



PROVINCE OF NEWFOUNDLAND

**THIRTY-SIXTH GENERAL ASSEMBLY
OF
NEWFOUNDLAND**

Volume 3

3rd. Session

Number 74

VERBATIM REPORT

TUESDAY, MAY 21, 1974

SPEAKER: THE HONOURABLE JAMES M. RUSSELL

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MINISTERIAL STATEMENTS:

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

HON. L. BARRY: Mr. Speaker, I would like to rise on a point of privilege. I notice that the press gallery is conspicuous by its absence. Oh! It is here. It is here. Good! I see the "Telegram" representatives, so that will make my job a little easier.

Mr. Speaker, I want to draw the attention of this House to another poison pen letter in the guise of an editorial contained in the Monday edition of "The Evening Telegram", May 20. The heading of the editorial is "Come Across Mr. Collins." It deals with the report on the tankers in Placentia Bay, the tanker route in Placentia Bay. The thrust of the editorial is that this report should be released, as it will be, Mr. Speaker.

But what I want to protest about and what I want to draw to the attention of the "Telegram" I do not know if they have an editorial board, Mr. Speaker, or if they just let the venomous spleen of their particular writers be thrown into their editorials as editorials. I do not know if this is supposed to be an example of investigatory reporting, Mr. Speaker. I do not think it does a hell of a lot to improve journalism in Newfoundland. We have a statement here. After speaking about the representations of the honourable member for Placentia East, Mr. Aylward, and the matters he has raised about the tanker report, they go on to say, "Their other member, Cabinet Minister Leo Barry, finds it convenient to ignore the plight of the fishermen." No facts, Mr. Speaker, backing up this statement, just a statement that I find it convenient to ignore the plight of the fishermen in my district.

"Although Minister of Energy and aware of what is going on, does he prefer to be the supporter of the policies of Mr. Shaheen to being the protector of the people of Placentia Bay?" Now, Mr. Speaker, if the honourable gentleman or gentlemen who are responsible or is responsible for this editorial took the trouble to find out the facts they would have been aware that a representative of the Department of

Mines and Energy, Mr. Cabot Martin, who is classed as legal adviser to the minister, the minister at the time being myself, was placed on this committee which investigated the situation in Placentia Bay at my request. A representative of the Department of Mines and Energy was placed there so that I could be fully briefed on the findings of the committee as the committee did its work, so that I could be involved right from the very beginning in the work of this committee. Now to have this gutter journalism, Mr. Speaker, this insulting for the sake of insulting contained in this editorial, you know I do not understand what is going on down there in "The Evening Telegram" office. Is Lord Thompson of Fleet giving them such a hard time that they have to get something provocative to put in their newspapers? Is he so tight with his money that they cannot afford to get out and do a little bit of investigating? Is this why they have to resort to statements like this, statements unsupported by the facts?

Now I would not have even raised it today, Mr. Speaker, if it had not been for the fact that they have hauled this paragraph or the sentence there, that I find it convenient to ignore the plight of the fishermen in my district, they have hauled that sentence verbatim out of a previous edition of "The Telegram" some month or two months or three months ago, an identical sentence either contained in an editorial or contained in a so-called article by one of the reporters.

Mr. Speaker, I submit that if this is what we can expect in the way of journalism, in the way of good reporting, in the way of good editorials in our newspapers in Newfoundland then God help us, we will have to look elsewhere for the information and for the informed comment that our people are entitled to. It is disgusting, Mr. Speaker.

MR. ROBERTS: Mr. Speaker, if I may say a word or two because the honourable gentleman, the Minister of Mines and Energy, has raised a most serious matter, one that goes to the very heart of the democratic process in this country. I think, Sir, that this vicious vendetta which obviously the gentle persons, to put the neutral on it, who edit

"The Evening Telegram", directed I have no doubt by Lord Thompson of Fleet himself, Sir -

MR. WM. ROWE: Personally.

MR. ROBERTS: I have no doubt that Lord Thompson, sitting in his office in Fleet Street, in England, he is out to get the honourable gentleman. The word has gone forth, "Get Barry!" Shortly a word will go forth, "Who is Barry?" I suggest, Mr. Speaker, I suggest, Sir, that this vicious vendetta, I mean, how dare this newspaper print an opinion? What is this world coming to? The next thing, Sir, we will have newspapers in this province suggesting the radical doctrine of one person one vote and I think, Sir, the minister, backed as he is by his colleagues in this matter, by their demeanour and by their actions, should move immediately that the Editor of "The Telegram" be dragged, by brute force if necessary, before the bar of the House, that the Minister of Fisheries should be directed to get a large barrel of cod liver oil and have it boiled so that the editor of this paper - Sir, this is a deliberate plot because two years ago "The Telegram", Sir, had been a serious offender, the Premier of the Province is on record against them. The House Leader called it a "scurrilous rag of yellow journalism." The honourable gentleman's intellectual mentor, the Minister of Finance, made another -

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order please!

MR. AYLWARD: Point of order, Mr. Speaker, I intend myself to raise one ~~after~~, I mean, surely the Leader of the Opposition can play what jokes he likes with it. You know I do not think this should be permitted on a point of personal privilege. Surely if a member feel - is any member of this House or member of the opposition allowed to get up and turn it into ridicule? Mr. Speaker, certainly points of privilege have some significance and if you are going to allow them to be turned into ridicule then what is the House coming to? I think the Leader of the Opposition should be called to order.

MR. ROBERTS: May I speak to that point of order, Sir?

AN HON. MEMBER: (Inaudible)

MR. ROBERTS: May I speak to that point of order, Sir? Thank you.

The honourable gentleman from Placentia East raised what he put forward as a point of privilege and we did him the courtesy to hear him out and Your Honour heard him out. I now wish to make a few observations on that point of privilege and I submit -

MR. AYLWARD: Is that in order?

MR. ROBERTS: Mr. Speaker, do I have the floor or do I not?

MR. SPEAKER: Order please! Order please!

MR. ROBERTS: I am speaking to a point of order the honourable member raised. Now if he can remember that -

MR. W.N. ROWE: The big fool.

MR. ROBERTS: I merely wish, Sir, to continue the point of order, I merely wish to speak to the point of privilege -

MR. AYLWARD: Point of order, Mr. Speaker. Is any member of this House entitled to speak on a point of personal privilege, a point of order?

MR. ROBERTS: Mr. Speaker, I am speaking on a point of order -

MR. SPEAKER: Order please! Order please! The honourable member rose on a point of order. The honourable Leader of the Opposition rose to speak to that point of order and when the honourable Leader of the Opposition is finished I shall then rule.

MR. ROBERTS: Thank you, Mr. Speaker. All I am saying is that the gentleman from Placentia West put forward a point of privilege. Now as Your Honour has time and time again ruled, points of privilege in the House are a matter affecting either the privileges of a member in which case a motion must follow or privileges of the House. I am merely attempting to speak in support of the point of privilege and all I am doing is suggesting that there is a deliberate plot obviously on the part of the "Evening Telegram" and the ministry have been valiantly fighting against this and I submit I should be allowed to carry on and to finish my remarks and then Your Honour will rule as Your Honour sees fit.

MR. WM. ROME: Hear! Hear!

MR. BARRY: If I could speak to that point of order, Mr. Speaker, obviously as you might have gathered from some of my remarks, I do not really have any great hopes of changing the editorial policy of "The Telegram" although I would hope that they would change. The point of order is that the point made by the member for Placentia East is a perfectly valid one; the honourable Leader of the Opposition obviously fails to realize the significance of this editorial comment.

The matter of the tanker routes in Placentia Bay is a matter of great concern to the residents on both sides of Placentia Bay. It is a matter of great concern to me as a member representing the residents of the western side of the Bay and I do not think it is appropriate for the honourable Leader of the Opposition to be making light and making mock of this serious matter. I do have concern for the residents of Placentia Bay. I do have concern for what is going on with this investigation and I am keeping myself informed on it. The point that I wanted to make and I make again is that this editorial was totally without foundation. The opinion there was ill-informed, insulting and abusive.

MR. SPEAKER: Order please! Perhaps the Chair was a little lax in that the point of privilege raised by the honourable Minister of Mines and Energy, perhaps a matter of opinion between himself and the editorial as it was presented in the paper. The point of privilege is not accompanied by a motion of any sort. Again the Chair was perhaps a little lax in permitting the honourable Leader of the Opposition, or any other member for that matter in replying to a point of privilege when indeed it was not a point of privilege in the first place.

MR. COLLINS: Mr. Speaker, seeing that I am the one who was most aggrieved in this and the Leader of the Opposition and my colleagues spoke, am I permitted to say a few words?

MR. SPEAKER: Order please! Honourable members will not be permitted to reply to a point of privilege when it was not a point of privilege in the

first place.

MR. AYLRARD: Mr. Speaker, on a point of personal privilege I would like to quote the same editorial. I had occasion only a few weeks ago to speak about the same matter, Mr. Speaker, and I feel that this matter, as my honourable and learned friend from Placentia West has suggested, is a matter of vital concern to the fishermen of Placentia East and Placentia West, Placentia East in particular.

I made my position clear time and time again on that and I dealt with it in some detail with the consent of my honourable friends opposite last time, Mr. Speaker.

MR. ROBERTS: On a point of order, Mr. Speaker, please!

MR. SPEAKER: Order please!

MR. ROBERTS: To a point of order, Sir. Your Honour has ruled that there is no point of privilege in the editorial on this subject. Now, Sir, the honourable gentleman obviously has whatever rights an honourable gentleman has to raise points of privilege but, Mr. Speaker, if there be a debate on this, I submit that Your Honour has no choice but to allow all concerned to get into it. I am prepared, Sir, if Your Honour wish and if it be in order, to put down a motion this minute if the government wish to debate this subject of the Placentia Bay tanker routes but all we have had now is one member, who happens to be a minister, crying and another minister about to cry. Well let us all get into it, Sir, and let us not have this deliberate misrepresentation of my position which the gentleman from Placentia West attempted. I am prepared to move a motion, Sir, if Your Honour would permit and if we wish to debate this matter.

MR. AYLRARD: To that point of order, Mr. Speaker, you must first hear what the privilege is before you can rule on it. In my circumstances you have not even heard it. I respectfully submit, in compliance with the precedence of this House, you at least hear me as you have done on numerous occasions since your election to the Chair. After you have heard me you will decide whether it is a matter of privilege or not.

So I ask for your concurrence to continue, please.

MR. SPEAKER: The Chair feels that it has an obligation to hear any honourable member for that matter on a point of privilege because I have no intention of ruling on a point of privilege before I have heard the substance of it and I am not prepared to allow honourable members to debate a point of privilege.

MR. AYLWARD: Thank you, Mr. Speaker. This was just a few remarks by way of introduction. I will certainly keep it brief, Mr. Speaker, but it was simply this: There is no area of Newfoundland and no member in this House who represents any constituents so concerned about this matter as mine in Placentia East. I have been quite close to this matter since its inception. I think I can say with some confidence that my suggestions to the minister in the beginning had something to do with the formation of that tanker route committee.

Now, Mr. Speaker, when I brought this up before the same reaction was elicited from the opposition as we heard here today. I am not quarrelling with that but I want the fishermen in my district and the fishermen in Newfoundland to know where I stood on that and I have said that several times in this House but "The Evening Telegram" saw fit, for reasons best known to themselves, not to repeat it and that is this: - Any fisherman in Placentia Bay who is adversely affected by the tanker routes in my opinion should be compensated.

Now the position that I am arriving at is this, Mr. Speaker, this editorial after some introductory remarks goes on, "One of their backbenchers, Fintan Aylward, did raise the question of the tankers and the fishermen some weeks ago but fell into silence. The story is that he was told to be quiet and stop embarrassing the minister."

Mr. Speaker, I say that is down right lies. I challenge the Editor of "The Evening Telegram" or anyone else on "The Telegram" to produce any individual, inside, outside Newfoundland anywhere, and I think if the Minister of Fisheries if he were allowed to speak could verify what I am saying here. I respect his judgement and the consideration that they are giving it and I do think that it was under his direction that

this tanker route committee was instigated.

But, Mr. Speaker, there is no one, and this story is a fabrication and a figment of the imagination of the editor. Surely the people of Newfoundland have the right to expect honesty and accuracy from the editorial comment and I say that this comment insofar as I am concerned is dishonest and untrue and I will say this outside the House, inside the House, anywhere. If the Editor of "The Evening Telegram" wanted the facts and wanted to know where I stood on it, I would have been more than glad to give it to him. So I say that this was, Mr. Speaker, both untrue and dishonest.

MR. SPEAKER: While the Chair is aware of the importance of the topic raised by the honourable members and raised in the editorial, again the honourable member has risen on a point of privilege which was not accompanied by any motion to censure or take any action so it is really a matter of opinion at this point between the honourable member and the press.

MR. ROBERTS: May I rise on a matter of privilege, Sir? I have a motion I wish to put. Mr. Speaker, my motion is simply that the Editor of "The Evening Telegram" be commended for his outspoken opinion on a matter of vital public interest, namely the possible effect of tankers on the fisheries in Placentia Bay.

MR. WM. ROWE: Hear! Hear!

MR. ROBERTS: Seconded by the gentleman from White Bay South, Sir. In putting this forward, Sir, I submit this motion is a matter which does touch the privileges of the House and I submit that it is in order and that it should be called for debate immediately as are all matters of privileges. The privilege, Sir, is this; this House has a deep and an abiding interest in ensuring that there is freedom of debate both in this House and without, and we are seeing a consistent pattern of obstruction and of harassment by ministers and other government supporters against the press in this province, Sir.

We have seen the Premier of the province attack "The Evening Telegram." We have seen the Minister of Finance lash out in a

scathing and bitter personal attack on the Editor of "The Evening Telegram." We have seen the gentleman from Placentia West make a bitter personal attack on the Editor of "The Evening Telegram," all of them under guise of a question of privilege, none of them -

MR. NEARY: The Minister Without Portfolio.

MR. ROBERTS: Right. I will come to that, none of them having put forward any motion so that this House can deal with it. We have seen the Minister Without Portfolio, the gentleman from St. John's East, do the same thing. We have now seen the gentleman from Placentia East call the editor I believe, a liar. I submit, Sir, that it is in the public interest that this motion be admitted for debate and that it be debated immediately. This is a concerted and an organized attack upon the freedom of the press, I hold no brief for "The Evening Telegram". I have been attacked as savagely as any member in their opinion columns and they have the right to do it.

I submit this House, Sir, as a matter of urgent privilege should deal with this and should deal with it immediately and that the way to deal with it is by the motion which I have put forward, Sir.

MR. MARSHALL: On that point, Mr. Speaker, this is not a breach of privilege. I refer to the Standing Orders and note that the Standing Orders which are really a codification of Beauchesne which indicate that an attack in a newspaper to constitute a breach of privilege must come within a definition and not be a dispute as to the allegation of certain facts. This is not really a proper motion the Leader of the Opposition is bringing out, it is just one merely to attempt to make political gain and I do not think it should be allowed or entertained.

MR. BARRY: Mr. Speaker, if I can speak to that point of order just briefly, that point of privilege. My statements were in no way a blanket condemnation or attempt to stifle

the free expression of opinion in the "Evening Telegram" or a publication in the province, any part of the media in the province. It is a deliberate misrepresentation by the so-called gentlemen opposite to suggest that was the case.

However, Mr. Speaker, because there is such a thing as freedom of the press that does not mean that there should be irresponsibility in either reporting or in editorial comment. That does not mean that members of this House are not entitled to get up and disagree with the opinions that are made either in an editorial or in an article in any part of the media.

Mr. Speaker, this is what I intend to do on this or any other occasion. I will not just because I have decided to stand for election, have my character and my reputation immured in silence. Any time that this sort of ill-founded opinion, unsupported by any fact, Mr. Speaker, is put out in any newspaper or any other media in this province, I am going to lash right back at them, Mr. Speaker. That is my position.

AN HON. MEMBER: Hear! Hear!

MR. SPEAKER: I do we shall take the whole motion under advisement and rule on it later today.

MR. ROBERTS: May I draw Your Honour's attention to Citation 108 (3) which I submit is in point. It is on page 98 of Beauchesne.

MINISTERIAL STATEMENTS

MR. F. J. AYLWARD: Mr. Speaker, on this business, the Minister of Fisheries indicated that he was speaking to a point of privilege there as well.

AN HON. MEMBER: Inaudible.

MR. AYLWARD: Just a moment.

MR. COLLINS: Yes, Mr. Speaker, with your permission of course always, being the one aggrieved there and caught in the middle -

MR. SPEAKER: Order, please!

The Chair has ruled twice today that it has permitted a member to speak to a point of privilege when indeed on a rule basis it was not a point of privilege in the first place. Unless the Hon.

Minister of Fisheries is rising on another personal point of privilege. I shall not permit a debate on the previous one.

MR. COLLINS: Mr. Speaker, one thing now about this, and this is my own personal point of privilege now, is that some of the persons who read the "Evening Telegram" might think that fellow Collins who is writing editorials and everything else is their member. I cannot let that go unchallenged but I want to make it clear now that I have nothing to do with writing editorials in the "Evening Telegram". I have no relation at all in the world, no relation at all in the world. The honourable Member for Hermitage wants to get up and have a big laugh, the prospective leader, you know, the guy who thinks he is going to be the leader, the guy who was elected on the basis he is going to put up a good fight for the leadership of the Liberal Party, if he want to get up, Mr. Sneaker, and have a few words, you know he is entitled to it. All the people in Green Bay District, you know, where he left, they all know that his ambition was to become the leader of the Liberal Party, that he ran in Hermitage District, where he got elected -

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

The Hon. Minister of Fisheries I am sure is not even relevant to a point of privilege.

PETITIONS

MR. SPEAKER: The honourable Member for Bonavista South.

MR. J. C. MORGAN: To get on with the business of the House. Thank you, Mr. Speaker.

Mr. Speaker, I beg leave to present a petition from the parents of children in the Community of Charleston, in my district. The petition is a rather different one from other petitions. This petition is asking that the present school at the Community of Princeton, where the children from Charleston now attend, not be kept open this year. Normally the petition would ask that the school be kept open but in this case the parents of Charleston feel that the classrooms that their children were attending last year, the facilities there are not adequate. For example, there are no bathroom facilities, there is no running water etc. Because

of that they feel that their children should not be kept in that school this year, 1974-1975, but instead they should be transported from Charleston to Lethbridge. They are hoping that the portable classrooms which will be added to the school at Lethbridge will this year accommodate their children at that school in Lethbridge.

The petition was forwarded to me but, of course, it relates directly to the Bonavista-Trinity-Conception Integrated School Board but I am going to ask the House that this petition be tabled and passed along to the Department of Education and to take note of the points that the parents are bringing forward on this matter. (1) They mentioned that there are no facilities for an adequate supply of water in this school at Princeton, as the present water supply has been condemned by the Department of Health. (2) The proposed extension to the school facilities at Lethbridge because of the addition of portable classrooms should be able to accommodate all the remaining children at Princeton Schopl. And (3) Whereas it was not formerly financially feasible to have two teachers with only two grades, it should not now be financially acceptable to have such a situation, especially considering that the proposed Grade VII class will have only thirteen children. (4) There are no facilities or specialists instructions available at the Princeton school to provide all necessary instruction to meet the educational standards as presently outlined by the Department of Education.

So looking at these four very valid points, I fully support the viewpoint of the parents of Charleston and I sincerely hope that the Bonavista-Trinity Integrated School Board will find it acceptable to them and convenient to them to arrange for the bussing of these children from Charleston this year, in September, from Charleston to the new additional classrooms at the school at Lethbridge.

Mr. Speaker, I ask leave to have this petition tabled in the House of Assembly and presented to the Department of Education to which it relates.

MR. SPEAKER: The honourable Member for St. Barbe North.

MR. F. B. ROUSE: Mr. Speaker, I rise in support, on behalf of my colleagues to support the petition presented by the Member for Bonavista South and

on behalf of the parents of children living in Charleston, who are now bringing their children to the school in Princeton I understand.

This is an example, Mr. Speaker, of the type of thing that is going on all over the province, where schools, some small, some large are being forced to cope with facilities that should not be allowed to exist in the Twentieth Century. This is directly the result of the fact that these school boards are not receiving sufficient operating grants to service these particular schools. There are many more examples that we have read about and heard about through the media in the past few months. It is a sorry situation and we certainly support the concept of having these children bussed to Lethbridge this coming year. The only problem again that we can see here is the fact that the new school bus transportation formula will still leave some school boards short of funds for the purpose of operating the school buses and we hope this is not the case in connection with this particular school board.

But, Sir, we do support the petition presented by the Member for Bonavista South.

MR. SPEAKER: The Hon. Minister of Education.

HON. G. P. OTTENHEIMER (MINISTER OF EDUCATION): Mr. Speaker, in speaking briefly on the petition presented by the honourable Member for Bonavista South, actually I received a copy of that petition a few days ago. I was quite familiar with it. As a matter of fact, I have already replied, not obviously to everybody who signed the petition but the first signature on the petition was Reverend Babb. I wrote him; through him hopefully all who are residents in the area interested in the petition, informed him that we had received it and certainly we would pass along the points of view and requests contained therein on behalf of the petitioners to the denominational authorities and the school board. As a matter of fact, the letter has already gone out to that gentleman.

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

MR. L.D. BARRY (MINISTER OF MINES AND ENERGY): Mr. Speaker, I would like to present a petition on behalf of the residents of Brookside, Placentia

West.

The prayer of the petition is that the residents of Brookside request that the road from Boat Harbour to Brookside be reconstructed and upgraded this year. This road is at present very narrow and has dangerous curves and the residents feel that it is especially hazardous in winter.

Mr. Speaker, we had an opportunity to get some funds to do some upgrading on this road in this past year. I hope that we will be able to see our way clear to having some additional funds for further upgrading this year. I ask that this petition be tabled and referred to the department to which it relates.

MR. SPEAKER: The honourable Member for Bell Island.

MR. S. A. NEARY: Mr. Speaker, we support the petition presented by the Member for Placentia West on behalf of his constituents in Brookside, in the District of Placentia West, to have the road upgraded or reconstructed from Boat Harbour to Brookside.

We do hope, Sir, that the minister will be able to persuade his colleague, the Minister of Transportation and Communications, to have this work done this year.

MOTIONS:

MR. SPEAKER: The Hon. Minister of Provincial Affairs and Environment.

HON. G. DAVE (MINISTER OF PROVINCIAL AFFAIRS AND ENVIRONMENT):

The Retail Estate Agents Licencing Regulations for 1974,

Mr. Speaker.

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

MR. BARRY: Mr. Speaker, I give notice that on tomorrow I shall request leave to present a bill, "An Act Respecting The Newfoundland Power Corporation."

Mr. Speaker, also at this time, I am not sure if I should have done this as the first item on the order of business but with the leave of the House I would like to table a copy of an information circular of the Department of Mines and Energy. Information Circular No. 15, An Outline Of The Geology Of Labrador. Mr. Speaker, this is an area of our province

which as we all know has great potential. Unfortunately, up to now there has not been as much known about the geology of the area as is desirable in order to encourage mineral development in the area. With this report which was done by Mr. Brian Greene of the Department of Mines and Energy, containing an over-view of the geology of Labrador, containing some references to the Labrador offshore, the activity and the geology on the Continental Shelf off Labrador as well, this should encourage further geological work in Labrador and hopefully further geological development there.

There are copies available for any members who would like them. I do not particularly want to distribute them to everybody because unless somebody particularly wants them they can be distributed - they would be more use to people. They want a half a dozen on the other side? Okay I will get them.

ORAL QUESTIONS

MR. SPEAKER: The honourable Member for Fogo.

MR. E. W. WINSOR: Mr. Speaker, may I direct a question to the Hon. Minister of Fisheries. Now that the special committee on the Placentia Bay Tanker Route as such has struck such a sensitive nerve, can the Minister of Fisheries tell the House when this report will be tabled or made public?

MR. SPEAKER: The Hon. Minister of Fisheries.

MR. COLLINS: Mr. Speaker, I did not press too much on points of privilege or points of order because I knew that somebody, some of the honourable members opposite would give me the opportunity to say what I wanted to say. It is better to say it in this context than in the other, possibly.

AN HON. MEMBER: Inaudible.

MR. COLLINS: I have been around. I have been around, you know. The honourable member had been there only for a few months, Mr. Speaker, and I have been here several years, I intend to remain several years hence. The honourable member may not have that opportunity.

But, Mr. Speaker, the appointment of the committee to investigate and to look into and search into the effects on the fishermen of the activities of the various tankers, the crude oil carriers, the big ships that

come in to Placentia Bay, the smaller ships taking away the refined products, it became a major concern of this government shortly after we assumed power.

Last summer I took it upon myself, after receiving the guidance and at the request of the honourable Member for Placentia East and the honourable Member for Placentia West, to look into this particular situation. We decided that rather than taking the government's point of view and trying to gloss things over as has happened in the past too often, we decided to set up a committee. We appoint Dr. Walter Templeman, who is a renowned Newfoundland, coming from Bonavista, retired now from the Federal Fishery Service, to head up the committee. We appointed a lot of other well known Newfoundlanders to sit down. We did not give them terms of reference to recommend to government what should or should not be done. We gave them terms of reference to look into the situation as it affected the Newfoundland fishermen, and all of us always have the interest of the Newfoundland fishermen at heart.

We appointed people from the Federal Department of the Environment. We do not have a Federal Department of Fisheries. We appointed someone from the Federal Department of the Environment. We also appointed people from the Ministry of Transport. We also appointed people from our own Department of Environment, people from my colleague's department here, Mines and Energy. All of the other people who might or might not have any or have some input into the decision-making process. Well we had fisheries people on it. We also, I think my friend here, we also had a lot of longliner operators from Come By Chance and Long Harbour and Little Harbour East and all the way down the bay, not only Placentia East District but down in St. Mary's District.

We took everybody who might have had an interest into account and they were put on the committee along with representatives from the Fishermen's Union, Mr. Speaker. They sat down, in St. John's, and determined the approach to it and they talked with 150 fishermen in that district, trying to establish, and they did, trying to establish what the effect might be on their way of life as it were. Those people have written a really good report. They put the whole thing in perspective, not making recommendations

to government what they should do, because the government have a responsibility after reading the report and looking at the evidence and digesting it so on and so forth. The government have got the responsibility to determine what is going to happen. So consequently, we did not give them, you know that was not mentioned in their terms of reference. They were told to tell us what the implications are. They have done a good job.

I have received the report. I received the report about two months ago, which was a preliminary report. About one month ago I received the official report, which was signed by all the people who made up the task force or the committee, however you want to refer to it. After all the people interested and involved had signed it, they submitted it to me because I, as Minister of Fisheries, you know, had instigated the report.

Since the report has been received we have looked at it. When I say looked at it, we have looked at it and looked at it and looked at it. We have read it over and over and over and over, always bearing in mind what it means to the fishermen of Placentia Bay. This is the whole idea. We did not appoint the committee to tell us what should be done to protect Mr. Shaheen. We did not appoint the committee to tell us what should be done to protect anyone else, we were thinking about the fishermen in Placentia Bay.

Mr. Speaker, I am happy to be able to say today that, I think, the Federal Member for St. John's West and in whose district you know Placentia Bay is, he was in the gallery a little while ago. He has gone now. It was at his instigation too, you know, that we got involved in this particular process. We received the report and we are considering it. Within the next few days, please goodness, we shall make the report available to the public of Newfoundland but particularly to the fishermen in Placentia Bay. When they make the report available, we are going to be making some recommendations, you know, which we think should be made in view of what is recommended - not recommended but in view of what is stated in the report. It is not going to be at the request of the

"Evening Telegram". The "Evening Telegram" can be on to me every day in the week. We are going to release this report when we are fully ready to release it, always bearing in mind the interest of the fishermen in that particular part of Newfoundland.

AN HON. MEMBER: Hear! Hear!

MR. WINSOR: A supplementary question, Mr. Speaker. Will the honourable minister submit a full report of that committee? Or will it be censored?

MR. NEARY: Will it be a censored report?

MR. COLLINS: Mr. Speaker, we never censor anything.

MR. NEARY: Oh! Oh!

MR. COLLINS: If there were every a government in this province which released reports, you know, as they were received, as quickly as possible, this government, you know, we have set all sorts of records. I can think, if I want to go back to reports and reports and reports - I have the experience because I was here, the honourable Member for Hermitage was not here.

We release all of our reports albeit as quickly you know, quicker than was ever done before. The honourable Member for Hermitage, Mr. Speaker - Look, I said just now that he told the people in Green Bay that he is running for the leadership of the Liberal Party at the appropriate time because he thought it was a great chance, you know, owing to the weakness of the honourable Member for White Bay North, that he had a good chance of becoming leader of it. He told the people in Hermitage, Mr. Speaker, the same thing. That is how he won the election. He told them that he was going to become the leader of the Liberal Party, you know, "Mr. Roberts was down and out, gone!"

