters. What we are talking about now is we are debating a bill, it is called second reading of a bill, that will increase the amount of the exemption, in other words, will increase the amount that a person is allowed to keep if the courts have to -

AN HON. MEMBER: If they owe money.

MR. NEARY: - if they owe money and the courts have to attach a worker's wages, then this increases the amount to \$440 a month. Just imagine, \$440 a month, the maximum, to feed a family. That is what a man - if a man is earning \$1,000 a month and some shopkeeper takes him to court, he can attach his wages for \$660 a month. Out of the \$1,000 he can take \$660 and allow him to keep \$440. How generous can you get? Is that not wonderful? In other words, if your dad or your mom owes a few dollars and they are behind in their bills, the shopkeeper can take them to court. And let us say they are earning \$1,000 a month, the shopkeeper can ask the court to withhold \$660 of that \$1,000 and allow -

AN HON. MEMBER: \$560, is it not?

MR. NEARY: - \$560 rather - \$560 out of that \$1,000 and allow the family to keep \$440 a month.



MR. HANCOCK: Does it make any difference the size of the family or not?

MR. NEARY: No, it does not make any difference the size of the family. Is that not wonderful?

MR. HANCOCK: It is worse than welfare.

MR. NEARY: Here we are here in this day and age in the people's House passing a piece of legislation and we cannot decide, by the way, whether this is to protect the consumer - I presume the government thinks that is what it is doing. The government, who is introducing this bill, think that this is going to protect the consumer when all it does, in my opinion - and I am only one out of, well, fifty-two members - is it fifty-two or fifty-one now? -

AN HON. MEMBER: Fifty-two.

MR. NEARY: - fifty-two - I am only one out of fifty-two members of this House, but in my opinion what it does, it gives the supplier of goods and material, the shopkeepers in other words, it gives them a mechanism, gives

MR. S. NEARY:

them a process or machinery whereby they can lash out the credit to people knowing that they have a recourse, if they do not pay their bills, to the courts. And what they do with the courts of this Province is they turn them into collection agencies. The magistrates and the judges resent that. They would rather be doing what they are trained to do and that is dealing with the law, with the administration of justice in this Province. That is what they would prefer to do. But half their time is taken up with matters that involve debts that people incur. And in the process people's lives have been ruined. I know, Mr. Speaker, I know people who will not go to work today. They will not work, they are on social assistance and they will not look for a job. And why will they not go to work? They will not go to work because they know the minute they go to work the vultures, the scavengers will be down in the court with a summons, have a summons issued to get an attachment against their wages. So therefore, they are better off on welfare because you cannot attach welfare. Or unemployment insurance, you cannot attach it.

MR. E. HISCOCK:

They can, yes they can.

MR. S. NEARY:

Unemployment insurance you can?

Well, welfare you cannot attach. But that will be next, I would not be at all surprised but the government will be in here next bringing in a bill, asking this House to approve attachment on an income of welfare recipients. That will be the next thing. I am surprised they have not done it all ready.

So, Mr. Speaker, I can only say that I am against the principle. I am against the principle. I suppose the only way we can look at this is that it is better than nothing. It is better now that it is brought up - what is it now, Les?

MR. E. HISCOCK:

It was \$375.

MR. S. NEARY: \$375 up to \$440. It is better to bring it up, I suppose. But that is not the root of the problem. The root of the problem is that -

AN HON. MEMBER: The cost of living.

MR. S. NEARY: Yes. The root of the problem, Mr. Speaker, is that these vultures and parasites lash out - I mean, you know, can you blame people, Mr. Speaker? They walk into - look, you go into a shopping mall today and is it any wonder that we have so many shoplifters? Here is all this stuff laid out on the shelves. Well, I can hardly - I have to make a confession, by the way, I have to make a confession and I do not know if I would be considered a shoplifter or not, but every time I go into Dominion stores and I pass by a box of green grapes, Mr. Speaker, I cannot resist it. It is right in front of me, it is there, and I start to drool out of the corners of my mouth and I have to reach out and take a grape. Now, I do not know if that is stealing, I do not know if that is stealing or shoplifting. But if it is, I am making a confession. I am making a confession that I break the law because I love grapes. And as long as they leave them out there in front of me - and sometimes I do not even look around, Mr. Speaker, to see if there is anybody watching me. I am so brazen and so bold about it now and so quick on the trigger that I can walk by a box of grapes and have a grape off that so fast that they can hardly see me, and in my mouth -

AN HON. MEMBER: Quick Draw!

MR. S. NEARY: Quick Draw?

AN HON. MEMBER: How about the wine from the grapes? You like the wine too, I guess?

MR. S. NEARY: Well, that is another matter. But I guarantee you this, that I

MR. NEARY:

can understand people reaching out and taking things off shelves. The temptation is flung right in front of them. What a temptation there is, Mr. Speaker. The temptation is there. And if you cannot afford it and you do not steal it, shoplift, then you can whip out your credit cards. Say, 'Here she is, boy. Put it on the credit card'. And a lot of people who have credit cards, who do not know how to manage their affairs, get in over their ears because there is a day of reckoning with a credit card. You eventually have to pay your bill. And so there is a lot to be said about the old cash and carry days. The lay-away plan was a pretty good plan.

