

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
3:00 p.m. - 6:00 p.m.
MONDAY, NOVEMBER 16, 1981

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

Hon. members, I know, would like to join me in welcoming to our galleries today, Councillor James Fagan from the city of St. John's. Welcome.

SOME HON. MEMBERS: Hear, hear!

STATEMENTS BY MINISTERS

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I wish to make a statement on the ongoing fishery situation in our Province.

The Newfoundland Government has been working with the Lake Group for over a year in an attempt to assist the company in a major restructuring and refinancing of its Newfoundland and U.S. operations. The government has received a number of proposals from the Lakes over the past year, one of which resulted in a \$5 million guarantee by the government.

During September of this year the Lake Group Limited, National Sea Products and H. B. Nickerson and Son Limited presented government with a proposal whereby the three companies would combine their Newfoundland fishing operations and their U.S. marketing companies. The proposal called for a \$40 million provincial government guarantee and a financial restructuring of company debt by the Bank of Nova Scotia. In addition, the merger proposal would have meant the closing of a number of fish plants on the South and Northeast Coasts of the Province.

The Department of Fisheries, Department of Finance and Department of Development have

PREMIER PECKFORD: analysed the details of the proposed consolidation over the past six weeks. After careful consideration, government has decided not to accept the merger proposal and the companies and the bank have been so advised.

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: The reason for rejection is principally because the restructuring proposal does not provide a comprehensive and satisfactory solution to either the problems of the deep-sea fishery on the South Coast or the seasonal plant problems on the Northeast Coast. Other concerns were the substantial financial guarantee requested of the Newfoundland Government, the control of a large segment of this Province's fishing industry from outside the Province, the option for one of the companies, National Sea, to opt out of the proposed merger within three years, and the ability of the companies to successfully carry out the merger.

Officials of the three departments of Fisheries, Finance and Development will be available in the next few days to meet with the companies to further discuss the reasons for the proposal being rejected.

Mr. Speaker, the government will continue to work with the Lake Group and the bank to seek an acceptable solution to Lake's financial and operational problems. At the same time, we are assessing the overall position of the fishing industry with a view to finding some long-term solutions to the problems being encountered by the industry. We believe these long-term solutions can only be achieved through co-operation between the two levels of

PREMIER PECKFORD: government and the industry and the union. The Royal Commission into the inshore fishery has given us a new base of information on which to move forward toward comprehensive long-term solutions for both the deep-sea and the inshore fishery.

When I met with the Concerned Citizens Committee from the South Coast a few weeks ago, I promised to outline my government's position on the proposals before us. Since that time a solution has been found to the problems of John Penney and Sons Limited at Ramea and now the proposal for consolidation of Lakes, National Sea, and Nickersons has been dealt with. I want to assure the concerned citizens of the South Coast that the Minister of Fisheries (Mr. Morgan) and the Newfoundland Government will continue to explore all reasonable alternatives for the revitalization of the fishery. To this end, government will now assess the recent proposals from the Lake Group and meetings have been arranged by officials of the three departments with the bank and the company for later this week.

Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear.

MR. SPEAKER (Simms):

has about two minutes.

The hon. Leader of the Opposition

MR. STIRLING:

this is really unbelievable at this day, November 16th, this House of Assembly, that the Premier delivers a statement -

Mr. Speaker, this is unbelievable,

MR. NEARY:

make it.

He would not let the minister

MR. STIRLING:

has now been dealt with. But what about the people in Grand Bank? What about the people who have been waiting?

- in which he says this proposal

This proposal, Mr. Speaker, has been in the Premier's hands since last May.

MR. MORGAN:

Since September, boy.

MR. STIRLING: Since last May the Premier knew about the problems dealing with the troubles that this group was having. As a matter of fact -

MR. HODDER: It was on the Order Paper last May (inaudible) money.

MR. STIRLING: - there was on the Order Paper an item that the Premier was not prepared to debate and one of the reasons that we closed the House -

MR. HODDER: - off.

MR. STIRLING: - one of the reasons that this House closed is that he was not prepared to face up to debating that question which was on the Order Paper.

Now, Mr. Speaker, two years ago this government was warned by everybody involved with the fishery. There is not a single new piece of information, not a single new piece of information that came out in the Royal Commission and now he has the gall to stand up in this House of Assembly and say we have now dealt with it. What is he going to do about the problem?

PREMIER PECKFORD: We dealt with the proposal on it.

MR. STIRLING: You certainly have not dealt with the fishery. You are right on; that this government has not dealt with the problems of the fishery and they have now dealt with the proposal, six months after the problem first occurred.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER (Simms): Order, please!

MR. STIRLING: Mr. Speaker, if the Premier would go to meet with the people in Grand Bank, as we met with them over the weekend, he would see the frustration and the hurt and the suffering and he would see the guts being torn out of people, torn out because they do not know and they were depending on this government. And this is their statement, Mr. Speaker? This is a statement of a complete cop out of a government that either does not care or does not know how to manage this Province,

MR. STIRLING:

and it is not good enough, Mr. Speaker, it is not good enough for this government that was given a mandate to manage. It is a complete and absolute dereliction of duty.

MR. FLIGHT:

An abdication.

MR. SPEAKER (Simms):

Order, please!

MR. STIRLING:

Mr. Speaker.

MR. SPEAKER:

Order, please!

The hon. member's time has expired.

MR. DINN:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Labour and Manpower.

SOME HON. MEMBERS:

Oh, ho!

MR. SPEAKER:

Order, please!

The hon. the Minister of Labour and Manpower.

MR. DINN:

Mr. Speaker, I wish to inform the hon. members of the House of Assembly of a number of increases in benefits paid under the Workers' Compensation Act to become effective on January 1, 1982. The increases are in two categories; namely, to increase the level of compensable earnings and also to increase the various pensions and benefits paid to beneficiaries under the Act.

The last increases were made by Cabinet Order effective January 1981. Specifically, these increases are as follows: one, an increase in compensable earnings in the compensable earnings level from the present \$19,000 to \$21,000, which means that these people will get

MR. DINN: from - they used to get \$14,250. It will go up to \$15,750, seventy-five per cent of the compensable earnings. And two, an increase of ten per cent in permanent total disability and permanent partial disability pensions awarded as a result of accidents occurring before January 1, 1980.

Three, an increase of ten per cent in the minimum level of temporary total disability and temporary partial disability benefits.

Four, an increase of ten per cent in the minimum level of permanent total disability and permanent partial disability benefits.

Five, an increase from \$750 to \$850 for burial expenses. Six, an increase from \$370 to \$410 for pensions to a widow or invalid widower. Seven, an increase from \$85 to \$95 for dependant children under sixteen years of age. Eight, an increase from \$85 to \$95 for orphaned children.

The increases as outlined above will not cause any increase to industry assessment rates. The extra funds for pension increases are being transferred from the boards recapitalization reserve. The ten per cent increase is expected to partially keep pace with the increase in the cost of living.

The increase in compensable earnings level will not cause any increase in rates. However, the actual dollars collected from industry will increase proportionally by the increase in the maximum compensable earnings level.

MR. DINN:

In conclusion, I wish to inform the members that the review committee, under Dr. May, currently examining the Workers' Compensation Board Act, has now nearly completed his work. However, it would not be possible in the time remaining in 1981 for government to give consideration to the recommendations of that committee for the purpose of guidance for increases in the calendar year 1982 and that is why we are doing it now.

This matter will receive further

MR. J. DINN:

consideration once the recommendations of the review committee have been studied.

MR. SPEAKER (Simms): The hon. member for Terra Nova has about one and a half minutes approximately.

MR. T. LUSH: Mr. Speaker, it is so rare that this government comes up with something of any degree of acceptability and with any degree of positiveness that we on this side certainly have to welcome this kind of legislation today, these kinds of measures which will give increases to certain categories of people. And, of course, we certainly welcome any measures, any steps taken by the government that will give increases to people that will help them to cope with the cost of living. This we welcome.

There is one thing, though, I would like to say to the minister and that is we certainly would like to see some measures taken whereby the people sustaining injuries and the people sustaining industrial accidents do not have to wait so long for their benefits. It is still a long time to process applications. People throughout this Province are today going through a tremendous amount of anxiety, a tremendous amount of frustration by just waiting to see this doctor and that doctor, to see this specialist and that specialist to get their applications processed. So though we welcome this measure today, we certainly would hope that the government will take some steps to see to it that people who presently experience industrial accidents, injuries of one kind or another do not have to wait such excessive periods of time before they can get any compensation.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): Any further statements?
The hon. Minister of Public Works and Services.

MR. H. YOUNG: Mr. Speaker, I would like to make a statement on the situation concerning the new hospital in Port aux Basques. The Department of Public Works and Services was informed today by the solicitors for the Newfoundland Engineering Construction Company Limited that the company would be unable to provide the bonding required for the construction of the hospital at Channel-Port aux Basques. My department has written Newfoundland Engineering Construction Company Limited and officially informed the company that they are in default of their contract obligations and the contract with them is now terminated. I further instructed my officials to formally advise the Guardian Insurance Company of Canada, the company which provided the Newfoundland Engineering Construction Company Limited's bid bond, that Newfoundland Engineering Construction Company Limited is in default and has not entered into a formal contract with the department nor given the specified security to secure the performance of the terms and conditions of the contract.

The department will inform the next bidder, Seaboard Construction (1978) Limited, to advise them of my department's acceptance of their tender to construct the hospital. The department has also called upon the Guardian Insurance Company to honour its bond bid and forthwith forward a cheque to the government in the amount of \$387,000, representing

MR. YOUNG: the difference between the bid by Seabord Construction and the bid by NECCO. My officials have contacted Seabord Construction Limited and the company is prepared to honour their tender in the amount of \$9,813,000.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): The hon. member for LaPoile has about forty-five seconds.

MR. NEARY: Mr. Speaker, I am glad that the minister has moved swiftly to correct a situation that developed in connection with the construction of the Port aux Basques Hospital. I could, I suppose, if I wanted to, ask the hon. gentleman how Newfoundland Engineering got on the site and actually started construction and had people hired and had started work without their performance bond being put up? How did that happen? I mean, somebody obviously must have been negligent. But in the meantime, Mr. Speaker, I do hope that there will be no delay as a result of this changing from one contractor to another. I hope that if there is a five or six weeks delay, as has been indicated by the Minister of Health (Mr. House), that they will be able to make it up in the progress of construction of the hospital over the period of the next two or three years.

MR. SPEAKER: The hon. Minister of Public Works.

MR. YOUNG: Mr. Speaker, may I reply to the questions asked?

MR. SPEAKER: Yes.

MR. YOUNG: If any construction was started by NECCC on the site of the Port aux Basques-Channel Hospital, it was on their own with no instructions. I wish to table, Sir, the letter to them of acceptance, and the last sentence. "No work is to commence without the prior approval of the consultant." And they just went out on spec and did the work.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms):

Further statements?

ORAL QUESTIONS:

MR. SPEAKER:

The hon. Leader of the Opposition.

MR. STIRLING:

Mr. Speaker, I have a question for the Premier, really an opportunity for him to correct his hasty statement that he made in the House of Assembly last Friday in which he said there were going to be severe cutbacks in post-secondary education and health care as set out in the federal budget.

Now that the Premier has had an opportunity to examine all of the facts and hear from Mr. Regan, who is the minister responsible for post-secondary education, would he now like to withdraw those comments and apologize to the people of Newfoundland and Labrador for the scare and frightening aspect of having health services reduced? Would he now apologize to the people for that distortion?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I have rechecked the figures, as we did on Thursday night and Friday morning, and I have before me pages fifty-four and fifty-five of a document entitled "Fiscal Arrangements in the Eighties, Proposals of the Government of Canada," and if one wants to look on page fifty-four and fifty-five it becomes quite clear that over the next five years the Government of Newfoundland will lose \$77 million in -

SOME HON. MEMBERS:

Shame! Shame!

PREMIER PECKFORD:

- established programme funding which we would have received if the old programme up until budget night had been allowed to continue.

In addition,

PREMIER PECKFORD: Mr. Speaker, I said in my prepared statement here in the House, and I also said in a prepared statement later to the press, that this might not mean that health services would be reduced because the Province of Newfoundland would not let it happen. What I went on to say was that we would have to take money ourselves from other programmes to insure that the same level of health care service and post-secondary education service was maintained in this Province that we had before the budget. And we would find, and scrape and steal and borrow and do whatever we had to do to ensure that these cutbacks that are now being proposed through the federal budget do not mean a lessening of standard that we have now reached over the last number of years. But, you know, the Leader of the Opposition's argument is not with me, Mr. Speaker. I did not write this document.

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: This document comes from Mr. Allan MacEachen in Ottawa, the Minister of Finance. He has indicated a half billion dollars in money that is going to be saved by cutbacks to the provinces on various programmes that are now in existence. And Mr. MacEachen himself has indicated - and these figures are not solid, as I indicated to the press. We are going to lose \$19.5 million but the federal government are saying that in countervailing savings there is going to be \$11.7 million recovered by the Province of Newfoundland leaving a difference of \$7.8 million. But that \$11.7 million is not firm, it depends upon provincial revenues. And as everybody knows provincial revenues have been declining, so that therefore, that \$11.7 million could be less than

PREMIER PECKFORD: that, meaning that the difference would be larger than \$7.8 million and could very well get to \$10 million. So the argument that the Leader of the Opposition has is not with me at all. He will have to argue it out with Mr. Regan and Mr. MacEachen and the other people who have produced this document. I am just reading. I did do some basic math, Mr. Speaker, over the years and I have learned that minus seven-point-eight means seven-point-eight less than we would have received if the old programme had been in effect.

MR. STIRLING: A supplementary.

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

MR. STIRLING: Mr. Speaker, if that gobbledygook was given by somebody other than the Premier of this Province, who has just given a statement on the fishery in a state of absolute neglect and decline, it might be funny. Now I was giving him the benefit of the doubt, Mr. Speaker, in assuming that he had been hasty or assuming that he had been so eager to bash Ottawa that he had not checked all the figures.

SOME HON. MEMBERS: Oh, ho!

MR. SPEAKER: Order!

MR. STIRLING: I would ask the Premier if he did look in those full documents at table six? And let us not cloud any other issues. Let us deal with the two that he referred to, this programme dedicated to two areas post-secondary education and health care. Now the budget is very complicated and there is a lot of it in it and it requires

MR. STIRLING: negotiations and we will not get the opportunity in this House to have a full debate. So the question I want to deal with the Premier on - let him be specific - two areas: post-secondary education and health. Is the Premier aware of table (6) in that documentation, in that same one that he referred to on page 55, in that same piece of material? Let me refer to table (6). Is the Premier aware that there is a specific table that says: "Estimated federal contributions for health care- specific, health care and post-secondary education- specific, post-secondary education- under established programmes financing arrangements." A very specific table, Mr. Speaker, and it says: "Newfoundland, 1982-83, \$221 million, up from this year, \$214 million. 1983-84, \$250 million, up from \$221. 1984-85, \$287 million. 1985-86 \$326 million, up from \$214 million. \$366 million -" Mr. Speaker, I ask the Premier did he look at table (6) very specifically setting out what the federal government is going to do? And now, either he has read that and is ready now to jump up and apologize, or he is guilty of distortion of the highest order. Now, would the Premier please answer that question?

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

PREMIER PECKFORD: Mr. Speaker, we have done an assessment, and the Department of Finance has done an assessment on all the tables in this booklet, and the totality of the established programme funding arrangements between the Provinces indicates to us that we are going to lose money over what the existing programme was. That is the story as our officials have been able to assess it, and that is -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order!

PREMIER PECKFORD: -the point about it.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

PREMIER PECKFORD: Now, there are many parts of the established programme funding arrangement, I am not sure if the Leader of the Opposition (Mr. Stirling) is aware of that, and this deals with one aspect of EPF which is not covered in the table that he just spoke about. That is why you have to go to pages 54 and 55, beyond table (6). You have to go beyond table (6) in order to get the full impact of it. And beyond table (6), beyond what the Leader of the Opposition talked about, there is a special provision there for taxation revenue which was supposed to come to the Province of Newfoundland which will not now come, to the extent of at least \$7.8 million, which has been targeted all

PREMIER PECKFORD: over the years, ever since its inception in 1976 and 1972, to post-secondary education and health care.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: A supplementary, Mr. Speaker.