MR. SIMMONS: Oh, come on now.

MR. COLLINS: The gentleman was despised, he was finished.

MR. COLLINS: There he is, Mr. Speaker, he is still fighting the leadership campaign.

MR. ROBERTS: The honourable gentleman did not answer the question. I hope he will. Would he also confirm the fact that he has accepted the position of campaign manager to "Mr. John Crosbie" when he returns from Venice for his run for the Tory Leadership?

MR. COLLINS: Mr. Speaker, there is one thing I know for sure; if I accepted the position of chairman for "Mr. Crosbie" to fight any leadership campaign, there is no doubt about it, there would be no bills owed to small restaurants in Hermitage District, there would be no bills owed to small people around the province. I can assure you, Sir, that those bills would be paid.

MR. ROBERTS: Answer the question. Is the report to be made public?

MR. WINSOR: Mr. Speaker, may I direct this -

MR. ROBERTS: Who paid for "Poster Peckford"?

MR. SPEAKER: Order please!

MR. WINSOR: May I direct this question to the honourable the Minister of Fisheries? Can he tell the House when a chairman for the Fishing Industry Advisory Board will be appointed, to get that board back in action again?

MR. COLLINS: Mr. Speaker, as the honourable member knows and I am not dodging the issue nor shelving the responsibility, but the responsibility for the appointment of that particular board rests with my good, competent, well-known, likeable colleague -

AN HON. MEMBER: Overworked.

MR. COLLINS: Overworked, one of the best things that ever happened to Newfoundland, my colleague, the honourable Minister of Labour. We are in close consultation and I am sure that my colleague, after taking everything into account, will come up with the right person to do what is necessary to protect the interests of the good fishermen of this province.

MR. WINSOR: Mr. Speaker, a supplementary question: Can the minister tell us why that advisory board was taken out of the Department of

Fisheries and put into the Department of Labour? What is the reason for this?

MR. COLLINS: The honourable member must have a short memory or otherwise - I was going to say he was 'stund' and that is a good Newfoundland term but I am sure he is not 'stund'. The honourable member if he were doing his job, introduced the bill, after his trip to Iceland, Norway and Sweden and Finland and all the other Scandinavian and European Countries, the bill was introduced but the opposition out behind the curtains, the opposition were out behind the curtains for the simple reason that they were all kicked out, in 1969 or 1970 they were all kicked out when the fisheries legislation was brought in and the honourable member was Minister of Fisheries at the time.

AN HON. MEMBER: Acting.

MR. COLLINS: The bill then was brought in by the Minister of Labour, our late friend. Why does the honourable member ask me a question like that? My goodness! Is he lapsing in memory?

MR. WINSOR: Mr. Speaker, I feel that that committee should be under the Department of Fisheries. We were about to change it back when -

MR. ROBERTS: What about the Premier's commitment to introduce legislation two years ago?

MR. NEARY: Mr. Speaker, I suppose it is safe to ask a question or two. I would like to put a couple of questions to the Minister of Industrial Development, Sir: Is the minister now in a position to indicate to the House when hiring will take place for the construction of the Lower Churchill?

HON. C.W. DOODY (Minister of Industrial Development): No, Mr. Speaker, I am not in a position to inform the House at the present time.

MR. NEARY: Mr. Speaker, the reason I am asking these questions now is because this is the last opportunity we will probably have to put these very important questions to the ministers. Would the minister indicate then to the House when hiring will take place on the second oil refinery at Come by Chance?

MR. DOODY: As I understand it, the site work on the second refinery

is supposed to start in June. I think the same is true of the Lower Churchill so I assume that the hiring will take place at approximately the same time as they start the work, Sir.

MR. NEARY: Mr. Speaker, a question to the Minister of Mines and Energy: Would the minister indicate to the House if his department, or if he himself or the government have approached the major oil companies to ask them for proof of the necessity of increasing the price of gasoline and oil in this province last week?

MR. L.D. BARRY (Minister of Mines and Energy): Mr. Speaker, we are in the position of seeing the Liberal Government in Ottawa consenting to and authorizing the multinational oil companies to increase the price of petroleum products in Newfoundland as in the rest of Eastern Canada, in the vicinity of 3.7 cents per gallon, part of which increase covers federal sales taxes (The shame of it!) part of which increase is permitted to the oil companies because of rising operating costs even though they have experienced large increases in profits over the last couple of years.

Mr. Speaker, we do not have any mechanism, any legislative authority for requiring oil companies to justify their price increases in the Province of Newfoundland. Mr. Speaker, even if this normally would be done on a voluntary basis by the oil companies, the action of the federal government makes it that much more difficult for us to get this information now, because the oil companies merely come to us and say; "All we are doing is taking advantage of what has been permitted by the Liberal Government in Ottawa."

Mr. Speaker, as I have told the honourable House several times before, I have had many discussions with I think every major oil company since prices started to increase last September. We have started to collect information on the method of pricing, on the way in which they break up the province, for example, into many different areas where they all have different transportation costs imposed. The gasoline you buy at the pump in St. John's is a different price than the gasoline you buy at the pump down in St. Alban's, for example, or

Marystown or elsewhere. This is due to a difference in transportation costs. There is an enormous quantity of information that would have to be collected and then analyzed before there would be any purpose in requesting this type of information from the oil companies.

You have to have the people who can sit down and analyze the information, you have to have a large increase in staff. Mr. Speaker, the first thing that we want to determine is whether there will be any saving to the consumer in Newfoundland by engaging in this exercise. Unless our setting up this mechanism should result in decreased costs to the Newfoundland consumer, why do it? Because, Mr. Speaker, the very setting up of this mechanism and the hiring of extra people is an extra burden on the taxpayer in Newfoundland.

If I could just refer Your Honour to an analogous situation, a comment made in British Columbia with respect to the construction industry: This is a statement contained in the "Daily News" a couple of weeks ago or last week some time. "It costs the construction industry in Canada \$300 million a year to produce, distribute, receive, store and retrieve product information." This is an example in another industry.

AN HON. MEMBER: That is irrelevant.

MR. BARRY: It is not irrelevant, Mr. Speaker, it is directly to the point that the honourable member -

AN HON. MEMBER: He is just killing time.

MR. SPEAKER: Order please!

MR. BARRY: I am not killing time, Mr. Speaker. The point that is made here is that the waste represented by such ineffectual literature is an unnecessary charge upon construction which is ultimately borne by the consumer. So, not only, Mr. Speaker, would we have a tax burden on the people of Newfoundland by setting up an organization to collect such information and analyze it and so on, but there is also an extra cost to the oil companies which in turn they will want to recover from the consumer.

Before, Mr. Speaker, we engage in any such exercise we are going to make very sure that we are going to be in a position to be able to

effectively reduce the price to the consumer in Newfoundland. It may be, Mr. Speaker, that we will just find that if we put ourselves in the position of saying to the oil companies; "Justify your prices," and then a little later saying; "That is not a justification, we do not accept your prices." They will just say to us; "That is fine, we will go sell our petroleum in Montreal or Toronto or Ottawa or Vancouver or New York. We do not need you with your measly little forty thousand barrels a day or whatever it is."

We have to first determine just how effective such a mechanism can be and this is what we are doing right now.

AN HON. MEMBER: All we need is a Liberal Government like they have in Nova Scotia.

MR. BARRY: Yes. We want a Liberal Government like they have in Ottawa that authorized the price increase and consented to it.

Mr. Speaker, I think that answers -

MR. NEARY: That is all it is, Mr. Speaker. We need a Liberal Government like they have over in the Province of Nova Scotia.

MR. SPEAKER: Order please!

MR. NEARY: Would the Minister of Industrial Development care to tell the House what is happening down at the site of the old steel plant? Are these building all going to be demolished down there? Just what kind of work is going on down there at the present time?

MR. DOODY: Mr. Speaker, there are only two of the small back buildings, the concast mill and the melt shop that are being demolished or dismantled and sold. The main buildings, the office buildings on the main mill part of the operation, will remain intact. As a matter of fact, there are some operations going on in these buildings now but these two big, large, strange-looking objects at the back are being demolished as far as I can understand.

MR. NEARY: A supplementary question: Would the minister inform the House if the shipbuilding or the boatbuilding is still going ahead in this building that is going to remain on the site? Is this the plan?

MR. DOODY: Does the honourable member mean the fibreglas mold thing? The last I heard of it they were waiting for the resins to come in.

They are waiting for some extra resins to carry on with the boatbuilding bit, but to the best of my knowledge they have every intention of carrying on with it.

MR. NEARY: Mr. Speaker, I wonder if the (Acting) Premier could inform the House what has become of the Premier and the Minister of Finance? Are they off on government business? Are they off on a pleasure jaunt? What is going on? Are they on government business? Or is it pleasure?

MR. EVANS: They are on Bell Island.

MR. SPEAKER: Order please!

AN HON. MEMBER: They are gone for ginger ale.

MR. SPEAKER: Order please! Order please!

MR. NEARY: Would the (Acting) Premier care to tell us? Tongue-tied! He is not going to tell us.

AN HON. MEMBER: (Inaudible)

MR. ROBERTS: That is in Venice.

AN HON. MEMBER: Is it?

MR. NEARY: He is in a gondola over in -

MR. SPEAKER: Order please!

MR. NEARY: Would the Minister of Provincial Affairs care to inform the House if Mrs. Plumptre has gotten all here information yet that she needs from the province? I understand the original report was rejected. There was no co-operation from the minister and his department.

MR. SPEAKER: Order please!

MR. NEARY: Is the minister now in a position to tell the House if Mrs. Plumptre has gotten the information she needs yet to draft her final report?

HON. W.G. DAWE (Minister of Provincial Affairs): No, Mr. Speaker, despite all our efforts to extract something from Mrs. Plumptre, she still has yet to bloom.

MR. SPEAKER: The honourable Member for Hermitage:

MR. SIMMONS: I would like to direct a question to the Minister of Industrial Development: He indicated to the House a couple of weeks ago that he expected to have a report from the committee studying the

feasibility of some industry in the Bay D'Espoir Area. Does the minister have the report yet? When does he expect it?

MR. DOODY: No. I have a partial report from them only. There is an environmental study going on also but I do not have that one yet. One without the other would just be misleading.

MR. SIMMONS: Can the minister indicate the nature of the recommendations in the report insofar as industry is concerned?

MR. DOODY: No, Mr. Speaker, I prefer not to. I would rather present the whole report. As I say, part of it would only be misleading.

MR. SIMMONS: A supplementary: How soon would the minister expect to present the full report?

AN HON. MEMBER: Tomorrow?

MR. DOODY: That is rather difficult to say. The provincial environment part of it will certainly be available within a couple of weeks but I do not know how long the federal environmental studies will take, Sir.

MR. SIMMONS: Mr. Speaker, another supplementary: Do I understand that the only hangup in making the report complete and ready for presentation is that part of it which relates to the federal environment people?

MR. DOODY: When the honourable member says the only hangup is relating to the federal environment he is talking about a rather major part of the whole operation which is the fish plant. The environment Department in Ottawa has a small section relating to the fisheries and from time to time they get interested in the Province of Newfoundland and this is one of the times. We hope to get the impact of that section of the Environment Department relating to fisheries so that we can make a judgement on the fish plant's position in Bay D'Espoir.

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

MR. ROBERTS: I have a question for the Minister of Mines and Energy: Could he inform the House whether Mr. Cabot Martin is still employed

as his legal adviser?

MR. BARRY: He is, Mr. Speaker. I think the honourable Leader of the Opposition might be referring to an article in the "Daily News" today referring to -

AN HON. MEMBER: Cabot Martin.

MR. ROBERTS: Cabot Martin Associates.

MR. BARRY: "The committee was spearheaded by Cabot Martin, Director of the Research Firm of Cabot Martin Associates." I think somebody is using their imagination there, at least to my knowledge. I happened to be speaking to Mr. Martin today and I will just for the record ensure that that is not the case. I have almost no doubt that that is just a misstatement of fact. Mr. Martin did spearhead this committee that carried out the report on ocean science technology. As a representative of the Department of Mines and Energy, he chaired this committee, in effect an inter-departmental committee to look at this entire matter. I think that this is the work of the imagination of whoever wrote the article.

MR. ROBERTS: To put the point on the question, Mr. Speaker, and I thank the honourable gentleman because he quite obviously anticipated what I was going to say. Would the minister look into the matter with a view to ensuring the House that first of all Mr. Martin's involvement was only in his capacity as a public servant, as an employee of the government and secondly: whether any money was in fact paid to him or to anybody associated with him other than whatever his salary and his appropriate expenses are?

I ask that because I have never heard any suggestion that Mr. Cabot Martin before, in this case or in any other case for that matter, but certainly the Assistant Deputy Minister of Finance, Mr. Roland Martin is connected with a research firm and they hooked considerable fees out of the government over the past two or three years. I want to make sure that is not -

AN HON. MEMBER: (Inaudible)

MR. ROBERTS: Yes. The Liquor Commission one. The Auditor General picked that up and there will be a number of others I understand.

Roland Martin, Mr. James Barnes, Mr. Van Hall, I believe the three of them have formed a firm and one will find that they have been commissioned by the government. This is why I ask about the Cabot Martin case, Mr. Speaker, simply because it was in the paper. I did not put it in the paper but I read it. I accept the minister's statement but I wonder if he would check into these further facts which he could not be expected to know. If he could ensure us in due course?

MR. SPEAKER: The honourable Member for Hermitage:

MR. SIMMONS: I would like to direct a question to the (Acting) Minister of Transportation: Some weeks ago I had discussions with the Minister of Transportation concerning the matter of the road at Gaultois. The minister indicated at that time that he would be sending an engineer to the site to expedite matters. To my knowledge this engineer has not been sent yet and I wonder would the (acting) minister undertake - if he should not have the answer at hand - to determine what the delay has been in this matter and at what time we could expect to have an engineer at Gaultois to proceed with this matter?

HON. J.G.ROUSSEAU (Acting) Minister of Transportation and Communications):
Mr. Speaker, I am not familiar with it but I will undertake to provide the information to the honourable member before the close of tonight's sitting anyway.

MR. SIMMONS: A further question to the (Acting) Minister of Transportation: Will he also indicate to the House now or subsequently what the decision has been subsequent to the meetings of the Gaultois Town Council and I with the minister? What the decision is with respect to the promised ferry for the Gaultois to Hermitage run?

MR. ROUSSEAU: Yes. I will undertake that.

MOTIONS:

MR. SPEAKER: Motion (2) bill (No. 102):

On motion of the honourable the Minister of Justice a bill; "An Act Respecting Public Libraries An Boards To Operate Them." read a first time ordered read a second time presently, by leave.

MR. SPEAKER: Motion (3) bill (No. 101):

On motion of the honourable the Minister of Justice a bill:
"An Act Respecting The Award Of An Increase Of Pensions To Or In
Respect Of Certain Employees Of The Government Of Newfoundland,
Certain Teachers And Certain Employees Of The Broadcasting
Corporation Of Newfoundland, And To Or In Respect Of Certain
Transferred Employees Of The Government And Of The Newfoundland
Railway." read a first time ordered read a second time presently,
by leave.

MR. SPEAKER: Motion (4) bill (No. 77):

On motion of the honourable the Minister of Provincial Affairs and Environment a bill, "An Act Respecting Mobile Home Dealers," read a first time, ordered read a second time presently by leave.

MR. BARRY: Mr. Speaker, with the leave of the House: The question has been finished but I think it might be too serious an implication to leave hanging until the House sits again June 6. In response to the honourable Leader of the Opposition's question: I have been speaking to Mr. Martin. There is absolutely no foundation to the -

AN HONOURABLE MEMBER: Which Mr. Martin?

MR. BARRY: Mr. Cabot Martin. There is no foundation to the story carried in the "Daily News". It is just an error which can obviously happen and will happen from time to time.

Mr. Martin, I understand, has spoken with Mr. Woods and I think some of the remarks were attributed to Mr. Woods, the manager of the CNR dockyard in St. John's. Mr. Woods has stated that he has been misquoted in some of the remarks that are attributed to him in this statement. This committee was an inter-departmental committee, as I have said before. As part of their work they did have meetings with Mr. Woods of the CNR dockyard to get his views on the role of the CN dockyard and the potential for expansion of that dockyard and so on and that Mr. Woods, as an expert in the field, saw the potential for this type of work being in Newfoundland. That is the only connection that Mr. Martin has had with the CN dockyard or any of the members of that committee, to my knowledge.

Motion second reading of a bill, "An Act Respecting Tenders For Public Work."

HON. W.W. MARSHALL (MINISTER WITHOUT PORTFOLIO): Mr. Speaker, it is unfortunate that it is probably so late in the session and perhaps not as much time will be spent on this bill as it deserves because, in my humble opinion, it is one of the more important pieces of legislation that has come before the Legislature.

Let me say first that the bill relates to all departments of government and not just the Department of Public Works because a

public work is, as I will indicate as we go on in introducing the bill, defined in a specific manner and many departments - indeed Crown Corporations can carry on public works. This is a most important piece of legislation. It is felt by some people that the history of our province might have been a little bit different if the spirit and intent of a bill such as this had been complied with for quite a period of time.

There is no need to go back any further than the days when we lost our responsible government and read the Amurlee Report which was done at that period of time and one will see certain striking things that occurred, certain similarities that occurred in the political life of our country so that sometimes when one is handling the history of the political life of the Island of Newfoundland and the province, sometimes ones hands feel a little bit more grimy than the dust that is actually on the books themselves.

As far as I can see in connection with this bill, this is one of the bills that will go a long way if properly implemented. I have no doubt it will be properly implemented. It will go a long way to relieve the evils of patronage that were talked about when we debated for such a long period of time during this session about patronage and election expenses and what have you. If one has open, public dealings with the public, if public contracts are awarded openly and the people who are in charge of the administration of the country have to explain if less than the lowest tender has been awarded, then there is going to be much less patronage than there could be otherwise than if it were done behind closed doors.

I cannot see why there can be any objection whatsoever to this particular bill. I cannot see why anyone would vote against it and feel that it is not in effect a really good measure. Because it constantly amazes me to see that we mouth free enterprise in this province and throughout, yet we are prepared to put the means of production many times in the hands of just a few people. As far as I am concerned, Mr. Speaker, I think if one were to be consistent, if one cannot make the rules fair for all, if one

cannot have open public tender what open public tender will in part do, then it is just as well, I would rather see the means of production put into the hands of the state and have it a socialistic state. You cannot have your cake and eat it too. One cannot mouth a free enterprise system and at the same time go along and put the means of production, as I say, in the hands of a few people, which has been done sometimes in the past.

Now, I have no doubt that this bill is not going to be hailed. It is going to be hailed with a certain amount of cynicism which unfortunately is the way. I have long since despaired of bringing in any particular measure that is not greeted in this particular way in this province. We were so looked at when we changed the rules with respect to cabinet borrowing. This was greeted with cynicism as well as the other measures which we are bringing in. I have no doubt that this one too will be the harbinger of words of the cynics themselves.

In any event, it is a measure that is being brought in and it is a measure that is going to be implemented throughout the government. As a matter of fact, this government has invited tender, regardless of what people may say. There have been more invitations for tenders since this government got into power than ever before. One has to only look at the "Daily News" and see the calls for public tender. This province is now, as I say, going to codify it and enact it, and anyone can change it later on at their peril.

How is it going to be regarded? What examples have we got with respect to the good faith of the government in this matter and how it is greeted? I can think of two specific ones. One very recently with respect to the Power Commission even though it did not involve a public work. I recall that tenders were asked with respect to insurance for the Power Commission. The award was given to the lowest bidder. Lo and behold! There was a great article in one of our papers - I am not going to name the paper because I have

named papers before in my time but there are one or two of them.

They can consult their records as well as their conscience.

AN HONOURABLE MEMBER: Let them do their own advertising.

MR. MARSHALL: There was an article in the paper to the effect that the award of the contract was given to a firm and then it was inferred that this firm had certain persons, good friends of it in the confines of the cabinet. Now, the fact of the matter is that we called open tender. We opened them. We got the lowest bid and we awarded it to the lowest bidder and consequently we got rained with scorn, as I expect we will get rained with scorn with respect to this bill itself.

So, I do not think that even though there are actions, as I say, which are a fatalistic attitude perhaps, but I despair that we are going to get any credit for that which we are doing.

The same way with the license plates last year. We awarded it to the lowest bidder. We heard great calls from the Director of this Safety Council here in Newfoundland to the effect that there was going to be open carnage on the highroads. We gave the award to a contract, I think it was about one-third that of the other bidder, the second highest bidder. Yet, we were told that there were going to be wrecks on the highroad as a result of our giving out this particular contract, that there were going to be great dangers because the license plates were not illuminated. I think if one consults the record, one will see that is not true. Lo and behold! The critics do not seem to be called to account for their previous statements.

So, with those few introductory words, I will go to the bill itself if I can find it here. Here we are. Bill number 67. Mr. Speaker, this bill I might say is modeled somewhat on the Federal Public Works Act. Prior to the enactment of this bill, there was no provision with respect to the calling of tenders for public works in the province. Now, a public work in this sense means construction, extension, enlargement, repair or maintenance of any buildings or structures, roads, bridges, wharves, docks or piers on land. That is what the public works relate to.

Under the Public Works Act, before our Department of Public Works Act there was no provision with respect to the calling of public tenders. This particular act, by section (3), provides as a matter of law that where a public work is to be executed under direction of any department of government, not just the Department of Public Works but any department of government, the minister in charge of that department shall invite public tenders for the execution of public works, except in five cases.

These cases are: Where the public work is one of a pressing emergency in which the delay would be injurious to the public interest. This is exactly the same as the federal government has under section (36) (a) of the Public Works Acts of the Federal Government. One has got to have a provision like that. For example, something could happen in a hospital where it is absolutely necessary to get work done and it may be a pressing emergency, so we cannot afford the time to call tenders. It would have to be one of pressing emergency, as I say.

Then again, one does not call public tenders under this act, the same as they do federally, they exempt it federally, if that one could be more expeditiously and economically executed by employees of the department concerned. In other words, if those people they have employed can carry out the work in a more economical fashion, logically one should not have to call tenders and give it to somebody else.

Number (3) is not in the federal act because the federal government is not in the habit of building highroads. It is in the habit of providing funds for and directing where highroads are to be built, as I think we all know. It does not actually get into the building of highroads themselves. We have to provide for one exception in that case. Now, I want it to be understood that it is not all highroads. In contracts for highroads public tenders have to be called - where there is an extension of an existing highway contract at the same unit price as that provided in the highway contract of which it constitutes an extension. Now, for example,

by way of explanation, if a contract were called to build a highroad, if tenders were called and a contract were awarded to build say twenty miles of road and it were found that it were necessary to pave an extra two or three where they have the paving equipment down there, the department can authorize the extension of that highway contract at the same unit price as was originally bid. So, in effect it is not really an exception because the price is governed by a previous tender called.

The fourth exemption is exactly the same as that contained in section (76) of the Federal Public Works Act. One does not have to call public tenders where the public work is less than \$15,000. It appears to the minister in view of the nature of the public work that it is not advisable to invite tenders. Now, those are the two conditions. Less than \$15,000. In other words, smaller contracts and it appears to the minister that it is not advisable to invite tenders. This is exactly the same as in the federal act and is one obviously which is necessary because there are many smaller type of contracts.

The final exception as to where one will not have to call public works is if the public work be of a specific public work to be executed by a Crown Corporation. Now I might state that under the federal act one is not required to call tenders to my knowledge for Crown Corporations. It would depend upon the specific act of the Crown Corporation itself. Generally speaking, corporations like Air Canada and Canadian National Railway are not guided by the provisions of the Public Works Act.

We have decided that our Crown Corporations will be governed by it. So, in other words, it is stronger than the federal act. There may occur a situation because of the nature of Crown Corporations where there is a specific work which has to be executed by a Crown Corporation. If that be authorized by cabinet to be awarded without tenders, it can so be but there are safeguards with respect to it as I will show when I get to the next section.

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So, section (3), the main section, then says that we have to call public tenders for contracts with respect to public works except in five separate situations, three of them which are the same as the federal Public Works Act. The fourth is an extension to the highway contracts and the fifth one itself is with respect to Crown Corporations which in effect is not really an exception, when we compare it to the federal act, but makes the provision broader.

Now, section (4) says how tenders are to be called. When tenders are invited under section (3) which will be in most material cases for public works, the minister inviting or causing the tenders to be invited - if he does not, I am sorry - if under section (3) it appears to the minister inviting tenders not to be expedient to let the contract for the execution of the public work to the lowest bidder, he shall obtain the authority of cabinet before rejecting the lowest tender.

Now, the point is this, public tender does not necessarily mean that they always award to the lowest tender. No minister by himself can decide to award it to other than the lowest tender before he comes to cabinet and gets the approval of the cabinet to accept other than the lowest tender. This may be necessary from time to time because of the nature of the work and the nature of the person bidding.

What happens then? One might turn around and say, "Ah, ha! So, you can do it in cabinet and nobody will know about it." That is not so. Under subsection (2) the Minister of Public Works within fifteen days from the opening of the session will table in the House of Assembly a list of specific public works executed by Crown Corporations since the last preceding session and affected for the specific purpose authorized under the exception and list all contracts let to persons other than those who made the lowest bid.

So, in other words, it cannot be done in secret. The whole idea of the thing is the public must be informed if other

than the lowest tender has been given. Before, they never did. Before, many times other than the lowest tender was given and nobody ever had to justify it. In this particular case there may be logical reasons not to give it to the lowest tender. If one does, the government has to come and inform the public, through the House of Assembly, which ones were given to other than the lowest tender and then presumably will have to stand on its feet and justify its actions. As I say, there may be justifiable reason. Maybe the company who responds to the bid cannot obtain a bid bond for instance, a necessary bid bond in order to give the government some security that the work will be carried out. There are a host of reasonable reasons.

If any government come into the House of Assembly and inform the public that it awarded to any other than the lowest tender and cannot give a good answer to it, I think it will be very loath to do so unless it has a very real reason to do it.

Also under section (5) of the act - this is very important-"All tenders received pursuant to the provisions of this act shall be opened at a time or place to be specified in the public advertisement for calling of such tenders." So, in other words, this is a true act then for the public calling of tenders, to be publicly opened, to be awarded to the lowest bidder in most cases. If it be not awarded to the lowest bidder, the House of Assembly is to be informed and reasons will obviously have to be given. Of course if a government continue to give spurious reasons with respect to it, it has to account to the people with respect to same.

There are exceptions there, it is true but these exceptions are similar to that in the Federal Public Works Act and are reasonable exceptions. So, that this, Mr. Speaker, is the gist of the bill and the opening remarks with respect to same. We will await and see whatever comments are made.

MR. ROBERTS: Well, Mr. Speaker, if I may say a few words relevant to the second reading of this bill: Let me begin by saying that my

colleagues and I support the bill and indeed do so with considerable pleasure and considerable enthusiasm. The honourable member for St. John's East spoke of the fact that there may be some who will greet this bill with cynicism. I share that view. There will be some who will greet this bill with cynicism. I hope that my colleagues and I are not among those who were regarded by the honourable gentleman as being in that light. If he so regard us, I assure him he is wrong.

I think that this is the sort of legislation, Mr. Speaker, which should be in effect in this province. I think the principle of this bill is one which everybody should wholeheartedly support, a principle which every government and every member of the House should try to put into effect.

Now the minister in my view quite properly avoided the type of speech which could have been made in introducing this bill. Equally I propose to avoid the type of speech which could equally properly be made in reply to that type of speech. I do not think there is much point in going over what may or may not have gone on in the past. If any honourable gentlemen wish to try it, they of course are at liberty to do so. It would be a most interesting debate and I think it would go on for some time and be of great interest. I know that my colleagues would join in with gusto and enthusiasm.

My concern, Sir, is with what happens in the future. I think that this, although let me say that during the period of which I was a member of the cabinet and thus responsible in the political sense for actions of the government, I am not aware of anything being let in contradiction to what will be in effect when this act is enforced. I do not know what may have gone on twenty years ago or one hundred and twenty years ago but indeed during the period in which I was a minister and I think going back to 1966 when such gentlemen as the present Minister of Justice entered the cabinet-- the present Minister of Municipal Affairs entered the cabinet in 1964 -- I know that they would not be party to any such things.

Indeed I sometimes think that it is part of the political myth of Newfoundland. Be that as it may, if we look to the future, Sir, this bill may very well be a substantial step forward. I believe the government bring it in in this light. I think the minister is quite genuine and I believe he has been successful in carrying his colleagues and his points, getting them to agree with his approach.