AN HON. MEMBER: For undertakers.

MR. NEARY: No, it is not for undertakers.

The lay-away plan, you could go into a store and you could say, 'Well, put that gramophone away for me.'

AN HON. MEMBER: Put that grape away.

MR. NEARY: No, the grape - I put the grape away right on down here, that is where the grape goes.

But you would go into a store and you wanted to buy a gramophone, you would say, 'I do not have the money now and I am not sure when I can pay for it, so lay it away for me. Put it away for me'. Now that was not a bad form of credit. But of course the credit card has taken the place of that. You can go in now and you can have the gramophone or the colored television or the piano or whatever the new gadget is that is out, you can have it instantly and a lot of people feel that they never have to pay for it. But they do have to pay for it and the courts are used by these people. As far as I am concerned they abuse their privilege because they know when they are giving out credit in a lot of cases, they know when they are lashing it out - and you hear these ads, 'Come in and buy a chesterfield. No down payment on the chesterfield and you do not have to pay your first

MR. NEARY: payment until September.' Or a colored or a motor car. You do not have to pay for it come on down. Now, Mr. Speaker, they have a new technique. You can even get a free western steer now down at one of the car dealers. If you buy a second hand car, you go down there and you can get one of these big bulls, a cow from Western Canada, one of the big ones.

So, Mr. Speaker, the kind of society we are living in the ordinary person does not have a chance.

AN HON. MEMBER: (Inaudible).

MR. NEARY: I beg your pardon?

AN HON. MEMBER: (Inaudible) bull.

MR. ROBERTS: There is a lot of bull on the other side of the House (inaudible) car dealer.

MR. NEARY: That is right. So I am glad to be able to have a few words on this bill, Mr. Speaker. I know I probably talked longer than I intended when I got up. But after you think about it - I mean, anybody who uses a little common sense, anybody who thinks at all, Mr. Speaker, knows what a problem this is, especially if you are an MHA

MR. NEARY: or somebody serving the public in this Province, you cannot help but have these problems brought to you, about the hardships that are created by the attachment of people's wages.

And I can only end as I begun by saying, you know, with this type of legislation, with this bill, you are damned if you do and you are double damned if you do not. It is probably a good thing to get it up, but as far as I am concerned the best thing to do is to eliminate the legislation altogether and let that serve as a warning to the people who are giving out credit, indiscriminately giving out credit in this Province will soon get the message that they have to screen things a little more carefully, they have to be a little more careful in awarding credit. I believe, Mr. Speaker, if we did nothing else in this session of the House, that would be a very positive thing for us today.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: Here is the 5:00 o'clock announcement.

MR. SPEAKER (Baird): Order, please!

Before I recognize the hon. member, pursuant to Standing Order 31 (h), it being 5:00 o'clock I can inform the House that I have received notice of one motion for debate at 5:30, when a motion to adjourn is deemed to be before the House. Notice is given by the hon. member for Terra Nova (Mr. Lush) arising out of a question asked to the Minister of Labour and Manpower (Mr. Dinn); subject of the matter is the Labour Relations Board.

SOME HON. MEMBERS: Hear, hear!

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

MR. HISCOCK: Mr. Speaker, looking at this bill "An Act To Amend The Attachment Of Wages", bringing it up from something like \$375 up to \$440, as the member for LaPoile (Mr. Neary) pointed out, and other people on this side, we are not attacking the problem. And I think very, very much that this is in some ways a bill that represents the philosophical difference between the Tories and the Liberals. Here is a bill that we got people getting into financial trouble through force of advertising, through commitment of peer groups, community, and, Mr. Speaker, find themselves in financial trouble.

What do we do? Do we have an education programme of adult education where we have financial counselling? No. Do we have easy accessibility to the banks so that we can get money? No, Mr. Speaker, we do not. We have the loan companies charging 25 per cent interest or more. And as a result, the very people who this legislation is geared towards to help, this very piece of legislation, that the crux of the problem is nothing is done about it. They had poor credit rating in the first place because their incomes are low, they are on social assistance or they are drawing unemployment insurance, and as a result they are a high credit risks. And our banks that are making millions and millions and millions of dollars profit will not take any risk with regard to people on low income.

So, Mr. Speaker, when a person wants to buy a pair of skates for their child or wants to get a coloured television instead of a black and white television or wants to improve their house in

MR. HISCOCK: some way finds out that if we get into financial trouble their wages are attached, I am a little bit concerned with this because it is not enough for a family to function on. And the Minister of Fisheries (Mr. Morgan) here in this Province has lambasted the federal government with regard to National Revenue in taxing the fishermen. At least that amount is negotiable between the fishermen and the National Revenue Department. But here, Mr. Speaker, you only have a basic sum that you are allowed. It is not even fifty per cent. You could be making \$1,200, \$1,500, \$1,600 a month or whatever with two people working in the family and here you attach the wages.