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

MR. STIRLING: Mr. Speaker, we are getting very close to a specific case that can be checked out. The press does not have to wonder which one of us is telling the truth, they can check the facts. Because, Mr. Speaker, in that same document there are many tables referring to many things, and the Premier with his colleagues -

SOME HON. MEMBERS: Oh, oh!

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

MR. STIRLING: The Premier with his colleagues made a presentation.

SOME HON. MEMBERS: Oh, oh!

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

The hon. the Leader of the Opposition has a supplementary.

MR. STIRLING: Mr. Speaker, the Premier, as one of the Premiers who made a presentation to the Task Force, specifically said the opposite of what he just said, that in this established funding programme, Mr. Speaker, that the other guarantee, the other things that he is talking about, did not apply to these two specific subjects. There is nothing else in the established programming, Mr. Speaker -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. STIRLING: - except the education -

SOME HON. MEMBERS: Oh, oh!

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

MR. SPEAKER (Simms): The hon. the Leader of the Opposition should put his question now.

MR. STIRLING: Yes, Mr. Speaker.

If the Premier would have a full-ranging debate we could have a debate on this.

SOME HON. MEMBERS: Oh, oh!

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

MR. STIRLING: The question, Mr. Speaker - and you have to put it in baby talk. And I can understand that the Premier will jump up and ask for you to rule 'Order' the same way he used to have to call the principal of the school.

SOME HON. MEMBERS: Oh, oh!

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

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

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

MR. MARSHALL: The hon. the Leader of the Opposition has been called to order by Your Honour and asked to put his question and he flagrantly violates Your Honour's ruling and persists in continuing on in the same refrain. I suggest that the hon. member should either comply with the rules of the House or else take his seat and allow some other member to ask a question.

SOME HON. MEMBERS: Hear, hear!

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

MR. STIRLING: No, Mr. Speaker, that is not a point of order.

MR. SPEAKER: Well, with respect to the point of order, the rules are quite clear: When the Speaker directs a member to ask his question he should ask his supplementary without further preamble.

MR. STIRLING: Mr. Speaker, the specific question

MR. STIRLING: is, Did not the Premier participate with the other Premiers in stating that that extra fund that he is talking about did not apply to post-secondary education, has never been spent in this Province on post-secondary education, and the presentation by the Premiers was for these two specific things, that there would be no cutback in post-secondary education and no cutback in health, and do not these tables say in fact that in those two areas the federal government will not be cutting back in post-secondary education and not cutting back in health?

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: Mr. Speaker, the Leader of the Opposition can split hairs all he wants. He can try to hang his hat on some figment of his imagination -

MR. STIRLING: Deal with the specifics. Deal with the specifics.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

PREMIER PECKFORD: - about presentation of parliamentary task forces and positions that the First Ministers took.

PREMIER PECKFORD:

All I am concerned about, Mr. Speaker, as the Premier of Newfoundland and Labrador - and I would like to think the Leader of the Opposition (Mr. Stirling) for the Province of Newfoundland and Labrador, not the Leader of the Opposition for Canada, not somebody to speak for the rest of the provinces but somebody who is supposed to speak for Newfoundland and Labrador - is that we are losing money when we cannot afford to lose money. We do not have enough money now to spend on education, we do not have enough money now to spend on health and that these kinds of cutbacks, which will amount to \$77 million over the next five years, will be a heavy blow on the Province's fiscal capacity to be able to deliver the two basic services that cost us the most money, education and health. And that is where the story is, Mr. Speaker. The bottom line is we are losing money. The federal initiatives in this budget last week mean we are going to be worse off than we were before this budget. And that will affect every part and it will most definitely affect those two areas on which we spend three quarters of our budget, just about, health and education. And the Leader of the Opposition can split hairs about presentations to the First Ministers' Conference, he can split hairs about the Parliamentary Task Force, he can split hairs about tables, the fact of the matter is - and he should be defending the position of the Government of Newfoundland that he does not want to see money lost.

SOME HON. MEMBERS:

Hear, hear.

PREMIER PECKFORD:

What is wrong with them over there?

What is wrong with the Leader of the Opposition and the members of the Opposition? They are supporting cutbacks.

SOME HON. MEMBERS:

Oh, oh.

MR. SPEAKER (Simms):

Order, please!

PREMIER PECKFORD: They are supporting cutting back \$77 million, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER (Simms): Order, please!

PREMIER PECKFORD: Shame, shame.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

SOME HON. MEMBER: Hear, hear.

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

MR. STIRLING: Supplementary, Mr. Speaker.

MR. SPEAKER: Supplementary, the hon. Leader of the Opposition.

MR. STIRLING: All of that bluff and buffoonery will not get away from the fact that in Table VI, the federal government - if you look at the poor old minister over there, if you could get him to read - the federal government will be increasing post-secondary education and health as per Table VI. Now, what the -

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

MR. STIRLING: - Premier has said is that he intends to cut back as he cut back last year. Now face the students with that.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Ah, now they are against cutbacks, When the Newfoundland Government cuts back, they are against it. When the federal government cuts back in Newfoundland, they favour it. That is discrimination for you.

SOME HON. MEMBERS: Hear, hear.

PREMIER PECKFORD: Just one statement, Mr. Speaker, if I am allowed to speak -

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

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PREMIER PECKFORD:

- without being interrupted.

Under the old programme that was in effect up until Thursday night, we were going to be provided with X number of dollars under the EPF programme.

SOME HON. MEMBERS:

Oh, oh!

PREMIER PECKFORD:

Mr. Speaker, I asked for silence.

MR. SPEAKER (Simms):

Order, please!

MR. STIRLING:

Roger Simmons.

MR. SPEAKER:

Order, please!

PREMIER PECKFORD:

Mr. Speaker, may I -

MR. SPEAKER:

Order, please!

The hon. member has the right to be heard in silence. Everybody knows that.

PREMIER PECKFORD:

I cannot respond if the members opposite - they either want me to answer the question or they do not want me to answer the question. Now, I know Mr. Speaker, they hate for us to get up and answer this way in factual terms, but they just have to put with that.

Under the old programme of EPF the increases were X per cent. Under the new programme -

MR. STIRLING:

What table is that?

MR. SPEAKER:

Order, please!

PREMIER PECKFORD:

Have you done any algebra? Have you done any math? Did you know it is for a certain figure?

MR. SPEAKER:

Order, please!

MR. STIRLING:

That is the question.

PREMIER PECKFORD:

Mr. Speaker, under the old EPF programme, the increases in EPF were X per cent. Under the new programme of EPF, they are X minus Y per cent.

SOME HON. MEMBERS:

Oh, oh!

PREMIER PECKFORD: And that is the point. And X minus Y equals \$7.8 million less than we were going to get under the old programme. That is a fact that the Leader of the Opposition cannot deny, that Mr. MacEachen would not deny. Up until Thursday evening we were going to get so many dollars in EPF. When the new programme came in the next morning, we were going to get so many dollars minus. The amount of money we are going to get now is less than we were going to get.

MR. STIRLING: Deal with the facts.

MR. SPEAKER (Simms): Order, please!

MR. STIRLING: Deal with the facts.

MR. SPEAKER: Order, please!

PREMIER PECKFORD: They will not let me speak without being interrupted, Mr. Speaker.

MR. SPEAKER: Order, please!

I will remind hon. members again that a member has the right to be heard in silence if he so requests, and hon. members should respect that particular tradition. The other point I will make is that if hon. members ask questions, presumably they wish to receive an answer. But if there is a bit of a ruckus and a fuss it is impossible. So they have to decide one way or the other, they either want the answers or they do not. So if the hon. members would please restrain themselves so we can get the question concluded, there are others who wish to ask questions, I am sure.

The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, the story is that on this established programme funding arrangement with the federal government, they had decided on Thursday evening—when ever the Budget was brought down—that they were going to reduce the amount of funds that are coming to Newfoundland

PREMIER PECKFORD: under this programme over what they had said they were going to reduce them by in the old programme on Wednesday afternoon. Now that is the story. And we are going to lose as a result. Up until the Budget coming down, we were going to get a certain amount of money under EPF. After the Budget, we are getting \$7.8 million less minimum, and I will just call upon the Opposition to condemn cutbacks from whatever source

PREMIER PECKFORD: they come from. And do not discriminate and be against cutbacks when we have to do it and be for them when the federal government have to do it.

SOME HON. MEMBERS: Hear, hear!

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

MR. THOMS: Thank you very much, Mr. Speaker.

I just wanted to say I am very happy. I am happy with the statement the Premier made today in connection with the fisheries.

SOME HON. MEMBERS: Hear, hear!

MR. THOMS: Mr. Speaker, this is Question Period and times goes. I am happy because the proposal made by the Lake Group Limited did not include the re-opening of the Grand Bank plant and until it does that then I will never, never approve of it.

Mr. Speaker, I would like to ask the Premier, I understand this statement deals with only one proposal that was made by the Lake Group Limited, I understand that there is more than one proposal before the government. Now when can we expect a decision by government on the other proposals that are before it?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: I thank the hon. member for Grand Bank for his question, and I also thank him for his observation. Obviously there are some members on the opposite side who believe that something we do over here is worthwhile, even when it does not involve cutbacks.

Now, Mr. Speaker, there are about -

MR. STIRLING: He did not say he agreed with your -
(inaudible)

PREMIER PECKFORD: Mr. Speaker, I wish to -

MR. SPEAKER: Order, please!

PREMIER PECKFORD: I want to be able to respond to the member for Grand Bank so that he understands and listens to what I am trying to say and his own colleagues are interrupting.

MR. SPEAKER (Simms): Order, please!

PREMIER PECKFORD: There are three or four proposals on the table right now besides the merger proposal which we dealt with today. Over the next three or four days there are meetings arranged with the Lakes and the Bank of Nova Scotia and with other interested parties who might wish to initiate different things as it relates to the problems we are now having in the deep-sea fishery.

The question as to when we will be in a position to respond to those proposals, it is very difficult to say, Hopefully within the next two or three weeks we can finalize either an agreement or still no agreement on the various proposals that come before us. But we are going at it full blast the rest of this week with whosoever will who wants to either put in a new proposal or who wants to expand or amend existing proposals on the table. And those meetings will be taking place, quite a few of them, starting tonight or tomorrow morning.

MR. THOMS: A supplementary.

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

MR. THOMS: One of the problems in Grand Bank, Mr. Speaker, is the uncertainty that the people have in connection, "What is going to happen to the town of Grand Bank?" And whatever happens to the fish plant is going to determine what happens to the town of Grand Bank. So it is the uncertainty. But would the Premier give an undertaking to the people of Grand Bank that any proposal that does

MR. THOMS: not include the re-opening of the Grand Bank plant, they will not accept any proposal that does not include the re-opening of the Grand Bank plant?

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

PREMIER PECKFORD: Mr. Speaker -

MR. THOMS: That will take a lot of the uncertainty out of it.

PREMIER PECKFORD: I am not prepared to make that commitment right now.

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: I am not prepared to do that. I was asked that by the various groups in the last number of weeks. The Minister of Fisheries (Mr. Morgan) has been on the phone to a number of the groups in Grand Bank this morning indicating to them that we would be making a statement today, and our interest to continue to meet with them. There are a whole range of different kinds of proposals on the table. I do not know what finally it will end up being. One thing is for certain; we were not prepared, with the elements of this merger proposal that we have now made public, to entertain the kind of proposal which mixed up, in our view, unnecessarily, the fishing industry. And we wanted to deal specifically with the problems we are now having, we wanted to focus in on those. As the hon. member is aware, the merger proposal had in it a whole bunch of other elements which had nothing to do with the crises that were facing the Lake Group of companies, nothing to do with them at all and we wanted to deal with that head on. So the only kind of commitment I can make to the hon. member, or to the people of Grand Bank right now - and I understand their uncertainty, Baie Verte has it, and there are other places around. It does not make it any easier because they can share their pain with

PREMIER PECKFORD: some other place, I realize, but by the same token we have to tread carefully and walk carefully in this very sensitive area, given that there is a lot of money at stake, there are a lot of people at stake, a lot of communities at stake.

MR. THOMS: People are the important thing, to hell with the money.

PREMIER PECKFORD: Yes, I understand that. There are a lot of problems there with the whole situation in Grand Bank, Fortune, Gaultois and so on, and we have to try to wade our way through a maze of different proposals, and a maze of different things that are happening. We cannot make that kind of commitment right now. We are aware, and will continue to meet with the people of Grand Bank and let them make their case to us.

We feel a strong alliance, if you will, and affection for the part that Grand Bank has played in the past, and has played right up until a few days or weeks ago, and we are going to be highly sensitive to anything which diminishes, or somehow sees these communities which have contributed much to our past suddenly being phased out by corporations or whatever.

I think our sensitivity to the problem is proportionate to the way we handled the merger proposal. And I would say to the people of Grand Bank now simply this, that I think they have some idea and understanding and appreciation for the way the Government of Newfoundland is going to act, given the way they have acted on the merger proposal, and I would stop there until we have further negotiations.

MR. THOMS: A supplementary, Mr. Speaker.

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

MR. THOMS: Words and platitudes are not what the people of Grand Bank want at this time, We are simply asking for, maybe, some sort of an assurance from the government that they will not permit the plant and the town of Grand Bank to die.

Now, would the Premier go this far? Would he give them an undertaking that if a proposal, any proposal accepted by the government, if it does include the closing of the Grand Bank plant, then would he at least give a commitment that he will see to it that that ogre, the Bank of Nova Scotia and the plants, will release the assets of the company, will release the plant, will release the trawlers so that they can be obtained by another company and operated by another company, rather than having them retain them in their inventories and refuse to give them up? Can you go that far?

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

PREMIER PECKFORD: Mr. Speaker, I think I have tried to respond in as positive and in as full a way as I can to the hon. member's concerns. I know platitudes and words are not good for anyone, neither are they good for Gaultois, by the way, neither are they good for the community of Gaultois who also face a dismal future. So, you know, I just cannot only look at Grand Bank like the hon. member can because he happens to be the member for there, I have to look at Gaultois too.

MR. ROBERTS: Englee.

PREMIER PECKFORD: And I have to look at exactly, and many, many others that are there. And so that is difficult because it sets a precedent for other areas and if you can do it for one you can do it for all. That makes it difficult. I only respond to the hon. member by saying we are, we believe, fairly familiar with the problems that are in the hon. member's district right now and especially in Grand Bank. And I just go back to indicate to him that the way we have responded to the merger proposal should at least provide some comfort to him and to the people he serves that we are going to go about this in a very rational, careful manner and we are not going to jump any guns and we are not going to quickly respond for the sake of responding, and that we will look at anything that comes forward, but that we are committed to the Newfoundland and Labrador fishing industry and we want to ensure that every place gets a good opportunity to make sure it cannot only survive but can do better in the future than it has done in the past. And we will do that for Grand Bank.

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

MR. L. THOMS: Mr. Speaker, I just wanted to correct one thing in your statement today. You did not meet with the Concerned Citizens Committee last time, you met with the Fishery Crisis Committee, which is a committee serving the whole South Coast. The Concerned Citizens Committee, the only one set up is the one in Grand Bank.

Now I understand that this committee has requested through the deputy minister in the Minister of Fisheries' (Mr. Morgan) department, Mr. Dean, a meeting with the Minister of Fisheries and with the Premier as soon as possible, within the next day or so. And I also understand the same request went through Mr. Hewlett, the Premier's Special Assistant. Would the Premier indicate if he has accepted the request of the Concerned Citizens Committee to meet with them and when this meeting would take place and where?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: The representations we had this morning were: Would you please arrange to have a meeting with us before you make any statement on the merger? And, of course, we could not do that because it happened at the same time as the statement was ready. We had to move on this as quickly as we could because a lot of people were waiting around for it, in the companies as well. The Minister of Fisheries has been in touch with the various groups who have called into my office and -

MR. MORGAN: All of them.

PREMIER PECKFORD: - called in this morning. And, obviously, we could not meet with them before this, our reaction to the merger proposal was made public. But obviously we will now co-ordinate today, and tomorrow to get back to them and arrange a time for a meeting. So hopefully over the next few days we can arrange a time for that committee in Grand Bank, as opposed to the South Coast Crisis Committee which had people from Gaultois and Ramea and Burgeo as well as from Grand Bank and Fortune on it, and from Burin and Marystown.

So we will be getting back to them over the next day or so, Mr. Speaker, to arrange for a suitable time for a meeting so that they have the opportunity to continue to express their views on their problem in Grand Bank.