The cynics, and there will be cynics in Newfoundland, Sir, there will be cynics everywhere about this type of legislation, the answer to the cynics is in the results. If in a year or two or three it is seen that this bill works and not only that it works, that it is seen to work and that its purpose is being carried into action, then I think the cynics will get their answer and they will get it the only way they can.

The only other type of answer that can be given is the back and forth, "No you did not, yes you did" type of debate. We have seen a great deal of it in the House this session. We will see more in years to come. I have no doubt we have seen much in years past, but it is remarkably pointless.

Now I can make one or two suggestions which I think are relevant to the bill and I put them forward in connection with the principle and I put them forward in the hope that the minister will consider them and if they cannot be amended at committee stage then perhaps another year because I think this bill could be improved.

The first point I would make is one which I am not sure can be put into legislation, Mr. Speaker, but it should be noted that this bill does not effect so-called services, contracts for services. If we all agree that we should end improper patronage in this Province and I think we would all agree on that, Mr. Speaker, then let it be noted that there can be improper patronage in the services area just as much as in the public works area.

This bill deals only with concrete things, with things that are real, that are tangible. There is quite a lengthy definition clause in section (2). It goes on at some length in words that lawyers do but all it says merely is that a public work is something tangible, something that is real as apposed to a contract for services.

When Your Honour realizes that contracts for services represent a large part of the expenditure of this government or any government then I think Your Honour will agree that there it is not a loophole in the bill but it is a further area which must be dealt with, such areas of service as tenders for snow-clearing operations, as tenders for maintenance operations, for painting. These are clearly within the areas that as I read the act and I realize that the words "repair, maintenance, or improvement of any structure," that that includes a road, I think that these contracts for services may be without that definition. The minister might speak to that point.

There is a further class of services, Mr. Speaker, which is not within this definition no matter how broadly it may be interpreted. That is the contract for personal services in the sense of architects or lawyers or public relations firms or what have you. These are all areas where the government enters into contracts. These are areas where sometimes there is the charge that there is improper patronage. These are areas which cannot be dealt with in this bill. I am not sure, quite candidly, Sir, how to deal with them. I am not sure it is possible to say that the way you hire architects is a matter of the lowest bid. When you get into such things as architects or people who design slide presentations, you are into an area where judgment and skill is very important and where it is necessary for the minister or the cabinet collectively to make a judgment as to whether a certain individual is the right man to design a building or not. His price may be greater than somebody else but who is to say that the Province is not getting better value, because the one fact which must remain throughout all of the tender process is that the cheapest is not necessarily the best.

I can remember, Sir, more years ago than I care to remember, down at Ayres here on Water Street, the store that is now being torn down to allow Atlantic Place to go up there, there was a sign in the menswear department, a cardboard sign but it always stuck with me, a motto on it quoting John Ruskin, the English poet. The honourable Minister of Justice remembers it,

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Well, he was a number of other things, but SAS is perhaps a good generic description. The sign, Sir, always stuck with me. It quoted Professor Ruskin, who was a poet at Oxford at the time I believe, as saying that there is hardly anything in this world which somebody cannot make a little cheaper and those people who consider price only are this man's lawful prey.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: "The sea is calm tonight," that was Mathew Arnold, by Knowledge of Victorian Poetry, Limited.

The fact remains that the principle in those words by Ruskin is one which must be accepted and one which is reflected in this act. Price alone is not to be determined, what counts is value. When you come to hiring, leaving aside entirely the question of public works, tangible things, when you come to hiring people, when you come to hiring a lawyer or an architect or a public relations consultant then you must put in that question of who is best qualified.

This bill will not deal with it. Anybody who thinks that it is the end of that area of patronage is sadly mistaken-- Point (1). Point (2), Sir, is that this bill is not comprehensive enough. First of all it does not deal with sub-tenders, as I read it. Again I am subject to direction by members of the bar but it does not cover the situation, for example, where a contract is called, a contract to build a highroad is advertised and in come bids from a dozen firms, the lowest bidder, assuming it is some fellow who is not just a wheelbarrow operator but the lowest acceptable bidder gets the contract and everythink is prim and proper.

What can be done with sub-tenders? There is a large potential area of patronage there, improper patronage that could affect the public. It is all very well to say that there is a fixed price for the whole thing and who cares whether the fellow who supplies the machines gets more than he should or whether the fellow who supplies the asphalt gets more than he should or whether the fellow supplies the trucks gets more than he should.

Sir, that is not all of it because a firm price is seldom a firm price when all is said and done. When we come to highways contracts, we talk of unit prices and most highways contracts, Your Honour, I do not know if Your Honour is familiar with them, I am not familiar in detail I am in outline, most highways contracts are unit prices. The contractor

says, "I will provide fill for "x" dollars a yard." The highways department have an engineer on the job and he measures the number of yards of fill that go in and the number of cubic feet of asphalt or every measure of asphalt that goes down, and that is the way the final price is computed.

There is an area there that should be looked into. My fertile mind maybe overly fertile but there will be people who try to beat this act.

This act, Sir, is not concerned at a government or at individuals or firms who are trying to play the game anymore than the conflict of interest legislation is not aimed at members of the House of Assembly or members of the public service who are interested in playing the game. The purpose of this legislation and the need for it is for people who try to beat it. That is the only reason we have it. We must try to guard against these things.

Sir, another point I would bring up is the matter of the situation we have seen in Corner Brook where there were tenders called for the public building, the Regional College there. The "Daily News" misquoted me by saying that I said there were no tenders called. Well there were tenders called. I understand three firms bid on it.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Well, right, the Minister of Public Works has taken my argument. Proposals were called and the proposals submitted by Western Realities, I think is the name of the firm, were accepted.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Ah! Right, I am not. The minister if he want to take it as a criticism, is taking it in a manner I do not intend it. What I am saying is that proposals were called. That sort of procedure as I understand it would not be barred by this act. It is perfectly in accordance with this act. Yet, Sir, there is nobody in this world today who can say to the House or anybody else what it will cost to build the Regional College at Corner Brook.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Oh! The honourable gentleman says it does not matter.

The honourable gentleman says it does not matter because we have a rental agreement. I say to him, Sir, that the rental agreement is not firm and fixed. Oh, no, Sir, because the government obligation to rent is there and there may even be a price set per square foot. Sir, what does the government get for that? The government may get a cardboard shell or it may get a brick and masonry building.

Sir, the point of the Corner Brook Regional College is that it is open, the system is open to abuse. I am not saying that that particular one is being abused. I bring it up merely because it is the most recent example but I am saying that the procedure followed with respect to the Corner Brook College falls within the procedure laid down by this act as I understand it.

Yet, Sir, if one want to jigger and poke and have tomfoolery around and about, the Corner Brook Public College could be that way. Maybe it will be. Maybe it will not be but the possibility is there.

Furthermore, Sir, if the minister bring up another point, I am not sure, again I defer to the honourable gentleman from St. John's East and I know he is interested in this, I know he has put a lot of work into this particular bill. I think he should be congratulated for it. I am not sure as I read this bill that it covers rental proposals. If Your Honour wanted to rip off several million dollars, let me tell honourable gentlemen what Your Honour could do. Your Honour could commission a study as to what should be done to provide the government with space. This building is bursting at the seams and everybody knows we need more space. Members of the House need more space. Your Honour's staff need more space. I suppose every minister, once a week, rings up the Deputy Minister of Public Works, Mr. Ralph, and he says, "Mr. Ralph, I need more space for my staff."

There are several ministers who do not have offices in this building, physically, and that is very inconvenient for them. The gentleman from Placentia West has no office in this building. His department has moved elsewhere. The gentleman from Harbour Main, the Junior Member

for Harbour Main has no office -

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: He has an office in the building? No, he has no office in the building. That is an inconvenience, Mr. Speaker. We are terribly short of space.

So let us suppose we commission a study and the study recommends that, let us just say for example that we expand this building or we build one across the way or we build one next door to it, all very sensible solutions but instead we do not do that, Sir. Supposing we fall in league with a great, big, reputable real estate firm, say, for example, an English firm based in Montreal, an English owned firm, we make a deal to rent one hundred or two hundred thousand square feet from them. That is not barred by this act. Yet if that were to happen, Sir, that could be a clear case of patronage. It could be.

Supposing a man who worked in the innermost circles of the government left the government service and went to work for a big firm based in Montreal, owned by English interests which wants to rent a couple of hundred thousand square feet from the government. It is a purely hypothetical situation, Sir. My fertile mind is at work again. That could be an abuse, and it is not barred by this act. I bring it up only because I believe that the Minister without Portfolio, and he and I have had our differences again and doubtless will in the future, I know he is quite genuinely trying to end what may very well have been abuses in this Province in the past. Certainly people believe there have been abuses. They may very well have reason for that belief, I do not know, I just do not know. What has gone on in the past has gone on. What concerns me is what will go on. It is true the definition clause does say, "By purchase, lease or otherwise," but does it cover the rental situation? I am not sure. I am not sure.

I would like the minister to speak to that point and if not adequately covered perhaps we could have the draftsman back at it or have amendments next year. There are those possibilities.

The other comments I have, Sir, are relating to Section (3). I think they should be made public under Section (4), Sir, let me go back, under Section (4) there are a number of things required. Under Section 4 (1), a minister who accepts other than lowest tender bid has to report it to the Minister of Public Works and Services. Under Section (2), the Minister of Public Works and Services has to make public that list within fifteen days. I think I read the act correctly on that point.

Also under subsection (2) of Section (4), Mr. Speaker, the Minister of Public Works has to table here in this House a list of those effected by Section (e) of (3). So he has to table two lists. Any list where the bid that has been accepted is not the lowest bid, he has to give his reasons for it. As the minister says, if the reasons are spurious quickly there will be action taken.

Secondly, he has to table a list of those contracts that are not within the purview of the act and are not within the purview of the act by virtue of the operation of Subsection (e) of Section (3).

Now I suggest that we should go a step further and that the minister should add a third category of projects to the list which should be tabled. Those are those projects which are done under Section (a), (b), (c), and (d) of Section (3). In other words, there should be a list. There might only be one or two in a year. There might be none where no contract has been called publicly, no tenders have been called publicly because there is a matter of pressing emergency in which any delay would be injurious to the public interest. There we are.

There should be a list of areas where the public work can be more expeditiously and economically executed by the employees of the department concerned and similiarly (c) the public work is an extension of the highway, the unit price concept, and then (d) where the work is less than \$15,000. Even in those less expensive ones where it appears to the minister to be advisable not to call public tenders.

Now I see no reason why the reporting provisions of Section (4) should not apply to all of the contracts that are excluded from public tenders by virtue of Section (3). I quite agree, Mr. Speaker, that there are some contracts which do not need to be publicly tendered for and that that category of contract continue to exist without doing harm to the basic principle.

Surely, Sir, there is no reason why they should not all be tabled here in the House, made public so that people can read and judge. The fact that the ministry in drafting Section (4) have put in provision for reporting some of those contracts, I think is proof enough that they should all be, it is proof enough that the principle is a sound one. There may be some reason that has escaped me. There may well be some reason that has escaped me but if so I invite the minister to tell us that, if not, I should be happy if he were to assure us that Section (4) will be amended so that any contract provided for under the exceptions in Section (3) shall be listed and that list shall be tabled here in this House.

A further small point on (c) of (3) is that I would suggest to the minister that the extension be limited to a percentage of the existing highway contract because one would not want to see a situation where a contract is called, say for one mile of road and the lowest bidder gets it and everything is fine and then that contract is extended for an extra, say 203 miles of road. It is an absurd situation perhaps but it could happen. I think the principle of the bill is sufficiently good but it should be implemented and implemented in that respect.

It would be easy to do, to say something like, "provided that the extension, the price, the cost of the extensions will not amount to more than, say twenty per cent of the original cost of the contract, in total.

Sir, this is an important point because, as the Auditor General has told us in his most recent report, the one for the fiscal year ended March 31, 1973 - looking at page 72, It shows that out of thirty capital projects in the Department of Highways there were no less than fourteen,

that is nearly one half, that either had no public tenders or formal contracts, there were eight in that category or that had contracts but no public tenders.

So, an important point and it goes on. "Of the thirty contracts involved and the thirty capital projects that totalled \$12.4 million.

the Auditor General tells us: By November 30 last, five or six months ago, the overruns of the original contract amounts on eighteen of those thirty projects amounted to about \$5.5 million. This is a large area. It is not just a matter of laying fifty miles of road or twenty miles of road or five miles of pavement and adding on half a mile at the end. The Auditor General tells us that there is an overrun on eighteen of the thirty projects of \$5.4 million. The total expenditure was only \$12.4 million. He mentions a number of special ones or of individual cases. Some of them were done in the days of the lamented previous administration, September 1971. A contract valued at \$1.046 million was awarded to reconstruct eight miles of road from Hawkes Bay to Port Saunders, the Northern Peninsula Road. It was federal/provincial money. The contractor was paid \$1.4 million, an overrun of \$350,000 in round numbers. There was no pavement. It had to be rebuilt before it could be paved. It was rebuilt and it subsequently has been paved. The honourable gentleman would be welcome to come down and drive on it. It is a very substantial sum of money, Sir.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: Other overruns were noted by the Auditor General in that section. He goes on from there into money being spent without proper legislative authority but that is a different matter. If we are ever allowed to debate the Report of the Auditor General, we will be able to get into that.

The point I make, Sir, with reference to Section 3(c) is that as it now stands it will not in itself prevent the abuses which have occurred from time to time under both administrations. I am not seeking to lay blame on a partisan basis. I approach this in a nonpartisan sense.

Now having said that, Mr. Speaker, I think the bill is a valiant attempt - Your Honour there are twelve of us in the House, including Your Honour. There are four on this side and seven on the other side. I really think it is important enough that there should be some government supporters here. We are doing our share. There are half of us here. There are thirteen Your Honour, including Your Honour.

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There are now fourteen, the gentleman from Trinity North has joined us briefly. The gentleman from Trinity South has returned.

Sir, I think it is a good bill. I think it is a bill which should win the support of every member and for our part, we will support it. The principle is a sound one. It is one which perhaps should have been put into effect ten years ago, fifty years ago, one hundred and sixty-two years ago but is now being put into effect; so full marks for that. I think the bill can be improved. The suggestions which I put forward, I have put forward in a constructive and positive way.

Sir, I would invite the minister to deal with them in an equally constructive and positive way. I believe he will. I think the minister regards this as being a matter above cheap, petty politics. He plays it from time to time. I play it from time to time. It is part of the way that the House of Assembly, the legislative system works. I think it is a good bill, Sir. I think it is one which should come into force, should come into effect. As I said just a few minutes ago, the minister says at times he is almost in despair. I can appreciate that. Every minister does from time to time. He says that people will greet it with cynicism. Sir, I do not greet it with cynicism. I greet it as a welcome step forward. I shall wait and see what comes of it. I shall suspend judgment. If the intentions of the bill are carried into force by actions, then I shall be the first to hail it. It could be a substantial step forward.

MR. CARTER: I would like to add my support to this bill. I feel that it would be a step in the right direction. Of course, I noticed that, towards the end of the bill, the Lieutenant Governor-in-Council may make such regulations as are deemed necessary. Therefore, the teeth of the bill are going to be in the regulations that are made to enforce it. I would like to sound a few warning notes as to what could happen if wise regulations are not put together.

One of the pitfalls that could occur in my view that would negate the spirit of this bill is for public tenders to be called but for there to be over-specification. Now to give an example: Supposing

some government department wished to purchase some vast number of stapling machines, if these stapling machines are minutely described then obviously no more than one person or one company can tender on these and therefore the spirit of the regulations and of the legislation are nullified. The other, of course, is to watch out for change orders. Some contract could be awarded on public tenders but if there were a change made in the agreement half way through the course of construction or the course of supplying some goods or services, then obviously this change would have to be negotiated and the negotiation itself is not subject to public tender and therefore the total cost could be far, far beyond the initial figure. The other thing is that a small job, something under \$15,000, could by change become a much larger job. What was properly awarded without tender initially, might swell to a very large job that should have been called for public tender. The other problem, of course, is that a job might be of the order of \$30,000 or \$40,000 and could be split into two or three portions, neither of which under these regulations would be required for public tender.

Then, of course, the Leader of the Opposition mentioned the Corner Brook Junior College. Now although proposals were called for there, it is similar in effect to a project management situation, whereby a huge job goes for public tender, it is true, but the job itself is so large that very few companies are able to tender on it. Therefore, I think this works against the spirit of this legislation. Now once the project management company has the job, they are under no obligation to call public tenders. They do the job as they see fit. I would just like to sound that warning note. I would certainly echo the other speakers in hoping that the tenders would not only be opened in public but could be opened in a very public place. I would suggest the foyer of the Confederation Building, at a time to be advertised.

The Leader of the Opposition made some good points. He certainly supports the principle of this bill. He does not want to talk about the past.

MR. ROBERTS: (Inaudible).

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MR. CARTER: He does? He does not wish to discuss the dimensions of the previous trough. However, I -

MR. ROBERTS: (Inaudible).

MR. CARTER: If he should wish to speak further on this bill or in second reading to discuss the trough, I should be more than happy to -

MR. ROBERTS: (Inaudible).

MR. CARTER: I doubt that.

He called for disclosure on 3 (a),(b),(c), (d) and (e).

I certainly concur in that. I think that if jobs have been awarded, not by public tender under this bill, that those jobs that were awarded, the details should be tabled and certainly should be made public.

The honourable gentleman misquoted Ruskin. However, I will accept his misquotation in the interests of brevity. The original quotation is quite long.

I support this bill. I will certainly be looking out for the regulations that will be made under it, Mr. Speaker. Thank you.

MR. ROUSSEAU: I would like to say a few words, Mr. Speaker, if I may.

First of all I would like to just talk about the Junior College in Corner Brook or the regional college or what have you or whichever is the proper name. The other morning when it was brought up I had a meeting with the Status of Women and I did not get in until the question had arisen because of a little article in the paper. It was a misunderstanding between the reporters. I did suggest that it was an official from the Minister of Justice's office and not the Minister of Justice. We talked about that, the reporter who was responsible, and I think there might have been a misunderstanding.

I would just like to go over, if I may, just for the public record, the procedure on the tender at the junior college. What we did is that we publicly advertised in this Province and throughout the Mainland for proposals for anybody who wanted to build the junior college and rent it to the government. As a result of our advertising, we received thirteen or fourteen (I forget. I think it was thirteen or it could have been fourteen but it could have been thirteen.) indications of interest.

In the meantime, together with Memorial University, the Department of Public Works and the Department of Education to a certain extent but mostly the Department of Public Works and the Memorial University staff got together and decided on what they wanted for a junior college. This information was included in a form that was almost identical to the federal form which is done under similar circumstances, the normal form, the federal proposal form.

Now we recognize, Sir, that this was not a tender. The intention was (This was written to each of the persons involved) that the proposal would be tightened up when we found out the lowest proposal or the best proposal, would be tightened up into a contractual type tender. This could not be done on the basis of the information we had as a result of the proposal. In the time allotted, which I believe was six weeks, if I recall correctly, there were only three proposals submitted. Three Newfoundland firms only submitted the proposals.

Now we had a variance and we were looking at mostly the rental rates, of course, for the building and how it would revert to government and at what costs over various periods of time at five, fifteen or thirty years or what have you. Because we wanted to be certain that we were comparing apples with apples with apples or oranges with oranges with oranges so that we were looking at basically the same three proposals, the Department of Public Works and Services retained the reputable consulting firm of Shawmont Engineering, which is the two previous firms of Shawinigan Falls Engineering and Montreal Engineering, which are two reputable firms. We asked them to go over completely the three proposals, to interview the university to make sure that what they had asked for was in there and to interview each of the three proposers to make sure that they completely understood the terms of the proposal. As a result of their interviews, which I think took two or three weeks and so on, Shawmont submitted a report to government and indeed suggested that the proposals were as they were, that the amount quoted by the low tender was indeed the low amount and

was not subject to any changes or any variances and so on of hidden costs that we would not know about until after the regional college was completed and we moved into it.

On the basis of the Shawmont Report, which compared the three proposals and assured the department that they were comparing apples with apples with apples and the low proposal was with Western Realities, then this one was accepted by government. At that point in time the Memorial University wanted some changes made. There were not enough gas distributors in the labs, for example. There were other minor changes. With the university we got together. There were some additions and some subtractions, minor ones, I think, about \$100,000 or so total. The thing was tightened up. We have not yet signed the lease with the junior college. That is still being negotiated between us, the university and the proposers, Western Realities. Last week we had an official of the department and an official of the Department of Justice go up to try and finalize that part of the lease which involved the land, some eighteen point three acres which would be involved for the university.

I am sure that while the Hon. Leader of the Opposition mentioned there could be - I did not read him as saying there was but certainly in any such proposal or any contract, of course, it is always open to some abuses. Certainly it is almost impossible to get away from that. They are open for that but that does not mean they occur. I wanted to put that on the public record as to the way it was done. I think this clears up the record. As I said, I was sorry I was not here when the item came up before. I think the suggestion of this procedure is up-and-up. There is no attempt to mislead the people of the university. There is no attempt to mislead the people of Corner Brook nor Western Newfoundland nor the Province nor the Opposition. The Report of Shawmont indicated that indeed the Western Realty proposal was the best in terms of cost to government. On that basis it was accepted.

The bill is before us now. It is not everything perhaps that a lot of people would want it to be but I think most people would

agree that it is a step forward and certainly we will be look at it. If it be not enough to deter those things that it is meant to deter then certainly amendments or changes shall have to be brought in and the bill shall have to be changed to react to changing conditions as they exist in the province from time to time.

I support the bill. I feel that it is a step forward. I feel that it is incumbent on a minister, if any but the lower standard is given to get the concurrence of his colleagues. I accept the responsibility as long as I am Minister of Public Works and Services to table the contracts that are given without tender or other than the lowest tender. Certainly I abide by the spirit of the act and for my part I support it and I welcome it as an advancement in the work that has to be done by the government out of the public purse of this province. Thank you, Mr. Speaker.

MR. SPEAKER: If the honourable minister speaks now he closes the debate.

MR. MARSHALL: Just a few remarks, Mr. Speaker, in relation to what the Hon. Leader of the Opposition said. It is not presumed that one can - I suppose if any one could draft bills that were completely and absolutely full-proof, one would be really doing something. I do not think one can. Insofar as human drafting can do it, I think that this bill really covers a situation although, of course, it is always open to improvement and will be reviewed from time to time.

Mr. Speaker, with respect to services, the services with respect to painting and snow clearing and that, I believe they are covered by the definition of the section itself. If it were painting - obviously there has to be snow clearing with respect to real estate.

With respect to personal services, I think everybody will agree that this is a very hard area to cover, extremely hard. The terms of this bill have been forged out over a fair period of time with negotiations with various civil servants to make sure that it was something that was

livable, in other words, to try to get some balance between necessity and expediency on the part of the civil service. Personal services are very hard things for which to provide the calling of public tender because it is very hard to define in certain cases the nature and quality of the services themselves.

With respect to subtenders, this government has always been very concerned about this but it must be remembered that with respect to the subtenderers that it is the businessman himself, when he has a principal contract, there comes in a question as to how far one can lean into the business of other people.

With respect to rentals, this was considered very, very carefully by the government and it becomes impractical to call tenders for every type of straight rental that one has. Every time one wants to rent a building, I mean there may be only one building on Water Street or there may be only one building on Elizabeth Drive in Gander or what have you where you are renting but it is covered to this extent that it covers buildings that are being leased for the purposes of subsequent acquisition by the government itself. In that case it is as strong as it possibly can be, although if one could get a workable type of definition with respect to rentals it would probably be preferable.

The expansion of the list with respect to the tabling of things of results in the House of Assembly; We have to table contracts of Crown Corporations which are exempted from the act; we have to table as well any contracts which were awarded to other than the lowest tender.

With respect to tabling, as the Leader of the Opposition said, (a), (b), (c) and (d) of Section 3, in certain instances this obviously becomes impractical. For instance one can have public works of some fifty dollars and very small works and it would be too voluminous really to be practical in itself. One can also table the public works

that have been or they can be more expeditiously and economically executed by employees of the department but one would have to do an analysis of all the work done by every department. To that extent it would be impractical. Perhaps with respect to public works where there is a pressing emergency, perhaps this should be changed. We will look into it certainly in the future.

The other one there is extension of contracts

and I think you know that that would have to stand the test of reasoning. For instance one could not give a contract to pave a twenty mile road and extend it more than the twenty miles itself.

MR. ROBERTS: Inaudible.

MR. MARSHALL: No, it is not completely specific but in these cases we have to be I think aware of the necessity for a certain amount of flexibility with respect to - you know if one said ten per cent one could possibly get the situation where twelve per cent has to go so if the -

MR. ROBERTS: Inaudible.

MR. MARSHALL: Well perhaps we should take a look at that in the future. As I say, with respect to it, perhaps we should take a look at that in the future and get some outside acceptable limit.

MR. ROBERTS: Could we have a list of the specifications tabled?

MR. MARSHALL: I think that could be done but before agreeing to an amendment, as I think the Leader of the Opposition will concur, with the Civil Service in existence and having to run the gauntlet with respect to getting something that is drafted which is acceptable to them, I would prefer to be able to discuss it with the Civil Service thoroughly. Perhaps we will bring it in at the next session.

MR. ROBERTS: I do believe that the ministers in the House rule.

MR. MARSHALL: They do rule but they have to rule with a certain amount of reasonableness. As I say, it is certainly a very good suggestion and one which the government will certainly consider but I do not foresee that we will be able to do it before we get to committee stage. However it will be taken into consideration and discussed.

MR. ROBERTS: Inaudible.

MR. MARSHALL: Well there were other than that in the Auditor General's Report as the honourable Leader of the Opposition indicated. I am trying to assume a very uncharacteristic role of being nonpartisan so I will not

go into an analysis of the Auditor General's Report and which is applicable to which.

Now the only other comment that I have to make is with respect to the member for St. John's North who I must confess when he was speaking for a moment I did not realize whether, for a moment I could shut my eyes and listen to the Leader of the Opposition and feel he was on our side and for one or two words of the member for St. John's North, if one shut one's eyes one would almost feel he was in the opposition.

MR. ROBERTS: He is, is he not?

MR. MARSHALL: I know he is a great supporter of the government. The only thing I can say with respect to - there is one thing he said that the teeth of the bill is in the regulations. He did not really or I believe he overlooked the final phrase of it. "The Lieutenant-Governor in Council may make such regulations as it deems necessary or expedient to ensure the carrying out of provisions of this act." Now that this is in every other bill but it goes on to say, "According to the bearer," that is the true intent and meaning, "to provide for the efficiencies therein." So there is no way that the true intent of this act can be changed by regulation and that is a provision that is in practically every bill of this nature.

Mr. Speaker, as I say, I have much pleasure in moving second reading of this bill and I would assure Your Honour and members of this House that the government fully intends in this bill above all bills to see that it is implemented and implemented with its true intent and spirit.

On motion a Bill, "An Act Respecting Tenders For Public Works," read a second time, ordered referred to a Committee of the Whole House presently.

Motion second reading of a Bill, "An Act Respecting Certain Building Supplies."

MR. MARSHALL: This again, Mr. Speaker, is a relatively uncomplicated bill. Before going into the content of the bill, it is only a small bill,

there are a few things that I think are beneficial to say. The purpose of this bill is to prevent the practice of a captive market of building supplies and thus the possible increase in housing costs; and note I say, "A possible increase in housing costs."

We do not claim that this is the absolute and complete answer but it is a measure which we feel will help with respect to the housing costs in the province. I emphasize that it is a bill of general application; not specific in nature, which applies to any firm or individual or group of individuals specifically, but it is the feeling of government and my feeling and the feeling of government which has approved this bill, one that we must have. On the one side you have a government which has to look at the provision of free competition which society we hopefully have and on the other side is the business interest of getting business and we feel or I feel anyway that the government is in the position really of a referee, in certain cases, to see that there is full, complete and open competition. This is not a restrictive bill or socialistic in nature as some people may think as they look at it, but it is really one of free enterprise.

It provides that building supplies, that no land can be sold and it will make it an offence for a person who sells land subject to a condition that the purchaser thereof is to purchase building supplies and materials for any building to be erected on the land from a main supplier. The bill also makes any contract entered into contrary to this provision, under section (2) of the bill, voidable at the option of the purchaser or if the purchaser elects not to void the contract then he may sue for the difference between the contract price, the materials and supplies and the market value if the contract price is in fact higher than the market price.