I have had a couple of cases in my district, and those were people who were on unemployment insurance. As the hon. member for LaPoile (Mr. Neary) said to the House, everything is done by computer, and because they were overpaid on their unemployment insurance, they had to recall the money and as a result, deductions were taken from their cheques. The same people were on social assistance. They overpaid them on social assistance and then when they were on unemployment insurance they attached their wages. So what does that do, Mr. Speaker? They get a notice from the telephone company that their telephone is going to be cut off, they get a notice from the light company that the lights are going to be cut off, they get poor credit rating in the community for charging food and things. And a person gets deeper and deeper and deeper into debt.

Now, Mr. Speaker, with the high interest rates in the country and in the world and the high mortgage rates, my question is to the Minister of Justice. With regard to high mortgages where people are now having their mortgages renewed, I would ask the Minister of



MR. HISCOCK: Justice (Mr. Ottenheimer) under this attachment of wages, will anybody lose their homes with regard to this because mortgage rates are so high? I ask the minister whether anybody will lose their home because of this, because of the high mortgage rates now that they are up for negotiating? We have seen an incident in Calgary, for example: A person took over his own house and held the people up and the police were involved because they were going to take his house because of his mortgage payments. And if we only give these people a basic \$375, Mr. Speaker, how is the family going to live? How are they going to carry on things?

With regard to advertising in the news media and television, there is a lot of pressure on people to buy. And I think in many ways that this piece of legislation is

MR. HISCOCK: a 'Catch-22'. If you vote against it, you are voting against an increase; if you vote for it, you are voting for nothing, in a way, only a \$40 increase. I would hope that the Minister of Justice (Mr. Ottenheimer), instead of putting this piece of legislation before the House periodically every year or every two years or every three years, I would hope that the Minister of Justice would come up with a better system of attaching wages on a percentage of the salary, not the minimum, but a basic - put it in that way - and, also, hopefully what the Minister of Justice could do with regard to -

MR. OTTENHEIMER: That would not work at all, a percentage of a salary. A person earning a salary of \$80,000 a year might not pay his bills anymore than if he made \$8,000.

MR. HISCOCK: With regard to this, Mr. Speaker, the person with \$80,000, I would assume, if he gets himself into financial trouble should go down to the minimum, whereas a person on \$8,000 is just below the poverty line in trying to do various things. But I would hope that the Minister of Justice would index it in some way. We have a percentage basis with regard to indexing the price of oil and gas in this Province now, we will not raise the taxes anymore but it is automatically indexed. Maybe instead of bringing this in, 10 per cent or 12 per cent each year, or the cost of inflation could be added on. Let us say it is \$440 now; 10 per cent added next year would go up to \$480, the next year it would go up to \$520, instead of bringing this legislation in, you know. So, Mr. Speaker, I only want to say that I would like to go on record as saying this is not enough, it is not solving the problem. I hope the Minister of Education (Ms. Verge) and the Minister of Social Services (Mr. Hickey) will come up with a program of financial counselling to people who are on low incomes and get them into proper management of their money, because part of the problem, Mr. Speaker, is poor management of their money and the need of education. So, Mr. Speaker,

MR. HISCOCK: in concluding I hope that the Minister of Justice (Mr. Ottenheimer) will find a better way of alleviating the suffering. And, as I said, it is the difference between the Tories and the Liberals. Liberalism has a compassion for its people whereas Toryism is basically based on the capitalist theory that he who gets the money should pay.

Thank you.

MR. SPEAKER (Baird): The hon. member for the Strait of Belle Isle.

MR. ROBERTS: Mr. Speaker, perhaps I may be allowed a few words on the Act because I think the points made by my friends from LaPoile (Mr. Neary) and from Eagle River (Mr. Hiscock) have a very great deal in them, and I think -

MR. CARTER: (Inaudible).

MR. ROBERTS: - sorry? The hon. gentleman from St. John's North (Mr. Carter) has once again erupted himself here in the House. Now he can make his choice; he can turn this place into a beer garden if he wishes, or he can let me go ahead and say what I have to say and do me the courtesy, Mr. Speaker, that every member ought to be willing to extend to every other, and that is to allow me to speak what I wish to say subject to the rules of the House. Now my friend from St. John's North and I have engaged in many battles of wits. He has yet to win one but hope springs eternal in the human breast. I would say at this time I am feeling in a charitable mood today, I do not wish to engage him in a battle of wits for which he comes half armed as he does.

Let me carry on with my few modest remarks and then the Minister of Justice can give us, in his own inimitable style, a conclusion and possibly we can do something with this piece of legislation by five-thirty. And if we can do that with the

MR. E. ROBERTS: legislation, the hon. gentleman for St. John's North (Mr. Carter), Sir, would have done more to help this House than he normally does by being here.

Now, Mr. Speaker, I think the points made by my friend for LaPoile (Mr. Neary) and my friend for Eagle River (Mr. Hiscock) have a very great deal to recommend them. They really spoke in two separate veins and in one of them I think it ought to be recorded really they were completely - not completely, but somewhat at sea; because to repeal this Act would be a disaster. If we repealed the Attachment of Wages Act what we do is go back to common law. And in common law there is no protection for a debtor, none at all. There are some very minimal protections in the Judicature Act of this Province, but if this Act were to be repealed, I say to my friend for Eagle River and my friend for LaPoile, if the main Act - the Act that this bill purports to amend - if the Act were to be repealed we would be back at common law and at common law a creditor could come in and take whatever, if anything, the individual had, anything he could get his hands on.