MR. SPEAKER (Simms): The hon. member for Burin - Placentia West.

MR. D. HOLLETT: Thank you, Mr. Speaker.

Mr. Speaker, I have a question for the Minister of Fisheries (Mr. Morgan). Last week he did not have much time, but I am very interested to know what other offers

MR. HOLLETT: are into government in relation to the Lake Group Limited and who they are from. I think we should know that.

MR. MORGAN: Mr. Speaker.

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

MR. MORGAN: Mr. Speaker, as I mentioned in the House last week - and it was also just mentioned by the Premier - there are a number of proposals before government, as separate from the proposal of merger of three major companies, which are now being dealt with by the government. There is a proposal from the Lake Group and there is a proposal from another company, a large Newfoundland company, Fishery Products, that now will be analysed and fully dealt with by the officials of government.

MR. HOLLETT: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary, the hon. the member for Burin - Placentia West.

MR. HOLLETT: The Fishery Products proposal will be analysed now, you say? Well, that is encouraging to a lot of people, I am sure.

Mr. Speaker, another point here is, you know, there seems to be a lot of outside influence where a lot of pressure is being exerted on companies and the government. I wonder if the Minister of Fisheries (Mr. Morgan) would tell us which bank or banks are behind the different companies?

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

MR. MORGAN: Mr. Speaker, I thought it was obvious to all concerned that that kind of information, I think, was made public by Mr. Eburne, the new President of the Lake Group, that he has been referring to the Bank of Nova Scotia. That is the banker involved with that company. Of course, we know that the Canadian Development Corporation,

MR. MORGAN: a major corporation, a semi-Crown corporation, I guess, you would call it, investment in the natural resources and the business sector across the country of Canada is a fairly major investor in Fishery Products and in the National Sea Corporation; I think they deal with possibly two banks, the Bank of Montreal and the Bank of Nova Scotia. But all I can say in answer to the question is irrespective of what banks are involved, the government through the Department of Finance and Fisheries and Development have been meeting with all bankers concerned as well as the companies concerned.

MR. STIRLING: A supplementary, Mr. Speaker.

MR. SPEAKER (Simms): There is time for one final question. The hon. the Leader of the Opposition.

MR. STIRLING: Mr. Speaker, I have a question for the Premier.

Could the Premier tell us whether or not one of the options being considered is for the government to put in some money in an equity position to reopen not only Grand Bank but the whole Lake operation? And has the government at this point made any proposition to the federal government so that a joint examination of this project can be undertaken?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: We are prepared, as we have indicated to all the principals involved, the bankers and the fish companies, we are prepared to look at any kind of proposal coming forward. There have been ongoing meetings, not only with the fish companies and the bankers, but with the federal government as well, through the Department of Fisheries and Oceans with Mr. Slade from our shop and with senior people in the Department of Fisheries and Oceans. They have sort of taken a very strange attitude towards us,

PREMIER PECKFORD: it seems to us, and that is sort of a totally hands off situation as if they do not really have any involvement in it.

 Now, the merger proposal, for example, on the day that it was given to us, it was in Deer Lake at about 2:30 or 3:00 in the afternoon,

PREMIER PECKFORD: and that evening or the next day they were to make the same presentation to the Department of Fisheries and Oceans, which they did, in Ottawa. They flew right to Ottawa and did it. And the position that the Department of Fisheries and Oceans and the Government of Canada generally has taken has been sort of a hands-off one and this is a problem for the Newfoundland government and this is a problem for Newfoundlanders that 'we are not going to really get involved'. We have kept them informed all along the way to the point where this week meetings have already been established to insure that they are kept fully informed on it. But somewhere down the road, I think, they are going to have to take a more active and less passive role in this whole problem.

MR STIRLING: Have you taken any initiative?

MR. SPEAKER (Simms): Order, please! The time for Oral Questions has expired. Hon. members, I know, would like to join me in welcoming to the gallery a former member of this House of Assembly, Mr. Alex Moores. Welcome to the gallery.

SOME HON. MEMBERS: Hear, hear!

o o o

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I am not sure if this is a point of privilege or a point of order but in order to set Your Honour's mind at ease I will call it a point of privilege. It is a very delicate matter that I want to raise, Mr. Speaker, and I am sure that it is one that Your Honour would like to take under advisement

MR. NEARY: and report back to the House. It has to do with something that happened in this House on Friday, Mr. Speaker. And it has happened before, but Friday it was very, very obvious and, I believe, because the matter comes under Your Honour's jurisdiction, it should be dealt with and we should have some direction from the Chair as to where we go on this matter. It involves the rights and privileges of the parliamentary press gallery. As members know, the parliamentary press gallery more or less falls under the jurisdiction of the Speaker. But I want to draw Your Honour's attention to the fact that during the sessions of this House the Premier has a habit - and he did it on Friday again - of summoning the members of the parliamentary press gallery to his office for a news conference which more or less leaves the press gallery unmanned.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. NEARY: Now, Mr. Speaker, we give the parliamentary press gallery, Your Honour does, rights and privileges to cover the proceedings of this House, but with these privileges that we give to these ladies and gentlemen goes a tremendous responsibility and, I think, Mr. Speaker, that it is improper, it is discourteous and it is an insult -

MR. MORGAN: Last year you abused them.

MR. NEARY: to this House for the Premier -

MR. SPEAKER: Order, please!

MR. NEARY: - it is an insult to this House, Mr. Speaker, for the Premier to call news conferences during the time that the House is in session, during a sitting of this House. It is another example of the contempt and the arrogance that this hon. gentleman has for this hon. House and for the people of this Province.

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Tape No. 3438

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MR. NEARY: Obviously, Mr. Speaker, this strategy is designed to surpress debate in this House, to stop information from going out to the people of

MR. NEARY:

this Province from the people getting the truth as to what goes on in the people's House. The Premier calls these news conferences to make statements that should be made here, that should be made in the House of Assembly -

MR. MORGAN: Mr. Speaker, there is no point of privilege.

MR. SPEAKER (Simms): Order, please!

MR. NEARY: - where his statements can be challenged and answered, and not call news conferences and put out news releases where his statements go unchallenged and unanswered. I ask Your Honour if Your Honour could give the House some direction on this matter. I do not know whether or not Your Honour has to rule that is a point of privilege - I doubt very much if it is a point of privilege-but certainly I think it incumbent upon the Chair to give the House some direction as to where the House stands on this particular matter.

PREMIER PECKFORD: To the point of privilege, Mr. Speaker, we are allowed equal time on both sides of the House for this.

MR. SPEAKER: To the point of privilege, the hon. the Premier.

PREMIER PECKFORD: This is an example. Near the end of the hon. member for LaPoile's (Mr. Neary) address, he admitted himself that he doubted whether this a point of privilege. In other words, Mr. Speaker, what the hon. member for LaPoile is saying himself out of his own mouth is that he wishes to use the rules of this House on points of privilege to try to make a point that he cannot make anywhere else on the Order Paper or through the rules. And I just say to you, Mr. Speaker, that we must be very cautious that the rules of this House are equal to all. As it relates to the incident on Friday, the hon. member for LaPoile failed to mention that I came to this House first to make the statement before I met with the press.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (Simms):

Order, please!

I will consider the matter and give a ruling at a later time.

ORDERS OF THE DAY

Motion, second reading of a bill, "An Act To Ratify, Confirm And Adopt An Agreement Between The Government And The Government Of Canada Respecting Reciprocal Taxation Of These Governments And Their Agencies". (Bill No. 106).

MR. SPEAKER:

On the last day the hon. the President of the Council (Mr. Marshal) was closing debate on the second reading of that bill.

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, it is quite obvious that there was no coverage of the hon. gentleman who rose on a point of privilege a few moments ago and spoke for an hour while the press conference was in course and it is quite obvious that the hon. gentleman said nothing that was really worthwhile reporting, really, for that matter, worthwhile replying to in closing the debate, It had absolutely nothing to do with the matter he brought up. But there are a few items that I do wish to bring to the attention of the House in closing debate. I do wish to respond to a few of the questions.

The Opposition, particularly the member for LaPoile (Mr. Neary) and the Leader of the Opposition (Mr. Stirling), use the occasion because this is a bill, to refresh the minds of members, this is a bill to give sanction and ratify an agreement made between the Government of Canada and the Government of Newfoundland with respect to the reciprocal imposition of on the one hand sales tax, on the other the collection of excise tax of the federal government. And to use the occasion instead of in the main, in my view, debating the text of the bill itself to levy an attack upon this government with respect to its so-called confrontation attitude, its inability to enter into agreements and what have you. Now that

MR. MARSHALL: type of refrain, Mr. Speaker, is like a broken record, very much like a broken record, and I suggest to you that the way in which this - it was not true before and in some respects, albeit in a small respect, this particular agreement is an example of it, It is an agreement between the respective departments of the Government of Canada and the Province of Newfoundland and was entered into on April 14th, 1981, But I am not citing this agreement as a harbinger of a very important agreement; it is important in a way but it does not relate to other matters as well. However, it is an indication that agreements were struck before and they continue on in this refrain, Mr. Speaker, after having seen what occurred in the recent constitutional debate, the recent constitutional deliberations where the Government of Newfoundland took a leading part and the Premier of Newfoundland took a leading part in the suggestion to bringing about a end to the deadlock in the constitutional debate. And I think the hon. gentlemen there opposite just cannot stand that, Mr. Speaker, they

MR. MARSHALL: just cannot stand this particular position of the government. They cannot understand on the one hand that you can be good Canadians and good Newfoundlanders and stand up for Newfoundland at the same time. Their attitude, when the interests of Newfoundland are concerned, have been shown in the past few days by the Leader of the Opposition when he has become the great apology from Mr. MacEachen, the Minister of Finance, in connection with the Budget. And he has gotten up on his feet and the first thing he did was when he responded, you will note, to the Premier's statement and the Minister of Finance's statement, both of them, on Friday morning, the first thing he did he ran to the telephone and he called up Mr. MacEachen's office and asked him. And he has come back in the House and has mouthed it. Well, if that is his bent, that is his bent, but is what he can do. But the point of the matter is, Mr. Speaker, it is perfectly possible to be good Newfoundlanders, strong Newfoundlanders and at the same time be strong Canadians. And I think this government has really shown it and shown it in the past few, particularly so, in the past few weeks.

The people of Newfoundland understand this type of thing that they are getting on with. They are going to now, Mr. Speaker, have to come up with something positive instead of their usual carping against the government and their cliché expressions about this is, you know, confrontation and we cannot enter into agreements. The importance which the Opposition attached to the Constitution accord, by the way, which was an agreement that entered into by this government and a very significant one, I think was shown in the first words that were reported was

MR. MARSHALL: from the Leader of the Opposition in relation to this. He came in again with a hackneyed type of response that he has, the one that he pulls out of the cupboard all the time saying, 'Oh, the constitution is not important. Let us get on with economic issues.' Well, the constitution in that case, Mr. Speaker, just happens to involve the Terms of Union of this Province, and we have seen the way the Opposition would react to not only getting into agreements but into - they would also let vested agreements such as the Terms of Union go by the boards if they had their way. Their reaction to the constitution -

MR. FLIGHT: Be relevant, now.

MR. MARSHALL: - I am just as relevant as the hon. gentlemen were. I am talking about agreements and this relates to an agreement. And I have just as much latitude as the hon. gentleman had the other day. Their reaction to the constitution when it was stated that the proposed plan of some months ago would affect the Terms of Union of this Province, what was their reaction? Their reaction was to deny it. Their reaction was to haul out a few people with legal opinions all over the place saying that it was not so. Government very calmly and dispassionately explained how the Terms of Union could be affected. They would not agree with this because the Federal Liberals told them it was not so, so it just could not be so. It went to the Supreme Court of Newfoundland. After three judges of the Supreme Court of Newfoundland came down and said, 'Yes, our Terms of Union can be unilaterally changed,' did they accept it then, Mr. Speaker? No, they did not accept it then. They went again and tried to get a comfort letter from Mr. Chretien and Mr. Trudeau, and because the

MR. MARSHALL: Federal Liberals had turned about and told them, no, that was not so, they said no, the Supreme Court of Newfoundland is wrong. Then came the Constitutional question before the Supreme Court of Canada. All nine judges, Mr. Speaker, unanimously -

MR. FLIGHT: (Inaudible)

MR. MARSHALL: Now, Mr. Speaker, I have the floor and the hon. member for Windsor - Buchans (Mr. Flight) has opportunity - had an opportunity to take part in the debate and we would be interested in seeing whether he would surprise us if he had anything intelligent to say but he will have a chance to display his intelligence with respect to other bills. In the meantime I have the floor.

As I said, Mr. Speaker, it went to the Supreme Court of Canada. All nine judges, all nine judges turned around and said that that agreement could be breached unilaterally by the federal government. They would not accept it then, Mr. Speaker. The member for LaPoile (Mr. Neary) was content to write to Mr. Trudeau and say, 'Tell me it is not so.' The fact of the matter is that is what they were prepared to rely on and that is the type of government that we would get in this Province in the event, in the unlikely event, that the hon. gentlemen there opposite ever got a chance to form a government.

So, they can talk about agreements all they want to. They can talk about confrontation policies but the fact of the matter is it is perfectly competent to be good Canadians and good Newfoundlanders at the same time. Now, the fact of the matter is, Mr. Speaker, despite the warblings on the other side, every member on this side is just as good a Canadian as the members on the other side. It now

MR. MARSHALL: remains for the members of the Opposition to show that they are just as good Newfoundlanders as the people on this side of the House.

Now the people of this Province are wise to the way they are getting on. They know why they are saying this, because they have not got an iota of substance in their being. They have not got a positive move to make and they have not got a positive suggestion to make. I think -
AN HON. MEMBER: Anti-confederate.

MR. MARSHALL: The only thing he can do is say "Anti-confederate", you know. This is the way he sees it. Anti-confederates, look.

MR. FLIGHT: It hurts too.

MR. MARSHALL: No, it does not hurt me at all.

MR. FLIGHT: Sure it does.

MR. MARSHALL: No, indeed it does not. Indeed it does not. Indeed it does not.

MR. FLIGHT: Apologize for it.

MR. MARSHALL: But the people in Newfoundland, Mr. Speaker, and I will give you an example, the hon. member for LaPoile (Mr. Neary) when he was on his feet in his eloquent speech on Friday that was not reported in the press, but in his eloquent speech on Friday was talking about the way that members were going to be defeated and what have you. Now as far as his own district, I think he should be well aware of how the people in his own district view this government with respect to its so-called confrontation policy.

The Minister of Fisheries (Mr. Morgan) has in his files some three hundred and fifty-odd letters from members in what district, Mr. Speaker? In the district of LaPoile, from inshore fishermen, And what do these fishermen say to the Minister of Fisheries? This was in connection with the salmon drift net policy of the federal government that the

MR. MARSHALL: Minister of Fisheries protested so greatly about last year. Just about every single letter, Mr. Speaker, was in the refrain of thanking the minister -

MR. NEARY: Name them.

MR. MARSHALL: - for standing up to Ottawa.

MR. NEARY: Name them.

MR. MARSHALL: Thanking him very much, concurring with the policies of the provincial government and saying they are so glad the Minister of Fisheries was acting because their own member was not acting.

MR. NEARY: Name them.

MR. MARSHALL: And their own member was not acting, Mr. Speaker, because all they can do is when they hear serious things happen to this Province, such as losing over \$70 million, is run off to the federal minister and say to the federal minister, "Is it so?" And if the federal minister says it is not so they get up and they use the whole Question Period.

The same way, Mr. Speaker, they go off and the Supreme Court of Canada says our Terms of Union, the Labrador boundary can be changed, they do not think that is serious enough. What do they do? They go off to the federal government and ask the federal government is it so? When the federal government says no it is not so they feel very good about it so they do not think anything is going to happen.

Now, Mr. Speaker, also in this bill, when he was eloquently debating this bill the other day, on Friday, the hon. member mentioned about municipalities. Now municipalities is another subject. It is not related to this particular bill.

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: No. While we are on the subject of municipalities, it was mentioned, I think that I should state that as far as the municipalities go and the agreements that are entered into between the Province and the municipalities, they are well satisfied.

MR. FLIGHT: You are shafting every municipality in the Province.