Please note, Mr. Speaker, that this bill does not provide that a developer of land is prohibited from selling supplies to somebody who he has sold a lot to but it does mean that he cannot make it a condition, an involuntary condition. He can build houses on it if he wish to. This will not affect really the price of land because

when he sells the house and the land together he is then in a market himself.

This act will come into force, Mr. Speaker, I should indicate, upon the coming into effect of the proclamation of the act, not the proclamation but the assent by the Lieutenant-Governor; which we hope will be this evening. It will not affect contracts entered into before that date but will affect contracts, as all laws do, afterwards.

Now here again I say that this particular type of act will doubtless be greeted with a certain amount of innuendo. Sometimes people question the motivations of acts such as this, as I have experienced from time to time with respect to other measures that have come in but I would hope, really hope that this act will not cause condemnation of any companies concerned that have been carrying out this practice in the past because this is not the purpose of the bill. Their interest, it must be remembered, are completely business interests and they are entitled to carry on business insofar as the law allows.

But government's duty is to assure that there is, I say free competition. There is no intention in this bill to ascribe the high cost of housing to any individuals or group of individuals in this city or in this province and we cannot say, I cannot say myself how much the cost of housing has increased by this practice. Obviously nobody can. But I feel that it certainly could be, by the restriction of competition and providing as I say a captive market. With the housing problem in this province as acute as it is, and it is really acute, this government would be negligent indeed if it did not act. As I say, it is not the panacea to all of our housing problems, it is not the cure to all of our housing problems but I feel it goes some way and whatever way it can be done, this government must do.

After all we have housing costs here that are higher than in any part of Canada and certainly in the Atlantic Provinces. A lot of this has been through the cost of raw material, through the cost of

transportation and damages that are necessarily incident and we become fully aware of and experience in this province as a result of faulty transportation systems available.

Over these things we have absolutely no control really whatsoever, no effective control that is, but this government would be negligent indeed if it did not take steps over which it has control. This is something over which it has control. Maybe as I say there are other areas where free competition ought to be encouraged more. Here we have a situation which potentially could affect, let us put it this way, if it should not already affect the cost of houses then government I would feel have to act with respect to it and consequently this is the reason for the bill.

MR. SPEAKER: The honourable member for Bell Island,

MR. NEARY: Mr. Speaker, I suppose I could say that I am the godfather of this particular bill. It is something, Sir, that I have been advocating for years.

MR. WM. ROWE: He nagged the government into doing it.

MR. NEARY: I nagged the government so much, Sir, and the minister that they began to have pangs of conscience and -

MR. BARRY: Not so.

MR. NEARY: Oh it is so, Sir. I am the only member of this House that ever raised that question and I have been sitting here now for thirteen years.

AN HON. MEMBER: The only province that did not do it.

MR. WM. ROWE: That is right.

MR. NEARY: I commend the government for bringing in this bill, Sir. Look I am not backward at all in this honourable House, Sir, in giving a little bit of credit where credit is due. I will criticize the government when they deserve to be criticized and I will praise the government when they deserved to be praised. But, Sir, I would say this, Mr. Speaker, at the outset, that the government are going to get some awfully snarky letters from some individuals that I know who have been using this practice over the past few years. I have no

AN HON. MEMBER: I got one, yes.

MR. NEARY: I have no doubt but they have received them already.

AN HON. MEMBER: I will send you a copy.

MR. NEARY: I would like to have a copy of it. But they have only gotten one so far. Well the word cannot be out yet, Mr. Speaker, because there will be others. I can tell the minister that there are going to be some pretty snarky letters and there are going to be some pretty upset people. They have had a monopoly now on this province long enough and it is time to smash some of these monopolies.

Look, Mr. Speaker, I have a contract right here in my hand, The Minister Without Portfolio might be interested in this. This is an agreement I have in my hand right here. I am not going to use the names but it concerns a large block of land down here I would say in the east end. Just listen to article (11) Sir, and I am not going to use the names although the names are given here. Article (11) says that the purchaser shall purchase from so and so company, building supplies, a division of, and then they mention another company, a body corporate organized and existing under the laws of the said Province of Newfoundland. All the building and other materials normally supplied by the said company, building supplies necessary to complete a dwelling house upon the property, provided that, and provided Sir, is in capital letters and then it is underlined, provided that so and so building supplies shall be in a position to deliver the said building supplies within a reasonable time.

Now there is democracy for you, Sir. These big companies, these big building suppliers, contractors, wealthy people, land developers, speculators, they have gone off in various parts of this city and they have bought up all kinds of building lots. They buy up large tracts of land and then they resell them to people who are looking for building lots to stick up a house, they resell the land at exorbitant prices and if you want to get that land, and God only knows land is short enough in this city, Sir, if you want to buy that piece of land you have to sign an agreement. You have to sign an agreement, Sir, to buy your supplies from one of the companies that are owned by that crowd.

AN HON. MEMBER: Inaudible.

AN HON. MEMBER: Inaudible.

MR. NEARY: What? No more - that is coming to an end, Sir, I have been preaching it.

AN HON. MEMBER: It took the Tories to do it.

MR. NEARY: I do not care who it took to do it, it is a good piece of legislation. You know, Mr. Speaker, I will be very surprised, Sir, I will be very surprised if that bill is ever proclaimed. I hope that the government, the members of the government will not allow themselves to be persuaded to change their mind, because the pressure is going to be on, I can tell the honourable members that.

MR. MARSHALL: It will be proclaimed tonight.

MR. NEARY: Well, I hope it is proclaimed tonight because I will be one of the ones who will commend the administration. It might be signed tonight.

MR. MARSHALL: It has to be proclaimed. Did he read the bill?

MR. NEARY: Well I have it here in front of me. Let me see.

MR. MARSHALL: His Honour is coming in.

MR. NEARY: Okay! Good enough then, it has to be proclaimed. Good! Tonight when it is signed by His Honour it becomes the law of this province. It is a good piece of legislation, Sir. It is time that we put an end to these -

AN HON. MEMBER: Three saves to left wing.

MR. NEARY: Yes, Sir, it is a left wing piece of legislation. It is -

MR. W. ROY: Communist legislation.

MR. NEARY: No, it is not communist, I would not go as far as to say that. But, Sir, we have seen too much of this going on. We saw it down here in the new satellite city where a building supplier went down and bought up all kinds of building lots and then resold them, but you had to sign an agreement to buy the building material. There is a classic example now down here in the east end, not only that I wish we could do something about this too, Sir. The applicants are screened. You have got to be Mr. So-and-So. You know it does not make any difference

what your income is, if you are not good enough -

AN HON. MEMBER: You have got to be socially acceptable.

MR. NEARY: You have got to be socially acceptable, that is the proper way to put it. The applications are screened, They will not make a commitment when you go to buy a piece of land. They say, "Okay here sign the application and agree to buy the building materials from one of our companies and we will let you know in a few days." In the meantime you are being checked out. If you are not socially acceptable, if you do not visit certain clubs that these people go to, if you are not a snob, if you are not considered as a member of the elite. Talk about class distinction! You have to be so and so.

MR. MARSHALL: Point of order, you know the socialistic pratings of the honourable member for Bell Island are completely irrelevant to the principle of this bill.

MR. SPEAKER: I think the honourable member for Bell Island will agree that the relevancy to this particular bill is being questioned here.

MR. WM. ROWE: This communist bill he is talking about now.

MR. NEARY: No, no it is not a communist bill, it is a good piece of legislation.

MR. WM. ROWE: Who said there was a difference?

MR. NEARY: The Speaker accused me of being deliberately irrelevant. No, Sir, not deliberately. I got carried away, Mr. Speaker, carried away, Your Honour, because I must say this is another victory I would say for the opposition. I hope -

AN HON. MEMBER: Inaudible.

MR. NEARY: No, no, Sir, this practice I do not think has been going on for thirteen years. It may be going on for thirteen years but not to my knowledge. I know it has been going on for the last seven or eight years.

MR. DOODY: He said he was trying for thirteen years.

MR. NEARY: No. No. I did not say that.

MR. DOODY: We will have to look at Hansard.

MR. NEARY: Yes, look at Hansard.

MR. DOODY: Inaudible.

MR. NEARY: No, I said I have been in this House thirteen years and I know when to give credit to the government. I give all credit to the government, Sir, for bringing in this bill. I am sure there must have been a tug-of-war going on within the Cabinet itself to get this passed. I do not know if this bill had unanimous approval of the Cabinet or not.

MR. WM. ROWE: No.

MR. NEARY: The minister probably would not care to indicate that. But I would say there was dissension in the ranks over this bill or there will be. There will be repercussions, believe me, if there has not already been and I understand from the Minister of Mines that there have been. They do not like it. Well I would say that is too bad! The poor fellow who has been out buying a piece of land -

MR. MARSHALL: Inaudible.

MR. NEARY: I am not going to contribute anything. I am trying to get a little mileage, if he does not mind. Is that alright? does he want the whole afternoon to himself?

MR. MARSHALL: It is not working.

MR. NEARY: Well, Sir, it is a good piece of legislation and we are all for it.

MR. SPEAKER: If the honourable minister speaks now he closes the debate.

MR. MARSHALL: I will not take a minute, Mr. Speaker, I am sorry.

MR. SPEAKER: The honourable member for Hermitage.

MR. SIMMONS: I just want to say how delighted I am to see the legislation here. I have had a number of representations from persons who are being victimized by the practice which I hope this legislation will take care of, will wipe out. There are a couple of big offenders in town. I believe the member for Bell Island made some reference to them. I gather from the exchange that this will come into effect immediately. It is never too soon because as I say I have had a number of representations, even one as recently as sometime late last week from an individual who was wanting to buy land but was faced with all kinds of attached strings.

It is going to be a little difficult to enforce some points. Of course that is not to criticize the drafters or the sponsors of the legislation. but I do fear that notwithstanding the presence of the bill, this practice will go on somewhat. I can only appeal to all concerned to make a pretty valiant effort to see that the intent of the bill is enforced, because this practice is rampant at the moment. I am delighted to see the bill and I am happy to support it.

MR. SPEAKER: If the honourable minister speaks now he closes the debate.

MR. MARSHALL: Mr. Speaker, there is not really too much to say except again I reject, there is no necessity to have an attack on building suppliers, and the honourable Member for Bell Island seems to wish to do this as a bit of general application.

He asked when the bill is coming in. I have already made the point. It does not have to be proclaimed. When his Honour strides in here tonight and gives assent, it will become law, effective from the time he gives the assent. It will not affect contracts made beforehand because you cannot affect contracts made beforehand and it would be unfair to effect them retroactively but after tonight, when it becomes law after tonight, this will not be allowed to take place. As far as left wing legislation, I believe this is really Tory Blue legislation because in effect what it does, it preserves the right to free enterprise, free competition and the settling of the price in the market.

I move second reading.

On motion bill, read a second time, ordered referred to a Committee of the Whole House presently, by leave.

A bill, "An Act To Vest Certain Minerals In Her Majesty."

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

MR. BARRY: Mr. Speaker, this is not - I have everything here except the bill, I am sorry about that. I had it here a minute ago, I lost it. This is not a bill of no consequence or just a routine bill. It will remove what appears to be an anomaly that has grown up either by oversight or by some reason in the past whereby one legal opinion has it and I am not totally satisfied that there is no doubt with respect to that legal principle but one legal opinion has it that squatters, people who

take adverse possession of a piece of land and live on it and acquire certain rights by adverse possession, that these would acquire rights to minerals below the surface of the ground and that this has happened in the past, although I would suspect that it has happened unbeknownst to anybody who has squatted because I am not aware of any instance where we have had people claiming rights to minerals or intending to get or capture rights to minerals by squatting.

We have a practical problem here now, and there are going to be other problems of this nature arise in the future, where we have a particular company that wants to spend a fair amount of money in drilling in particular areas of the province. There are large numbers of individual pieces of land that are contained in the area over which this company has a permit to explore. Where these lots had been occupied by squatters at one time, the title can now no longer be traced but it is known that they had been occupied adversely, for some fifty, sixty, seventy years, I suppose, in some cases.

There will be other instances of this nature and unless we remove this anomaly there will be no certainty of title for any company that wants to get involved in mineral exploration in the province. As I say, I do not know how it was ever missed in the past or why it has not been an issue in the past but I submit that when we have a situation where a person cannot get the rights to minerals under the land by getting a grant from the crown, mineral rights are expressly reserved when there is a crown grant given to an individual, I submit that we should not permit individuals to obtain more by ignoring the crown and going out and squatting and taking adverse possession of a piece of land than they would by applying under the proper procedure and getting a crown grant.

In other words, at the present time it appears that the squatter can get more by squatting on the land than a person can get by obtaining a crown grant.

Now there are some restrictions, of course, in the Crown Lands Act with respect to what individuals can do with land. I believe there are restrictions on the rights that they can get by adverse possession now

through the surface of the land, in any event, in the Crown Lands Act. I was advised that this act is necessary in order to clear up the possibility of unknown squatters having title to minerals underlying the surface of lands which have been held by adverse possession.

As I say, it is not a routine bill but it is one I think that the principle is fairly clear on. I ask this House to support it.

I move second reading.

MR. W. N. ROWE: Just one or two questions, Mr. Speaker. (1) Would the minister explain Clause (3) Sub-clause (2)? It is mentioned in the explanatory notes, "The bill would not affect minerals or materials actually worked within three years prior to the bill becoming law." If I can get the ear of the minister. The bill says, "This bill will not affect materials or minerals actually worked within three years prior to the bill becoming law." In other words, within the period from now three years back, is that the idea?

MR. BARRY: Yes.

MR. ROWE, W.N. Well what about if someone were working it four years ago? I mean, I just do not understand it. Does the bill mean up to three years? In which case it should be, "before three years prior to the bill becoming law." Why a three year period from now back in time, which the bill seems to indicate as a period of exemption?

MR. BARRY: Who knows what happened one hundred years ago with respect to a piece of land where there might have been adverse possession? Somebody might have worked it, hanked a tunnel into a rock or something or done some work on the property one hundred years ago that nobody knows about at the present time. We still have that uncertainty there, as to whether or not -

MR. ROWE, W.N. Yes, I suppose, it seems to be a strange thing. The minister might also mention when he stands up, Mr. Speaker, to close the debate, why was there thought to be a necessity to put in a clause whereby the Lieutenant Governor-in-Council may exempt from the operation of the act any specific mineral which becomes the crown's as a result of the operations of this act? I mean why would they want to exempt it?

Other than that, Mr. Speaker, it seems to be merely closing a gap in the law that needed to be closed.

MR. BARRY: If I speak now I close the debate.

Mr. Speaker, to the first point, I think it is merely a matter of picking an arbitrary time. We would know whether or not there was any work done with it in the last three years. It would be a matter of common knowledge in the locality that work had been done on an area in the last three years. But if you had it an unlimited time in which a person could have done work, a squatter could have done work on the land and obtained title, then you do not have any certainty because you do not know what has gone on fifty years or sixty years before. It may be that work was done on a piece of land, thereby exempting it from this act. When you go out there today, there might be no sign of activity or no sign of anybody in possession or owning it but the uncertainty would be there as far as anybody reading this legislation.

On the second matter asked, I am not aware of the reason for this. I do not think there is any particular reason for this section being put in there. It came down as a draft from the Department of Justice. We pointed out the problem and they recommended that this section be included. (If I could have just a moment here to check, to see if I have any notes on that matter, I do not recall seeing anything on it, Section 32.) No, I have to confess that I do not why it was felt necessary to exempt from the operation anything vested in Her Majesty's, I have no idea.

MR. ROWE, W.N. How does this now fit in with the recent legislation or the legislation the minister brought in a day or two ago, whereby if you stake out a claim, the person who stakes out the claim first has the right to work the minerals within that claim without registering it? So now the situation would be if a person should squat on a piece of land and gets wind of the fact that the government have passed this bill, all he has to do now is cut down branches on a few trees, put up a few posts and stake out the land and give an intention of working it. Is that it? Then he becomes exempt from the operations of that act?

MR. BARRY: Well he would have to apply for a permit first. He would then be in a normal situation of any other individual within the province, Mr. Speaker. He has to apply for a miner's permit. Any of us can apply for a miner's permit and then we can go out and stake any land that has not been taken up and not been granted to any other individual either by concession or by previous claim-staking you go out and stake it and file your claim but then in order to retain your rights you have to do a certain amount of work on the property and follow through or else your rights lapse. So there is nothing wrong with that.

The problem with it is if we do not clear up this anomaly we can have a situation where land will lie fallow, land will lie underdeveloped forever and there is no incentive for anybody to do any work.

On motion bill read a second time, ordered referred to a Committee of The Whole House presently, by leave.

A bill, "An Act Respecting Certain Provisions Of Certain Mining Leases Made And To Be Made Under The Agreement Forming The Schedule To The Act, No. 41 Of 1938 As From Time To Time Heretofore Amended."

MR. BARRY: Mr. Speaker, this is really a bill emanating from the Department of Finance and the collection of revenue being a responsibility of the Department of Finance at the present time. This bill results from some negotiations and discussions that have been going on for some time between the Department of Finance and the Iron Company of Canada who hold rights under the Labrador Mining and Exploration Company Leases in Labrador.

This started in 1965, I believe. It covers the years from 1965 to 1969. It has been referred to in the Auditor General's Report as an item of some contention. Following discussions and negotiations with the company, an accommodation has been worked out whereby this bill would have the affect of disallowing any school or municipal taxes made to authorities outside of the province. The company would be no longer permitted to deduct such payments in computing their mining tax to the province.

It would deem the Quebec North Shore and Labrador Railway part of the mining operations of the Iron Ore Company for inclusion of that revenue and expenses in the computation of the royalties. It will allow

the company to deduct from income subject to mining tax contributions made to the Memorial University and contributions made to local school and municipal authorities.

I have to bow to Mr. Curtis's seat here on that, not having the practice and tradition but maybe by leave or whatever is necessary, in order to get it cleared up.

MR. W. N. ROWE: This is a bill the heart and pith and core of which is financed and raising of finance. I am surprised that the House Leader would be so irregular in his procedure as to allow this bill to be introduced in the House rather than to be submitted by way of and accompanied by a resolution into a Committee of the Whole House, thereby debated in the first instance in that particular form.

I am ashamed, Sir, at the negligence in the conduct of business of this House.

Is he going to speak on that point of order? Just one second now. I am sorry!

MR. MARSHALL: It does not deal with money, Mr. Speaker. It does not really. My friends alongside tell me that. The principal agreement to be read in amendments.

MR. ROWE, W. N. Inaudible.

MR. MARSHALL: What can be deducted that is different than levying a tax.

MR. ROWE, W. N. Inaudible.

MR. MARSHALL: I mean, you know, we repeal a Taxation Act, we do not go back into committee. I mean this is a change in, a reduction in the tax, I believe an easing of it somewhat. We know it is perfectly regular.

MR. ROWE, W. N. Well now I am coming up to what this is, Mr. Speaker, it is a giveaway to the companies.

AN HON. MEMBER: Inaudible.

MR. ROWE, W. N. I rose on a point of order.

AN HON. MEMBER: No, he never mentioned a point of order.

MR. ROWE, W. N. Oh, yes!

MR. MARSHALL: He talks about deductions.

MR. ROWE, W.N. I rose on a point of order and I asked for the Speaker's ruling and the Speaker seems to be reluctant to give it.

MR. MARSHALL: It clarified the deductions.

MR. ROWE, W.N. To speak on that point of order once more, which I assume - I would like to know if this is to the benefit of the Newfoundland Government and it requires more onerous burdens to be undertaken by the companies involved? In which case it should be as a money bill be submitted to the committee. If on the other hand it is a giveaway to the companies, as the minister just mentioned, in other words, a lessening of burdens on the shoulders of the company, then I would agree that it does not have to go before the committee first.

Maybe the two ministers should get together. The Minister of Mines and Energy did not give us any indication and therefore it comes close to misleading us, that this is in fact a giveaway to the companies. The Minister without Portfolio stands up, Sir, and says it is easing the burdens on the company, therefore it is not a money bill as defined under the procedures and therefore it does not have to be introduced in the committee.

Now can the ministers get together?

MR. MARSHALL: I said no such thing, Your Honour. All I said; it just clarifies the deductions which had already been provided, it does not in any way impose a tax at all, it relates to the deductions and clarifies where deductions shall be allowed. It is as clear as the nose on one's face.

MR. ROWE, W.N. Inaudible.

MR. MARSHALL: Okay.

MR. BARRY: There will not be any inference of anything being left out or misled or anything else. The net effect, there has been a trade offer, some negotiation, as I stated, in trying to settle this which was a disputed assessment. The Department of Finance assessed the company for a certain amount of royalties and the company disputed this and said

that they should not have to pay this amount because of such and such and such and such. They ask for exemptions, much more than they are being allowed here. The net effect is that from 1965 to 1969 the amount assessed was \$912,000 and the result would be that the company will now pay \$600,000 under this assessment. Of course, there is money flowing and has flowed to the municipality and to the school system from the company instead of to the government and then out to the schools. So, if this should help the honourable members opposite, Mr. Speaker.

MR. F. ROWE: Mr. Speaker, the only thing that concerns me in this particular bill is what effect will this have on companies making payments or contributions or what have you.

MR. SPEAKER: Order, please!

I am sorry to interrupt the honourable member. I was not in the chamber when this particular bill debate started but the Table just brought to my attention that the honourable minister has spoken twice to this bill whereby under ordinary rules he closed the debate.

MR. W. ROWE: A point of order, Mr. Speaker. I raised a point of order that this being a money bill it should have been submitted first to a Committee of the Whole by resolution. I was half jocular. I merely wanted to see how nasty the honourable Minister without Portfolio was today. Then the Minister without Portfolio rose and inadequately defended himself. The Minister of Mines saw that the Minister without Portfolio had done a bad job in defending himself, so he also spoke to the point of order. In any event, I am sure that the House will give my colleague leave to speak on this important matter.

MR. SPEAKER: Inaudible.

MR. F. ROWE: Mr. Speaker, it is a very simple question really. All I am asking is, would this in any way mean that companies would in any way make smaller contributions or no contributions to councils or school boards or local school tax authorities or what have you? It would mean the opposite?

MR. BARRY: It just refers to the Iron Ore Company of Canada. That is all, the only one it deals with, under a specific act beginning with the Iron Ore Company of Canada and the royalties paid by that company. It would, if anything, give an incentive for the company to make further and better and more grants to the school board and municipality there.

MR. F. ROWE: In what way? How?

MR. BARRY: Because what they pay is exempt from the mining tax.

MR. F. ROWE: Okay! Fine!

MR. NEARY: Mr. Speaker, I wonder if the minister could recall that when DOSCO pulled out of Bell Island there was an outstanding debt that was in dispute. The government claimed that DOSCO owed a certain amount of money in royalties and DOSCO disputed it. Has that ever been settled? Has the government collected the money?

MR. BARRY: I think it was settled. I do not have the details on it but there was a write-off. We said they owed money and they said we owed them some money.

MR. NEARY: That is right.

MR. BARRY: I do not have it right here but it was settled. The Auditor General had something on it last year. It was before my time but I will check it out for the honourable member.

On motion a bill, "An Act Respecting Certain Provisions Of Certain Mining Leases Made And To Be Made Under The Agreement Forming The Schedule To The Act No. 41 of 1938 As From Time To Time Heretofore Amended," read a second time, ordered referred to a Committee of the Whole House presently by leave.

Motion second reading of a bill, "An Act Further To Amend The Hours Of Work Act."

MR. ROUSSEAU: This is an amendment, Mr. Speaker, to allow that Thanksgiving Day be added to section (4) of the Hours of Work Act, Chapter 158 of the Revised Statutes of Newfoundland, 1970. It is to be inserted between Labour Day and Armistice Day. In effect, what it says is that one of the days on which no shops shall be open

for the serving of customers and no assistants shall be employed in a shop on any of these following days and this day has been added to the fourteen or fifteen that are already there.

MR. NEARY: This is just a routine bill. There is nothing earth-shattering about it. So, what can we say? We will go along with it.

On motion a bill, "An Act Further To Amend The Hours Of Work Act," read a second time, ordered referred to a Committee of the Whole House presently by leave.

Motion second reading of a bill, "An Act Further To Amend The Workmen's Compensation Act."

MR. ROUSSEAU: I am sorry, Mr. Speaker, I thought you said the Hours of Work Act. Here is another amendment to the Workmen's Compensation Act, section (37), which indicates that without limiting the generality of other sections, the board has exclusive jurisdiction to determine various things and to that now will be added another one which is, "Whether or not for the purpose of this part, a person is a workman, a subcontractor or an employer."

Now, this is brought out, Mr. Speaker, mainly because of the trucking industry where a contractor hires a trucker and the trucker may be driving his own truck and somebody may be driving on behalf of him. When a workmen's compensation levy comes in, who pays it and so on and so forth? Up until now it has been the contractor but in some instances the employer who owns the truck may give it to an employee.

So, what this bill enables the Workmen's Compensation to do is to determine in an instance such as that whether a man is a subcontractor or whether he is an employee or an employer.

The other section merely requires the board to report March 31, instead of March 1 of each year.

MR. NEARY: The minister has me so confused, Sir, and then I was talking to the Minister of Justice about this speeding ticket in

Corner Brook that is after causing quite a fuss out in the West Coast area, the Premier's speeding ticket -

MR. SPEAKER: Order, please!

MR. NEARY: That I got mixed up in my bills. I think the minister mixed me up because we put the wrong bill through the first time, the House Leader. He is so confused, Sir, he does not know what he is doing. Which one are we doing now? The Hours of Work or the Workmen's Compensation?

AN HONOURABLE MEMBER: The Workmen's Compensation now.

MR. NEARY: It does not make any difference. Neither one of them is a very important piece of legislation, Sir. Let them go.

MR. SPEAKER: If the honourable minister speaks now, he closes the debate.

MR. ROUSSEAU: Excuse me one second, Mr. Speaker. I have to say that bill no. 87, "An Act Further To Amend The Workmen's Compensation Act," happens to be very important to independant truck drivers in the province who are hired by a contractor. It is monumental.

On motion a bill, "An Act Further To Amend The Workmen's Compensation Act," read a second time, ordered referred to a Committee of the Whole House presently by leave.

Motion second reading of a bill, "An Act Further To Amend The Registration Of Deeds Act:"

MR. NEARY: The Minister of Justice is out trying to get a speeding ticket straightened out. He is trying to fix the speeding ticket for the Premier.

MR. MARSHALL: This is in fact a very simple bill. The Minister of Justice might come in later but I do not think there is any necessity. It is a very simple bill to provide for registration of conveyances of personal chattels and chattel mortgages in the Registry of Deeds.

It also provides that specific floating charges need not be registered under the provisions of the company's act if they are registered under the Registry of Deeds Act. The other provision is with respect to the fees for registering certain documents.

MR. W. ROWE: What can one say, Mr. Speaker. This is another typical piece of government legislation from this present administration. I remember - I was just having a discussion with the Minister of Fisheries - when we were in the administration we needed two or three big folders like this and they would be crammed full of meaningful, revolutionary legislation. This year, Sir, one can take all the legislation, none of it meaningful even in quantity, one could take it all and stick it in a matchbox and it would not fill it up. I just wanted to make that point, Sir, to show that we are getting very little from this present administration but routine, technical bills doing nothing for the people of Newfoundland.

On motion a bill, "An Act Further To Amend The Registration Of Deeds Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave.

Motion second reading of a bill, "An Act Respecting A Provincial Court:"

AN HONOURABLE MEMBER: Read the explanatory notes.

MR. HICKMAN: Mr. Speaker, this bill flows from the Steel Commission Report of the Royal Commission Into The Magistracy wherein the main thrust of the report is to give magistrates security of tenure, to take them out of the category of being civil servants and this bill does that. It also provides for the appointment of a judicial council and the judicial council will consist of the chief magistrate, a judge of the Supreme Court, a judge of the District Court, one benchwar of the law society, two other persons nominated by the Minister of Justice. The duties of the judicial council will be to advise the Lieutenant Governor-in-Council on appointments to the magistracy in the future. It will advise. If there should be a situation where a magistrate has been guilty of any breaches of the bill, he can appeal to the judicial council to adjudicate upon any allegations made against him.

It also provides for the appointment of a chief magistrate. The chief magistrate must be a lawyer of ten years standing at the bar or a magistrate who has served as a magistrate and also has a

degree in law. There is also provision for the appointment of clerks of the magistrate's court. As I saw the principle embodied in this act is and what this act is doing is implementing in the main the recommendations of the Royal Commission into the magistracy by Mr. Geoffrey L. Steel, Q.C. I move second reading.