This bill, this Act which was adopted originally by a Liberal government was a great Liberal reform, a very great Liberal reform to protect the wages of an individual to some degree, at least. Now what the amendment does is increase the degree to which the wages are protected and I think that both my friend for LaPoile and my friend for Eagle River are dead on when they say that the degree of protection is not enough, not nearly enough! All that we have done - I do not know if these numbers track but I suspect they track with the minimums established under the social services regulations, whatever it is now called. It is used to be called short-term welfare, but I do not know what they call it now.

MR. S. NEARY: Social assistance.

June 4, 1981

Tape No. 2172

DW - 2

MR. E. ROBERTS:

Social assistance, is it?

I would think those amounts are probably exactly the same as a man could get on welfare. So what we are saying to a man or a woman who is unfortunate enough to get in debt and to get to the point where he or she becomes a judgement debtor and the court has a judged that he or she owes money which must be paid, we are saying that you may work as hard as you wish, you may get as much as you wish, you may earn as much as you can, but you may keep only the amount allowed by social assistance until you have paid your debt in full. Now I think that is wrong. I think that that is a very bad principle

MR. ROBERTS:

and I think that, accordingly, the amendment is a bad amendment. Why? Because it simply carries on the same kind of principle, which may have been adequate when this act was first made law, which I suspect was after Confederation, but it may be older than that.

I do not think indexing is the answer because I suspect that indexing would be impossible to administer, you know, unless each year the government - perhaps a more pertinent thing would be to do for these amounts what has been done with the Workmen's Compensation Board - we have gone liberated now, the Workers' Compensation Board. As I understand it, each year either the Board or the Cabinet issues a directive in which it says that 'From this day and for the next twelve months the amounts allowed are so many dollars for such and such a category.'

I think that is the way it now works.

MR. OTTENHEIMER:

A yearly review.

MR. ROBERTS:

An annual review. We might do that here. Instead of requiring an amendment by the House in each year, which does not really go to the principle of the bill - the principle of the bill is to exempt certain amounts of wages and protect a certain proportion of a judgement debtor's wages - and instead of requiring each year that the House adopt and change the \$440, the \$500 or whatever would be justified, we might perhaps allow the Lieutenant-Governor in Council to do that.

I am normally very tender in delegating authority the Lieutenant-Governor in Council, particularly this Council, a Council where His Honour now has to advise them - led by the Pompous Pooh-Pah from Pleasantville (Mr. Dinn) as it is - and I will deal with him another day. Unfortunately, he is not protected under the Attachment of Wages Act.

MR. CARTER: What rubbish!

MR. ROBERTS: Yes, the minister is rubbish,  
I concur with my friend from St. John's North.

But the point is, Mr. Speaker, that I think that might be a reasonable power for the House to give unto the Lieutenant-Governor in Council. Because the point made by my friend from Eagle River (Mr. Hiscock) is perfectly valid, the amounts should go up each year. But let me go a stage further, because the real point of the remarks made by the gentleman from LaPoile (Mr. Neary) and the gentleman from Eagle River was, I think, unimpeachable and something this House ought to concern itself with, and that is the ease with which people in this Province can get credit, or more accurately, the freedom with which people in this Province and elsewhere can get into trouble by getting credit too easily.

Now, I do not think we can restrict credit; that is a case of protecting people from themselves and I am not prepared to do that, I do not think any member of the House would.

You know, we have some freedoms left in this country. They are getting eroded all the time and they are being eroded of necessity, I suppose, where there are more and more of us. For example, we can no longer go and cut a bit of wood where we want because it got to the point where all the woods in the country would have been cut out.

But one of the freedoms we still have is to manage our own financial affairs. We have to give a large portion of what we earn to the Government of Canada and the Government of Newfoundland, either directly or indirectly, but we still have some freedom to manage our own financial affairs. I would be reluctant to see this Legislature try to take that away.

June 4, 1981

Tape 2173

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MR. ROBERTS:

But I think we could do two things. And I will be very brief, because hopefully we can finish this one by 5:30.



MR. CARTER: What a waste of time.

MR. ROBERTS: First of all, Mr. Speaker, my friend for St. John's North (Mr. Carter) may think I am wasting time, I am sorry if he feels that way. I suggest to him perhaps he can do something that he does not often do, keep his ears open and his mouth closed and he might learn a little more, because what I am saying may not make sense to him, for which I apologize, but as I have said to him many times, you can lead a horse to water, even half a horse in his case, but you cannot make it drink.

Now what I am saying is there are two things the government could do. First of all, I think the suggestions made by both my hon. friends from LaPoile (Mr. Neary) and Eagle River (Mr. Hiscock) that there be some real counselling and real educational services set up are very valid. Any of us in any way connected with the business world or the legal world gets to see a great deal, becomes aware of a great number of instances where an individual has borrowed well beyond his capacity to repay. And, sure, the advertising and the general availability of credit helps, indeed it is designed to induce it, and people are time and time again, you know, urged to borrow money, and you hear these ads - talk about the lay-away plan! You do not have that anymore; you get what you want and then you do not have to pay for it for three or four months.