MR. MARSHALL: I think I should point out, I do think I should because municipalities were talked about, I would be remiss in my duty if I did not draw to the attention of the House the results of the last municipal elections. Wherein last year the hon. members will remember how the Leader of the Opposition (Mr. Stirling) was up in Bonavista, and certain other members, trying to propogate their poison and turn people against the property tax and I think that the hon. the Minister of Fisheries can have something to say in the debates which followed as to the results of that particular election.

I think also other members in the Conception Bay area can talk about certain victories which occurred when certain prominent members, the Leader of the Opposition included, were, reportedly anyway, in the various areas urging their favourites on and what happened. I think, Mr. Speaker, it is a good harbinger of what is to come; the people of Newfoundland are not prepared to accept the kind of statements that are being made, getting up. All they could talk about in this whole bill was the fact of confrontation. What this bill represents is an agreement with the federal government, and we are prepared to enter into agreements in every segment with the federal government but we will make those agreements where they fit the best interests of the people of Newfoundland. And we will not go in a mealy-mouthed, lap-doggish fashion to Ottawa and say, "What possibly can you do for we poor disadvantaged down here in the farthest part of Canada?" So the

MR. W. MARSHALL: hon. gentlemen, Mr. Speaker, when they closed the debate, as can be seen, really said nothing that merits a reply. This particular bill, as I say, is a bill that expands for six and a half years, a Canada/Newfoundland Reciprocal Tax Agreement which expired on March 31st., 1981. The hon. gentleman there opposite thought it was ridiculous that it was being brought in after the fact and it did not make any difference. It does make a difference, Mr. Speaker, whether or not this agreement has effect in law will depend upon whether this House passes it and we are bringing it before the House for this purpose. He asked the question, one question he asked, was how much money. We have seen that the provincial government will gain revenues of \$6.7 million in 1981/82. And he asked how much money will be gained by the federal government. All I can say is that this will be commensurate because the tax base is the same. The tax base is on goods and services and we are talking about excise taxes particularly with respect to it.

So, Mr. Speaker, this is just one other example of the co-operation between the federal government and the provincial government, particularly the new-found co-operation that exists between them. The poor Opposition can cry and wail in their beer all they want to, but I suggest, Mr. Speaker, that they get on a new tack rather than the tack on which they are embarked from time to time, dusting out a few cliché expressions out of their dusty old cupboard and referring to confrontation on the one hand, running to federal ministers to ask them what is in the best interests of the people of Canada rather than the best interests of Newfoundland and stand up man-fashion, woman-fashion or person-fashion or what have you and stand up for the best interests of Newfoundlanders. I recommend second reading.

On motion, a bill, "An Act To Ratify, Confirm And Adopt An Agreement Between The Government And The Government Of Canada Respecting Reciprocal Taxation Of These Governments And Their Agencies", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill 106)

MR. MARSHALL:

Order 8, Bill No. 66.

Motion, second reading of a bill, "An Act To Amend The Government Reorganization (General And Miscellaneous Provisions) Act, 1973." (Bill No. 66)

MR. SPEAKER(Simms):

The hon. Minister of Finance.

DR. J. COLLINS:

Mr. Speaker, one effect of bringing in the Government Reorganization(General And Miscellaneous Provisions) Act, 1973 was that two boards were disbanded, that is, the Industrial Development Loan Board and the Co-operative Loan Board. Now these two boards had made loans for various developmental activities throughout the Province and they had taken mortgages in view of those loans. So when these boards were disbanded in 1973, the Department of Finance was authorized to accept repayment of these loans as the monies were paid. However, the 1973 Act neglected to give the Minister of Finance the authority to release the mortgages. It gave him the authority to accept monies and to put these against the amounts outstanding on the loans, but once the loan was fully repaid it did not give him - I presume through an oversight at that time - the authority to release the mortgages related to those loans.

So what this amendment will do will just correct that fault. It will allow the minister, or a minister authorizing certain officers, to release mortgages once the loans are fully paid. And this amend-

DR. J. COLLINS: ment to the Act is deemed to come into force as of the first of April 1973. So that means that any loans that had been repaid since the Act came into force, any of those that had been repaid the mortgages related thereto can now be released by the minister if the hon. House does accept this amendment.

 So with those few explanatory remarks I move second reading.

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

MR. S. NEARY: Mr. Speaker, that explanation is as clear as mud. I do not believe, Mr. Speaker, that the hon. gentleman really knew what he was talking about. He did not know what he was talking about.

DR. COLLINS: I could write you a note.

MR. NEARY: Well, the hon. gentleman can write all the notes he likes.

MR. HANCOCK: He had better write better than he speaks. Write me one, will you?

MR. STIRLING: That is like the invitation to NAPE to come to the table.
MR. NEARY: That is right. That is

like we have been hearing the hon. gentleman saying - I heard him this morning-saying that the invitation goes out through a conciliation officer every day to NAPE to come to the bargaining table, and that is completely untrue. It is untrue! It is false! I am not allowed to say it is a lie, Mr. Speaker, and I am not going to say it. Your Honour can tempt me all he wants. But it is an untruth.

MR. STIRLING: And he knows it.

MR. NEARY: Mr. Speaker, the fact of the matter is that the government in 1973 restructured, reorganized, so they say, they restructured and in the process they restructured themselves out of business. Government departments have not been the same since. Your Honour will recall there was a time in this Province when everything worked smoothly. When the Tories took over they did not seem to be satisfied with having things work very smoothly. They decided that they wanted to confuse us a little bit so they carried out a programme called re-organization, restructuring of government, and in the process they caused so much confusion that they have been ever since trying to straighten it out. Eight years! They have been eight years trying to rectify the blunders that they made in 1973. The Tories took over in this Province on January 18 -

AN HON. MEMBER: Do we have a quorum?

MR. NEARY: I beg your pardon?

AN HON. MEMBER:

MR. NEARY: Yes, Mr. Speaker, I do not

MR. SPEAKER (Butt): I would ask the Clerk to count the members.

We have a quorum.

The hon. the member for LaPoile.

MR. NEARY: Mr. Speaker, I am not going to carry on. We are so far outnumbered, there is only my colleague and me on this side of the House. The government members are in their seats and I will wait until some of my colleagues come back before I say what I have to say.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: That makes (inaudible).

MR. NEARY: Right.

DR. COLLINS: Mr. Speaker, I move second reading.

MR. SPEAKER: The hon. member does not wish debate?

MR. NEARY: Let her go! Let her go!

On motion, a bill, "An Act To Amend The Government Reorganization (General And Miscellaneous Provisions) Act, 1973," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 66).

MR. MARSHALL: Order 22.

Motion, second reading of a bill, "An Act To Amend The St. Clare's Mercy Hospital (Incorporation) Act, 1960," (Bill No. 61).

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

MR. HOUSE: Mr. Speaker, this is an amendment.

It is a request of the St. Clare's Mercy Hospital on which we do have one appointment only, and this request is just simple housekeeping to drop one of the ex officio from five members down to four and to add one other member, and that one other member would be the appointee of the Roman Catholic Archbishop of St. John's. And I think that is basically to give an ex officio member to each one of the dioceses and make it four rather than five and to add equal numbers for the

MR. HOUSE:

elected members.

On motion, a bill, "An Act To Amend The St. Clare's Mercy Hospital (Incorporation) Act, 1960," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 61).

MR. MARSHALL:

Order 15.

Motion, second reading of a bill, "An Act To Amend The Constabulary Act," (Bill No. 46).

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

MR. OTTENHEIMER: Mr. Speaker, this bill accomplishes two things, there are two principles. One is, as hon. members are aware, what used to be called the Newfoundland Constabulary is now the Royal Newfoundland Constabulary and the necessary documentation, permission, whatever, from Her Majesty's household, or whoever, is all on file and this is to give statutory recognition to what has been a practice for the past two years at least. So it is that it gives the statutory recognition to the name of the force being the Royal Newfoundland Constabulary. It does that. And one other thing it accomplishes and that is - and I think this is very worthwhile - it sets up an appeal, a new, a different appeal procedure whereby a member of the force who is dissatisfied with a decision of the Chief in a disciplinary matter may appeal to a judge of the provincial court. Hon. members might be aware that up until this becomes operative, the law did in fact set up an arbitrator by the Lieutenant-Governor in Council and that in effect was the Minister of Justice. And my own view has been since I have been there that is not appropriate and that where an appeal lies it should lie to a judicial body and certainly the provincial court appears to be the reasonable and appropriate place. So two things the bill does; one, gives statutory recognition to what has been a fact for some time and that is the name being officially the Royal Newfoundland Constabulary; and it establishes that where a member of the force wishes to appeal a decision of his superior that appeal lies to a judge of the provincial court.

MR. SPEAKER: The hon. member for Grand Bank.

MR. THOMS: Mr. Speaker, the first part of this particular bill we have no problems with.

MR. THOMS: As the minister says it has been the practice, it has been known as the Royal Newfoundland Constabulary for two or three years now. But I am interested in the situation now concerning appeals by members of the police force to the - what would the role be of a provincial court judge in such an appeal? Is the minister talking about a normal appeal by the person to because there is no appeal to the Magistrate's Court? The magistrate now becomes an arbitrator of some sort or what?

MR. OTTENHEIMER: Where, let us say, the Chief of Police has made a determination after a hearing - a police constable has been accused of breach of regulations or whatever and there was a hearing and the chief makes a decision - up until now there has been an appeal to the minister. This will provide an appeal to a provincial court judge. It is not an arbitration.

MR. THOMS: No. But the only problem I have with this, Mr. Speaker, is what -

MR. OTTENHEIMER: I should say - sorry to interrupt the hon. gentleman-but this has been discussed with the Police Brotherhood. This is not something sprung on them but something which has been discussed and to the best of my knowledge agreed upon as better procedure.

MR. THOMS: But as I was saying, Mr. Speaker, the only problem that I have with this is that right now in this Province our provincial court judges

MR. L. THOMS: and our district court judges and our Supreme Court judges are all overtaxed or overworked. And now they have an additional burden which I believe - nobody has tried to tell me differently - that somebody other than - I agree that it should be taken out of the hands of the minister, that is one of the reasons I agree there should be a Police Commission in St. John's is to take politics out of the police force which we have seen over this past year or so in connection with that particular force. Politics should be taken out.

MR. OTTENHEIMER: There is certainly no politics in the police force now.

MR. THOMS: Of course there is politics, and the minister is the one person who plays the politics in connection with the Royal Newfoundland Constabulary here in St. John's.

MR. OTTENHEIMER: Absolutely not, that is ridiculous.

MR. THOMS: It should be taken completely out of his hands.

MR. OTTENHEIMER: I do not mind it being an insult to me, it is an insult to the Royal Newfoundland Constabulary.

MR. THOMS: It is not an insult to the Royal Newfoundland Constabulary, The Royal Newfoundland Constabulary would like to have their affairs taken away from the Minister of Justice (Mr. Ottenheimer) and put into the hands of a police commission in this city.

SOME HON. MEMBERS: Hear, hear.

MR. THOMS: And that is where it should be. And now we have another piece of legislation coming before the House which is going to put more work on an already overburdened judiciary Mr. Speaker, anybody who practices law in this Province today knows the week of December 1st is the day you go down to the court to try to get cases put down for trial, You go down on December 1st and ask for a date for a trial and you are well into 1982. You go down to Provincial Court any day of the week and look at the docket and there is case after case after case. Let the Minister of Justice go down in Court-

MR. THOMS: room No. 3 and sweat with the thirty or forty people who are in an eight by ten office that has been converted into a Provincial Court and he will see how busy our provincial judges are, how busy our District Court judges are and how busy our Supreme Court judges are. There has got to be somebody else other than the judiciary and either than the Minister of Justice (Mr. Ottenheimer) to sit in judgment on appeals from the Chief of Police.

Now this government, the Minister of Justice has continuously refused to set up a police commission, That would be the proper place to take it, that would be a proper place for a decision to be appealed to. But no! Instead of that what we are having is an added burden on the judiciary. And, Mr. Speaker, the judiciary in this Province cannot take any more work, we are already understaffed, We made provision for an additional Supreme Court judge; we need at least two more judges in the Trial Division of the Supreme Court. I question whether we need one in the Appeal Division, but we certainly need two, at least two, in the Trial Division of Court. Justice delayed is justice denied, and justice in this Province is not being well served. When a lawyer has to sit behind his desk and say, 'Look, settle this matter, because

MR. THOMS: if not you are looking at least three years down the road before you get a decision, that is not justice and the people deserve better.

My friend from Mount Scio (Mr. Barry), if he is still within hearing distance, if he is not too far in the back seats of this House, can verify that this is so. In October I was in court and the first day of sittings, the very first day of sittings, we had 104 motions to have 104 trials set down. That was only the first of five days. The next day another group of lawyers went in looking for days. The day after that another group of lawyers would go in looking for trial dates. And when I left, and I was one of the earliest lawyers out of that courtroom because of seniority having spent some sixteen or seventeen years practicing law in this Province, about twelve noon we were up then to April of 1982. For April, 1982, the Chief Justice was setting down cases.

I think, if you speak to any of our Provincial Court judges, or any of our District Court judges, to any of our Supreme Court judges, they will tell you that their work load now is impossible, absolutely impossible. So what is happening? Because of this, because of the delay in justice, people are settling cases and they are settling for a lot less than they normally would. They go into court they take their chances, but because they are looking three years down the road they are losing money and they are losing confidence. What is even worse, they are losing confidence in the administration of justice.

I am not saying that this is unique to Newfoundland. This is true right across the nation, probably right across North America. So there is no reason, Mr. Speaker, why the Provincial Court has to be

MR. THOMS: used in this particular situation. Set up an appeal board, put two or three lawyers on it, or put one lawyer on it. Pay him to sit and hear grievances or appeals from decisions, but please, Mr. Speaker, do not take up the time of our judges, they do not have the time. Every minute that they put in on an appeal in this particular situation delays somebody else from getting a decision.

We have to take seriously, Mr. Speaker, the lack of confidence and the lack of respect that the administration of justice is getting from the public at large and the people at large.

I attended a conference recently dealing with victims' rights in North America and it was a real eye-opener.

MR. THOMS:

Maybe someday in the House I will give you more on that particular conference. Dealing with such things as a lack of waiting facilities in a courtroom, and this may not only be true of St. John's but it may be true all over, where the woman who is raped, Mr. Speaker, has to go in and sit directly - either directly opposite or alongside the person who is being charged with rape. Now is that right? Is that giving the victim any rights? We do not have facilities that provide a waiting area for the victim on the one side and the person who is accused of the crime on the other side. Victims rights is a big issue in North America today. I do not know if we are paying that much attention to it.

Anyway I did not want to get into a long harangue on that this afternoon, but I would like to say that our judiciary right now is terribly overworked, to the point that justice is not being done, to the point that people are refusing to go to court, to the point that lawyers are saying, look, settle. I know the injury is worth or it should be worth - that the other person should be paying you \$10,000, but accept the \$5,000 they are offering because, for one thing, if you take it to court, you are three years down the road before you get a decision. I cannot give my clients in this Province today any guarantee that from the first time he or she comes to me in connection with a personal injuries problem, or any other problem, that they are going to be in court within two years, let alone of having a decision within that period of time. I can give them no guarantee that they are going to be in court, that they are going to have the date set down for their

MR. THOMS: trial.

So, who are the first people we look to when we want something of this nature done? We look to the judiciary. I would ask the Minister of Justice (Mr. Ottenheimer) to reconsider. Appoint a one, two or three man board or something of that nature so that appeals can be made to him. Let us not - it is not a waste of the judiciary time but it is not the function of the judiciary to arbitrate every grievance in this Province. They are there to hear cases and to render decisions and yes, Mr. Speaker, to give justice and justice that is delayed is justice denied.

MR. FLIGHT: Mr. Speaker.

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

MR. FLIGHT: I would like, Mr. Speaker, to take advantage of this bill and give the Minister of Justice a chance, when he is closing the debate, to comment on something that is causing a great deal of concern in this Province, Mr. Speaker, and as the minister knows it has been the subject of lip service for as long as I can remember. The minister himself has alluded to the concept over the last few years and that is the concept of the Newfoundland Constabulary being truly the Newfoundland Constabulary and the Newfoundland Constabulary being given the responsibility for administering justice in Newfoundland or outside of St. John's. Now, I am not going to take much

MR. G. FLIGHT:

time, Mr. Speaker, but I want to ask the minister, when he stands up, to give the House now - what is the status, what is the present status of that concept, that is the concept of the Newfoundland Constabulary being responsible for policing outside of the City of St. John's? As he knows, the population of the major communities, most incorporated communities probably, or certainly some, are being taxed twice in this area, where they are paying for their own municipal police. And it is necessary. In one town I represent - Windsor, for instance, any town the size of Windsor must have municipal police. And the people of that community - the Government of Newfoundland contributes nothing towards the salaries or the cost of the upkeep of a municipal police force, and every municipality in Newfoundland who requires a municipal police force, must fund that police force itself out of its municipal tax base.