MR. W. ROWE: This is a nice little bill, Mr. Speaker. It gives some dignity, I think, to the magistracy. Not that they were lacking in dignity but it gives them more dignity than they had heretofore. It allows for the main provision, I believe being the security of tenure provision. That is by far the major provision there.

I would like to make one little comment, once more, as I mentioned last night, in respect of the Appeals Court. Mr. Steel was appointed by myself when I was acting Minister of Justice for two or three weeks. What turmoil there was in that department, Sir, for a two or three week period. There was more activity, more action in that two or three week period with royal commissions here, exculpating my colleague from wrong, allegations of wrongdoing there, getting this set up and that set up.

AN HONOURABLE MEMBER: Inaudible.

MR. W. ROWE: I was only in there three times, Sir. That is right. Imagine if I spent a week down in the Department of Justice! It all goes to show, Sir, during the period of time that my learned friend across the way there was there, in his previous incarnation with the previous administration and now during his tenure of office, really, Sir, in his present reincarnation not very much has been done by the minister. Now, one cannot expect a great deal of initiative by the public service. They are there. They throw up ideas and they carry out orders and this sort of thing.

The real initiative has to come from the political head of the department. I must say, Sir, that when one compares the present minister's six or seven years as minister with my humble self's two weeks as minister, the minister opposite cannot but suffer by the comparison. It is not even a comparison, it is a contrast.

I am glad to see, Sir, that the minister is carrying out

all the things that were set for him by us when we were in the government and by myself particularly when I had the honour and privilege of being the acting minister of that department. I was only acting minister. Imagine if I had been minister, Mr. Speaker, what would have gone on.

AN HONOURABLE MEMBER: Inaudible.

MR. W. ROWE: Oh, what are we going to have our second speech for the session from the minister? We heard his maiden speech the other day, Sir. We had a maiden speech, Sir, the other day. If the minister who is presently engaging us in conversation should get up and promise me that he shall speak, Sir, I shall gladly sit down. I love to hear from him. We hear from him about once every five years. I would like to hear from him.

AN HONOURABLE MEMBER: Do not be so sensitive. Sit down and have a cup of tea.

MR. W. ROWE: Well, I do not want the Minister of Justice to have to reply to what I am saying, Mr. Speaker. So, I would like to sit down about fifteen seconds before six o'clock.

All I can say, Sir, is that this is a good bill. This bill will give dignity and security of tenure to the magistrates in this province. I hope that the minister uses discretion when he appoints the chief magistrate because I know there are a number of people vying for that position. One person in particular who has the job more or less, he thinks so. I do hope that the minister use discretion in that appointment.

MR. SPEAKER: If the honourable minister speaks now, he closes the debate.

MR. HICKMAN: In all humility, I should get up and I should thank the honourable gentleman from White Bay South for having graced the Department of Justice on three occasions. The aggregate time I suggest - and this is hearsay - was less than one hour. If the gentleman had only been there for say two days, what it would not have done to the administration of justice in the province.

This bill is a major reform in the administration of justice, make no mistake about it, Mr. Speaker. I see that with

great deal of anxiety Mr. Speaker is watching the clock, so
I move second reading.

On motion a bill, "An Act Respecting A Provincial Court,"
read a second time, ordered referred to a Committee of the Whole
House presently by leave.

MR. SPEAKER: It now being six of the clock I do leave the Chair
until eight o'clock tonight.

The House resumed at 8:00 P.M.

Motion second reading of a Bill, "An Act Further To Amend The Local School Tax Act."

MR. SPEAKER: The honourable Minister of Education.

MR OTTENHEIMER: Mr. Speaker, I am now speaking on a matter of great popularity, rejoicing throughout the province. However, this bill is pretty straightforward. It is an amendment to the Local School Tax Act and what it does in effect is pretty well outlined in the explanatory notes.

The major points in the bill are as follows: Under existing legislation in a school tax area and on a School Tax Authority there must be a representative from every municipality and every school board. This amendment would cease to make it mandatory that there be a representative from every municipality. In some areas a representative from every municipality would make by far a majority of the members of the School Tax Authority and the act allows that there be representatives of municipal authorities up to half the total composition, minus one. Therefore, after this amendment it would not be required that every municipality be represented and in areas where it would not be practical that every municipality be represented per se then the procedure suggested is that the municipalities in the area meet and elect or designate representatives who would represent all of the municipalities even though they may not actually be councillors for the municipality.

That essentially is it. Another change is that up until now or up until the passage of this bill it was required that School Tax Authorities meet once every month, and that is somewhat unnecessary or certainly is a mandatory provision. Here it is required that they meet three times a year, at least once every four months. They may meet much more frequently but they are not required to meet more than once every four months. That seems to be sensible.

Another matter is permissive. It will permit a school tax authority to impose a school tax on the annual rental values of property. In other words it will permit the annual rental values to be adopted for assessment purposes in that it is permissive, not mandatory but permissive.

Another thing it will do, and here explanatory note "b" needs a bit of amplification. Explanatory note "b" it will permit, so again it is permissive, a tax to be imposed on commercial, industrial or residential property. That is correct but it needs some explanation in that previously school tax in an area would be either all property tax or all poll tax. After the passage of this bill there may be discretion. The purpose behind this is for example, in an area where there is not assessment of various properties, on property values, so a poll tax, if you wish, is imposed. It will be possible for a School Tax Authority to impose a property tax on commercial properties. For example one can make an assessment of ten, fifteen twenty commercial or industrial properties in an area but not hundreds and hundreds of residential properties so the total either/or will no longer be applicable. In other words it will not have to be either all property or all poll, it will be possible to apply poll on residences, private residences and assessment on commercial and industrial properties. So I think in that it will be certainly much more equitable because now in an area where there is not assessment of actual properties, industrial and commercial concerns just pay a regular poll tax like an ordinary citizen. After this it will be possible to put an assessment on the industrial or commercial properties.

Another provision is that after the passage of the bill it will be mandatory for municipal councils to make their records available to school tax authorities. In other words, if a School Tax Authority instead of - which would seem eminently sensible - going through the time and the expense of gathering records already existing in a municipal office, then this will make it mandatory

that upon request on the prescribed form the municipality make available to the School Tax Authority their records.

Another thing it will do, and this seems to be eminently fair, it will allow deductions at source for employees of the government of the province. Now there may be deductions at source for school tax purposes of employees of private enterprise but for some reason or other it is not mandatory that there be deductions at source for civil servants. This privileged position, if you wish, of employees of the government would not seem to be equitable, it would not seem to be fair, so it will put employees of the government on an equal footing with employees of private industry.

Finally, whereas previously the levels of exemption for school tax authority, the minima for exemptions were set by statute and the only way of amending this obviously would be to amend the bill. This will allow these exemptions to be set by regulation. The basic reasoning behind that as you know, where you have rising costs of living, quite accelerated recently, and where you have a social assistance programme tied in to the cost of living it may be necessary, certainly at least once a year, to review and revise these limits. The actual purpose is that it will be possible to exempt for purposes of school taxation those whose exclusive or principal source of income is social assistance. I say for all practical purposes, because one cannot take that totally because you could have a person whose source of income for two months or six months or whatever it might be would be social assistance and who could be gainfully employed for the remaining ten months and the aggregate could well add up to a sizeable amount. The purpose is that those whose incomes are no more than what they would be if their exclusive source of income or social assistance, and that would be social assistance recipients or indeed people working whose income would be no greater than if they were social assistance recipients, that they in fact would be excluded. That is the overall purpose but as I say, there

is always more than a possibility, the obvious inevitability, that there are some people who obviously will have part of their income made up through social assistance, which they could receive for two, three, however many months, and then be employed thereafter. The fact of having received social assistance would not and should not automatically exclude them. It is the total of their annual income which would be the operative factor.

Those essentially are the changes which this bill would adopt and the rest is purely a matter of - well that is essentially it. The rest of it is a question of wording. It is a question of making the bill more legible, yes.

AN HON. MEMBER: Inaudible.

MR. OTTENHEIMER: The total revenue of school tax authorities for the period 1973-1974; This is obviously now to make this meaningful. I should say that this is of course not taking into account revenues from two school tax authorities which have not yet commenced imposition of school taxes which are Ferryland and St. John's. St. John's is hoping to start it in January 1975. Ferryland I am not sure, perhaps in September 1974, but on that I am not sure.

So leaving those out, and obviously we are leaving out a huge area there and that is the St. John's School Tax Area which takes in not only St. John's, Mount Pearl, a number of communities nearby; so leaving those out, and it is important that that be stressed, it would be estimated at \$2.5 million. But I point out that that is not taking into account revenue anticipated from St. John's.

MR. F. ROWE: Inaudible.

MR. OTTENHEIMER: Without checking I would be hesitant to mention the figures, I would be hesitant to mention the figure there.

MR. SPEAKER: The honourable member for St. Barbe North.

MR. F. W. ROWE: Mr. Speaker, this particular amendment to the local School Tax Act is something I suppose that is required to try to make school tax authorities a little more efficient and enable them to collect

more revenue from the people of the province for the purposes of operating the schools in this province. But, Mr. Speaker, I really have to say that it is not what we on this side of the House expected from the government, two and a-half years after they had taken power and after a new Minister of Education had been appointed to the Cabinet and who we had hoped would take a much more progressive, small "l" liberal, point of view towards how education should be financed in this particular province.

The amendment is more than disappointing, Mr. Speaker, it is retrogressive and regressive in terms of what we had expected of the honourable the Minister of Education. In this sense, Sir, he has been a very sad disappointment to not only the members on this honourable side of the House but I would submit to educational authorities in this province. I would submit, Mr. Speaker, that the only people in this province who are in favour of local school tax authorities are the school tax authorities, the people making up the school tax authorities in this province.

AN HON. MEMBER: Not the school boards.

MR. F. ROWE: Not the school boards, Mr. Speaker, in no way are the school boards of this province in favour of school tax authorities. I do know what they are in favour of though, and neither are the parents in favour of local school tax authorities. The only individuals, and they are dedicated, well-meaning, hard-working citizens and reputable citizens and respected citizens of our province, who are sitting on these school tax authorities, I would submit they are the only ones who are in favour of local school tax authorities because they are trying to raise money for the purpose of running the schools and help the school boards, because of the fact that they cannot get enough money from the government in the first place. It is as simple as that.

Now, Mr. Speaker, what is the answer? Before we get into the answer, what is wrong with local school tax authorities and this amendment? What is wrong -

AN HON. MEMBER: Inaudible.

MR. F. ROWE: At least if I leave the impression I am not serious, Mr. Speaker,

I am dead serious.

MR. DOODY: I know he is.

MR. F. ROWE: The problem with the local school tax authorities, Mr. Speaker, is that they are an inefficient means of collecting revenue for purposes of education. It is as simple as that. Every LID or every community committee or community council or city council in this province experiences a great deal of difficulty in collecting taxes, whatever type of tax they may be.

We have heard from the St. John's City Council, the oldest council in the province and the most experienced, the best organized council in this province. We heard just a few weeks ago the delinquency rate with respect to the collection of taxes in this city, where there is presumably a reasonable source of revenue for the running of the city council, and here we are setting up school tax authorities in areas where there just is not the base, there just is not the money to get money from. We can pick out parts of our province where there is just no money to collect from some people, there is a tremendous amount of difficulty in ascertaining or defining the real value of property or assessing the value of property so that property tax cannot be implemented, therefore the government is forced to implement the poll tax which is, to say the least, most unfair unless it is on some sort of a staggered rate.

So the school tax authorities, Mr. Speaker, are an inefficient means and an unfair means of collecting revenue for capital and/or for the purposes of helping the school boards in this province.

Mr. Speaker, I have mentioned this before but I think it needs to be mentioned again. There is a duplication of administrative effort in the collection of school tax when you have however many school taxes we have in this province now, with two more to come. They all have to have their separate collection agencies and separate administrations and this costs money. Out of that \$2.5 million, the minister estimated that is required to have then collected through local school tax authorities in the run of a year, I would submit that

anywhere from twelve to twenty per cent of that would have to go into administration.

Now I said last year, ten to fifteen per cent, I say this year, twelve to twenty per cent for the obvious reason that people's wages are going up, rentals are going up, everything is going up, so obviously the cost of administration is going up. It appears to me, Mr. Speaker, that the obvious and most efficient way to collect any revenue for purposes of education in this province is do it through a mechanism that is already set up in this province and that is through the government agency, the Department of Finance. Even if that is one case, Mr. Speaker, I do not know where the rest of my colleagues stand on it, but I for one personally would (probably going to have something in the wringer) but we have had an increase in taxes, Mr. Speaker, if we have an increase of taxes in this province, wholly and solely for the purpose of collecting additional money for education in this province rather than using those local school tax authorities, I would for one stand up and support it because although it may be an increase in taxes I would submit that it would be a fairer and more efficient method of collecting money for educational purposes than the present cumbersome and multiplicity of school tax authorities and the various duplications that we have in the various administrations in those local school tax authorities.

MR. WM. ROWE: It would not even be a raise in taxes.

MR. F. ROWE: In fact it would not be a increase in taxes, Mr. Speaker, as my colleague pointed out, the money in the final analysis comes from the pockets of the people anyway, you can call it a poll tax or real property tax being administered by a local school tax authority or you can call it an increase in provincial sales tax, it still comes from the pockets of the people, no matter what agency, But the big difference is, Mr. Speaker, that if it were done through a mechanism there is already. I am glad the honourable minister directly across from me agrees with every word that I am saying but, Mr. Speaker,

if it were done through an administration that was already set up, the government of this province would save money in the final analysis. It is as simple as that.

AN HON. MEMBER: Inaudible.

MR. F. ROWE: We would like to have another six months practice in opposition, Mr. Speaker, before we are ready to take over, although some of my other colleagues with a little more experience,

I realize they are probably quite anxious.

Now, so what is the final solution to the problem, Mr. Speaker? The final solution to the problem is that this government should accept one hundred per cent of the responsibility for financing education in this Province with one possible exception that I would like to think over a great deal before I would myself put forth a formula. I know the minister is going to counterattack here by talking about local involvement.

Now, you can still have local involvement, Mr. Speaker, but I suggest that the local involvement would be much more sincere if the local involvement were on a non-mandatory basis or a voluntary basis. I still think you can have local involvement and contributions made to individual schools or school boards without making it mandatory.

Okay, somebody mentions bingo. It is one obvious way and there are some more sophisticated ways. However, I would suggest that it would not necessarily bring in more revenue but you can still have local involvement without imposing a local school tax authority because you do have inequalities from one region of the Province or one school tax authority to another.

AN HONOURABLE MEMBER: Inaudible.

MR. ROWE: Mr. Speaker, the honourable the member for St. Barbe South who is an expert apparently on everything or he shoots off his mouth on everything but ends up displaying ignorance of everything — not St. Barbe South, if I said that; Bonavista South. It is very simple. The minister himself indicated that the price tag is \$2.5 million for this year. How many local school tax authorities do we have?

AN HONOURABLE MEMBER: Inaudible.

MR. F. ROWE: Will you, Mr. Speaker, will you muzzle it, guzzle it, fillet it, do something to it.

Could the minister indicate how many local school tax authorities we do have?

AN HONOURABLE MEMBER: Twelve operating.

MR. F. ROWE: We have twelve local school, twelve operating with two more to come. So that will be fourteen, and obviously the others will be probably set up in the coming years. At the least, the most we should have is one that would include the whole of the Province but you have these twelve or fourteen different administrations. If the councils of this Province are experiencing a great amount of difficulty in collecting money for their purposes, you can expect that every local school tax authority in this Province will experience the same difficulty.

Now I do not know if it is the intention of the local school tax authority to use the offices of the various local governments for this purpose. They may be able to do this in some cases, They may not in other cases. It is going to be one tangle, mess, one web of local school tax authorities, councils, local improvement districts and then you have the Provincial Government in on top of that.

The only answer, Mr. Speaker, the only obvious answer, if it involve a small amount of something like \$2.5 million when the total educational budget in this Province came to something like \$179 million, if that be the total educational budget I cannot see what difficulty this government or any other government would have in accepting the full responsibility. I know, the minister admitted before, no government in this Province will be ever able to provide enough for educational purposes unless we happen to end up being another Alberta. Then it might be questionable.

We will never be able to have enough money for educational purposes in this Provinces. Surely, a department that has just voted through estimates to the tune of \$180 million approximately can afford to accept the responsibility for dredging up another \$2.5 million, because it is coming from the same source. The only difference is that the government accepts the responsibility for it and therefore it costs less to collect it. It is costing more to collect that \$2.5 million now through local school tax authorities. We have talked about the duplication. We have talked about the inequalities and the inequities. We have talked

about how inefficient it is and we could use many other adjectives and adverbs to describe it.

Now the only defense that I can see the minister giving or trying to use for the continuation of these and the proliferation of these local school tax authorities is a weak political cheap one which has been thrown across, not by this minister but by other honourable ministers and members on the other side, that the previous administration brought it in, and some even sunk so low as to remind me that it was a relatively close relative of mine who happened to be Minister of Education at the time.

AN HONOURABLE MEMBER: Inaudible.

MR. F. ROWE: I preface my remarks by saying that this honourable Minister of Education has never used that technique and I hope we will not see him using that tonight. He has not used it in the past. That is one defense that certain honourable members on the other side have used. Another defense that the minister can use is to go back and say, "Well, look, we need more money from Ottawa." Well that is probably an idea. Probably the Federal Government can be called on to make a greater contribution for educational purposes in the provinces, but the Federal Government has made sizeable contributions through DREE and other mechanisms towards education in this Province. The minister as well as everybody else in this honourable House knows the difficulty with the Federal Government accepting jurisdiction over education throughout the nation.

There are certain provinces that are very much against this, for obvious reasons. We talk about total and complete control from Ottawa in the field of education. Certain provinces, particularly Quebec, are very sensitive to this whole business of Ottawa having anything to do with education.

The only other defense that the minister can use, I would suggest Mr. Speaker, is that one has to have local participation. I say one can still have local non-mandatory, voluntary participation in areas without setting up these clumsy, inefficient, inequitable, unfair local school tax authorities.

I submit that there is not one soul in this Province who supports the concept of local school tax authorities except those dedicated, reputable, respected citizens who have taken up the responsibility of trying to help their school boards out by looking around for revenue by operating these school tax authorities and thereby making their contributions towards education in this Province. No school board, none of the parents, the D.C.s, nobody but the people who are putting the effort in themselves support the concept of these local school tax authorities.

The school boards accept them as a must because there is no other choice. The honourable Minister of Justice says that the school boards are for local school tax authorities. The school boards, Mr. Speaker, are for local school tax authorities only in that they are not getting enough money from federal and/or provincial sources, therefore they are forced to have these authorities to raise additional revenue for educational purposes.

So, Mr. Speaker, although this improves, this amendment improves the Local School Tax Act we are extremely saddened and disappointed sincerely over the fact that with the new Minister of Education, now for a year and a-half or some time similar to that, after one and a-half years, Mr. Speaker, I honestly thought that the minister would come in with any amendment relating to the Local School Tax Act with the great, reasonable, progressive concept of accepting one hundred per cent responsibility for financing education in this Province on the capital and operating side. I must make this point, Mr. Speaker, and I think this is the most important point - that the money is coming from the same place in any case, it is coming from the people of this Province.

I submit that the more efficient method of collecting that \$2.5 million would be the use of a mechanism that is already created and already operating within the Department of Finance in this Province. The \$2.5 million would not be, well, you would not have fifteen per cent or twenty per cent knocked off in a minute for the

costs. You would not have controversy throughout the Province. You would not have parents been dragged into the Magistrate's Court, dragged in from small little communities up to St. Anthony and the smaller little communities down to Flowers Cove and down to Bonne Bay because they are into a hassle with the school board or the Local School Tax Authority because they have not anted up on their taxes.

So, Mr. Speaker, I guess in essence what we are saying is this: As far as the amendment to the act is concerned I suppose it improves the functioning of the act, the administration of the Local School Tax Authorities but we are dead set against, dead set against Local School Tax Authorities as they exist in the Province at this present time and as they are likely to exist in the future. We only have to look back and relate back to the controversy that took place within this city, in St. John's, over the past year, when certain briefs and certain public statements were being made by reputable citizens concerning the adverse effects of a School Tax Authority in the Avalon area, St. John's area.

All kinds of briefs, all kinds of public statements were made against the setting up of that School Tax Authority. I cannot remember, come to think of it, Mr. Speaker, I cannot remember a single individual, a single individual who supported the concept of a School Tax Authority for a city like St. John's. It might have slipped my mind, but I cannot think of a single person.

I have been talking with members of school boards and they said they wished the "you know what" the government would take this mess off their hands. "We are forced into setting up this School Tax Authority." I was on the horns of a dilemma as far as making public statements was concerned at the time, because I knew the Avalon Consolidated School Board needed the money and the only way they could raise it was through this School Tax Authority. On the other hand, in my own soul I did not believe in the concept.

So what do you do in a situation like that, in your public statements? Do you jeopardize the chance of St. John's, the Avalon Consolidated School

Board getting that School Tax Authority, and not getting the revenue that is gotten by twelve other Local School Tax Authorities and therefore the city would be or that particular school board would be treated unfairly or unjustly in that respect? Do you do as we are doing here now and try to point out to the minister that the concept is wrong, it is inefficient, it is ineffective, it is inequitable, it is unfair, it is unequal, it is a total and complete mess? It would be almost better to go out on the streets to every community with hat in hand and say, "What about a buck for education tomorrow?" I would submit that you would probably raise as much as you would through these Local School Tax Authorities as they presently exist.

The only solution, Mr. Speaker, is full responsibility on the part of government for financing education in this Province, with a voluntary, non-mandatory participation at the local level. Mechanisms can be worked out for that I am sure. It has been done in other parts.

I might add as well, Mr. Speaker, in closing, that the trend, as I understand it across the nation, is away from this whole business of proliferation or setting up Local School Tax Authorities anyway. I have not read, I have not heard, I have not seen anything, any documentation or anybody who supports the concept except that they are forced to accept it and set it up because there is no other choice left open to them.

So, Mr. Speaker, in closing, while we agree that this tidies up the Local School Tax Act, we are dead set against the concept on this side of the House.

MR. SPEAKER: The honourable member for Hermitage.

MR. R. SIMMONS: Certainly, first of all, Mr. Speaker, we endorsed what my colleague the member for St. Barbe South said on the subject. I would just like to add a word or two before the minister closes the debate.

I believe perhaps what is needed now is an initiative on the part of the government towards the establishment of what is known in educational circles as a foundation programme. I do not believe it is enough for us to say that government ought to assume the full cost. If that should

involve, if that should involve further escalation of costs, the old argument that if the boards do not have to pay, they do not have to find any part of the money, then they are less prone to restrain themselves on the subject of expenditure.

I believe this matter could be cured if we look to other provinces, particularly the Province of Manitoba which has had for some years, I think four or five or six years, a Foundation Programme where the province would pay on a per capita or whatever kind of basis, on some basis would pay for a basic minimum standard throughout the province. The provincial treasury would support a basic minimum standard. It would not (Of course they are of a very fair standard or equitable across the province) if it were done strictly on a per capita basis because the cost of providing, of sustaining a certain standard in St. John's may be quite less per capita than the cost of sustaining the same standard, equivalent standard in less populated parts of the Province.

Without getting into details of that, Mr. Speaker, I would certainly like the minister to respond to this point when he rises to close the debate. Without getting into the details of the Foundation Programme, just let me say that I believe what is needed now is for government to take the initiative to introduce a Foundation Programme which would provide throughout the Province the funds out of the Provincial Treasury to support a basic minimum standard of education at the primary, elementary, secondary level.

This would mean that once the standard is established, the standard which the government would support is established, then all costs relating to the maintenance of that standard, be they bus transportation costs or other operating costs or capital construction costs, the formula would be such that government would provide all of the funds for maintaining that basic minimum standard.

That, Mr. Speaker, as people across the nation know, people who have been involved in that kind of system, that system also provides

indeed, it not only provides for but invites local participation.

In coming to that item, Mr. Speaker, let us abolish, destroy, push aside once and for all this myth about local involvement as it relates to School Tax Authorities. There is no local involvement at the present time. It is at best an imposition on the people. It is not at all local. At the moment we have large, by way of geography, large regional tax authorities and the people at the local school level just do not in any way identify with those School Tax Authorities.

Indeed, Mr. Speaker, I doubt whether your average parent can even name any more than one or two persons on those authorities let alone identify with them or see them as local or see their way as parents to participate in the funding of education at the local, the school, the community level.

Let us do away with that idea, that myth that somehow school tax authorities provide local involvement. They do not. They are a local imposition. They impose upon people something which in most cases the people themselves do not understand. They see it as just another bill. I am sure that ninety-nine per cent do not see it as local involvement on their part. School tax authorities do not provide local involvement. The Foundation Programme is providing local involvement across the country and would provide it in Newfoundland.

Here is how I think it would provide it: By definition the Foundation Programme would provide for a basic minimum standard in every school, in every classroom throughout the country, a basic minimum standard. There would be nothing to prevent any school or any community from going beyond that standard, through the provision of local funds, and I say local.

By the provision of local funds any school would be able to build on that particular standard. What is happening now of course with the regional type school tax authorities - I say regional in that they are not tied to one particular community, they are relating to twenty or thirty or more communities. The one in the Clarendon, Cander, Bonavista area takes in quite a large number of communities. I do not know how many but my guess is probably a hundred or more communities. That can scarcely be called a local school tax authority.

These, by reason of the fact that they cover such large areas geographically, are in no way answerable or flexible or responsive to the need of the individual schools. So, what is happening is that the school tax authority is setting its rate. Let me say it this way: The rate of the school tax authority for a given year, the rate of tax is dictated by the basic minimum of the school boards' requirement. So, you have the worst of both worlds. We have at once a school tax authority which is not at all local anyway and secondly, we have a tax authority which is only supporting a basic minimum which goal, the provision of a basic minimum, could better be served at no more cost to the taxpayer in total. My colleague, the member for St. Barbe North, has already mentioned the point and reiterated the point about the source is the same anyway. The total amount of money is all coming from the same people all together albeit right now it is coming at some additional cost because I understand that in some cases the cost of collection these funds through school tax authorities is up to twenty and twenty-five per cent because of the duplication of office facilities across the province, the several office facilities and staffs required to collect this fairly small amount of money, a couple of million, \$2.5 million or something like that. As it is at the moment with the school tax authorities, they have the worst of both worlds.

I maintain and in closing I would just like to sum up and then invite the minister to respond to the suggestion, I maintain that what is needed now is for government to assume the full cost of

education. Perhaps I should not put it that way. It is not the full cost but the full cost of providing for and maintaining a basic minimum standard at the elementary and secondary level. In other words, government should undertake to establish what is known in other parts of the nation as a foundation programme, a programme which underwrites the cost of a basic minimum level at the primary, elementary and secondary levels. That is number one.

Number two, that any enabling legislation which would do that or regulations or what have you would also make provision for the local community to have financial input. This financial input would be to improve on the basic minimum. So that if you had a particular school or a particular community which was not satisfied with providing for their children and their students only the basic minimum level which applied throughout the province, then through the input of strictly local funds at the school level, at the community level, that minimum standard could be improved on.

Now, Mr. Speaker, I say that system is the best of both worlds. One, in that the people at the local level, at the school level, the community level, would have a say in what the funds were to be spent on and would therefore have a direct say in what the rate would be because they would determine what they wanted, in what ways they wanted to improve the minimum standard and then they would cost that improvement and then they would set about to collect the funds to provide for that improvement at the local level. So, we would have the decision making where it belongs, strictly at the local level. People would be saying, "We want this for our children and we are willing to pay these many dollars for it." At the moment that is not happening and people are having imposed upon them a tax that they have had no real say in and therefore we cannot blame them if they are a bit disgruntled about having to pay it.

AN HONOURABLE MEMBER: Hear! Hear!

MR. MORGAN: Yes, Mr. Speaker, I would like to say a few brief words on the Amendment to the Local School Tax Act because in the

Bonavista Bay area in my district there has been a controversy over school taxes and school tax authorities during the past number of years. I am very pleased that this bill is repealing section 46 of the act and is going to give the cabinet the authority upon recommendation from the minister to make regulations with regards to removing the rigid requirements of qualifications for exemption from school tax.

The reason why I say that I am pleased to see that is because some of the lower income people in my district, the fishermen who are on marginal, seasonal incomes, they make application for exemption but it seems that the various school tax authorities have inconsistencies with regards to their regulations along that line.

One school tax authority for example may exempt an individual with the same kind of qualifications for exemption in one area but an individual in some other area with the same qualifications for exemption would not qualify. I am very pleased that this act will give the authority to the cabinet, the Lieutenant Governor-in-Council, upon recommendation from the minister, to make regulations to remove inconsistencies with regards to exemption and qualifications for exemption from school taxes all over the province. In other words, it would be one regulation governing all school tax authorities. Thank you, Mr. Speaker.