MR. NEARY: Never borrow money needlessly.

MR. ROBERTS: And people are sucked in and they get in well over their heads, and I have a great deal of sympathy for these people and I have little, if any, for the credit granters who give them the credit. You know, the man who gives out credit, it ought to be his responsibility to ensure that he can get it back.

MR. HODDER: We are the only Province in Canada that does not have debt counselling.

MR. ROBERTS: Ah! Now my friend for Port au Port (Mr. Hodder) has come to the point. We do not have any adequate debt counselling.

MR. HODDER: Exactly.

MR. ROBERTS: And more importantly we lack legislation which the minister, if he wants to be the reformer that I think he wants to be, the real reform we do not have is a Rearrangement Of Debts Act or a Compounding Of Debts Act - I do not know the correct title of it. But in most provinces of Canada now there is a procedure whereby a debtor, a guy who is in over his head, who can never see daylight, can go to an official - it is not a legal process at that stage. As I understand it he goes to an official, somebody employed by the government and lays it out and that individual then gets in touch with the various creditors and says, this guy cannot pay everything at once, he is in over his head, he is making \$1,000 a month and he has got to pay \$1,500 a month in payments - this is the kind of problem that is coming up, people with cars and T.V. sets and heaven's knows what else - and they then make an arrangement with the creditors, by agreement, the creditors will accept a lesser amount, and then the individual is given an opportunity to work his way out over a period of time but is still allowed a reasonable amount to live on. And I understand in the legislation there are then provisions that the matter can be brought before a court in the event there is not

MR. ROBERTS: agreement and a judge can order - and I think it is an Orderly Payment Of Debts Act is probably the generic term. We do not have that legislation in Newfoundland as far as I am aware. If we do have it I do know it is certainly not used. My friend from LaPoile (Mr. Neary), who studies these things assiduously, assures me we do not. It is very useful legislation. We are going to see more and more of it. We are seeing more and more individual bankruptcies. We are not seeing corporate bankruptcies because in this day and age lenders are sophisticated. They do not bother putting a guy into bankruptcy. You get a debenture now, you take a debenture over the borrowers assets and that allows the lender to move in and take control of it. There is company after company after company in Newfoundland that is being run by a receiver and manager appointed by a bank or some other lender on the authority of a debenture. And the outside world, they do not know but what the company is carrying on as before. We do not see the corporate bankruptcies, we are seeing more and more personal ones. And the Orderly Payment of Debts Act I think would be a very great step forward.

So what I would say to the minister is that this amendment really is - you know, you cannot fault it in itself - but it really does not address the problem. It does not address the problem of debt counselling and generally educating - I do not know what we are going to teach in Grade XII if we ever get Grade XII, but I hope that we will teach some useful stuff. I notice there is a course in law or -

MR. CARTER: (Inaudible).

MR. ROBERTS: Mr. Speaker, you know, I have got to hand it to the gentleman for St. John's North - and he hands it to us all the time - but I have to hand it to him

MR. ROBERTS: you know, he keeps coming back. Talk about a man too stupid to desist. You know, it is not often, Sir, you see somebody who is too stunned to know when he is beaten. The gentleman for St. John's North (Mr. Carter) - and I bite, of course, because I cannot resist. He is such an inviting target with his head in the sand and his rear end stuck up as it usually is.

Now I am talking seriously - I am not talking to him - I am talking to the lady who graces the Education portfolio. And I would say to her that while I have no idea what goes in this law course, that in the high school curriculum - it does not matter whether it is in the final year or the second year or the first year of that three year programme we are now going to have - there ought to be included a significant amount of instruction on money management. Because people are coming out of schools - after all that is where they are allegedly fitted in part to cope with life and the world - they come out, they are given every opportunity and every temptation to spend money, to get into debt. The whole economic structure really works on credit. If we did not have consumer credit we would have the world's -not the worlds' worst depression, we would have a depression to end all depressions beginning tomorrow if consumer credit were ended. People get into debt and then they spend their lives, their lifetimes trying to work their way out or going through hardship that is unnecessary.

So I say to the minister and his colleague, the Education Minister (Ms. Verge) that we should make sure that we have some real debt counselling. And more importantly, I would urge the minister to have a look at or to ask his officials to have a look at the Orderly Payment Of Debts legislation that has been adopted in other provinces and, as I understand it, is in fact

MR. E. ROBERTS: working. It does work. And I think that these two items together might help to achieve the goal which I believe the minister wants to achieve by bringing in this bill. The bill itself, really does not do very much. The legislation is outdated and inadequate. All the bill does is make the legislation a little less inadequate than it was. It does not meet the need at all.

MR. G. OTTENHEIMER: Mr. Speaker.

MR. SPEAKER (Baird): If the hon. minister speaks now he will close the debate.