At the same time they are doing that, Mr. Speaker, out of their general taxation they are paying for the cost and the operation of the Royal Newfoundland Constabulary. And I would like to ask the minister just to tell the House now, after the last two or three years and the debate that has gone into this, just what is the status? At what point in time can the people of Newfoundland expect to see a move towards the Newfoundland Constabulary being responsible for policing in Newfoundland? Because I realize, Mr. Speaker, it would be the height of scarasm and maybe not appropriate at this time, but I would say to the minister it would make just as much as sense - we are changing the name of the Newfoundland Constabulary, we are changing it from the Constabulatory Force of Newfoundland to the

MR. G. FLIGHT:

Royal Newfoundland Constabulary.

Well, Mr. Speaker, inasfar as most people in Newfoundland could see, or would see or do see right now. We might as well be changing it. Maybe it would be more appropriate if we were changing the name from the Royal Newfoundland Constabulary to the Royal St. John's Constabulary. Because in most people's minds, outside of this city, that is all that force is. We are paying for it. It is double taxation in any municipality today that has got to fund its own police force. And I represent one that does. I represent two that are looking into having to do it. So it is double taxation! They are paying for the local municipal police force and indirectly, through their taxes, they are paying for the policing of St. John's and yet we call it the Royal Newfoundland Constabulary.

So I would like to hear the minister now when he gets up, tell us, tell this House and the people of Newfoundland exactly what is the status with regard to the concept of the Royal Newfoundland Constabulary assuming the responsibility for policing this Province. And that, Mr. Speaker, is a concept we will all want to see. So, Mr. Speaker, I would want to hear the minister comment on that when he rises to close the debate.

MR. SPEAKER (Butt):

The hon. Minister of Justice.

If the hon. Minister of Justice speaks now he closes the debate on the bill, second reading.

MR. G. OTTENHEIMER:

Yes, Mr. Speaker, basically there are two matters that I should refer to, one matter brought up by the hon. member for Grand Bank (Mr. Thoms), the other one by the hon. member for Windsor - Buchans (Mr. Flight).

MR. G. OTTENHEIMER: The hon. member for Grand Bank (Mr. Thoms) when he was speaking to the bill rather than extraneous matters - that was a short and brief period - but when he was speaking to the bill he was of the opinion that we should not have a provincial Court judge hear the appeals from a Chief of Police, in terms of an internal inquiry or disciplinary matter, because the courts are quite full and this would cause great delays.

Actually the number of such items, number one, which are heard are quite, quite small and the number which would be appealed - well, that depends upon the person, obviously. And I am sure that these are not matters which are going to cause any great delay in the work of the Provincial Courts. I certainly do not feel that that is the case.

The second matter raised by the hon. gentleman for Windsor - Buchans (Mr. Flight), and really there are two aspects there I would like to comment on, one, he basically asked about how were plans going with respect to the Royal

MR. OTTENHEIMER: Newfoundland Constabulary increasing its jurisdiction in other parts of the Province, that, I think, essentially was it.

As hon. members probably recall, during the past year, year and a half, the Royal Newfoundland Constabulary has expanded into Mount Pearl. There are present plans for expanding into the Metro area. Now this is all still in the same geographic area, I realize that. But I think the hon. gentleman, and most hon. gentlemen, will realize, you know, that an expansion or a development has to be kind of in a planned and gradual phase. Basically now the policing of the Province is - there are approximately 550 RCMP, and approximately 250 or 255 Royal Newfoundland Constabulary. The general plan is for the Royal Newfoundland Constabulary to increase its area of policing and jurisdiction but obviously this has to be done in a planned and gradual manner.

Now, I just want to comment briefly on what the hon. gentleman - one other matter that he alluded to, and this is for the sake of clarification because a lot of people do misunderstand this, and I think the hon. gentleman does and he has a lot of company there. I think basically what he was saying - he was referring to double taxation and I think what is in his mind there is that in some areas - to repeat his phrase - where there are municipal police forces, people are paying for the municipal police forces -

MR. FLIGHT: Out of municipal taxes.

MR. OTTENHEIMER: - out of municipal taxes and they are also paying for the general provincial policing. So I want to make it clear there. Actually for the past year, whenever it was, I think it was last January so it is not quite a year, ever since the Royal Newfoundland Constabulary was relieved of the role of enforcing municipal by-laws like meters, ever since

MR. OTTENHEIMER: that has been done, then there is a position of total equality across the Province.

Let me explain what I am saying. We use the term "municipal police forces"; actually it is not accurate, it is just a common term. Our own municipal - our new municipal act, or whatever it is called, does forbid the creation of a municipal police force. Really what we have - the term is used in a popular sense - really what we have are municipal by-law enforcement officers which the larger towns and cities have. Essentially in St. John's it is the number of people - I am not sure, I think it is eight or ten or whatever the number is - that the City Council employees to enforce municipal by-laws. There are a few in Corner Brook. I guess there are two or three in Windsor. There are probably two or three in Grand Falls. I do not know how many in Corner Brook, four or five. And a number of communities have them, some maybe one or two, going up to - the largest number is St. John's, and a lot of them around three or four.

These people are not policemen in the Criminal Code sense of the term - right? - they are policemen in the popular sense. Really what they are is municipal by-law enforcement officers.

So all of the towns or cities which have them, all have them on the same basis and they are paid by the municipality and they are answerable to the municipality, not to the Department of Justice, because strictly speaking they are not peace officers in the Criminal Code definition, the official definition of peace officers, they are municipal by-law enforcement officers responsible to the municipality whose by-laws they enforce.

MR. FLIGHT: They are protecting the communities.

MR. OTTENHEIMER: Oh yes, I am not arguing against them, I just want for the hon. gentleman to understand that all of these people whom he calls municipal police officers are

MR. OTTENHEIMER: municipal by-law enforcement officer, hired by the municipality and accountable to the municipality.

MR. MOORES: And paid for by them.

MR. OTTENHEIMER: By the municipality, right. Now in terms of, let us say, the actual policing, and this is true whether it is, let us say, Corner Brook or Windsor - take Windsor -

MR. FLIGHT: The RCMP.

MR. OTTENHEIMER: - which is the RCMP, or whether it is St. John's, the Royal Newfoundland Constabulary, it is identical in that the entire cost of what we will call provincial policing, whether it is by the RCMP or the Royal Newfoundland Constabulary, is totally paid for out of the provincial government funds.

MR. FLIGHT: Sure.

MR. OTTENHEIMER: So there is a total equality of treatment with respect

MR. OTTENHEIMER: to provincial policing and also with respect to municipal by-law enforcement. Now up until the Constabulary were relieved of the superintendence of the meters and the municipal by-laws, then there was a discrepancy, but now that the Constabulary no longer perform those and that is done by municipal by-law enforcement people in St. John's, there is an equality of treatment across the Province.

I just wanted to explain that so that hon. members would understand.

MR. FLIGHT: If the minister would permit a question. Are these municipal by-law enforcers in St. John's under the jurisdiction of the Constabulary and paid for by the Constabulary?

MR. OTTENHEIMER: No. They are hired by the St. John's City Council, appointed by them, accountable to them and paid for by them, the same way as in Windsor the municipal by-law enforcement people are hired by the Town of Windsor and accountable to the Town of Windsor and the same as in Corner Brook and everywhere. It is identical, it is parallel. Those people who enforce the meter operation in St. John's are not under the Newfoundland Constabulary, they are not answerable to them, not hired by them.

MR. STIRLING: They only deal with meters.

MR. OTTENHEIMER: They deal with meters and I think some other municipal by-laws.

MR. STIRLING: They do not deal with the (inaudible).

MR. OTTENHEIMER: No, they do not deal - because the hon. gentleman was not here. Because strictly speaking, they are not peace officers in the Criminal Code sense. No more are the municipal by-law enforcement officers in Corner Brook or Stephenville or anywhere else. There is a direct parallel throughout the Province in the municipal

MR. OTTENHEIMER: by-law enforcement whereby these people are hired by and accountable to the municipality and what we call in the strict sense provincial policing, whether it is RCMP or RNC, whichever it is, which is paid for totally by public funds through a vote in the Department of Justice. All we are trying to say is that there is, you know, not only a similarity but a direct parallel and equality of treatment in those two respects.

MR. FLIGHT: But the by-law enforcement people that you are talking about for Windsor or elsewhere are looked at by the people of those towns as their law enforcement - law enforcement, not meters.

MR. OTTENHEIMER: Yes, they enforce by-laws. I am not saying they do not do something extremely worthwhile, I am just making the distinction between them and what we call provincial policing.

MR. MOORES: How many RCN police officers are there?

MR. OTTENHEIMER: How many?

MR. MOORES: Yes.

MR. OTTENHEIMER: Approximately 550, and approximately 250 or 260 Royal Newfoundland Constabulary, very approximate numbers.

I move second reading.

On motion, a bill, "An Act To Amend The Constabulary Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 46).

MR. MARSHALL: Order 17.

Motion, second reading of a bill, "An Act To Convey Certain Trusts And Properties In The Province To The Montreal Trust Company Of Canada," (Bill No. 52).

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

MR. OTTENHEIMER:

Mr. Speaker, this is a quite straightforward bill and hon. members will recall that we passed one, I believe last year or the year before, with respect to another trust company, that was the Royal Trust Company, I believe. This is done at the request of the trust company, which was originally incorporated in Quebec and now wishes to have a federal incorporation and that its assets and property would be vested in this federally incorporated company. And in order to do that they need an act of this Legislature, that is what it comes to. There are no, I suppose, advantages or disadvantages to the Province. It has nothing to do with the amount of tax which a province would receive or anything, but it is necessary. What they want to do, as the Royal Trust did - and I believe we introduced a bill to that effect either a year or two ago - is since they are operating as a trust company in this Province, they wish, instead of having a Quebec incorporation, to have a federal - Canada, federal incorporation and in order to do it they need the consent of this House of Assembly.

On motion, a bill, "An Act To Convey Certain Trusts And Properties In The Province To The Montreal Trust Company Of Canada," read a second time, ordered referred to a Committee of the Whole House on tomorrow.

MR. MARSHALL:

Order 18.

Motion, second reading of a bill, "An Act To Amend The Summary Proceedings Act," (Bill No. 64).

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

MR. OTTENHEIMER: Mr. Speaker, this too is a quite straightforward piece of legislation which amends The Summary Proceedings Act and essentially it does three things. I think probably the most important thing it does is what I would call and what the notes call as well, The removal of the area of ministerial discretion in terms of suspended sentences or discharge. Now, let me explain that: At present under certain pieces of legislation - just to name some of them, the Industrial Standard's Act, the Wildlife Act, the City of Corner Brook Act - under a number of pieces of legislation there is at present, for certain offences, an area whereby the Minister of Justice may use his discretion in terms of giving a discharge or a suspended sentence. I think that that is quite improper, that the judicial function is one thing and that the ministerial role is another thing. And since I have been there I have wished to have this altered. It is a confusion, I think, of a judicial function and a ministerial function. So this would put an end to that state of affairs whereby the minister by law may exercise discretion in terms of suspended sentences or discharges. And I have not done it since I have been there the past two years and some months. I have not done it but I do not think it should remain. I do not think it is something that a Minister of Justice should do because it is the exercise of a judicial function and that is something quite different. So that, I think, is the most important area covered by this amendment.

It will also permit a judge to reopen a case if he wishes, within a specified time, where the accused has a good defence and, although he was summoned by registered or certified mail, did not personally

MR. OTTENHEIMER: get notice of that summons. It allows him to reopen it if he so wishes. That is an area of , I guess you would call it, judicial discretion. And, also, it gives alternative methods of dealing with a case when a person has been sent a traffic ticket summons but does not appear in court. It is a streamlining essentially, or permits a streamlining, of traffic offences, expired meter, parking in no parking areas kind of thing. The most important area of it is, I think, whereby it will cancel that provision in various acts which allows ministerial discretion in terms of suspended sentence - or discharge. Whatever its validity was at one time - I do not know what the historic reasons were for its being there in the first place - I certainly do not think it is valid now. That is basically what it does.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, it seems to me that the Minister of Justice (Mr. Ottenheimer) in introducing this bill made it sound like a simple, routine, bill. I think the minister sort of expected no comment, no debate, just approve it and let it go through as if it were routine. But the consequences of this bill, Mr. Speaker, are far-reaching as far as I can see. One thing that the minister is doing that we did not have before, and it is going to come as an awful shock and an awful blow to an awful lot of people, is the fact that if my hon. friend, the member for Carbonear (Mr. Moores), for instance, who is familiar with the traffic court, if my hon. friend is issued a ticket in future, after this bill becomes law, and my hon. friend does not respond to the ultimatum or the correspondence sent out by registered mail, then I would assume that the magistrate can issue a summons for the arrest of the hon. member

MR. NEARY: for Carbonear (Mr. Moores).

MR. OTTENHEIMER: If he does not pay a fine or something like that, you mean?

MR. NEARY: If he does not pay a fine or if he - my interpretation of the bill is if the hon. gentleman does not appear in court to defend himself after being issued a ticket-

MR. OTTENHEIMER: No.

MR. NEARY: No?

MR. OTTENHEIMER: No. If he does not appear then the judge can, say, you know, fine him, unless he were to write in and ask for a postponement.

MR. NEARY: And then if he does not pay the fine?

MR. OTTENHEIMER: If he did not pay the fine - of course that can happen -

MR. NEARY: A summons will be issued for his arrest. Is that it?

MR. OTTENHEIMER: That is possible now.

MR. NEARY: Well, what are we doing here? What are we changing?

MR. OTTENHEIMER: In this we are giving the provincial judge the possibility of re-opening a case if a person has been fined - he received a summons and did not reply and he has been fined - if the judge is of the opinion that it is appropriate to so do.

MR. FLIGHT: After he pays the fine?

MR. OTTENHEIMER: No, it would be after his conviction. A person can be convicted if he does not - a lot of people get, for a minor offence, a ticket and they do not bother to appear, they do not.

MR. NEARY: What I am concerned about is what happens if a person who has been found guilty by default, he does not appear, and he does not pay the fine?

MR. OTTENHEIMER: Well, after a certain period of time, without this act, in all instances if a person has a fine imposed by the court and refuses to pay it, then there is no other action can be taken.

MR. NEARY: But what are we changing? You know, that is what I said in the beginning. What is it we are changing? Subsection (2), down at the bottom of page 4 -

MR. OTTENHEIMER: Right.

MR. NEARY: "Section 18 of the said Act is amended by adding after subsection (3) the following:

"(4) Where the person to whom a traffic ticket summons is directed fails to appear in court, the judge may dispense with the recording of evidence, notwithstanding that the complaint upon which the summons is based is heard and adjudicated upon."

MR. NEARY: "The judge may dispense with the recording of evidence, notwithstanding that the complaint upon which the summons is based is heard and adjudicated upon." Now, what does that mean?

MR. OTTENHEIMER: Well, let us say a person is charged with parking in a no parking zone. He does not turn up so the prosecution goes ahead and the court decides that the person is in breach of section so-and-so and did, in fact, park in a no parking zone, or an expired meter, and was fined five or ten dollars, it dispenses the necessity of taking court records of a very, very frequent and non-controversial procedure.

MR. MOORES: What about more serious offences -

MR. OTTENHEIMER: Listen!

MR. MOORES: - such as speeding more than twenty miles per hour over the limit?

MR. NEARY: Well now, does all this have to do with traffic tickets? Does this whole bill have to do with traffic tickets?

MR. OTTENHEIMER: Well, that section of it does.

MR. NEARY: I know that section does, but what about the Summary Proceedings Act as amended at following 7:

"Where, except with the written consent of the Minister of Justice or Attorney General, in any Act section 662.1 or 663 of the Criminal Code shall not be applied, in disposing of a prosecution or in imposing punishment for an offence under any Act, the power of the Minister or Attorney General to allow the application is repealed."