MR. SPEAKER: If the honourable minister speaks now, he closes the debate.

MR. OTTENHEIMER: Mr. Speaker, I do not intend to speak long but to comment on some of the points raised by the two education critics in Her Majesty's Loyal Opposition. Again I am flattered, Mr. Speaker, by the fact that we do have two education critics. In some provinces, in about five I believe, there are two education ministers. That obviously is what the opposition has, two shadow education ministers.

AN HONOURABLE MEMBER: It takes two.

MR. OTTENHEIMER: It takes two. Well, that is what I was thinking and hoping but my modesty would not allow me to say it.

AN HONOURABLE MEMBER: The minister casts a large shadow.

MR. OTTENHEIMER: Right. Both physically and in other ways I hope.

AN HONOURABLE MEMBER: The honourable minister overshadows too.

MR. OTTENHEIMER: What the honourable gentleman said was what my modesty would not permit me to say.

MR. HICKMAN: No counterattack remember.

MR. OTTENHEIMER: No counterattack?

MR. HICKMAN: Right.

MR. OTTENHEIMER: The acting Premier I must say is certainly throwing his weight around. I hesitate to say a word. However, what can one do.

MR. HICKMAN: Sorry about that.

MR. OTTENHEIMER: Mr. Speaker, the whole area of financing a school or education is an extremely complex one. Both honourable gentlemen or all honourable gentlemen know that. For example, there is a possibility, as the honourable member for St. Barbe North suggests - basically he has had two suggestions: One, that the provincial government assume the whole educational burden leaving an area for voluntary involvement or the possibility - I do not think he mentioned it this evening but he mentioned it I believe last year and perhaps since - that is of a provincial or a provincewide school tax authority. There are those two possibilities.

Then of course there is what the honourable member for Hermitage pointed up and that is the opposite side of the same coin. That is because my reaction to the honourable member for St. Barbe South has been that there is a strong case being made as well for a localized or regionalized school tax authority. Of course, as the honourable member for Hermitage says, the regional ones we have are not that local because they take in fairly extensive areas and quite a number of communities.

So, on both sides of the coin there are difficulties. If we have a provincewide one, then the position pointed out by the honourable member for Hermitage is much more of a serious criticism because now while not local they are at least regional. If we have a provincewide one, then they are not localized at all, they are

totally provincewide, it is totally centralized. Yet, if we have them localized, as the honourable member for Hermitage suggests, with really local involvement - we do not have that now with regional ones - then obviously we have more of a proliferation than we have now and it was the proliferation that the honourable member for St. Barbe South referred to. So there are no easy solutions to it.

The honourable Member for Hermitage also referred to foundation programmes. I would suggest that in many ways we have a foundation programme in Newfoundland now. There is a formula of teacher allocation which is provincewide. There is a formula for operational grants, provincewide now. There is a formula for capital grants or there is a total vote for capital grants and there the division is made on a denominational basis which is provincewide. The specification for where each amount goes of course is done by the denominational authorities after the province has voted a certain amount. I would say to a very large extent we do in fact have a foundation programme.

In this the twenty-fifth year of Confederation, when we are celebrating it, I would say that one of the most serious, the most unfortunate, the saddest, perhaps one of the few condemnations: if you wish - maybe that is too strong a term and maybe it is not - but one of the few points which really I think show that the spirit of Confederation has not been fully accepted by Canada, by the federal government, is their renegeing on their responsibilities in education throughout Canada. They can talk on constitutional niceties. If the people in Quebec want to speak on constitutional niceties, that is their privilege but it is certainly not a luxury we can afford in Newfoundland. We are not that concerned about constitutional niceties in terms of education for our people. We are concerned about it in terms of our offshore rights and other things.

In terms of human development, yes, they can, certainly they can because people come first. Continental shelves and minerals and forests and fisheries are darn important but they come second or

third or one-and-a-half but they cannot come first. People have to come first. In what comes first, I would suggest that the federal government - I am not talking about whether it be a Tory Government or a Liberal Government - the federal government, the federal mentality, the Ottawa mentality has not lived up to what I consider to be an obligation under Confederation and that is an obligation to equalize educational opportunities as far as humanly possible throughout Canada. Because if Confederation is to mean anything in human terms, it must mean that everybody by the mere fact of being a Canadian, whether he be a Newfoundland Canadian, Alberta Canadian, a Manitoba Canadian, a Quebec Canadian, whatever he is he must have a birthright as a Canadian to a certain level of achievement and competence in education and training. There Ottawa has fallen down. Ottawa has fallen down since 1949. There have been Liberal Governments, there have been Tory Governments.

AN HONOURABLE MEMBER: Inaudible.

MR. OTTENHEIMER: Well, perhaps so but we were not there that far but that is true. As the honourable member for White Bay South points out, they have fallen down as far as the Maritime Provinces or the other Atlantic Provinces are concerned. They have fallen down ever since Confederation and since 1949 they have fallen down as far as we are concerned. That is a black mark against the Tories and the Liberals and whoever has been in Ottawa. Since 1949, they have not recognized that.

AN HONOURABLE MEMBER: Maybe we need the New Democratic Party to run her.

MR. OTTENHEIMER: I do not know that they would be any better. I do not know.

AN HONOURABLE MEMBER: Inaudible.

MR. SIMMONS: I sort of got worked up. Sorry! Would the minister permit a question?

MR. OTTENHEIMER: Yes.

MR. SIMMONS: I have listened with interest to what he has had to say on federal involvement. I wonder would he explain to the House how

he relates this or jibes it with his earlier stand some weeks ago in this House where he admitted that he had refused further funds, I do not know about refuse but had decided against seeking further DREE funds for education?

MR. OTTENBEIMER: I certainly welcome the question. This government never refused further DREE funds. The fact is that under the general development agreement the federal government did not in fact agree to make further funds available for DREE schools. We did not refuse them; we never had the opportunity to accept them. I would hope that when a review comes up in a years time that may well be open for review. It is not that we refused them, we did not have the opportunity to accept them. That is basically it. We did not have the opportunity to accept school construction under the DREE agreement; we did not in fact refuse them.

I have spoken about certain inefficiencies or built in bureaucratic procedures and procrastinations and I think excesses, things not really necessary for a good educational system because one could have a very good school, as the honourable gentleman for Hermitage certainly knows. Last August I was up at Beaumont, Long Island, at the invitation of the honourable gentleman for Hermitage who was then superintendant for the Green Bay integrated district. I was up for the opening of a school there. It was a new school, modern, I would say an excellent physical facility and functional and very adequate in every way. I have been to the opening of, I can think of two other - I have been at a number of them and two other ones, one a Roman Catholic school near Pasadena, sometime last spring, which was also a new, modern school and one on New World Island, Summerford, Pentecostal school, these are the three that come to mind as new, modern, pleasant, attractive, adequate schools with all the facilities that were needed, and done outside of DREE.

My criticisms or reservations or comments, whatever you want to call them about DREE, have not been the fact of federal participation in school construction. It has been the inordinate,

bureaucratic mechanisms of liaison committees and eternal and unending meetings and the fact that in many cases school boards are at the mercy of architects or designers or planners who keep building in and building in hundreds of thousands of dollars which unless people are professional architects, they are almost impossible for them to cope with. Certainly it has not been of the concept of federal involvement.

I am inclined to think - and I say this off the cuff in a sense without having thought it out and it is not a considered opinion and I may be wrong - that probably from the point of view of school construction, I do not view school construction as necessarily the most important part of the federal government's involvement in education because everything in education has to do with content. You have to have a structure in which to have the content operate. Perhaps, from the point of view of construction the best thing the federal government could do would be to agree to make available to the province on a loan basis or let us say like the former DREE agreement, fifty per cent grant, fifty per cent loan, a certain sum, \$20 million, \$30 million, \$50 million, \$10 million, whatever it is. Then allow that to be applied by the province in school construction because I do think that in this province, in conjunction with school boards and superintendants and principals and the people involved, we are able to identify our needs and our priorities a lot better than these bureaucratic, federal provincial committees which go through an almost eternal process of revision and study and all of that.

I do think that probably from the point of view of capital construction, the best kind of input the federal government could have would be to make a certain amount available which then we, the Department of Education, in consultation with the school boards, denominational authorities, the whole educational constituency could then designate as to where and how it should be spent.

AN HONOURABLE MEMBER: Mr. Jamieson is too busy putting it in Burin, Burgeo.

AN HONOURABLE MEMBER: Inaudible.

MR. OTTENHEIMER: Just on some of the specific points here. I do want to re-emphasize this, the statement that I think I started out with and that is that I do believe that here in this Silver Anniversary of Confederation, one area where the full potential or promise of Confederation has not been realized is in Ottawa's nonacceptance of the following proposition: That proposition is that people, as Canadians, irrespective of what province they come from, have certain inalienable, inherent rights as Canadians and that an essential aspect of that is a certain defined equalization of educational opportunity and that has not been realized.

Certain provinces - Newfoundland is one of them - do not have the financial ability for certain expenditures which other provinces have. Granted the principle of equalization works to a certain extent, I think that the federal government does have a moral responsibility to directly intervene for that equalization. That does not necessarily mean Ottawa determining the educational system within each province. It merely means Ottawa realizing the greater needs and the lesser revenues, if you wish, the lesser

potential revenues on a per capita basis of various provinces, and redistributing federal revenues in accordance with that.

Now just on a few of the other matters with respect to the school tax authorities.

MR. F. B. ROWE: Would the honourable minister permit a question?

MR. OTTENHEIMER: Right.

MR. F. B. ROWE: The point that the minister just used with respect to the federal government could just as well be applied to the provincial government with respect to the collection and distribution of funds in education, is that not true?

MR. OTTENHEIMER: Yes, there are two; giving or taking with changing circumstances, mutatis mutandis.

MR. F. B. ROWE: (Inaudible).

MR. OTTENHEIMER: Yes, that is correct.

I have been sitting next to the two learned members with years of experience at the bar, one of whom I articulated with, the other one with whom I have been rubbing shoulders and who has been stepping on my toes every time he goes out for a smoke, much too often for his health. I certainly imbibed a great deal of wisdom from the two.

MR. F. B. ROWE: (Inaudible).

MR. OTTENHEIMER: Yes, I agree. The same basic argument is correct. Of course the honourable gentleman and the gentlemen to his right realize the difficulties inherent therein because certain grants we make are made per capita to the denominations. Capital grants are made, a certain amount to each denomination and they, internally, within their own sphere of priorities distribute it. The argument is also essentially valid within a provincial context.

The only comment I would make is, of course, that Ottawa has much greater not only resources but much greater flexibility to do that.

Now the only other matters I wanted to refer to; I suppose essentially the argument with respect to financing of education, are either (1) the provincial government should assume it all or (2) there should be a cost-sharing of it. Now so far we do not accept the proposition that the provincial government should assume it all. That was tried in 1967, a noble, brave, experiment, two per cent of the S. S. A. Two per cent was added in 1967 and this was to cover all the costs of education and for some reason that is academic, it did not work. It just did not work. In 1967 we were told (I can remember sitting over there and I can remember honourable gentleman sitting over here) that if we should put on two per cent of the S. S. A. education would be free. It did not work. It did not work then and there is no more reason to believe that it will work now because the fact is that very few things are free. I really do not see that total provincial; with the province's resources as they now are, financial resources, that that is a practical or a possible alternative.

Then one comes then to the other alternative of a certain amount of local involvement. If one has a certain amount of local involvement, there are two alternatives; assessments, school taxes. Why are they different? In assessments those people who have kids in school pay, and taxes, all people who have the financial ability pay. We have to ask ourselves which is more fair, which is more democratic, which is more equitable, assessments or taxes in St. John's. There is a great deal of interest now in St. John's. I hope the honourable gentlemen and the press are listening now. In St. John's, what we have had up to now is a system of school assessments and that means that those parents who have kids in school pay an assessment. It means anybody, no matter what his income, without kids in school does not pay one damn cent, not one darn cent. That is the basic different.

AN HON. MEMBER: Do not shout!

MR. OTTENHEIMER: That is the basic difference. If one has local financial involvement, one has assessments where a parent with kids in school pays a certain amount. In St. John's now I think it is twelve dollars a month. People, irrespective of their income, irrespective of their resources, if they do not have children in school they do not pay anything.

Now under a system of school taxation what happens?

All of those who have the financial ability to pay, whether they have children in school or not, do pay. Where is the great furor coming from in St. John's? It is coming mostly from the Board of Trade, mostly from industry, mostly from commerce, mostly from the business communities, because they have never had in a corporate capacity to accept any of the local responsibility for school taxation. Never have the businesses, never have the retailers, never have any of the stores, never have, including the lawyers, any of these in a corporate capacity, never has anybody or Canadian National or the federal government offices here, never has anybody in any corporate capacity ever had to accept any local responsibility for education.

MR. HICKMAN: Or the chartered banks.

MR. OTTENHEIMER: Or the chartered banks.

MR. HICKMAN: Right.

MR. OTTENHEIMER: With the institution of school taxes in St. John's, no longer will only the parent with kids in school have a financial responsibility but the retailers, the merchandizers, the banks, all of the commercial and industrial establishments in St. John's, they will have to bear a certain amount of that financial burden, which they have never done before.

SOME HON. MEMBERS: (Inaudible).

MR. OTTENHEIMER: There is where the big opposition is.

At least ninety per cent of the parents with kids in schools in St. John's will pay less under school taxes than they do now. At least ninety per cent of the parents with kids in schools in the St. John's Area will pay less in school taxes than they do now under school assessments.

What is the big difference? The big difference is that people without kids in school but with the financial ability will also have to contribute and the really big difference and the noisy difference and the brief difference and the difference one sees on television and hears on radio and reads in the press is that the stores, the merchandizers, the retailers, the sellers, the commercial people, the industrial people, for the first time they will have to accept a certain amount of responsibility for the local financing of education.

Mr. Speaker, I ask you that when you look and when you hear about the reactions to school taxes in St. John's, ask yourself who is saying it? Is it a parent of a kid who is going to be paying less under school taxes and under school assessments or is it somebody who has a store who is peddling shoelaces, who is selling rags or shoes or whatever they have? I think, Mr. Speaker, I will move second reading.

On motion a bill, "An Act Further To Amend The Local School Tax Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave.

Motion, second reading of a bill, "An Act To Amend The Motor Carrier Act."

HON. T. A. HICKMAN (Minister of Justice): Mr. Speaker, this bill really does not need any debate. The provisions of the bill are set forth in the explanatory notes and they are primarily designed to provide for the smooth and efficient operation of the board and to cure certain idiosyncrasies and difficulties in the bill. I move second reading.

On motion a bill, "An Act To Amend The Motor Carrier Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave.

Motion, second reading of a bill, "An Act To Ratify, Confirm And Adopt An Agreement Between Government And Canada Bay Lumber Company Limited."

HON. W. DOODY (Minister of Industrial Development): Mr. Speaker, this bill is aimed at ratifying an agreement between Government and Canada Bay Lumber, a subsidiary of Chester Dawe Limited, who are establishing a sawmill operation in the Roddickton Area, White Bay North. They are putting in a planing, mill, a sawmill, office, garage, stock room, which is completed. They have ninety per cent of their equipment in. The capital investment would be in the order of \$1 million and the operation hopefully will start in August. The production will be in the order of five million board feet a year and ten thousand cords of pulp wood on a one-shift basis. They will employ approximately one hundred people, ninety to one hundred people.

The agreement with government requires us, the government, to set aside a selected cutting area, which is outlined in a map attached. The cutting rights to that area, which is in the Grenfell Block, were arranged by an exchange with Bowaters some time ago. We undertook to give fifteen year rights to the company up there. If we cannot get the rights renewed or if the wood is not available after that time, we will undertake to buy the mill back from the company at a cost of \$500,000 or the cost of all the tangible assets after deducting therefrom various items which are listed here.

The stumpage fee is fixed at three dollars a thousand and one dollar and fifty a thousand, which is less than the standard stumpage rate in that area. This is done because of the size of the operation and the capital cost of the investment plus, of course, the fact that this agreement has been in the making now for - well it was started before we came into office. Most of the items that are involved here had been agreed on prior to that.

A logging plan has to be supplied by the company and approved by the Department of Forestry to undertake to help the company with a logging plan.

AN HON. MEMBER (Inaudible).

MR. DOODY: The government undertakes to supply the power at hydro rates.

6727

MR. DOODY: There is an S.S.A. exemption built into the agreement under a separate Order-in-Council which had been passed sometime prior to that. The S. S. A exemption was not in the agreement. It was gazetted by Order-in-Council in St. John's, Tuesday, March 19, 1974. The regulations cited it as the Retail Sales Tax Amendment. It was put through as an amendment to the Retail Sales Tax Act.

MR. ROBERTS: (Inaudible).

MR. DOODY: The Canada Bay Lumber Company is exempted from all taxes imposed by the act or any act repealed by the act on the consumption or use of machinery or equipment originally installed and for the operation of a large scale integrated sawmill near Roddickton, Newfoundland. I said last night that there was no S.S.A. tax. I checked on that today and it had remained in there. I mention it for that reason. The S. S. A. exemption we estimate will be worth then approximately \$25,000 or something of that nature.

The hydro rate will work out to somewhere in the nature of \$10,000 to \$12,000. That is a standard industrial fish plant rate - anybody who is on the diesel system.

In the bill here the stumpage rates are fixed but it is an open thing. In the agreement, as I remember it, the stumpage was fixed for a ten year period after which it was to be renegotiated at another rate. It does not say this here.

MR. ROBERTS: (Inaudible).

MR. DOODY: Yes.

If it be possible, I should like to get that amendment in there.

MR. ROBERTS: In committee stage.

MR. DOODY: Yes, in committee stage. If somebody could move that. The stumpage rates are set for a ten year period after which they are to be renegotiated. We would be only too happy to put that in there. It should have been in there but it was left out, unfortunately.

The size of the area which has been given to the company to log may be considered a large one but they estimate in one section of it, the forestry people say, that there is about 250,000 cords. The other section, the smaller section, contains about 100,000 cords. That is at five million board feet per year, which works out to about 20,000 cords. That is only a twelve year supply of wood for the operation, 20,000 cords per year, ten years is 200,000 cords; 250,000 cords, yes.

AN HON. MEMBER: (Inaudible).

MR. DOODY: Yes, that is right.

MR. ROBERTS: How many cords -

MR. DOODY: Five thousand. It is doubled.

Where is our Forestry Minister?

MR. ROBERTS: (Inaudible).

MR. DOODY: It is about half and half. They cut 10,000 cords for pulp wood and 10,000 cords for lumber. It is not, obviously, all saw log material. They will cut out that much area.

Of course, there is a clause in here which gives the third parties permission, with the consent of the company and the government, to cut in that area. We think that it is a good opportunity for the area to obtain a good sawmill operation, a good integrated sawmill operation. We feel that it is going to be one of the better operations because it is a total utilization effort. The slabs will be used as mats and the pulp wood will be sold to the linerboard mill or has been to date and hopefully will continue to be unless they can find a better market for it elsewhere. Of course, the lumber is being sold to their own company.

I think in this area, which the Hon. Leader of the Opposition knows very well, there is a need of steady employment and an operation such as this, which will employ somewhere in the vicinity of eighty or ninety people, will be an asset.

I move second reading of the bill.

MR. ROBERTS: As the honourable minister has pointed out, I am more than familiar with the area and with the project that is dealt with in this bill and the agreement which is part of the bill. Indeed, Sir, in many ways the project that is embraced by the terms of this agreement is one which I suppose has marked or whose course has occupied the entire course of my career at least to date as the Member for White Bay North. This mill in a very real sense represents the bringing to fruition of a dream and of an ideal which the people of particularly Roddickton but also the communities nearby because Conche, Bight Arm and Englee, men from all these communities will come to work on this project. This project is something for which everybody in the area has worked for a very long time. It represents, Mr. Speaker, the first time that we have used the woods resources around Roddickton in anything like the proper fashion. It is not the time nor the place to go into it in detail but Roddickton, Your Honour, is a community that grew up because of the woods industry. There was nobody living in Roddickton until about the mid 1930's. There was one sawmill up there that Dr. Grenfell put there. I am told that in the fall of the year some men would come up from St. Anthony and they would log there, cut trees and they would saw-log them and then they would saw up the wood and it would be shipped down to St. Anthony and be used for the mission.

Mr. Speaker, about 1930 or 1940, in that period, people began to move into Roddickton. The community was named after Sir Thomas Roddickton from Harbour Grace who was a famous doctor and went to McGill. Saunders and Howell, a Carbonear firm, were there. They walked out in the early 1950's. They just for some reason up stakes and walked out. I suppose it was no more

economically feasible. It was not profitable and the whole community just fell to pieces. Then Bowaters came in and Bowaters acquired by purchase from the Grenfell Mission the so-called Grenfell block.

MR. HICKMAN: (Inaudible)

MR. ROBERTS: As far as I know they bought all of the Grenfell Mission holdings, and the Grenfell Mission holdings were given by crown grant in 1910 or 1912, a long time ago. Bowaters then logged in that area, pulpwood, for a number of years. Finally, just at the time, ironically, that Charlie Granger succeeded in getting a huge wharf built there to ship pulpwood over, Bowaters pulled out and so the community collapsed again.

Then Mr. Chester Dawe, a well-known entrepreneur, a well-known lumber dealer and sawmill operator moved north. That was about 1957 or 1958 when the government interested Mr. Dawe in going down there. It is quite a story. Quite a story! Mr. Dawe's father had logged in White Bay and I think that was the reason that drove him, the impulse that led him back to White Bay. He slugged it out there. I do not think he made a great deal of money, to give the man his due. He certainly did not pay his employees very well but I think the project was pretty thin economically.

Anyway, that operation staggered along and finally by the mid sixties people began to realize that there was a substantial resource there and it was not being used. Then the effort began to try to persuade a company to come in and set up a proper operation, an integrated forest operation with some long-term life to it.

The people in the community: Roddickton has about 1,500 persons in the community. The only source of employment in the area is from the woods and from this woods industry. It is a long road but apparently it has now come to the point where we are ready to see some action. The bill itself, Mr. Speaker, the agreement which we really are debating is not one that is new to me. I think really all of it was agreed to, at least in principle, before we left office in

1972.

Certainly the power subsidy item is not new, the S.S.A. exemption is not new, the agreement for the wood limits is not new. Indeed, back in the mid-sixties when I was parliamentary assistant to the Premier, Mr. Hugh Joyce, who was then president of Bowaters (Nfld.), and myself were set to work negotiating the exchange. I think one will find the exchange in law rests on a letter I wrote with the assistance of Dr. Peters and Mr. Ed. Ralph, who were then the government's forestry advisers there in Indian Bay and Bonavista North.

Sir, the wood limits were made available and finally Mr. Gardner is ready to move. I support the bill, I support the project. The people in Roddickton are very pleased with this because they are looking forward to a number of very well-paid jobs in the mill itself, in the planing mill and of course, there will be a substantial amount of work in the woods.

Having said that, there are one or two minor points that I would raise. Let me first of all do this amendment question: The Minister of Justice could correct me. I do not think I am wrong, the minister's colleague, the gentleman from Harbour Main, wishes to move an amendment to the agreement. That could be done in committee but I believe an amendment to the agreement in turn has to be another agreement. So there would have to be an agreement, that perhaps the Minister of Justice could together. The schedule to this bill which we shall debate in committee, if the committee should wish, is an agreement between Canada Bay Lumber Company (Mr. Peter Gardner is the principal man there) on the one side and the government (as represented by the minister) on the other. There would have to be tabled a subsidiary agreement and that would then have to be incorporated into the schedule itself. If it is to have the force of statute law, it will have to go through that process.

I do hope there is an agreement, even though I shall oppose the amendment. I think what should be done is not to fix this cordage rate even for ten years. I think, Mr. Speaker, that it is entirely

unreasonable of the Canada Bay Lumber Company or any other company to ask for a stumpage rate that is fixed like the laws of the Medes and the Persians.

The Minister of Forestry recently announced new stumpage rates. I think he may have a point because the value particularly of lumber, sawn lumber, cut lumber has gone up until it is at about the price of gold dust, \$320 per thousand for plain lumber here in St. John's. I am told that is the price. I think it is ridiculous that we will only get as a government, as a people, as a country, three dollars per thousand for what are government-owned woods, crown-owned woods. Because, although Bowaters may hold legal title the arrangement with Bowaters is simply on a cord for cord exchange basis. So these are crown lands. In effect they are coming out of the crown stock. Three dollars was reasonable a couple of years ago but now the government's own figures are that five dollars is reasonable. That is the general rate, as I recall it, they propose to charge around the province.

What happens in a few years if the price of lumber, Sir, goes to \$1,000 per thousand? It could easily do that. It has gone from \$100 per thousand to \$300 per thousand within the past two years. Are we then as a people still fixed to this three dollar per thousand limit? I hope not. I think it is wrong. I think the agreement should say, the government should take the position that the stumpage rate will be the same as that which everybody else around the province pays. That is fair.

Let me just read a letter which came (I got it yesterday. It was written on May 12, addressed to me.) to show the minister the sort of problem he is going to run into. It is from a firm, Pilgrim Brothers, Limited. They are a fairly substantial operator in Main Brook. Indeed they are probably cutting as much wood as Canada Bay Lumber Company is. I do not know the exact cordage figures but they are probably cutting as much wood. They are cutting it on crown land and most of it is going for export to the Linerboard Mill at Stephenville.

MR. DOODY: (Inaudible)

MR. ROBERTS: They are a pulpwood outfit, reputable operators and good

people. The letter begins: "Regarding our telephone conversation concerning the royalty rates on pulpwood and lumber." Mr. Pilgrim rang me to say that he heard Canada Bay Lumber Company were getting a rate. I said; "Well, I do not know about that. Please give me a letter with what you know in it and I will go from there." If the minister should like a copy I shall be delighted to send him one.

The letter goes on: "I have recently learned that the Canada Bay Lumber Company of Roddickton, operated by Mr. Peter Gardner, is paying only three dollars per thousand for lumber and one dollar and fifty cents per cord for pulpwood." Of course that is a correct statement. These figures are those contained in this agreement, although Mr. Pilgrim was not privy to the agreement nor was anybody really until it was tabled here in the House. "Whereas we are paying five dollars per thousand for lumber and two dollars and fifty cents per cord for pulpwood. Also, we have reason to believe that the rates for 1972 were lower than the rates then that we paid."

It goes on; "Since the Canada Bay Lumber Company is receiving the same benefits from the government as we are, such as access roads and snow clearing, we would very much like to know the reason for the difference in the royalty rates." I would like the minister to tell me the reason for the difference because I cannot answer that letter. I can say there is a difference and the reason is that there is an agreement between the government and the Canada Bay Lumber Company, but that is not a full and complete and satisfactory answer.

It is a serious problem. Because to go into an area as valuable as this industry is (It will make Roddickton. The people there can plan their lives, they can build homes, the community will grow and prosper)

to go in and to say to one crowd that no matter what happens to the price of lumber, no matter what profits you make, no matter what stumpage rates everybody else is going to charge, your stumpage rates are fixed at three dollars per thousand or one dollar fifty a cord for pulpwood. To say that to one group and to another group that you will have to bear and pay the going rates, that is unfair, it is discriminatory. They are both selling to the same market.

Mr. Gardner's production of the Canada Bay Lumber Company's

production is sold to only two sources, Sir. Number (1) is the Linerboard Mill at Stephenville and they will pay the same price to Mr. Gardner or Mr. Pilgrim or anybody. The second place that Mr. Gardner sells his lumber is to himself, to Chester Dawe, Limited or some company here in St. John's. He is connected with Chester Dawe Limited. I think he is probably managing director of that firm now. They retail then and send it out through the normal retail channels.

Mr. Pilgrim is in the position of having to sell it to some dealer who in turn will do exactly as Chester Dawe, Limited do, sell it at the retail trade. It is quite discriminatory, it is quite wrong and I submit it is quite unnecessary. I say that if we agree to it as a government then we are still wrong. I hope it is not too late to correct that mistake. I do not think it would change the economics of the matter substantially.

The lumber industry in the two years since the agreement was worked out or two years and a part since the agreement was worked out between the Government of the Province (Then with the Liberal Administration) and today the economics have changed immensely to the benefit of the entrepreneur. Immensely! That lumber is now being bought for seventy-five or eighty or ninety dollars a thousand. That is what it costs to have the lumber delivered to the mill, of that order. Let us say one hundred dollars. It costs fifteen to twenty dollars a thousand to plane lumber so let us give it twenty dollars or up to one hundred and twenty dollars a thousand, then another fifteen dollars to twenty dollars a thousand to ship it in.