MR. G. OTTENHEIMER: Mr. Speaker, I have listened with interest to a number of the - to the previous speakers, a number of points made by them. The hon. member for the Strait of Belle Isle (Mr. Roberts) of course was correct, and I think I indicated this to this House in introducing the legislation, that generally these amounts are tracked in with social assistance. That is correct and I can see that there can be grounds, philosophic grounds or grounds of principle that the tracking should be different, but they had to be tracked to something, obviously. I think it is important that we have these reviewed more frequently. The last review was 1977 and I certainly agree there is no reason there should not be an annual review. That will require another amendment to this Act to have the amounts determined by the Lieutenant-Governor in Council or else through a bill in the Legislature, but the principle of annual review is certainly a valid one.

If my memory is correct in the revised high school curriculum there is consumer education under whatever title. It is a course of study, I would presume an elective. Of that I am not sure, whether it will be required or elective. And certainly I agree with the other hon. speakers as well who point out the importance of education in this matter. And there is no doubt that legis-

MR. OTTENHEIMER: lation - legislation, I suppose, gives a certain protection, minimal, depending on how you define minimal; you know, it can be from minimal to moderate, but obviously, it cannot give total protection in total circumstances. And the idea of legislation governing the payment of debts, it is certainly an excellent suggestion and one that we shall follow up.

Essentially I think the hon. member for Grand Bank's (Mr. Thoms) views were that, while he agreed with this, he thought the amounts were insufficient as well. And as I say, I think the principle we have to get to here is 'annual review'.

Some of the remarks made by the hon. member for LaPoile (Mr. Neary) and the hon. member for Eagle River (Mr. Hiscock) some, I think, coincided with the other two gentlemen. And the importance of education in this area I certainly agree with. There is no doubt that there is a great deal of advertising and one could say pressure with respect to the use of credit, education is important there. But, you know, you can only educate so far.

MR. OTTENHEIMER:

In the final analysis people do have a certain area of free will and they have to use a certain amount of common sense and to try to -

AN HON. MEMBER: (Inaudible).

MR. OTTENHEIMER: Yes. And you cannot protect people from everything and you cannot protect people from themselves in a total capacity. And if you do I think the remedy is worse than the cure because you get into such a regulated society that - it is a balance, obviously education is important, there is a role for legislation as well and there are always going to be some people who will get into debt over their heads and will suffer unfortunate consequences thereof. And that is unfortunate. Education is important. And certainly when people do get in debt over their heads and come into operation or when an attachment of wages comes operative toward them, then certainly there has to be humanity. But obviously people have to pay for what they purchase, on credit or not on credit. And, you know, to abolish totally any attachment of wages would be a hardship against many consumers, because one can see that a small grocery store and these small operations which at times give personal credit, if they do not have some protection to get the credit back may well say, you know, they are not required by law to give credit.

I will not comment on the hon. gentleman from Eagle River's (Mr. Hiscock) philosophic dissertation, but merely to say I am not sure what edition of political philosophy or what author he is reading in his -

AN HON. MEMBER: (Inaudible).

MR. OTTENHEIMER: I would think whatever one he is

MR. OTTENHEIMER: reading he needs a new edition. And would just suggest that before the hon. gentleman gives us another dissertation on political philosophy, Toryism, Liberalism and the role of the attachment of wages principle related thereto, that he probably get a new text on political philosophy and probably look at it again. But I am pleased to move second reading.

On motion, a bill, "An Act To Amend The Attachment Of Wages Act", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 53)

MR. OTTENHEIMER: Mr. Speaker, we still have a couple of minutes. The next bill - I am sorry, order 24.

Motion, second reading of a bill, "An Act To Enable Insurance Corporation Of Newfoundland Limited To Become A Federal Corporation". (Bill No. 51)

MR. OTTENHEIMER: If there is any problem here I will adjourn the debate. You know, I am not attempting to rush anything through. But this is very straightforward Under our present Companies Act as hon. members know it is necessary for a bill to go through the House when a provincially incorporated company wishes to take out federal incorporation. Under the new Companies Act when it is passed this will no longer be necessary. We have done this a few times in the past -

AN HON. MEMBER: (Inaudible).

MR. OTTENHEIMER: Yes, in the past number of years. Under the new Companies Act or however it comes out of the Select Committee, when it is later, before we adjourn, referred -



MR. ROBERTS: We will get that before we go?

MR. OTTENHEIMER: Yes, it is the government's intention that the Companies Act and the Act to Incorporate Certified General Accountants be sent to a Select Committee.

MR. ROBERTS: One on each.

MR. OTTENHEIMER: I am not sure that a final decision has been made whether it will be one committee. Conceivably it could be one committee dealing with both of those matters.

MR. ROBERTS: (Inaudible).

MR. STIRLING: (Inaudible).

MR. OTTENHEIMER: Okay. Under a new Companies Act it would not be necessary to bring these things in every year, but this does not cost anything and it is something we have done a number of times.

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

MR. THOMS: Mr. Speaker, I do not want an answer to the question right now. Maybe he can check with his colleague, the Minister of Mines and Energy (Mr. Barry) and maybe give an answer on third reading.