MR. OTTENHEIMER: The hon. gentleman will recall that I said that the main thing the bill does is

MR. OTTENHEIMER: take away what used to exist as the discretion of the Minister of Justice. The Minister of Justice under certain acts, like the Wildlife Act, the Dog Act, and this act and that act, had a discretion. In other words, instead of the courts being the final determiners the Minister of Justice could say it should be a suspended sentence here, or should be a discharge there. This will get rid of that. Because I think it is inappropriate. A judicial function is -

MR. NEARY: Will that eliminate plea bargaining in this Province?

MR. OTTENHEIMER: It has nothing to do with plea bargaining.

MR. NEARY: It has nothing to do with it. The minister could just decide whether or not somebody is going to be put on a suspended sentence.

MR. OTTENHEIMER: The courts do not recognize any plea bargaining in this Province. What this does - let us say under the Wildlife Act there is a provision now that the minister may order a discharge. It should be the courts which made that determination, the minister should not be able to do it. I have not done it since I have been minister, but I should not be able to. So it does away with that.

MR. NEARY: Are we talking about criminal matters too?

MR. OTTENHEIMER: No. We are talking about wildlife offences.

MR. NEARY: Provincial regulations -

MR. OTTENHEIMER: Right! Right!

MR. NEARY: Not the Criminal Code of Canada.

MR. OTTENHEIMER: No, no, no, no! No, because there was never any discretion there. There was never any

MR. OTTENHEIMER:

discretion there.

MR. NEARY:

Well, could the minister tell us - that is rather interesting because I did not know - I should have, I suppose - that the Attorney General, the Minister of Justice had discretionary powers as far as determining what sentence a person should get for a violation of provincial regulations, whether they be environmental regulations, wildlife regulations. How often

MR. NEARY: in the past has the Minister of Justice (Mr. Ottenheimer), the Attorney General used these powers, could the hon. gentleman tell us?

MR. OTTENHEIMER: Yes, the hon. gentleman was not here when I introduced the bill. I stated at the time that when I became Minister of Justice I thought it was inappropriate that a Minister of Justice should have this discretion -

DR. COLLINS: Inappropriate.

MR. OTTENHEIMER: - inappropriate that this should exist. I have never exercised it and have wished to have this amendment brought in so that it will not be possible for me or anybody else to do it, I have never done it because I think it is inappropriate.

MR. NEARY: Well, I tell you, Mr. Speaker, I really admire the hon. gentleman for that and I really appreciate it because that brings us now to the crux of the matter. The hon. gentleman may have felt that that was too much power, too much authority to give a Minister of Justice or Attorney General, that that authority could be abused. That is really what the hon. gentleman is saying and I admire the hon. minister for not using that particular power.

Mr. Speaker, I am not trying to start a witch hunt, but we have heard on many occasions in the last ten years in this Province where well-to-do people, well-heeled people were arrested for impaired driving, refused to take the breathalyzer and, Mr. Speaker, they were never charged. Now we are finding out why. Obviously the minister's predecessors interfered.

MR. OTTENHEIMER: There was never discretion, it was never appropriate, it was never legal because that is the Criminal Code matter. Where there were areas of discretion in some provincial laws, it never existed there.

MR. NEARY: That comes under the Highway Traffic Act which is provincial jurisdiction.

MR. OTTENHEIMER: It comes under -

MR. NEARY: Under the Highway Traffic Act.

MR. OTTENHEIMER: Most of this comes under the Criminal Code.

MR. NEARY: Well, what the hon. gentleman is saying then where the Criminal Code is involved the minister did not have the discretionary powers.

MR. OTTENHEIMER: Never had, no.

MR. NEARY: So we certainly have been hearing -

MR. FLIGHT: It comes under the Highway Traffic Act.

MR. OTTENHEIMER: No, no.

MR. NEARY: Yes, under the Highway Traffic Act he -

MR. OTTENHEIMER: No, he does not. Actually the acts under which he has it are listed there on page 5 - City of Corner Brook Act, The Dog Act, Forest Fires Act, Industrial Standards Act, The Newfoundland Human Rights Code Act, Social Assistance Act and the Wildlife Act. They are the only ones.

MR. MOORES: The whole (inaudible) act is subject to the minister.

MR. OTTENHEIMER: The enforcement of every act, I suppose, is subject to the minister.

MR. NEARY: Mr. Speaker, these are the acts that are listed now, but we still do not have the answer from the minister as to how often the hon. gentleman's predecessors interfered with the administration of justice in this Province.

MR. FLIGHT: The Wildlife Act (inaudible).

MR. NEARY: That is right. Ah, well I am coming to the situation down at Paddy's Pond where a former Premier and a minister and a number of his colleagues -

MR. FLIGHT: With an airplane full of partridge.

MR. NEARY: - landed on Paddy's Pond with a plane full of partridge and moose -

MR. FLIGHT: And salmon and (inaudible) Labrador

MR. NEARY: - and salmon and no charges were ever laid.

MR. WARREN: That happened awhile ago. It is still happening.

MR. NEARY: It is still happening. Well, I cannot say if it is still happening or not, I do not know, perhaps the hon. gentleman may wish to participate in this debate and tell us where it is still happening. I know one thing that is still happening in that they are still using government helicopters and aircraft in Labrador for personal fishing trips, pleasure trips. I know that is still happening.

MR. TULK: (Inaudible)

MR. NEARY: Pardon.

MR. TULK: (Inaudible) Jack Murray (inaudible)

AN HON. MEMBER: Every person who is convicted under the Wildlife Act is (inaudible) probably suffering from political pressures and not judicial.

MR. NEARY: Yes, I know. But, Mr. Speaker, we do not know how many times the minister interfered with justice following its natural course. I would say fairly often, Mr. Speaker. I would say the heavy hand of the Minister of Justice (Mr. Ottenheimer), the Attorney General of this Province,

MR. NEARY: was used on more than one occasion to let some of their buddies off the hook.

AN HON. MEMBER: You should be careful when (inaudible) you have to use -

MR. NEARY: Well, I can only take the minister's word for it that he did not, that this particular minister did not interfere. And I do not know if there are any powers left now in the hands of the Minister of Justice (Mr. Ottenheimer) or in the hands of the Attorney General to influence whether or not a case should proceed. I claim, Mr. Speaker, that it is wrong for the Minister of Justice to have any say at all in whether or not a case should be appealed before the courts, whether or not a case should proceed. I think this should be left to the police and the officials of the Department of Justice and not left to the Minister of Justice, we have seen that abused so often in this Province in the last ten years.

We have seen, Mr. Speaker, charges trumped up by the Minister of Justice. We have seen investigations suppressed by the Minister of Justice in this Province. We have seen a sham made out of the administration of justice in this Province, Mr. Speaker, in the last ten years. I am glad the minister is bringing in this amendment to change some of that, but I am afraid it is only a small beginning, Mr. Speaker. All it does is let the minister out from under having the power to use his discretion under the City of Corner Brook Act, the Dog Act, the Forest Fires Act, the Industrial Standards Act, the Newfoundland Human Rights Code, the Social Assistance Act and the Wildlife Act,

MR. NEARY: it does not really get at the root of the real problem in the administration of justice in this Province. And that is, Mr. Speaker, the real problem. The real problem is whether or not the minister wants an investigation to proceed or not. All reports, whether they are initiated by the Newfoundland Constabulary or by the RCMP, have to go to the Minister of Justice (Mr. Ottenheimer) and the Minister of Justice then decides whether or not legal action will be taken, or whether or not he will allow an investigation. We have seen cases in this Province where investigations were stopped.

I suppose the most blatant, Mr. Speaker, example of interference in the administration of justice in this Province was carried out by the hon. gentleman's predecessor who thought his job was to keep the Premier and the ministers out of jail. That is what he thought his job was. He spent his whole time -

MR. FLIGHT: And he did it too.

MR. NEARY: And he managed to keep them out. And the real story, Mr. Speaker - well, maybe someday it will be told. I always say it is a pity, it is a shame that we do not have the investigative reporting in this Province that they have in the United States. I have to admire the people who put together the ABC News, and the people who put together 60 Minutes, in the United States. If we only had that team in Newfoundland, Mr. Speaker, if we only had the people who put together 60 Minutes, in the United States, I guarantee you you would see half that crowd sitting over there now going for cover. Some of them are still there. Some of the culprits are still there. Some of those involved in the skulduggery are still over there.

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Tape No. 3455

EL - 3

AN HON. MEMBER:

Name them.

MR. NEARY:

Yes, I could name them if I wanted to. But the Minister of Justice (Mr. Ottenheimer), the Attorney General managed successfully to suppress any investigation that might lead to a minister or

MR. NEARY:

two losing his political scalp, or the Premier running into serious trouble.

I see results every day, Mr. Speaker. I, myself, wrote the Minister of Justice (Mr. Ottenheimer), launched a couple of investigations into this Province, that should have been routine. It should have been easy for the RCMP commercial fraud section to investigate, and they were abruptly brought to a halt. And some of the predictions and statements I made at that time are coming true today. We had a Premier who was feathering his own nest -

MR. MOORES: (Inaudible).

MR. HANCOCK: Yes, like the one you put in St. Joseph's.

MR. NEARY: - a Premier who was in breach of trust, a Premier who was involved in conspiracy -

MR. WARREN: Conflict of interest.

MR. NEARY: - and in conflict of interest, and all kinds of other crimes under the Criminal Code, who waltzed away scot free because the proper investigations were never done into the affairs of that gentleman and some of his colleagues, some of them who are still senior ministers in the administration.

And the feeble and flimsy excuses that were given for not carrying out these investigations, Mr. Speaker, I could not believe it. I could not believe it. All the property and land that exchanged hands, all the pay-offs and under-the-table deals that were made, and all the feathering of their own nests, Mr. Speaker.

MR. WARREN: Yes. I agree.

MR. NEARY: The most corrupt administration in the whole history of Newfoundland and with all the resources the RCMP had at their disposal, they just skimmed over the surface.

MR. NEARY: I can show the hon. House letters and reports that I have to indicate that they made no attempt at getting at the truth, of investigating some of these matters, made no attempt at it at all. In one or two cases they made a feeble attempt, They turned the administration of justice in this Province into a complete sham and as a result people lost confidence in the administration of justice and they used the Minister of Justice and the Attorney General (Mr. Marshall) in this Province, Mr. Speaker, Mr. John Crosbie -

AN HON. MEMBER: Who?

MR. NEARY: Mr. John Crosbie, Mr. Speaker, who is now out crying for the resignation of Bill Rompkey, the great manipulator, the biggest bully we ever had in this House or in this government -

AN HON. MEMBER: Whoey! Whoey!

MR. NEARY: - manipulated and used the RCMP.

SOME HON. MEMBERS: Shame! shame!

MR. NEARY: The biggest witch hunt that we ever saw in this Province, after the government -

AN HON. MEMBER: What difference did it make?

MR. NEARY: - changed in January 1972, Mr. Speaker -

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: hon. members think that that is going to go away, that black mark in our history.

SOME HON. MEMBERS: Oh! ho!

MR. NEARY: When Mr. Crosbie, who, in order to get revenge against Smallwood, carrying out a personal vendetta against the former premier of this Province, sent the RCMP over to Mr. Smallwood's residence

and had the place under siege for almost forty-eight hours, with helicopters going back and forth between St. John's

MR. NEARY: and Roaches Line carrying over locksmiths and opening up drawers. And they carted off, Mr. Speaker, they carted off from Roaches Line truck load after truck load of documents.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: A lot of them have never been returned, by the way.

SOME HON. MEMBERS: Oh, oh!

MR. S. NEARY: A get-Smallwood vendetta organized by the biggest bully that we have ever seen in politics in this Province, Mr. Crosbie; Mr. Crosbie, a man who used his position in the Cabinet to forgive taxes of a brewery of which-he was Secretary of the Board of Directors of the company that took over the brewery. Caught red-handed and let go scott free. Nobody dare touch bully-boy Crosbie.

MR. MOORES: One of the most corrupt men in Newfoundland politics.

MR. S. NEARY: Well, I would not say he was one of the most corrupt but certainly, Mr. Speaker, I cannot see how they let him get away with the things that he is getting away with in the House of Commons. All we have to do is look at his responsibility for Labrador Linerboard -

MR. MOORES: Right!

MR. S. NEARY: And look at what happened when he was Minister of Fisheries, when the biggest scandal, one scandal alone - there are a number of scandals - one scandal alone that has not been resolved yet, that has been suppressed for the last six or seven years and still has not been resolved, Mr. Speaker. Who presided over the Department of Fisheries when that scandal took place? Nobody other than Mr. John Crosbie! Almost \$5 million! Almost \$5 million, Mr. Speaker, and he has the face to stand up in the House of Commons and try to portray the image of being lilly-white and simon-pure. And what about the Labrador Linerboard, \$500 million that blunder cost the people of this Province, \$500 million. And the hon. member can shake his head all he wants.

MR. S. NEARY: And, Mr. Speaker, the argument that they had to take it over to complete it, I can understand the member for Pleasantville (Mr. Dinn) falling for that kind of a line. Because that is all it was a line, they did not have to take it over.

MR. TULK: He is not too bright.

MR. S. NEARY: No, not very bright. Any thinking Newfoundlander knows that they should have left it in the hands of private enterprise until it came to the crunch, and we had not reached the crunch.

DR. J. COLLINS: How did we get onto Labrador Linerboard?

MR. S. NEARY: I beg your pardon. What is that?

DR. J. COLLINS: I thought we were debating this bill here.

MR. S. NEARY: So we are.

DR. J. COLLINS: How did we get on to Labrador?

MR. S. NEARY: We are talking about the Labrador Linerboard -

MR. D. HANCOCK: The same way you got into the world - by accident.

SOME HON. MEMBERS: Oh, oh!

MR. S. NEARY: The hon. gentleman should go out and try to collect that \$3 million that is still over in West Germany that belongs to the people of this Province in connection with Labrador Linerboard.

Mr. Speaker, all the matters in connection with Labrador Linerboard have not even been resolved yet. And all the corruption, all the theft all the pilferage, all the fraud, all the under-the-table deals, all ignored, all swept under the carpet, blotted out!

MR. S. NEARY:

And this crowd over there, when they want to talk about corruption in this Province, they jump over eight years of Moores' corruption to get back at Joey Smallwood who has never ever been charged or convicted of anything. They tried to. They tried to, Mr. Speaker, They did everything in their power to try to frame the former Premier of this Province. They tried to frame him! They tried to

MR. NEARY: frame other people in this Province. John Crosbie was the real culprit. I remember once the Minister of Social Services told me that in Cabinet when I was the subject of a witch hunt and a political vendetta by this administration - or by this government, not the present administration - the Minister of Social Services told me that he did not have anything to do with it, it was John Crosbie who pushed it in Cabinet. John Crosbie was the culprit. John Crosbie was the one who set out to get Smallwood, John Crosbie set out to get Lundrigan, John Crosbie set out to get Art Noseworthy, John Crosbie set out to get Doyle, John Crosbie set out to get Shaheen, and manipulated and used the Minister of Justice and the RCMP to do it. It is a period in our history, Mr. Speaker, that we should be ashamed of. We should be ashamed of it. I am told that the day they sent out the warrant to arrest the President of Canadian Javelin that the RCMP were summoned to the Eighth Floor of Confederation Building and told to stand outside the door until the Cabinet meeting was over and then a directive was given by the Minister of Justice to arrest this man in Montreal. Not after an investigation - all you have to do is look at the history of it, look at the facts you have in front of you and you will see that there was no rhyme or reason to what they were doing. As a matter of fact, they arrested the gentleman and did not lay charges until three months after; they had to think of what they were going to charge him with. Because Mr. Crosbie, who was so full of hate for anything that had anything to do with the Liberal Party or with Joey, he was so full of hatred and vengeance that he walked into the Cabinet room down on the Eighth Floor and frightened the life out of the crowd who were sitting around the table on the Eighth Floor at the time, frightened the life out of them, scared them

MR. NEARY: out of their socks, out of their shoes.

AN HON. MEMBER: Why?

MR. NEARY: And I have to laugh at the Minister of Social Services who said, 'Steve, do not blame me, I had nothing to do with it. I knew there was nothing to it, but Crosbie insisted and he kept pushing it.'

MR. MOORES: Is that true, 'Bill'?

MR. NEARY: Yes, it is true.

MR. MOORES: (Inaudible).