The Minister of Forestry may correct me if I am wrong, but I have checked the figures and this is what I am told is right. Fifteen to twenty dollars a thousand to ship it from Roddickton to St. John's - so we are talking one hundred and forty dollars. Let us round it off at one hundred and fifty dollars a thousand. It is worth \$300 a thousand here in St. John's, on the retail market.

The gentleman from Port de Grave is in the business. Are my figures roughly correct? Well, \$300 per thousand on five million board feet a year. That is five thousand thousand and the profits \$150 per

thousand. That is \$750,000 a year gross profit. Out of that must come any expenses. (I have covered the planing and I have covered the transportation) Out of that must come the administrative expenses here of selling the lumber and out of it must come, of course, income tax, but we are still talking of an enterprise that will put into the hands of the entrepreneurs, \$200,000; \$300,000; \$400,000 a year each year and it will never be less.

The price of lumber is not going down so I would think, Sir, that business that profitable can afford in full measure to pay the same stumpage rate, no greater, but can afford to pay the same stumpage rate as does anybody else cutting on crown land. They are going in with an integrated operation, they are going in with a large scale operation and these are both very desirable.

The Task Force on Forestry Report recommends precisely this sort of operation for Roddickton. Indeed, we had it set up even before there was a task force set up but it recommends it and it recommends similar ones for Baie D'Espoir, for Ray Osmond's operation at Gambo Pond and for the Harbour Deep, the Mooney Block and so forth. I do not see any reason why these people now have in effect subsidies from the Government of Newfoundland on their stumpage rates.

The power rate, as the minister said, is more or less a standard idea. Fish plants get it. The Hawkes Bay plant is getting power at hydro rates because there was a line run down to Hawkes Bay for that purpose. But the stumpage rate, I think that is very unfair. There is no doubt in my mind that the operation is sufficiently profitable. I am not privy to Mr. Gardner's business secrets nor indeed any other kind of secrets Mr. Gardner has. Indeed, Mr. Gardner is one of the people who currently is taking a firm with which my father is associated through the law courts, and more power to him.

The calculation I have just done are based only on public information and they show that this project will produce a gross profit of the order of at least \$500,000 to \$750,000 a year. We the people of Newfoundland are helping to make it possible, Mr. Gardner and his company are making it possible as well. It is a joint operation but I

do not think we need to subsidize them on those stumpage rates.

Ten years from now who is to say what the stumpage rate will be? It may be twenty dollars per thousand. It could easily be twenty dollars per thousand, yet here they will be paying three dollars per thousand. It is wrong, Sir, and the government should change it.

The only other question I put in on it really (Well one or two very small points) but perhaps the minister (I suspect nobody else will speak on this) perhaps the minister could deal with these. There is a clause in the agreement, he referred to it, that third parties are allowed to cut. I would ask him if he could look into this because there is no requirement that the company - the normal wording is: "The company and the government have to give their consent, which consent shall not be unreasonably withheld." Then in any given state of facts people can look at it and determine whether it is reasonable or unreasonable for a company not to consent.

There is no requirement here. It just says: "Provided that such third party or parties obtain the consent of the company and the government." The company might adopt a complete dog-in-the-manger attitude and say: "No, we shall not allow anybody." That provides a lot of work, Mr. Speaker. I think the minister is familiar. There are five or six people cutting down there who - indeed, four or five men working to a mill, and they could be wiped out. I would ask the minister to assure the House and to take whatever steps are necessary to ensure that the company cannot withhold their consent unreasonably. Nobody would ask them to give consent to having a third party cutting on their limits if that would injure the company's true interests. I do not want them now nor their successors - because, Mr. Gardner may be a reasonable man but he may at some point sell the business or he may move on and somebody else may move in and take over that business - and we do not want them to just say; "Bingo! You shall not cut! We are protected by an agreement!" This agreement is sufficiently generous.

The government are giving enough, the people of Newfoundland are giving enough to be able to require that in return.

Also, along the same lines, I realize this is not in the agreement and I am not so sure it is entirely the responsibility of the minister but I would invite to his attention that Mr. Gardner has publicly welcomed (I was at the meeting and had the question put to him) the idea of a union. I would urge the minister to use his best efforts to ensure that those men are given the opportunity, that we are not up against a dodge which may be used, the independent contractor dodge with which anybody who has had any knowledge at all of the woods is only too familiar.

I would invite the minister to invite, in turn, the company, Mr. Gardner and his associates, to ask the union to come. One can get union recognition in this country by two means, Mr. Speaker. One is by certification vote and an order by the board or an order without the vote and the other is by voluntary recognition. I think that the government have the moral right to ask Canada Bay Lumber to recognize the Carpenter's Union voluntarily.

The other thing that may happen, Sir, and I know whereof I speak is this: The company do not hire anybody to cut wood, they are not hiring anybody now to cut wood. You drag your logs out and put them in front of the mill there on the road out of Roddickton and you get paid cash on the barrel head, seventy-five dollars, eighty dollars, ninety dollars a thousand whatever it is.

AN HON. MEMBER: Piecework.

MR. ROBERTS: Well, it is like piecework. Say, Mr. Tobias Canning or Mr. Fletcher Weir or others have a little mill, a little pushbench and when they go in and cut their trees on their limits, using these access roads and then they hire the four or five men with the chain saw and the timber jacks who cut the trees and move them out, Canada Bay Lumber Company takes care of all the bookkeeping, things like Canada Pension Plan, Unemployment Insurance, Workmen's Compensation and Income Tax, all the things which must be dealt with, but they do not hire anybody. So

when the union comes into Canada Bay to rap on the door and say;
(The Minister of Manpower I know is familiar with this sort of thing.
It has happened often in this province.)

"We would like to go around about your men to see if they would like
to be represented by a union, to get all the benefits of the union
and have somebody to speak for them." The company then -

AN HON. MEMBER: (Inaudible)

MR. ROBERTS: Well, I may be putting it rather badly but the company then
says: "But we do not hire anybody. Mr. Canning hires people, Mr. Weir
hires people, Mr. this one and Mr. that one hires people." There is
a weakness in our Labour Relations Act, and I hope the new labour code
will take care of it.

Was it Bowaters? Yes, Bowaters used to try this years ago and
one of the things that really led to the I.W.A., the bad feeling in
the I.W.A. was Bowaters trying the independent contractor business.
Price, the old A.N.D. Company never fell into it. I urge the minister -
Mr. Gardner has said publicly at a meeting in Roddickton that he would
welcome a union. He is willing to pay union wages and above all, the
union benefits, the transportation time and all the things that the
Carpenter's Union has won, but I would urge the minister to assure
the House that he will use the moral weight of the government to urge
the company, and it is a company, Mr. Gardner is the - I do not know
what his official title is.

AN HON. MEMBER: He is a director.

MR. ROBERTS: He is a director. He is the major force in the company,
a very astute man, indeed, a very bright man. A little warped in his
political views from time to time but very intelligent, very hard-working
and a man who knows how to run a business. I have no doubt that if
Peter Gardner cannot make a nickel in Roddickton there is nobody on
this earth that can make a nickel in Roddickton. My concern is not with
that. My concern is with the same point the minister made, the one
hundred persons who will find jobs.

I think this act, this project, and I take sort of at least a
midwife's interest in it, I assisted at its birth. I do not know

if I can say more than that without being very unparliamentary but I certainly can claim that interest in it and I do. It is a good project. It is one that is a good use of a resource and one that will benefit people.

There are only these minor points in the agreement. The stumpage rates should not be fixed. The company is going to make three quarters of a million bucks a year so let them pay at least the same taxes as some fellow who has a \$5,000. loan from Rural Development who has to try to pay that back and go with a push bench. Why, if he can afford to pay this the company can.

Similarly, I am not saying that they are going to try to beat the union, but that suspicion is in Roddickton. Mr. Gardner has said publicly that he would welcome a union. I would urge the minister that

he use the government's quite considerable moral force in this to ensure -

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Well I mean they will not beat the union but I just assumed that the people in Roddickton do not have to go through it, I mean I will go down and organize the union myself if they want. I believe they should have a union but it would be a lot easier if the company would accord voluntary recognition. We could get that matter settled, get the standard contract in and let the thing go ahead.

A good project. The people of Roddickton welcome it. The people of Bide Arm and Conche and Englee welcome it. I think the people of the province would welcome it. They would welcome it a lot more if the minister would only agree to the points that I have raised. We shall support it, Sir, and do so gladly.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Well that is next boy.

MR. CHAIRMAN (DUNPHY): If the minister speaks now he closes the debate.

MR. DOODY: Mr. Speaker, the Leader of the Opposition touched on the whole substance of the bill and of the agreement, which is the social economic value of this operation to the Roddickton Area. The reason for the stumpage rates which are shown here, at the rates that are shown, which are admittedly lower than those which a firm like Pilgrim pay in the same area, are out in there precisely because of the type of operation that the Canada Bay Lumber people are putting together.

The capital investment, as I have said, on this operation is \$1 million. That is considerably more than the standard woods operation in Newfoundland. It is the sort of thing that, in my opinion and the opinion of this government should be encouraged. If it mean that we have to give them a smaller rate in stumpage to encourage that sort of operation then I think it is a wise thing to do. The total utilization of the resource -

AN HON. MEMBER: Inaudible.

MR. DOODY: I beg your pardon?

MR. NFARY: One million dollars of -

MR. DOODY: There is about \$200,000 of DPEE. That is what they are entitled to. That is what the maximum grant will be but they are expecting to get \$120,000, the rest of it is their money.

AN HON. MEMBER: Inaudible.

MR. DOODY: I hope that they will, you know. That is the way it works but the thing is, you know; is it better to encourage that sort of operation or to give everybody the standard rate and encourage this sort of a push bench operation that he described?

AN HON. MEMBER: Inaudible.

MR. DOODY: I do not think so. I think that it is in the best interest of the resource and of the province and of the economy of the logging areas of the province to do everything that government reasonably can to encourage this sort of operation that Gardiner and his people are putting in down there. If they make a large profit on it, that is fine.

Now I do not agree entirely with the figures that the honourable member quoted but I think it is essentially correct that they do stand to make a sizeable profit on their operation.

AN HON. MEMBER: It is a rough calculation.

MR. DOODY: That is right. So it will be a profitable operation; I certainly hope so. What is even more important, as we have said, is that it will be a profitable operation for the area and certainly one that needs assistance. This is also somewhat different from the Pilgrim operation and that type of operation inasmuch as these will be secure jobs, jobs, as you say, that people can plan their lifestyles on, the building of homes, the encouragement and expansion of the community.

I do not apologize for the stumpage rates. I think that is a small price to pay to encourage that type of operation. I think it is a type of saw-log operation that the province should be aiming toward and encouraging.

On the union question:- It was only today, this morning, that I was discussing that with Gardiner. He assures me, as apparently he has the people in the area, that he would welcome the union. The parent company now is unionized, the Chester Dawe operation - Gillingham; the United Carpenters and Joiners of America I think is the name of the union.

AN HON. MEMBER: The Carpenters' Union.

MR. DOODY: The Carpenters' Union, whatever it is. Apparently they are quite aware of what is going on in the Poddickton Area and I have no doubt that they will be up there very shortly, if they are not there already.

MR. ROBERTS: They are there now.

MR. DOODY: They are there now. I get the impression from speaking to Mr. Gardiner that he would welcome the union. As I say, the parent company is unionized. I have no knowledge of their having any friction or any problems with the union or are trying to discourage the union. I do not see any problem in that area. Certainly if necessary for government to use moral force or gentle persuasion to encourage the establishment of the union there, we are certainly only too happy to do so.

The third question that the Hon. Leader of the Opposition raised was the third party cutting rights in the areas. It was suggested that the best efforts should be used to obtain the consent of the company.

I outlined earlier that woods area that has been granted to the company, if the estimates of the Department of Forestry and of the Canada Bay Lumber people are correct, really gives them a twelve year wood supply. It would seem to me that it is in the best interest of the area and of the operation and of the people there that the viability and survival of the mill be assured for at least that twelve years and beyond. To that extent I would think that the operators there as well as the company itself and government will do everything they can to see that reasonable and sensible cutting operations are done. I do not really foresee any problems in that area. In any event, part of this agreement is that each year the company shall submit to the Minister of Forestry and Agriculture a plan or a diagram showing the area or areas over which the company will cut. They have to supply a logging plan each year to the Minister of Forestry. I have no doubt at that time that pressure can be brought to bear on the company to operate in the best interest of the forest stands as well as in the operations of the smaller operators there at the same time.

6743

Another point in that regard is the fact that there is a twenty mile area from there. I think it is roughly twenty miles from there down to Main Brook, is that particular block, in which there are substantial stands. It was said that, and I do not know how accurate it is, but the estimate that I get is that Grenfell Block was suppose to hold something like one million cords.

AN HON. MEMBER: Inaudible.

MR. DOODY: That is right. This is a figure you hear bounced around, that this 350,000 cords is in that section, presumably the rest of it must be in that particular area. But as I say -

AN HON. MEMBER: Inaudible.

MR. DOODY: Yes, but since we got closer and closer to agreement he became less and less assure of his (excuse the expression) liberal estimates and he became more conservative, as was suggested a little while ago.

But as I say, I think that the protection in this agreement is in the yearly forestry plan that he has to submit to the minister, and the minister, in his wisdom, will see to it that the interests of the area are protected.

AN HON. MEMBER: Inaudible.

MR. DOODY: That is right! Of course!

On motion bill read a second time, ordered referred to a Committee of the Whole House presently, by leave.

Motion, second reading of a bill, "An Act To Ratify, Confirm And Adopt An Agreement Entered Into Between The Government And Pyramid Mobile Homes (1950) Limited With Respect To The Commencement And Carrying On Of A Business For Manufacture And Distribution Of Mobile Homes Within The Province And To Make Statutory Provisions Respecting Matters Connected Therewith.

MR. DOODY: Well it is Order 58, Bill No. 85. It is the agreement between government and Pyramid Mobile Homes Ratifying the Establishment Of the Mobile Home Plant out in the Argentinia Area. These people are currently setting up their operation out there now. They have about thirty people employed. I would think that in a month, maybe two months they will be in production.

They intend producing a full range of mobile homes, single widths and double widths. The double widths which are CMHC approved consist of traditional 900 square feet to 1,200 square feet house when joined together. We have not had these in the province before because we have not had the transportation facilities to bring them in, they have all been singles.

I think that this can make quite a difference in the home availability of people on incomes which forbid them to purchasing the type of home or lot that was described in the House today.

The company's head office is in Windsor, Ontario. They have three plants besides the Windsor plant, one in Fredericton, one in North Battleford, Saskatchewan and one in Cobourg, Ontario. The parent company is Beatrice Foods Limited of Chicago.

The capital cost of establishing the facility in Argentina will be slightly over \$1 million. I think it is \$1,095,000. We have applied for a DRPE grant which has been offered to them, some \$470,000 I think it is, it is pretty close to half of the value of the operation.

They will employ about 110 people in the plant itself when they get going at full production. I think what is probably more important is that they will be in a position then to encourage the manufacturing of these components around that area. The standard and specification, furniture for the mobiles, the cabinets and panelling, the plumbing and heating, electrical supplies and so on will be assembled in the area. It should encourage the setting up of mobile homes parks and subdivision developments.

So we have the people in there and we had to enter into an agreement with the United States Navy, through their state department, for a lease to set up there. This we were successful in doing but these United States leases have all got a clause in there which gives them the right to terminate their lease on a thirty day basis. They are one year leases, renewable every year.

Now the premises that Pyramid are occupying are in a sea plane hanger near the waterfront. The Americans have assured us that even if the Argentina Base were to become reactivated, which I think is unlikely

but even if it were they see no use or no possibility of these sea plane hangers - there are two of them out there, one of which Pyramid is using - becoming of use to them again.

But nevertheless that clause is in there. So to satisfy the problem, we entered into an agreement with Pyramid to indemnify them in the event that they should be dispossessed. As I say the possibility is very, very remote that this should ever happen but if it is then the schedule of indemnity is attached to Schedule B in the agreement. Schedule A is the lease with the United States Navy. This indemnity that government undertakes with the company lasts for five years. After the fifth year they are on their own.

The maximum amounts which we will undertake to give them are shown in the last page of the agreement in Schedule B. But even these maximums, first, second, third, fourth and fifth year, are reduced by the amount of notice that the Americans might give Pyramid if they have to vacate.

AN HON. MEMBER: Inaudible.

MR. DOODY: No they been. They do not use it. They took all of the landing equipment out of it, all the radio tower and everything. A couple of months later they came in and repaved it, as an emergency.

But anyway, as I say, they get six months notice to vacate. The government should pay to Pyramid a sum equal to fifty per cent of the preproduction cost and so on. If they get eight months, we only pay them forty per cent, if they get ten months notice we pay them twenty-five per cent, and twelve months notice we pay them ten per cent and so on.

So as I say, these maximums are reducible by the amount, in proportion to the amount of notice that they will receive from the American authorities.

We have undertaken this as really an insurance policy for them. There is no government money involved; hopefully there never will be.

AN HON. MEMBER: What about the DREF money?

MR. DOODY: The DREF money - \$470,000. As I say it is something less than half a million. The total capital cost to them is \$1,005,000.

AN HON. MEMBER: Inaudible.

MR. DOODY: No, they hope to set up, as I said, they hope to set up -

AN HON. MEMBER: Inaudible.

MR. DOODY: Well right now they are bringing in the components and assembling them here.

AN HON. MEMBER: That is right.

MR. DOODY: But they will employ 110 people, putting them together out there any way. That in itself in Argentina is a very -

AN HON. MEMBER: Inaudible.

MR. DOODY: They have had some difficulty with the unions. I have a copy of a letter here which the Hon. Minister of Manpower wrote them telling them how they should behave if they are going to live in Newfoundland. If they do not want to behave like -

MR. NEARY: They were carrying on some unfair labour practices.

MR. DOODY: I understand they were and they have been duly chastised and reprimanded and told this is not the way they live. Now the gentleman who is there training them apparently is the man responsible for this. He will be moving out in a month or so.

I think that with some gentle persuasion and kind of arm-twisting they have agreed to transfer into another local.

MR. NEARY: Manpower will be doing the hiring.

MR. DOODY: I do not know what is the ratio out there now, he looks after these sort of things. I do not know, maybe the honourable member is aware of what the ratio is. As a matter of fact, even if would just take -

MR. NEARY: Inaudible.

MR. DOODY: As I remember that area from the last election, they will just take them as they come. There are about ninety-five per cent P.C.'s employed out there now.

MR. NEARY: He will not find them there now.

AN HON. MEMBER: Inaudible.

MR. DOODY: The other five per cent are Bell Telephone.

MR. NEARY: The honourable member gets one job and makes one hundred enemies.

MR. DOODY: But anyway, as I say, the Schedule here and indemnity is an insurance policy which these people felt was necessary if they were going to move in there. In actual government commitment or help to them, there is really nothing directly attributable to them. We will be fencing that area. The Government of Newfoundland will fence the area, not only the Pyramid Area but the rest of that area which has been turned over by the Americans, a place where C.P. Rail is in and the place were Bury's are and various other spots around there.

MR. NEARY: Why should the Newfoundland Government take it over?

MR. DOODY: Why should we? Because it is ours. It is a part of our province. It is a part of our country. We own it, Argentinia. It is in the honourable member's district.

MR. NEARY: Inaudible.

MR. DOODY: That is what some of your friend's in Ottawa keep telling us and that is why we are fencing it. But anyway that is a jurisdictional battle which I am having with -

MR. NEARY: Why do not CP and Pyramid fence it?

MR. DOODY: They will. They will pay for it, you know.

MR. NEARY: Oh, the minister did not say that.

MR. DOODY: I said we are fencing it. The Government of Newfoundland are fencing it. They will pay for it when we get joint authority or the governing authority set up. Right now we are having some difficulty with the Justice Department in Ottawa, whom he may have had some familiarity with.

MR. NEARY: None!

MR. DOODY: We are also undertaking to put a road down through there and water and sewerage facilities. There will be prorated charges to the people who occupy the premises.

But anyway, this as I say and as I said in the beginning is something that the area out there has been needing for a long while. Since the Base closed the people in Argentinia Area have had, since it has been phased down, they have had very little opportunity for employment. They have had a task force and they have had a lot of promises and talks and meetings and so on, but this is the first tangible opportunity they have had to get

some permanent employment.

So I move second reading.

MR. SPEAKER: The honourable Member for White Bay South.

MR. W. N. ROWE: I will be very brief, Sir.

I looked over this agreement and it appears to be a first-class agreement negotiated between the company concerned and the government, both of whom have protected their own interests very well, I believe. As the minister says, the only contingent liability on the provincial government is if this specific property has to be taken back by the American authorities. That is a very unlikely eventuality, I would say.

AN HON. MEMBER: Inaudible.

MR. ROWE, W.N. So, I think the agreement is a good one. It is an example, I believe, of the kind of initiative taken not only by this government but by the government in Ottawa under the Department of Regional Economic Expansion to get some industry in the province and it is a small price to pay of federal dollars, nearly a-half a million dollars to keep 110 men employed, presumably permanently in that area; the least that governments can do to help out, to get rid of the depression in the Argentic Area as a result of the closing down or the phasing down of the Base. One hundred and ten employees - I do not want to get involve in multipliers and all this kind of thing, Mr. Speaker. We took it on the chin for that, only to hear the Premier come in, in the first year of office, and go on about multipliers, but it is a legitimate economic indicator. With 110 men employed, it would probably be a multiplier of two in that particular area.

AN HON. MEMBER: Inaudible.

MR. ROWE, W.N. Perhaps, the minimum. We are talking about indirect industry -

MR. DOODY: Inaudible.

MR. ROWE, W.N. One point something or other in that area. So if we take two and multiply it by 100, We are talking about another 200 people ultimately obtaining employment because of indirect industry resulting from this thing here. So that is 300 men. Multiply that by (men and women presumably) five or so and you have some idea of the impact of an industry

like this, Mr. Speaker. I am delighted, I must say, as a member of this House.

MR. NEARY: The people will be some glad they moved in from Mersheen Island now.

MR. ROWE, W.N. Probably so. I am delighted to see it happen. A thousand or more people

MR. WM. ROWE: it will benefit directly or indirectly by cash in their pockets as a result of the setting up of this industry, and it is a happy occasion. The only thing that I want to raise here tonight and it has nothing to do with the minister or the government, it has got to do with the attitude of some business concerns that have moved into the Province of Newfoundland. When I was in the government, Sir, we used to sit down on occasion with somebody who was coming in on a flyer and I used to ask them all the time, "Why have you chosen Newfoundlander to look around in?" One of the first things they would mention, Mr. Speaker is, "Well, we understand there is a low labour cost here in this province, that we can get our labour cheap." That, Mr. Speaker, used to put the devil right in me, to hear someone coming in here and merely because this province has a high unemployment rate, to think that, outside or inside entrepreneur it makes no difference, they come in here and try to take advantage of that kind of a sort of depression or at least recession situation, because labour does not cost so much in Newfoundland.

Now I hope, Sir, that this firm and every firm and more particularly firms who get their meat hooks into either provincial government subsidies or grants or federal government subsidies or grants do not come into this province thinking that they are going to pay labour \$1 or \$1.50 or \$2.00 less for doing the same job as it would pay someone in Toronto or some part of even rural Ontario. I also hope they have not that idea and I am sure that this government is not encouraging that idea. I am glad to hear - I heard about some of the labour difficulties down there where the resident manager, whoever he is, apparently was undertaking if not unfair labour practices then certainly practices which are against the best traditions of labour in Newfoundland and elsewhere.

I do hope that the Minister for Manpower does take a firm hand and I do hope that the unions supported wholeheartedly by the government do not allow that kind of an attitude to persist and if people do come in with that kind of an attitude that they are very soon after their arrival disabused of the notion that they can get cheap labour here in

Newfoundland and that the wage-earners in Newfoundland are going to earn less money for doing the same job than they would get say in Nova Scotia or New Brunswick, to draw at least a reasonable parallel. Sir, I support the bill and the agreement wholeheartedly.

MR. AYLWARD: Mr. Chairman, I would just like to add a few remarks to those already made by the previous speakers. I would like first personally like to thank the Minister of Industrial Development because I have some idea of the prolonged negotiations that preceded this agreement. I think it is an excellent thing for the area because, as all members of the House know, there are a large number of people unemployed in the area and these consists of many of the fishermen who moved from the Islands of Placentia Bay into the community -

AN HON. MEMBER: Inaudible.

MR. AYLWARD: That is right. No, there were the women as well as a large number of individuals who were working on the base.

I suppose, Mr. Speaker, there is hardly any area of Newfoundland with such a concentrated number of young unemployed people as there are in the Freshwater, Dunville, Argentia and Jersey Side Area. I think that this is a wonderful opportunity for the people of the area. I understand that some of the work that is being contemplated by this company, carpenter work and other, all of which is being done by local residents of the area; and some of them already have been away to the Mainland for some training and I understand that the programme is working out very well.

For the benefit of my learned friend, I think Manpower is handling to a large degree the employment in the area but regardless of how they get the jobs or who gets the jobs for them, I think we all agree, Mr. Speaker, that any man in Newfoundland, regardless of who he contacts, I think any of us certainly should provide any assistance we can to them and my only regret is that everybody in the area who is available for employment cannot find employment on the job.

I think it is most unfortunate that the provision respecting the undertaking that the government had to give to get the industry

to establish at Argentina, I think it is most unfortunate that the US Naval authorities can still hold such a large tract of land in the province. It appears that there is very little, really practically nothing whatsoever this government can do to obtain a satisfactory release which would put them in a position to be able to attract industry in there without any such indemnity by the government.

I personally feel myself that the Department of National Defence and the Department of External Affairs in Ottawa should as promptly as possible try to negotiate some sensible agreement with the US authorities whereby the north side of Argentina should be passed back to the province and then I feel myself that the government can be more successful in attracting more industries to Argentina. It is really practically impossible to expect any industry today to settle in any part of the province where they have upon thirty days notice to vacate. Of course the government was prepared and I am more than pleased to see that they did in this instance undertake to indemnify the company should they be obliged to move.

MR. NEARY: You are not going to give it to Argentina to.

MR. AYLWARD: But it is just impossible, Mr. Speaker, to expect industry to come in on that basis and of course to expect the government to indemnify every industry but it would appear that this is certainly a labour-intensive industry with one hundred jobs and following the multiplier that my honourable and learned friend used over there, there is going to be practically 1,500 jobs, I only hope that it is right. I am just -

MR. WM. ROWE: 300.

MR. AYLWARD: 300 jobs. But, Mr. Speaker, whatever the multiplier is or whatever it is not, I do feel that this is really an honest and an excellent attempt by the government to help alleviate the unemployment situation in Argentina, and I heartily support the bill.

MR. SPEAKER: If the honourable minister speaks now he closes the debate.

MR. DOODY: I have very little to add, Mr. Speaker, the department is very happy indeed to be in a position to get this industry going in Argentina. Our modest estimate here of 110 is already moved up to 1500 and we have only been on this particular thing for about twenty minutes. I can see nothing but prosperity for any part of the province that the honourable member represents. I am very proud to move second reading. I was only happy at 110.

On motion a Bill, "An Act To Ratify, Confirm And Adopt An Agreement Entered Into Between The Government And Pyramid Mobile Homes (1959) Limited With Respect To The Commencement And Carry-On Of A Business For Manufacture And Distribution Of Mobile Homes Within The Province, And To Make Statutory Provisions Respecting Matters Connected Therewith," read a second time, ordered referred to a Committee of the Whole House presently, by leave.

Motion, second reading of a Bill, "An Act To Amend The Election Act."

MR. SPEAKER: The honourable Minister of Justice.

MR. HICKMAN: Mr. Speaker, I realize that I have to keep watching the clock as I introduce this bill. Most of the amendments in the bill, some have arisen out of the consolidation of the statutes but there are two or three principles in the bill to which I would direct honourable members' attention.

One is this bill reduces the voting age to eighteen. At the present time it is nineteen. The voting age for federal elections is eighteen. All provinces, except Nova Scotia, Alberta and British Columbia have reduced their voting age to eighteen. These three have retained and you know it is the old story that if a man is old enough to fight he should be old enough to vote; for his country I mean, It is reduced to eighteen years.

The second point is, Mr. Speaker, that the act is being amended to permit the sale of alcoholic liquors after the closing of the polls on any polling day.

MR. MARSHALL: That is for the opposition -

AN HON. MEMBER: Drown their sorrows.

MR. HICKMAN: I could never understand why that was in there.