At the present time a Dominion company and foreign companies are governed by the provisions of the Companies Act, and maybe it is just my ignorance, but I would like to know why a reversal is true here, that once the Insurance Corporation of Newfoundland becomes a federal company, then the Companies Act ceases to apply to that company. It is just a question I would like answered; you can answer it on third reading, so we will let it go through as it is now.

On motion, a bill, "An Act To Enable Insurance Corporation Of Newfoundland Limited To Become A Federal Corporation", read a second time, ordered referred to a Committee of the Whole House on tomorrow.

MR. SPEAKER (Simms): It being 5:30 p.m. a motion to adjourn is deemed to be before the House. The matter for debate raised by the hon. the member for Terra Nova (Mr. Lush) is the Labour Relations Board. The hon. the member for Terra Nova.

MR. LUSH: Mr. Speaker, never was such an important matter in this House of Assembly treated with such disrespect, disregard and insincerity as the matter that is now before us. Mr. Speaker, let us look at some of the replies, for example, that the Minister of Labour and Manpower (Mr. Dinn) has made in this entire episode. Mr. Speaker, on one occasion I asked the minister if he thought that the tone and the strong language of the letter suggested that the minister was favouring management and certainly against the union. And the minister's response, of course, was that - his nonsensical response was that the tone is in the ear of the beholder. Now, Mr. Speaker, what a nonsensical response to give to such an important question. Mr. Speaker, on sharpening the focus of the question, the minister responded that he could not help it if I, the member for Terra Nova, was tone deaf. Now, Mr. Speaker, what a way to treat such an important matter. What histrionics, Mr. Speaker, what buffoonery! Now, Mr. Speaker, since that time, since I raised these questions, five

MR. LUSH: provincial unions representing 76 per cent of the organized workers of this Province have expressed the view that the letter that the minister wrote to the Labour Relations Board was clearly interfering with the Labour Relations Board and was clearly anti-union, Mr. Speaker - five unions representing 76 per cent of the unionized workers of this Province, and today, Mr. Speaker, a national union leader, the President of the IBEW of Canada representing 78,000 workers throughout Canada, so putting them together, Mr. Speaker -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. LUSH: So what is the minister saying now, that we have some 100,000 workers in Newfoundland and throughout Canada who are tone deaf? Is this what the minister is telling these people? Is this what the minister is telling them, that they are tone deaf, that they misinterpreted, they misunderstood the language and the tone of the latter? Mr. Speaker, what a lot of nonsense, to be dealing with something with such insincerity!

Now, Mr. Speaker, to be dismissing something in such a jocular fashion, to be dealing with a matter like this, Mr. Speaker, with such pomposity -

MR. FLIGHT: Buffoonery.

MR. LUSH: - and buffoonery. Mr. Speaker, it is absolutely ridiculous! And then, Mr. Speaker, in response to the Leader of the Opposition asking a question, he challenges him to run against him in Pleasantville. Now, Mr. Speaker, what does that have to do with the matter that we are now debating? What does that have to do with being the Minister of Labour and Manpower? I will tell the minister that the people of Pleasantville have nothing to do with his being the Minister of labour and Manpower, that he is the Minister of Labour and Manpower for this entire Province, that he is not the minister for Pleasantville, as so many of those people think they are, ministers for

MR. LUSH: districts. When you look at the roads programme you will see that. Now, Mr. Speaker, they are ministers for all of Newfoundland.

I am telling you, the Minister of Labour and Manpower (Mr. Dinn), that I am almost tempted to take the challenge to run in Pleasantville. But, Mr. Speaker, what would it prove? If the minister got elected it would not prove that he was a good Minister of Labour and Manpower, it would just prove that the people in Pleasantville are so Tory, Mr. Speaker, they would vote for anybody.

But, Mr. Speaker, the question today. Over the past couple of days, the Minister of Labour and Manpower stumbled onto something that he thinks is going to be his salvation. He stumbled onto a court ruling, Mr. Speaker, that said that the Labour Relations Board should give a hearing when one or either side asks for it. Well, Mr. Speaker, the Minister of Labour and Manpower does not realize that he is going against his own Board because they

MR. LUSH: have appealed the case before the Newfoundland Appeals Board. Now, Mr. Speaker, what a ridiculous thing to do, for the minister to stand up here and to quote the Supreme Court of Canada, and his own Board, the Board that he set up, is appealing that decision. Mr. Speaker, it is no wonder -

MR. FLIGHT: By leave.

MR. LUSH: - that the minister has lost -

SOME HON. MEMBERS: By leave! By leave!

MR. SPEAKER (Simms): Order, please!

MR. LUSH: - the support of labour in this Province.

SOME HON. MEMBERS: By leave!

MR. SPEAKER: Order, please!

The hon. member's time has expired.

SOME HON. MEMBERS: By leave! By leave!

MR. SPEAKER: Does the hon. member request leave?

MR. MARSHALL: No.

MR. SPEAKER: Leave is not granted.

The hon. Minister of Labour and

Manpower.

SOME HON. MEMBERS: Hear, hear!

MR. DINN: Save it to the end.