MR. NEARY: No, the hon. gentleman was a member of the Cabinet. The hon. gentleman helped Crosbie, do not worry, helped him with his nastiness. There is no more nasty man in the whole of Canada than one, Mr. Crosbie. He is nasty. And we saw the other night on television how nasty he can be, when he made a snide remark about the Minister of Finance. Mr. Crosbie should never get personal. He is the last man on the face of this earth who should get personal with anybody, John Crosbie. Who does he think he is?

MR. CALLAN: He spends most of his time out at Hogan's Pond loaded drunk, does he not?

MR. NEARY: Well, I am not interested in his personal life or his family or anybody else, I am only interested in his politics. One thing I have never done in this House and have no intention of doing is stooping to that level. And the hon. gentleman can grin all he wants. When I speak in this House I talk about issues and politics and facts.

MR. CALLAN: (Inaudible) in the Cabinet anyway.

MR. NEARY: That is right. There is not an hon. gentleman sitting on that side of the House who can stand up and say that I have ever gotten personal with him.

MR. NEARY:
personal with me.

I have had hon. members get

MR. MORGAN:

Outside the House even.

MR. NEARY:

Inside and outside. And I

guarantee you this, that I am not interested in people's
personal lives, I am only interested in their politics.

And I have to laugh when I hear people say that John Crosbie

'John Crosbie', they say, 'is going to run for the leadership
of the Tory Party. John Crosbie is going to be Leader of the
Tory Party'. John Crosbie is going to be leader of nothing,
he is only going to be leader of those who are full of hate

MR. NEARY: and revenge and who want to destroy and tear down, That is all he is going to lead.

MR. TULK: He will be a leader of destruction.

MR. NEARY: He will be a leader of destruction, as my hon. friend says. That is Mr. Crosbie. He is so full of hate, he hates anything Liberal.

MR. HANCOCK: His main supporter, look.

MR. NEARY: No, that is not his main supporter. The hon. gentleman has more sense than that.

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

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

MR. MARSHALL: I realize we have to give the hon. member an opportunity from time to time to vent his spleen, as he has been doing for the last half hour, but what he is speaking about now has absolutely nothing to do with the principle of this bill, Mr. Speaker. The principle of this bill is to preclude - is to take away the discretion of the Minister of Justice (Mr. Ottenheimer) for absolving people from traffic tickets and suspended sentences for summary convictions. The hon. gentleman has been talking - he has not been relevant to the principle of the bill all afternoon, but particularly now. He is really straying from it. We realize he has to vent his spleen from time to time, but he can do that in a place other than the people's House.

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

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

MR. NEARY: There is no point of order there, Mr. Speaker. This is a very broad-ranging bill, as the hon. members know.

MR. SPEAKER: I would have to say that -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Butt): Order, please!

There is a point of order. The hon. member did stray from time to time from the principle of the bill which is being debated here today, and I will ask him to confine his remarks to Bill No. 64, which is An Act To Amend the Summary Proceedings Act.

MR. NEARY: Thank you, Mr. Speaker. The hon. gentlemen must have led me astray, on the other side, Mr. Speaker, because I thought I was right on target. Of course, I have to abide by Your Honour's ruling.

But, Mr. Speaker, getting back to this bill, I would say that it is a step in the right direction but the only thing is this, that we do not know how much damage has been done. I think, Mr. Speaker, that the Minister of Justice should research the goings on in his department for the last ten years and tell us how often and under what circumstances the Minister of Justice and the Attorney General used these discretionary powers. How often? And under what circumstances and under what circumstances did the hon. Attorney General and the Minister of Justice use his power to influence or suppress an investigation in this Province.

We are entitled to have that information, Mr. Speaker, and I believe the hon. gentleman has an opportunity now, when we are introducing this bill, to give the House the information. Or, Mr. Speaker, will the hon. gentleman follow the example of his boss, the leader, follow his example and say, no, the eight years, from January 18th, 1972 up to 1979, June '79, that eight years did not exist? Blot it out of your mind.

MR. MARSHALL: The other administration.

MR. NEARY: Yes, get over that. You have to jump over that.

MR. MARSHALL: The previous administration.

MR. NEARY: Mr. Speaker, how many times in this House, how often do we hear a minister or the Premier refer to the Moores' administration? What is wrong, Mr. Speaker, are they ashamed of it? They never refer to it. I have yet, and this administration has been in two years, I have yet to hear a minister or the Premier get up and give Mr. Moores or his administration credit for anything. Or even condemn him for doing anything.

MR. HANCOCK: They are more interested in doing away with his cabin, taking his cabin away from him.

MR. TULK: I would not (inaudible) part of that.

MR. NEARY: No, that is right. They can stand up with the face of a robber's horse and say, oh, that was the Moores' administration. That was the Moores' years. We had nothing to do with that. We are born again. We do not want to talk about that even though the Premier himself was a senior minister in that administration and the President of the Council (Mr. Marshall) was a senior minister in that administration. And the Minister of Social Services (Mr. Hickey) was as senior minister in that administration. The Minister of Manpower and Labour (Mr. Dinn) was a senior minister in that administration. The Minister of Health (Mr. House) was a senior minister in that administration. The Minister of Northern Development (Mr. Goudie) was a minister in that administration.

MR. TULK: Was not the Premier Bully Boy's right hand man?

MR. NEARY: That is right, And the Minister of Justice was in that administration, and the Minister of Fisheries (Mr. Morgan) was in that administration. But, Mr. Speaker, they do not want to hear tell of it.

MR. NEARY: They do not want to hear tell of it. When we ask them how often, how many times, did the Minister of Justice (Mr. Ottenheimer) and the Attorney General interfere with the administration of justice, the carrying out of investigations and laying charges, how often? They stonewall and they will not tell us. I would suspect, Mr. Speaker, that it was pretty often and now we have the

AN HON. MEMBER: One of the greatest (Inaudible)

MR. NEARY: - greatest what? I am hoping, Mr. Speaker, that when the Minister of Justice closes this debate he will enlighten the House, he will give us an insight into the interference and the corruption that went on in the Justice Department before the hon. gentleman took over. I mean, I admire the hon. gentleman, Mr. Speaker. I would say one thing, that the Department of Justice has had a low profile since the hon. gentleman took over.

AN HON. MEMBER: So has the Department of Consumer Affairs.

MR. NEARY: But I do not know if that means everything is going well in the department or not, but he does have a low profile. The minister does not go back into the past, not like his predecessors who started some great witch hunts in this Province, and went after the scalps of members of the Smallwood administration. If they had gone after the hides of members of the Moores' administration with the energy and vigor and the vitality that they went after Mr. Smallwood and his crowd, Mr. Speaker, I can name you at least three that would not be sitting in the Cabinet and sitting up in the front benches today on the government side of the House. And they are over there day in and day out with a smirk on their faces, and laughing all the way to the bank, Mr. Speaker. It is unfortunate, it is tragic, it is sad. I cannot find an adjective to describe it.

MR. TULK: There is none.

MR. NEARY: There is none. It is a black mark, Mr. Speaker, on the administration of justice in this Province.

MR. NEARY: It did more to undermine the administration of justice than anything else in our whole history, and I am glad that the minister is trying to get some credibility back for the department. But at least, Mr. Speaker, we are entitled to a statement from the hon. gentleman, we are entitled to know how much unfinished business there is in the department. How much skulduggery went on and how much unfinished business is there in the department?

MR. TULK: That is a list he should give us.

MR. NEARY: Yes, that is right. The hon. gentleman should give us a list of the unfinished business. I do not have to name the unfinished business. You know, Mr. Speaker, I will just use one example before I sit down and that is - I think it was in 1973 or 1974 - 1973 was it not? - the fire that was over at the Viking Building in the Fishery Department.

AN HON. MEMBER: 1974.

MR. NEARY: In 1974 there was a fire in the Fishery Department and if that fire had not taken place nobody would ever know that John Crosbie had presided over a \$5 million slush fund, nobody would ever know that the taxpayers of Canada and of Newfoundland had lost almost \$5 million in fraud. Nobody would have ever known that if that fire had not taken place.

MR. TULK: Somebody was trying to tell us a story.

MR. NEARY: And, Mr. Speaker, here it is seven years later, and what has happened in that seven years? We had, I think, two charges if not three charges laid.

MR. MORGAN: Are you asking for more charges to be laid?

MR. NEARY: No, Mr. Speaker, I am asking that justice be done.

MR. MORGAN: The Minister of Justice is doing his job.

MR. S. NEARY: Does it take justice seven years?

SOME HON. MEMBERS: Oh, oh!

MR. S. NEARY: Mr. Speaker, if a man is hauled in for impaired driving, does it take seven years before he has to appear in court?

MR. MARSHALL: (Inaudible).

MR. HANCOCK: If justice was done, you would be gone.

MR. S. NEARY: Is that so?

MR. D. HANCOCK: That is where you are wrong, (inaudible).

MR. S. NEARY: Mr. Speaker, that is only one example. Seven years later and the real culprits have been left alone. Is it any wonder, Mr. Speaker, that we have so much vandalism and crime in this Province at the present time? The way that the justice system is worked in this Province has caused all kinds of problems, Mr. Speaker, all kinds of problems!

MR. G. WARREN: (Inaudible) Minister of Fisheries, sure.

MR. S. NEARY: Well, I mean, I could go on. I could give a dozen examples. Members can recall the matters that I am referring to, I do not have to remind them. I only used one, the \$5 million rip-off.

MR. HANCOCK: 'Morgan' some embarrassing questions tomorrow about Quinlan Brothers.

MR. MORGAN: (Inaudible).

MR. HANCOCK: Well, boy you are responsible for issuing the crab licenses.

MR. S. NEARY: What is he saying?

MR. D. HANCOCK: He is talking about the crab licenses out in St. Mary's. He says that that is their problem.

MR. NEARY: Oh, well, we are on a different bill.

MR. SPEAKER (BAIRD): Order, please!

MR. NEARY: We are on a different bill.

So anyway, Mr. Speaker, there is nothing else that I want to say about this, I do not think, except that I am glad to see that the hon. gentleman is trying to clean up the mess that was left in that department, trying to get things back in their proper perspective, trying to make amends for the dirt that was carried on down in that department where, I am sure, Mr. Speaker, that maybe not all the stories are true, but a lot of the stories are true that we heard in the last ten years about cases being suppressed, about a well-to-do, well-heeled individual refusing to take the breathalyzer and no charges laid.

MR. MORGAN: Was that Dave Rooney, or what?

MR. NEARY: No, Mr. Speaker. They saw to it that Mr. Rooney was charged, you need not worry about that. They have seen to it.

MR. MORGAN: (Inaudible) job.

MR. TULK: Give him the last name.

MR. NEARY: Does the hon. gentleman want me to name the one of his colleagues that I am referring to.

MR. SPEAKER: Order, please!

I think we are beginning to stray from the subject under discussion.

MR. NEARY: Thank you, Mr. Speaker. I will resist that temptation, resist it. But any time that the hon. gentleman wants me to.

MR. POWER: (Inaudible) everyone, I would prefer you named them.

MR. NEARY: No, it was not the hon. gentleman.

MR. POWER: I know it was not me .

MR. NEARY: Well, you are out now so you can feel happy.

So, Mr. Speaker, we support any move, on this side of the House, that will help try to clean up the Justice Department and try to help clean up the mess that was left behind by the hon. gentleman's predecessor and the interference on the part of ministers and the Premier of this Province.

AN HON. MEMBER: Who was the minister before?

MR. NEARY: Pardon?

AN HON. MEMBER: Who was the minister before?

MR. NEARY: The minister before is now wearing the gowns of the bench.

AN HON. MEMBER: That was that excess appointment in that six month period, was it?

MR. NEARY: That is right, just snuck under the wire. But, Mr. Speaker, I am not going to go into that, I am just merely asking the hon. gentleman to give the House a statement that may restore confidence in the Justice Department. There has been too much of this kind of stuff that we see in this bill going on, Mr. Speaker, in the last ten years. When somebody runs into trouble, go to a minister or go to the Justice Department or go to the Premier and the Premier will just squash it, smooth it over, depending on who you are. There is no harm to say, Mr. Speaker, it is not what you know in this Province it is whom you know. I could go back a few years if I wanted to and talk about a case in the lockup where a man was beaten to death and nothing ever -

MR. CALLAN: To death?

MR. NEARY: Yes, that is right, beaten to death. And the report is in the Justice Department.

MR. NEARY: Nothing was ever done about it.
It was squashed.

MR. CALLAN: Beaten to death?

MR. NEARY: Beaten to death.

Mr. Speaker, how much of this has gone on in the past? How much of this stuff has been covered up? I wish that a group of law students in one of the universities would take some of these cases that I referred to, research them and write a paper, write their thesis on the way that the Justice Department in this Province functioned in the last ten years. They should write a paper! It would be a best seller. It might be condemned by the United Nations.

MR. TULK: They would have to sell it for fiction, because nobody would believe it.

MR. YOUNG: Time is up.

MR. NEARY: Time is not up yet.

Yes, it is.

MR. NEARY: No, Mr. Speaker.

MR. YOUNG: Call it six o'clock.

MR. NEARY: No, Mr. Speaker. The hon. gentleman, Mr. Speaker, when he awards a contract, cannot even stop the contractor from getting on the site, cannot even stop him from going on the site without a performance bond. The hon. gentleman did not even know that the contractor was on the site.

MR. YOUNG: Yes, well, that is his own hard luck.

MR. NEARY: That is his own hard luck? The hon. gentleman is responsible for the construction of that -

MR. SPEAKER (BAIRD): Order, please!

I do not see anything about construction in Bill 64 here.

MR. NEARY: No, but is another example of how the system works, Mr. Speaker, or how it does not work.

MR. MARSHALL: Are you going to vote for the Budget next year?

MR. NEARY: Pardon?

MR. MARSHALL: Are you going to vote for the budget next year?

MR. NEARY: Mr. Speaker, the hon. gentleman, the President of the Council (Mr. Marshall) asked me if I was going to vote for the budget next year. I will make the House a forecast right now. I will make a prediction right now that this government will never bring down another budget. I will make the prediction, Mr. Speaker, that they are about \$40 million to \$50 million, right now, overspent on current account. They cannot balance the budget. And we will have an election, Mr. Speaker, we will have an election before there is another budget brought down. This government will not bring down another budget in this House.

MR. MARSHALL: How much are you betting on that?

MR. NEARY: Pardon?

MR. MARSHALL: How much are you betting on that one?

MR. NEARY: How much am I betting on it? I am not usually a betting man, but I will put down a couple with the hon. gentleman.

Mr. Speaker, they have so badly mismanaged the affairs of this Province, there is so much extravagance and waste that they have gone \$40 million to \$50 million over in current account, which is about the worst financial position that you can find yourself in. Because that means the Minister of Finance (Dr. Collins) has to go out and borrow money to pay the interest on money

MR. NEARY: already borrowed. And when you start doing that, Mr. Speaker, you are bankrupt, the Province is bankrupt.

Anyway coming back to the bill, Mr. Speaker - I sort of got led astray there by the President of the Council (Mr. Marshall), but coming back to this bill, we support it, Mr. Speaker, we support anything that will help reduce the powers of the Minister of Justice (Mr. Ottenheimer) to interfere with the laying of charges, to interfere with the carrying out of investigations. But, Mr. Speaker, I am afraid it is a real nightmare when you think about how much of this has been done in the past. I know the Minister of Justice is going to take a leaf out of the Premier's book, he is going to stand up and he is going to say, 'Well, I do not know how much of this went on and I do not care, I am not interested. This is a new administration, wipe the slate clean, start off from scratch.'

MR. YOUNG: Tell us about this thing down in Grand Bank.

MR. THOMS: What is that?

MR. NEARY: Tell you about what?

MR. YOUNG: The (inaudible) in Grand Bank.

MR. THOMS: I will speak next and I will tell you all about that, if you want to.

SOME HON. MEMBERS: Oh, oh!

MR. THOMS: You know it. You know. You know.

MR. SPEAKER (BAIRD): Order, please!

The hon. member for LaPoile (Mr. Neary) has the floor and he has about five minutes to wrap up.

MR. THOMS: The word is out from the Tories in St. John's that they wish to create a disturbance.

MR. NEARY: Mr. Speaker, how much more time do I have?

MR. THOMS: I know who you called.

MR. SPEAKER (BAIRD): Seven minutes.

MR. THOMS: I know who you called.

MR. NEARY: Well, I am not going to use up that seven minutes.

MR. THOMS: I know the dirty tricks you pulled.

MR. SPEAKER: Order, please!

MR. YOUNG: (Inaudible).