MR. THOMS: There might not be applause then.

MR. DINN: Mr. Speaker, we just heard another load of garbage from the labour critic from the Opposition side of the House.

MR. STAGG: Another one bites the dust.

AN HON. MEMBER: The Minister for Garbage.

MR. DINN: Now what did we hear? What did we hear the hon. member say? He said the Leader of the Opposition was challenged to run in Pleasantville. The Leader of the

MR. DINN: got up yesterday in this House and made a complete fool of himself. He said, 'What if we got a petition from Pleasantville, would you resign?' The question was, would I resign? I will resign two seconds after the Leader of the Opposition resigns and runs in Pleasantville and we will see what the people of Pleasantville will say. That was the answer to the question. And, Mr. Speaker, the Leader of the Opposition slouched down in his seat and was finished.

SOME HON. MEMBERS: Oh, oh!

MR. DINN: Now, Mr. Speaker, -

MR. SPEAKER (Simms): Order, please!

MR. DINN: - we had the member for the Strait of Belle Isle (Mr. Roberts), whom I have a little respect for in this House, asking for in this House, asking for an inquiry into this. Would I sanction any inquiry? The last time the hon. member asked for an inquiry in this House he got burnt severely, Mr. Speaker, and another Liberal leader bit the dust, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. DINN: So we have had several Liberal leaders now who have bit the dust on the same tack that the hon. Leader of the Opposition will bite the dust on.

SOME HON. MEMBERS: Oh, oh!

MR. DINN: And another one bites the dust.

SOME HON. MEMBERS: Oh, oh!

MR. DINN: So, Mr. Speaker, what do we really have here?

MR. SPEAKER: Order, please! It is not in order to sing.

MR. DINN: The background to what we have arrived at here is this - we had a one, Mr. Thorne -

MR. WINDSOR: Now here we go!

MR. DINN: - one, Mr. Thorne who received a confidential document from the Labour Relations Board somehow.

So, Mr. Speaker, who is Mr. Thorne? Mr. Thorne is the guy who, on strike a year or so ago, wrote a telegram to me and he said, "It is our considered opinion that Newfoundland Light and Power has blatantly broken the law and failed to discharge its responsible obligations imposed by the Public Utilities Act, Section 36." So he withdrew his services. The people out in Port aux Basques -

SOME HON. MEMBERS: Shame!

MR. DINN: - were calling me on the phone freezing to death and he blames the Newfoundland Light and Power for not looking after their responsibility. So I get a telegram then from the Mayor of Port aux Basques, and what does the Mayor of Port aux Basques say? The second guy, by the way, in this scenario, was the member for LaPoile (Mr. Neary) who is looking after

MR. DINN: the interests of the people of his district. And how is he looking after the interests of the people of his district? Well, the people of his district, through the mayor, sent a telegram. And what did that telegram say? The telegram said, 'Residents of this area, Port aux Basques to Rose Blanche -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (SIMMS): Order, please!

MR. DINN: - deeply disturbed about power outages from 11:00 a.m., December 10th. to 9:00 a.m., December 11th and the threat by Newfoundland Light and Power employees that further deliberate outages can be expected during inclement weather'. So the second guy, the second gentleman in this great scenario, the member for LaPoile (Mr. Neary), who received this confidential document from no doubt his usual reliable resources - Andy Davidson was the first one and he came in here with his great affidavits.

MR. ROBERTS: (Inaudible).

MR. DINN: Now the hon. member for the Strait of Belle Isle (Mr. Roberts) got burnt before. I suggest that he keep quiet.

MR. ROBERTS: (Inaudible) the hon. gentleman is (inaudible).

MR. SPEAKER: Order, please!

MR. DINN: I suggest that the hon. member stay quiet and observe the rules of the House like the parliamentarian he proposes that he is, Mr. Speaker. So then what do we have? What do we have? We have a letter then -

MR. ROBERTS: (Inaudible) supported it.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. DINN: We have a letter then from a company alleging certain things. And, Mr. Speaker, what did the minister do? What did the minister do, Mr. Speaker?



MR. WINDSOR: The right thing.

MR. DINN: Well, Mr. Speaker, under section 125 the minister could have called for an enquiry into it. No, did not think it was that serious, has all kinds of confidence in the Labour Relations Board. And under the regulations of section 125 of the Act, what does it say?

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (SIMMS): Order, please!

MR. DINN: The regulations say - and I quote from the regulations - "On receipt of a complaint, the minister may request further particulars of a complaint as he deems necessary."

SOME HON. MEMBERS: By leave! By leave!

MR. SPEAKER: Order, please!

MR. DINN: Do the hon. members want the information?

MR. SPEAKER: Order, please!

MR. DINN: I have leave.

MR. SPEAKER: Order, please!

The Chair is standing, the member shall sit. Now I have to advise the hon. member that his time has expired. Has he requested leave?

AN HON. MEMBER: By leave.

MR. SPEAKER: Is there leave?

SOME HON. MEMBERS: No.

MR. SPEAKER: I hear no, there is no leave.

The motion is that this House do now adjourn. Those in favour "Aye". Contrary, "Nay". Carried.

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