MR. THOMS: Do not worry about business, I know the dirty tricks you pulled. I know the dirty tricks. The problem is you cannot find enough Tories down there to accomplish your purpose.

MR. NEARY: You talk about dirty tricks, Mr. Speaker.

MR. SPEAKER: Order, please!

I would ask the hon. members for Harbour Grace (Mr. Young) and Grand Bank (Mr. Thoms) to remind themselves and others that the hon. member for LaPoile (Mr. Neary) has the floor.

MR. NEARY: Thank you, Mr. Speaker, for your protection.

MR. SPEAKER: We are on Bill 64.

MR. NEARY: Mr. Speaker, they talk about dirty tricks

MR. L. THOMS: You would not find more than two.

MR. NEARY: They talk about dirty tricks.

MR. L. THOMS: You would not find more than two
in the whole town of Grand Bank.

AN HON. MEMBER: (Inaudible) on the Committee was there not?

MR. S. NEARY: They talk about dirty -

MR. L. THOMS: Oh, the Committee is full of
them.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Mr. Speaker, they talk about
dirty tricks in Washington. Only small potatoes compared
to the dirty tricks that went on in this Province in the
last ten years. And I guarantee you that if the RCMP had
carried out, and done their jobs and did their duty, and
carried out the investigations as they were supposed to
carry them out, that we would have more than one Watergate
in Newfoundland.

AN HON. MEMBER: He would have a flunkey..

MR. S. NEARY: The hon. gentleman may be sitting
on a powder keg, the hon. Minister of Justice (Mr. Ottenheimer).

MR. YOUNG: (Inaudible)

MR. NEARY: Well, the hon. gentleman is
carrying on a policy of very low profile. The hon. gentleman
is not very vocal. I do not think the hon. gentleman would
suppress or interfere with, in any way, shape or form, an
investigation. I do not think he would. Although you never
know, Mr. Speaker, you never know what a desperate man will do.
You never know if the Premier or a minister got in trouble,
and the present Minister of Justice was put to a test, I hope
that he would not be like his predecessor and succumb to
protecting them and trying to cover up for them. We have had

MR. S. NEARY: too many things covered up
in this Province.

MR. TULK: We would want ten page guide-
lines.

MR. NEARY: Yes, I know, ten page guide-
lines. Mr. Speaker, I wish some of these members on
the other side who are muttering under their breath would
get up and say what they have on their minds so we could
all hear it, or get up and make their own speeches, never
mind mumbling and muttering and distracting the person who
is on his feet. But in conclusion, Mr. Speaker,
I will support this bill.

SOME HON. MEMBERS: Hear, hear!

MR. YOUNG: After all that bleating.

MR. NEARY: And I congratulate the minister
for bringing in this bill. I am hoping that we will see more
legislation like this in future, especially, Mr. Speaker, if
it will clean up the mess and improve the image of the
Justice Department, an image that has been pretty dismal
and pretty bad over the last several years in this Province,
Mr. Speaker. And perhaps, while the minister is on his feet,
I do not know if he can do it under this bill, he might
also tell us what he intends to do about the ever increasing
problem of vandalism and crime in this Province.

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

MR. L. THOMS: Thank you very much, Mr. Speaker.
If I can get leave of the House I would much rather talk
about Grand Bank and the demonstration on Saturday night
than to talk about this particular bill.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MORGAN: (Inaudible) some leading
comments about the fisheries and all of that.

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

Is there a leave?

SOME HON. MEMBERS: Yes, by leave. By leave.

MR. SPEAKER: I understand leave has been granted.

MR. L. THOMS: Mr. Speaker, I would like to thank the members opposite, because I am one person in this House who would rather stand up here and talk about the frustrations and the uncertainties in the district of Grand Bank. I do not have to tell the members of this House what the fish plant in Grand Bank means to the people. I should not have to remind the Minister of Public Works or anybody else on the other side of the House of the frustration that is being felt by the people of that district today. Do I have to remind members on the other side of the House that the first proposal from the Lake Group of companies, involving the fish plants on the South Coast of this Province, was in in May, in May, not September -

MR. MORGAN: We gave them \$5 million.

MR. L. THOMS: - not September? That the first proposals, the first indication that there were troubles-

MR. SPEAKER: Order, please! Order!

MR. L. THOMS: - in Grand Bank came in May of this year not in September, Mr. Speaker, not when the Premier of this Province met with the Fishery Crisis

MR. THOMS: Committee in October -

SOME HON. MEMBERS: Oh, oh!

MR. THOMS: -not when they met with them

in October, and when the Premier of this Province gave a commitment to the Fisheries Crisis Committee that there would be a decision on the Lake proposals by the end of October.

MR. WARREN: It is the end of October now.

MR. THOMS: So what do we get this afternoon?

What do we get this afternoon? We get a statement that the merger proposal is unacceptable. I said that I was happy, I was glad, I am delighted, Mr. Speaker, -

MR. MORGAN: And so are the people.

MR. THOMS: - I am delighted and so are the people of Grand Bank delighted, that this proposal was not acceptable. I wanted the Premier of this Province to give -

MR. MORGAN: (Inaudible).

MR. THOMS: - a commitment to this House and to this Province this afternoon that any proposal, and I understand there are other proposals, that any proposal that was given to the Government of this Province -

MR. TULK: Withdraw leave?

MR. THOMS: - that was given to the Government of this Province and did not include the reopening of the fish plant in Grand Bank, would not be acceptable to the Government of this Province. If they want to include Gaultois, -

AN HON. MEMBER: Shame!

MR. THOMS: - if they want to include Gaultois - my primary concern, Mr. Speaker, is Grand Bank but I would support my friend for Fortune-Hermitage (Mr. Stewart) if the Government of this Province wants to include that as a condition. And I would like to see the Premier of this Province and the Government of this Province have the intestinal fortitude to come out and to say that we will not entertain any proposal from the Lake Group of Companies, i.e., Mr. Speaker, the Bank of

MR. THOMS: Nova Scotia. The Bank of Nova Scotia, although the Minister of Fisheries (Mr. Morgan) would not confirm it this afternoon, the Bank of Nova Scotia are the bankers for the Lake Group of companies, they are the bankers for National Sea and Nickersons, National Sea who owns Nickersons, and they are the bankers for Fishery Products. They are the bankers for all three of those companies.

MR. MORGAN: No, you are wrong.

MR. THOMS: The bankers for all three of those companies.

SOME HON. MEMBERS: Oh, oh!

MR. THOMS: Now, Mr. Speaker.

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

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

MR. MARSHALL: I realize leave was given the hon. member. Leave was given the hon. in relation to a bill; I think it was to speak something in jocular fashion about the meeting that occurred down in Grand Bank on Saturday, Friday or Saturday, whenever, the Liberal meeting. But in any event, I know the hon. member wishes to speak about the particular position but that was stated in a statement today by the Premier and now the hon. gentleman has had opportunity to reply and will have in Question Period and I would prefer - I do not wish to curtail him because leave was given, but I do not know whether the hon. gentlemen proposes to go on for the rest of the afternoon on this, ignoring the bill. If he does, I think that we would have to withdraw leave, and ask that he get relevant to the bill.

SOME HON. MEMBERS: Hear, hear!

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

MR. SPEAKER: To the point of order? The hon. member for Port aux Port.

MR. HODDER: Yes, Mr. Speaker. It was my understanding, Mr. Speaker, that leave was given on the other

MR. HODDER: side for the hon. gentleman to speak on the meeting on Saturday night, and I do not understand how he could speak on the meeting on Saturday night without leading up to the events which preceded that particular meeting.

SOME HON. MEMBERS: Oh, oh!

MR. HODDER: And I would think that if the government were to withdraw leave, then that would be a very, very cowardly act.

MR. MORGAN: Mr. Speaker, to the point of order.

MR. SPEAKER (Simms): To the point of order, the hon. Minister of Fisheries.

MR. MORGAN: On that point of order, we did, at least my colleague and myself here in the front bench gave consent when requested, for the hon. member for Grand Bank (Mr. Thoms) to talk about the activities over the weekend in his district, in referring to the Liberal meeting, and I also mentioned the fact I wanted to hear what Mr. Regan had to say about the problems in the fishing industry. If we have to listen to the debate in the way we just listened the last two minutes, and the wrong information being put forward to the House with regards to what bankers are with the different companies etc. incorrect, inadequate information, I have to withdraw that leave.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

To the point of order then it is not really a point for the Speaker to rule on. Leave was granted at the request of the hon. member for Grand Bank. Now I understand leave has been withdrawn. So I would ask hon. member for Grand Bank, then, to refer his comments to Bill 64, "An Act To Amend The Summary Proceedings Act".

MR. NEARY: Cowards.

MR. THOMS: Mr. Speaker, you can rest assured that the people of Grand Bank will realize that this administration, this government and the other side of this House would not give the member for the district thirty minutes in which to talk about the problems they are experiencing today.

SOME HON. MEMBERS: Hear, hear!

MR. THOMS: They will know it.

And you can take the two or three Tory friends -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. THOMS: - that you set up on Saturday night and they will know about it too.

MR. SPEAKER: Order! Order, please!

AN HON. MEMBER: How about a copy of your speech?

MR. SPEAKER: Order, please!

I have just advised the hon. member that leave has been withdrawn to ask him to refer Bill 64, "An Act To Amend The Summary Proceedings Act". The hon. member for Grand Bank.

MR. MORGAN: On a point of privilege, Mr. Speaker.

MR. SPEAKER: On a point of privilege. The hon. Minister of Fisheries.

MR. MORGAN: Mr. Speaker, I have to stand on a point of privilege because the hon. gentleman just accused me of organizing some kind of a demonstration on the weekend in Grand Bank. Now, I was not even near Grand Bank, I had no conversation with the people in Grand for the last four or five days. I was in Gander at a fisheries conference, I was in Corner Brook on Saturday night meeting

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MR. MORGAN: with fishermen from the Great Northern
Peninsula, I was in St. Georges on Sunday afternoon

MR. MORGAN:

meeting with fishermen from the area over there. Mr. Speaker, I take strong exception to that kind of an accusation, leaving the impression that I am playing politics by getting involved in demonstrations against the Liberal Party in the Grand Bank area. It is totally unfair.

MR. SPEAKER (SIMMS): Well, with respect to the point of privilege, the Speaker's role in determining a point of privilege is whether or not there is a prima facie case that has been established. And I would say in this particular case a prima facie case has not been established.

The hon. member for Grand Bank.

MR. THOMS: Thank you very much, Mr. Speaker.

A coward dies a thousand deaths. Mr. Speaker, now that -

MR. MORGAN: That is no way out. Let us stick to the point now. That is no way out.

MR. SPEAKER: Order, please!

MR. THOMS: The coward dies a thousand deaths, Mr. Speaker. Now that -

MR. MORGAN: You are the only coward (inaudible) in the last four or five days.

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

MR. MORGAN: (Inaudible). What a cowardly (inaudible) you are.

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

I would ask the hon. Minister of Fisheries (Mr. Morgan) to please restrain himself so we can allow the hon. member for Grand Bank (Mr. Thoms) to get back on Bill 64.

The hon. member for Grand Bank.

MR. THOMS: Thank you very much, Mr. Speaker.

MR. NEARY: What did you say about a coward, he dies a thousand deaths?

MR. THOMS: A thousand deaths, a thousand deaths. In this case he will probably die two thousand deaths.

Mr. Speaker, if I may, now that that leave has been withdrawn to speak about the problems in the district of Grand Bank -

MR. MORGAN: I am going to Grand Bank.

MR. THOMS: They would love to see the minister in Grand Bank. How about taking the Premier of the Province with you.

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

MR. THOMS: How about taking the Premier of the Province with you.

MR. SPEAKER: Order, please!

I would ask the hon. member to direct his remarks to the Chair, please.

MR. THOMS: It is very difficult, Mr. Speaker, with the hon. member, very, very difficult.

MR. SPEAKER: I realize that.

MR. THOMS: Mr. Speaker, in connection with Bill 54.

MR. SPEAKER: Sixty-four.

MR. THOMS: Sixty-four. As my hon. friend from LaPoile (Mr. Neary) has said, we support this particular piece of legislation. I do not think it is one of those pieces of legislation that when the Premier of this Province sends out his check list of what he has done for the Province - it probably will not be included, in the last check list that I saw, with the other great accomplishments of the Premier of this Province over the last two years. However -

MR. TULK: He will put it there, boy.

MR. THOMS: Yes, he will probably put it there. Bill 64 will probably be on the check list, the next one that goes out. And in all probability the next one that

MR. THOMS: goes out will be just prior to the next provincial election which, as my hon. friend has said, will come before another budget in this Province.

MR. NEARY: Right on!

MR. THOMS: Mr. Speaker, it is also particularly annoying when you are speaking on a particular bill and the -

MR. MORGAN: (Inaudible).

MR. WARREN: He cannot do it. He cannot do it.

MR. SPEAKER (SIMMS): Order, please!

MR. WARREN: He cannot do it, 'Jim'.

MR. SPEAKER: Order, please!

MR. THOMS: Is there no way that the Speaker can handle the Minister of Fisheries (Mr. Morgan)? Is there no way?

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

All hon. members are aware of the rules of the House. The Speaker has the responsibility to try to enforce them, but so too do the members have the responsibility of trying to adhere to them. I think it would be wishful thinking on the part of many to expect the House to be silent nor would we want it to be, any Legislature for that matter. But may I ask hon. members to please, if they wish to carry on loud conversations, do it outside of the Legislature so members can get on with the debate of the bill. The hon. member now has spoken for nearly fifteen minutes and only has fifteen minutes remaining to make his pertinent comments to the bill, Bill 64.

The hon. member for Grand Bank.

MR. THOMS: Thank you very much, Mr. Speaker. I do not think we will have to worry about silence but silence is not what I am asking for, just so if I could shout and get it out.

MR. SPEAKER (SIMMS):

Order, please!

Perhaps if the hon. member could
get right on with it.

MR. THOMS:

Mr. Speaker, this particular bill
is an amendment which would amend the Summary Proceedings
Act which will permit a judge to reopen a case within a
specified period where the accused has a good defense, and,
although was summoned by certified or registered mail, did
not personally get notice of the summons. And that is in
the explanatory notes. The clause that I want to just
address a couple of moments to

MR. THOMS: is Clause (2) of the act, which says, "Where a person served by registered mail has been convicted in default of appearance and is made to appear to a judge, by affidavit upon the ex parte application of that person made before the expiration of thirty days from the date he received notice of the conviction, (a) that he did not have notice of the summons in time to appear in answer thereto; and (b) prima facie he has a good defence to the charge, the judge may order that they may be tried de novo." In other words, there will be another trial, and you could introduce evidence and so on in connection therewith.

Now, the only reservation that I have about that particular clause is that it is permissive, that it does not make it absolute that the judge would order a new trial. It is within the discretion of the judge to order a new trial. But, in my opinion, where it can be shown and where it is shown that the accused did not have notice of the summons in time to appear, one that is gone out by registered mail or certified mail, and where it can be shown that he has a good defence to the charge, then I think it should be absolute, that it should not be in the discretion of the court, it should not be in the discretion of the court to say, 'yea' or 'nay', that with these two conditions being met then the judge would not have the discretion to say 'yes' or 'no'. That is what it says, 'the judge may order'. I would like to see the thing changed to 'the judge shall order'. Where these two conditions have been met, then 'the court shall order'. If the judge does not order it, presumably, Mr. Minister, there would be an appeal from the judge's decision in that case, but if we made it absolute that where these conditions are met then the judge would have no choice but to order a new trial in connection therewith.

Maybe the Minister of Justice
(Mr. Ottenheimer) can take this back between second reading

MR. THOMS: and Committee of the Whole , and if it is found that it should be made absolute, then we can agree to the change, or maybe the minister can come back and explain why it is in its present form.

So apart from that, Mr. Speaker, we are only too happy to support this particular piece of legislation, but on condition that the Minister of Justice (Mr. Ottenheimer) answers this particular question.

MR. FLIGHT: Adjourn the debate. Call it six o'clock.

MR. THOMS: Yes, Mr. Speaker, in view of the time, seeing that it is approximately one minute or two minutes to six, I will adjourn the debate.

MR. SPEAKER (Simms): The hon. member for Grand Bank (Mr. Thoms) adjourns the debate.

The hon. President of the Council.

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

On motion, the House at its rising adjourned until tomorrow, Tuesday, November 17, at 3:00 P.M.