The other amendments as I say are mostly inconsequential, to speed up the efficiency of the operation. One is to provide that the statement of the poll right now in any of these special polls has to be placed in the ballot boxes and then sent in to the Chief Returning Officer. These ballot boxes sometimes are beating around the country for weeks after. The provision is that these shall be put in a sealed envelope and sent by registered mail, separate and apart from the sealed ballot boxes. I move second reading.

MR. WM. ROWE: A good bill. Mr. Speaker, reducing the age to eighteen is a good step I think; no doubt about that. It is interesting to note I believe that this province, I believe I am correct in saying this, was in the forefront of reduction of age for purposes of voting prior to the 1966 Provincial Election when it was lowered to nineteen. I believe it was the first, maybe there was one other province in Canada at that time or maybe there was not, I am not sure, that had a voting age which was so low. Subsequently the federal government reduced it to eighteen and it is only sensible now that we should. If for no other reason than just ordinary consistency, we should have it at eighteen.

I think that is a step forward.

The other one where ballot papers would no longer be rejected merely because they were marked with other than an "x" or writing instrument other than the black lead pencil, I think that is a step forward too you see, Sir, because what it does is brings the law into conformity with judgement by the Chief Justice of the Court, Mr. Justice Puddester. It is nice to have the Supreme Court judgement and the law more or less coinciding. I believe that would be a correct statement.

I remember when the Chief Justice or Mr. Justice Puddester, I am not sure who it was, on grounds of fairness, and I agree with what they did on that occasion on grounds of fairness, threw all the body of case law out the window in interpretation of the federal act which was similar to ours at the time, that the case law, the Supreme Court of

Canada had said that if a ballot were marked with other than a black lead pencil then the ballot had to be rejected. Our judges as ever being in the forefront, being legal luminaries, threw all that out the window and declared that as long as the thing was marked legibly and understandably then it was not a rejected ballot. I agreed with that but I think that it is necessary for us to make sure that the law does coincide with Supreme Court rulings. So that is an excellent step forward as well.

The third substantive amendment whereby liquor can be served after the closing of the polls, Sir, as I mentioned before as an aside, will certainly be welcomed by the Liberals of this province. It will allow them to celebrate fully and completely following the next provincial election. I have great pleasure in supporting the bill, Mr. Speaker.

On motion a Bill, "An Act To Amend The Election Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave.

Motion second reading of a Bill, "An Act Respecting The Award Of An Increase Of Pensions To Or In Respect Of Certain Employees Of The Government Of Newfoundland, Certain Teachers And Certain Employees Of The Broadcasting Corporation Of Newfoundland, And To Or In Respect Of Certain Transferred Employees Of The Government And Of The Newfoundland Railway."

MR. SPEAKER: The honourable Minister Without Portfolio.

MR. MARSHALL: Mr. Speaker, this is a measure to give effect to the just and bountiful measures of this government last year and this year with respect to the increase in pensions to the persons who are described in the title. The increases are set forth in the schedule

As I think this matter has already been announced before on two occasions and praised loudly throughout the province there is probably no need for me to explain it except that I move second reading.

On motion a Bill, "An Act Respecting The Award Of An Increase Of Pensions To Or In Respect Of Certain Employees Of The Government

Of Newfoundland, Certain Teacher And Certain Employees Of The Broadcasting Corporation Of Newfoundland, And To Or In Respect Of Certain Transferred Employees Of The Government And Of The Newfoundland Railway," read a second time, ordered referred to a Committee of the Whole House presently, by leave.

MR. MARSHALL: Mr. Speaker, there are only two more bills to do and we have to go into committee, we have to do the third readings and get the Governor in. As you know we may go a few minutes past eleven, I do not expect too much past eleven, so I would move, so that we can use the time, that the House not rise at eleven tonight.

MR. SPEAKER: It has been moved and seconded that the House do not rise at eleven tonight. On motion carried.

Motion second reading of a Bill, "An Act Respecting Mobile Home Dealers."

MR. SPEAKER: The honourable Minister of Provincial Affairs and Environment.

AN HON. MEMBER: Inaudible.

MR. DAWE: Well he cannot read it so somebody has to explain it.

Mr. Speaker, this is an excellent piece of legislation despite the fact that the Opposition House Leader has informed us just before supper that we put through a lot of meaningless legislation, I would like for him now to tell the people of this province that we are now putting through another piece of meaningless legislation.

MR. WM. ROVE: If he should want me to.

MR. DAWE: Mr. Speaker, this Act will provide for registration of all mobile home dealers in the province that we can have some control over their activities. We have been noted by many people to be the dumping grounds of inferior products in trailer homes. This has been borne out by many complaints which have been received by my department with regard to the rapid deterioration of trailer homes, side sheeting falling off, roofs leaking -

AN HON. MEMBER: Inaudible.

MR. DAWE: Not yet. Inferior chassis and numerous complaints with the

appliances which come with the trailer homes. We had one complaint, a letter from a lady down in the Placentia Area who bought a brand new trailer home and discovered that the hot water tank was not working properly and when the investigation was made of it, it was discovered that where there should have been two heating coils there was only one. The poor lady had no recourse whatsoever. She went back to the dealer and the dealer of course just ignored her.

Well this piece of legislation, this new bill will remedy to a great degree many of these problems. We will have the power to investigate dealers and the quality of the product they are selling. The Act prescribes a minimum standard, standards as set by the Canadian Standards Association.

The CSA standards will not just apply to any one component of the trailer. I know there is one case where a dealer is selling trailers with a CSA stamp on the outside but this stamp applies only to the electrical wiring within the trailer. Sir, from now on every component of trailers will have to be acceptable according to the CSA standards.

We have of course in the province one or two dealers who, according to the reports which have come to my attention, are indeed unethical and unscrupulous. If these dealers persist in selling such inferior products and we catch up with them and they are convicted, they will be fined \$2,000.

Mr. Speaker, this is a general outline of what we propose in this Bill. It is one of the better bills which have come before the House. It is very important, very important for the protection of the consumer and for our Newfoundland people who must live and because of the high cost of housing in the province, who must resort to a dwelling which they can purchase for about one quarter the cost of an ordinary home. I would like to move second reading of this bill, Mr. Speaker.

MR. SPEAKER: The honourable member for White Bay South.

MR. W. ROWE: Very briefly, Sir: This again is certainly a welcome bill. I believe, as do I believe most members in this House, that it is here tonight directly as a result of the supreme efforts of the Member for Bell Island who is rapidly becoming like Socrates in Athens. He is the gadfly of Newfoundland. He goads this government into action. Even the House Leader over there cannot dissent on that appraisal of the situation.

We support the bill, Mr. Speaker.

It is good to see that as an opposition we can goad and cajole the government into bringing forward some good legislation for the benefit of the people of Newfoundland.

On motion bill read a second time, ordered referred to a committee of the whole House presently, by leave.

MR. MARSHALL: The better bill for the last of the regular session is to call Bill No. 95, The Solemnization of Marriages, particularly in view of the fine co-operation we have received today.

Motion, a Bill, an Act Respecting the Solemnization of Marriage, be now read a second time:

MR. SPEAKER: The honourable Minister of Justice.

HON. T. A. HICKMAN: Mr. Speaker, I rise to move second reading of this bill which is an important bill and a bill that I am very proud to be asked to introduce into this House or move second reading thereof. It is, I believe, the last major recommendation, indeed it may very well be the last recommendation of the Gushue Report on Family Law that has not been implemented.

Now there may be some minor recommendations but certainly the various parts of that report have been implemented. I think it is significant, Mr. Speaker, that there has been no major change in the marriage laws of this Province since 1833.

AN HONOURABLE MEMBER: Mr. Speaker, could we have a quorum call.

MR. SPEAKER: Would the clerk count the House please?

We have a quorum.

MR. HICKMAN: As I was saying, Mr. Speaker, it may be of some historical

interest to honourable members that one of the first statutes passed in the first session of Newfoundland's new law-making Assembly in 1833 was the Solemnization of Marriage Act. It may be also of some historic significance that that act in effect followed the act in England known as Lord Hardwicks Act which was passed in 1753.

Since then there has not been any real change in the marriage laws of this Province.

One of the recommendations of the Gushue Report and I doubt if we would need a recommendation on it because it is so eminently sound, was that there be provision for civil marriages within the Province. I have, since I have been practicing law, even more so since I became Minister of Justice, seen the occasions, not that often but even if there were only one a year, it would be enough to warrant some legislative enactment where two decent Newfoundlanders, Newfoundland residents who are not Christians have been unable to be married in this Province but rather have had to go over to Halifax to be married under their civil marriage provisions of their act.

I could never justify it. I could never find any justification for it but it did happen. It has happened. You have, which is probably even worse, a person who is not a Christian pretending to be one simply for the purpose of complying with the marriage laws of this Province.

Mr. Speaker, one of the provisions in this bill is that as a prerequisite to the marriage ceremony being performed there must be a marriage license issued. One of the complaints that I have heard for years, of the clergy in particular, has been the sometimes onerous task is placed on them to try and ascertain whether one or both of the parties seeking to be married can in fact and should be married. This places the obligation on the licensing official to assure himself that the person seeking to be married or the persons seeking to be married are indeed capable under our laws of being married, that they are of the required age, that where consent is required that the necessary consent has been granted, that in the case of divorce or allegedly divorced couples that

the divorce is absolute and is a divorce recognizable and recognized in the Province of Newfoundland.

I note that the Gushue Report in listing the purpose of marriage licenses, the two or three reasons for requiring a marriage license is (1) to permit the authorized public officials to satisfy themselves that the parties to propose marriage are of age, (2) are outside the prohibited degrees of consanguinity and affinity and meet whatever the Province's residents requirements may be. Stipulating to remove the responsibility from the marriage celebrant for determining a person's qualifications to marry.

This has been a (quote) "running sore" in the experience of clergymen in Newfoundland. The marriage celebrant may often not be familiar with the parties involved and therefore be in an ineligible position. (3) To provide a breathing space between the decision to marry and obtaining the license on the one hand and the actual marriage ceremony on the other.

The act sets forth again that marriages may be performed by all licensed clergy in the Province, and there is no real change in the law in this. The license can be obtained by the clergyman himself or by the head of the particular denomination on behalf of all the clergy in that particular church. There is also a provision in the bill that marriages may be performed by the District Court Judge, a magistrate, a family court judge and the mayors of St. John's and Corner Brook.

Mr. Speaker, the act also provides that a clergyman or a marriage commissioner, and the marriage commissioners would be the other gentleman that I referred to here, shall not solemnize a marriage unless he has not less than four days before such solemnization received a license in respect to the parties to the intended marriage.

In other words, two persons in Newfoundland seeking to be married will first be called upon to go to a licensed issuer, comply with the act and giving the required information that the act sets forth and then, four days later, can go to a clergyman, produce the license and is then capable

as far as the law is concerned of being married.

AN HONOURABLE MEMBER: Are civil marriages just for non-Christians?

MR. HICKMAN: No, Civil marriages, Mr. Speaker, are for anyone who would like to avail of them. There are not very many. I doubt if very many non-Christians will avail of civil marriages but on an occasion where a person, one of the parties to the marriage has been divorced, because of some belief or difficulty they may find that it is more desirable that they go before a marriage commissioner.

There is a provision in the bill though, Mr. Speaker, that should two persons be married by civil commissioner or marriage commissioner and they subsequently decide that because of their beliefs or they have acquired beliefs, they would like to go through the marriage in a church, that they can then simply by producing the certificate of marriage of the marriage commissioner go into a church and have the ceremony performed by the clergy of their choice.

There is a provision also in the bill, Mr. Speaker, which prohibits the marriage of a person under sixteen years of age but there is also a saving clause and the saving clause is "In the event a person is pregnant and is under the age of sixteen and that pregnancy is duly verified by a qualified medical practitioner as being expedient and in the interest of the parties that an application can be made to a magistrate or judge of the District Court and he may in his discretion order the issuance of the marriage license."

If the parents say "No", Mr. Speaker, that is dealt with under the question of consent and there any person being married under the age of nineteen years, which is now the age of majority, must apply and if consent be not given, if for some reason consent has not been given, the parents withhold consent, there is also the right to go to the judge of the District Court and ask that the District Court order that consent be waived.

The bill provides that the marriage, the license issued, the form of the license has a place on it where the clergyman performing the marriage fills out the certificate, sends one copy back to the issuer of

the marriage license who in turn is obligated to send the certificate to the Registrar of Vital Statistics. He is required to report weekly as to any marriage licenses issued and then, I think it is within thirty days, he is obligated to send in his report to the Registrar of Vital Statistics.

This will go a long ways in improving efficiency of recording marriages in the Province because quite often many months elapse before the marriage certificate or proof of the marriage is forwarded to the Registrar General or the Registrar of Vital Statistics, whatever his title may be.

Mr. Speaker, I do not know if there are any other new principles in the bill other than the ones that I have referred to. The Gushue Report dwelt at some length on the desirability of requiring a medical examination as a prerequisite to the issuance of a marriage certificate but then concluded by saying that they felt that at this time government would have to firstly assiduously direct their efforts to providing the necessary medical doctors throughout the Province before this recommendation could be implemented.

Now we gave a great deal of thought to this idea of a medical examination because the Gushue Report recommended as well a person should not be married if he or she were suffering from mental illness within the provisions of the Mental Health Act. These provisions were examined very carefully by the medical profession and by the psychiatrists' association and also at the request of the Rt. Rev. D.P. Morrissey, by Dr. Mellor of St. Clare's Hospital because in the beginning, in the draft bill which was submitted to the church, that was in it and they took no objection to it. There were subsequent objections came in, technical objections that caused us to change our minds and at this time the requirement of a medical certificat is precluded.

May I read the report of Dr. Severs, the Chief Medical Health Officer, not in its entirety but he says, referring to the idea; "The provision was that they would have to have a medical certificate saying they are not suffering from any communicable disease." He says, "Although

there may be a good case for premarital counselling and subsequent selective medical examination on a voluntary basis, in my opinion compulsory premedical examinations can play no very useful part in the control of infectious disease in our society today. More specifically, premarital medical examinations would not, in my opinion, prevent congenital infections or congenital defects resulting from infectious diseases of the mother during pregnancy and this surely must be the intent of the proposed legislation as indeed it should be. The prevention of congenital infectious diseases and congenital defects resulting from infectious diseases of the mother during pregnancy insofar as they can be prevented lies in the early and adequate antenatal care of the expectant mother by a physician during the first and all subsequent pregnancies."

That position was, as I say, substantiated and concurred in and corroborated by Doctor Mellor and Dr. J. Hoenig, the Chairman in Psychiatry at Memorial University on the Faculty of Medicine who also examined the question of a person not being able to marry because they might be suffering from some mental illness within the meaning of the Mental Health Act. He had this to say, "As mentioned above, the purpose of these definitions were to state one of the conditions necessary to certify a patient." This is the main reason why, this is the main interpretation or the meaning in the Mental Health Act.

"The presence of a disorder per se," the doctor goes on to say, "is never sufficient for certification. There are in fact a vast number of citizens suffering from such disorders, either receiving treatment or not as the case may be, but pursue responsible functions in society, are responsible in the eyes of the law, sign contracts, cast votes in elections and even pass laws. It is very questionable whether such persons should or could be deprived of the right to marry and whether such deprivation is compatible with the protection of human rights. It is difficult to see the purpose of such legislation. Is it eugenic? In that case not marriage but procreation should be

prevented. Is it legal responsibility which is in question? Then why confine the measure to marriage?"

As I say, the opinion - and this was signed by the doctor on behalf of the psychiatrist group, was that this should come out.

Hence there is no provision in the bill requiring a medical certificate nor

should there be in the face of the medical evidence presented by the Newfoundland Medical Association and by the group of psychiatrists.

The draft bill itself, Mr. Speaker - this is probably not usual but it is done on occasions in legislation of this kind - was sent by me to the heads of every religious denomination in Newfoundland, on November 27, 1973, asking for their comments. I am pleased to say without any fear of contradiction that all of the churches approved of the bill. I asked them at the same time if they would -

AN HONOURABLE MEMBER: With some amendments.

MR. HICKMAN: With some amendments but the amendments in the main were made. The amendments did not go to the principle of the bill. For instance, no church objected to civil marriages. No church objected to the licensing concept.

AN HONOURABLE MEMBER: Inaudible.

MR. HICKMAN: I have them all in front of me. I cannot recall if anyone objected to it. It used to be twenty-one years and nineteen and under without parental consent, but obviously nineteen is the age of majority now by law. There certainly was not any strong objection to it. There may have been some objection if we had included in the bill an absolute prohibition of marriage under the age of sixteen where there is pregnancy. That saving clause of allowing upon medical certification, of going to a magistrate or district court judge, in my opinion, certainly takes care of that.

Mr. Speaker, I have to confess that if - let me put it this way - if tomorrow morning one checked in the registry of the Supreme Court and went through very carefully the number of divorce cases that have gone through our courts since we had divorce jurisdiction in Newfoundland and then checked the age of one of the parties to the marriage and the birth certificate of the first child of that marriage, I would suggest that one would find a very large number of these divorces were amongst persons who married at that very tender age and married because the girl was pregnant.

To me one of the cruellest things that I have run into is where some young girl finds herself in a state of pregnancy, the

parents are not the slightest bit concerned about the mental disorder that the child must be suffering, not the slightest bit concerned about the capacity or the capability of the fifteen or sixteen year old to raise a child, either the prospective husband or the wife, but they are concerned with one thing only, get them married to take the alleged shame away from the parents. I cannot think of anything crueller than that sort of attitude. Fortunately I think it is disappearing in the province.

I have seen cases. I had one only - case is not the word - had an angry call within the past two months, two fourteen year olds and the mother of the pregnant girl wanted them married but the parents of the boy would not consent. The tirade that I had to listen to against the other parents. Never once during that dissertation did the mother mention the prospective husband or her daughter or their capacity to raise children, how they were going to support them, how they were going to train them, but it was the shame. "We have got to get the ignominy and the shame out of our family name because we are a good family."

This bill, as I say, prohibits marriage under sixteen. Only two provinces - I think Nova Scotia and British Columbia. I have it here somewhere - even have the saving clause in there. Many of them simply and absolutely prohibit it. In the main, as I say, on the principles, some of the letters that I received from the churches. I must confess were most complimentary and most encouraging. If I were not such a modest fellow, I would read them all. The attitude displayed and the co-operation displayed amongst the churches in the passing of the bill and the anxiety of them indicates to me that this is good legislation.

I was very pleased this morning. Honourable members probably heard Monsignor Morrisey who was the person, whereas we did send copies to the three bishops, the R.C. Bishops in Newfoundland, he was the gentleman who was delegated on behalf of the Archbishop of St. John's to do the negotiations. I heard him on radio this morning, at about five minutes to nine, being interviewed. Try as the interviewer might, he could not get him to admit that there was anything wrong

with the bill. The questions were kept being put to him and I was very pleased to hear that. As the reverend gentleman said, "It is a good bill. If there are any pitfalls in it, by trial and error they will be corrected.

Another thing I want to point out in closing, Mr. Speaker, so that there can be no misunderstanding, I would be most appreciative if the press would take note of this - that the passing of the bill tonight does not mean that the new Solemnization of Marriage Act becomes law tomorrow. The bill is subject to proclamation. The regulations have to be drafted. I would want the churches to have sufficient copies of the bill so that the clergy can have an opportunity to be briefed on it. The license issuers have to be appointed and we must see to it that they are appointed in practically every community of any size in the province. What is proposed there is that we will call upon the magistrates throughout the province to recommend for appointment reputable citizens in the area.

So, until that is done the present marriage act continues and it may take a few months before we are in a position to proclaim the bill. I know that my colleague, the honourable Minister of Provincial Affairs, under whose jurisdiction this marriage act will come, that he and his officials will get on with the job of -

AN HONOURABLE MEMBER: He did not even stay in the House to hear the honourable minister explain.

MR. HICKMAN: Because he knows all about it.

AN HONOURABLE MEMBER: Inaudible.

MR. HICKMAN: Anyway, Mr. Speaker, it may be a few months before the bill is proclaimed but it is a good bill and I hope it commends itself to all honourable members. I move second reading.

MR. W. ROWE: Mr. Speaker, it is disheartening, I must say, to listen to a very lucid exposition by the Minister of Justice and to see his own friends, supporters and colleagues urging him to button up and sit down. I find that a little bit discouraging because it is of great interest to have this bill and bills like this explained and the minister give some background information on it. It is a very

familiar piece of legislation to me, Mr. Speaker. There may be some slight changes. I remember this bill came up before cabinet when we were in the government about three or four years ago. Now, I had nothing to do with drafting it. When one goes into the cabinet as Your Honour may know, at some point when one is appointed to the cabinet, one swears an oath, 'The secret debates of cabinet I will not reveal.' Also one promises to put down intestine insurrections, whatever that might be. It sounds like one is out fighting the flu. The point, Sir, is that one is not allowed to reveal the secret debates of cabinet. I hope that I do not breach that sacred trust here tonight.

It did come up before cabinet. We went over it and it was a very good piece of legislation. One of our colleagues threw up his hands in horror at it and wanted to look at it and submit it to people qualified to give theological advice on these matters. I will not say what particular denomination he adhered to. We never saw the bill again. It never saw the light of day, the bill nor the honourable gentleman.

AN HONOURABLE MEMBER: Inaudible.

MR. W. ROWE: That is right. It was in the Speech from the Throne in 1970. That is correct. It was supposed to come before the House. It never saw the light of day. This bill is very similar to it, with I believe one exception. If my memory serve me correctly, in that original bill there was something requiring a medical examination, the one that we were going to bring in. The honourable minister has given some reasons, some medical support as to why there is no need of a medical examination. I will deal with that later, Mr. Speaker.

It is high time, Mr. Speaker, that a bill like this becomes law. If we have people of other religions besides the Christian religion wanting to get married, it is kind of stupid, to say the least, that they be required to be married by Christian clergymen. Equally stupid is if persons born into Christian families, who do not consider themselves Christians nor anything else, agnostics or atheists,

nothing, for them to go through the hypocrisy of having to go through the forms of a Christian marriage is just unspeakably stupid. So, it is high time that this came in. In principle we are all for this bill.

Speaking for myself, Sir, I would like to mention one or two of the other provisions here. I do not necessarily agree with the medical report on no medical examination. In the case of mental disorders, I say yea to that medical report. Who should set themselves up as a judge to say that somebody is mentally capable or incapable of being married and carrying on through married life? The next thing you know, we only need to carry that one step further and we have persons who will be going around sterilizing persons because they should not be procreating, they should not be bringing children into the world because of some alleged mental defect. That is the next step. So, I am all in favor of what the minister has read into the record of the House tonight as far as mental, so-called mental illnesses or disorders are concerned.

As far as other medical examinations are concerned, Mr. Speaker, I do not think that what the minister has said holds water at all. I do not think it is necessarily the case. It seems to me that there can be an excellent case made for examination for venereal disease prior to the marriage contract being entered into. Many states and provinces require - I am not sure about provinces across Canada but many states certainly require that there be an examination or certain tests undergone to make sure that one or other of the parties does not have a venereal disease that can be transmitted to the other partner and worse still can have the effect of causing some congenital defect in an unborn child.

Now, I realize that it is possible for people to contract such diseases after marriage and they might not be picked up and that sort of thing and a child could still be born with a congenital defect as a result, but that is no reason why we should not have some safeguards along the way. There is no reason why a

medical examination cannot be required in certain respects, one of them being venereal disease. I am not saying they have a medical examination to see if somebody has the measles or not that they might pass on to his or her prospective spouse but in certain serious diseases there is no reason why there should not be a medical examination.

Nor does the argument that there are not medical officers available everywhere instantaneously throughout the province, have much validity to it either, Mr. Speaker. There are not many places in this province where a person cannot get a medical examination almost as easily as he is going to be able to get a license to marry. Surely, that is not going to be given to every Tom, Dick and Harry, that right to pass out a marriage license left, right and center.

In any event, Mr. Speaker, if there are some remote areas in the province where it is impossible within a convenient period of time to have a medical examination, there is no reason why there could not be a saving clause in the bill whereby a magistrate or the person authorized to conduct marriages could say, "Well this is not a convenient or expedient case for a marriage certificate to be required." That would probably be one half of one per cent of all marriages entered into. So, I think there should be something, at least some test for some serious diseases, particularly serious venereal diseases.

The other point that the minister mentioned was that it is against the law, period, for persons to be married if one or other of the partners to the prospective marriage is under the age of sixteen, unless the young lady in the case happens to be pregnant in which case they can get married under certain circumstances, with a court and a medical certificate.

Well, Mr. Speaker, that in my estimation is the victory of expediency over principle. I mean, upon what grounds does a judge or a magistrate come up with a judgement or an opinion in such a matter? I mean, does he look at two fifteen year olds, one of whom

happens to be pregnant, the girl naturally, and say, "In this case these are sober, mature people and they should get married?" To me, Sir, that is a violation of all principle, to allow that to go in. Certainly we have to take an arbitrary age, which might be fifteen, sixteen, seventeen, I do not know. Sixteen would probably be as good as any other age, fairly mature age, and there should be just a blanket prohibition of marriages for any reason under that age. Why the minister - bending to some pressure or other, I do not know - why the minister should allow the principle of the matter to be bent and broken merely for the sake of expediency and only for the reason that the minister himself has given, namely, that someone in the piece wants to save face. A mother or father decides that they cannot undergo the shame of having a child of their daughter born out of wedlock, so called, therefore, rush the kids into a marriage from which they will, in ninety per cent of the cases, either get divorces, probably, or separation at some later date or live a lifetime of misery in a majority of the cases.

Now, why do that, Mr. Speaker? I am against any provision whereby solely for the sake of expediency a good principle, a good idea is violated, namely, that under a certain age, for the protection of the persons involved, they shall not be permitted to be married. Until that age is reached, they cannot get married.

The other thing, Sir, is a minor matter but one again which violates my sense of propriety at any rate. I had hoped that by this time, in a progressive society, the term illegitimate child would have passed out of use. Now I see here in a new bill brought before the House, section 19, it says, "Subject to this act, where either party to an intended marriage is under the age of nineteen, they need the consent of certain persons.

Subsection (4) of clause 19 (1) (a), mentions, "Unless the party is an illegitimate child." Now surely that kind of phraseology should be passing out of at least our legislation if not the common usage of mankind. I do not know what one would put in there. What is an illegitimate child?

AN HONOURABLE MEMBER: A child born out of wedlock.

MR. W. ROWE: Or a child whose mother is unmarried or something, anything at all. What we are talking about in this particular case is where if a person is under the age of nineteen, there has to be consent of the father of the person unless the person happens to be an illegitimate child, so called, in which case the consent of the mother naturally is required because in many cases the father is not known. Well, surely it is not beyond the wit of the draftsmen to come up with some better terminology for that. I am against this "illegitimate child." It is just a stigmata of the middle ages, Mr. Speaker. I am surprised that the minister has allowed the term. Well, it slipped through and he probably did not even see it, has allowed this stigmatizing term to be perpetuated in a new, relatively progressive bill being brought before this House. I do hope that in committee he might be able to come up with some better wording for that.

No child is an illegitimate child. Whatever the case of the parents involved or whatever the case of other persons involved no child is an illegitimate child. I mean, how stupid and how stigmatizing and how needlessly hurtful on an innocent individual? So, I would ask the minister to hopefully consider that.

Aside from that, Mr. Speaker, I support the bill wholeheartedly.

MR. NEARY: Mr. Speaker, there is one part of the bill that I am not quite clear on.

Perhaps when the minister is closing - one part of this bill that I am not really quite clear on is the part dealing with children under the age of sixteen. Now as I understand the explanation that the minister gave, that if the parents refuse to give consent, then they can go down to the court and get permission, get approval from the court to get married.

Now, Sir, I believe if that be so, if I am placing the right interpretation on that - I am not placing the right interpretation?

MR. HICKMAN: No, he is placing that interpretation on what I said, to give the right interpretation:

MR. NEARY: Well if the minister did not give the right interpretation, I should like for him to set the record straight, Sir, because this is one part of the bill, the draft bill, that some of the churches objected to, and the minister knows that.

MR. HICKMAN: I do not.

MR. NEARY: Well I am telling the minister now.

MR. HICKMAN: Name me one.

MR. NEARY: I will not name the particular religion but, Sir, not only do the churches object to it but I am sure a lot of persons, a lot of parents in Newfoundland will object to it because nobody, Sir, no parent, and most of us of in this House are parents, wants the court to make a decision. The parents refuse to give consent to a child under sixteen, and have some judge or magistrate down before the court grant the permission.

If that be the interpretation, Sir, I say there is going to be an awful lot of objection to that.

The other parts of the legislation, Sir, are pretty fair. I think that most of the religions would go along with the civil marriage part of it, for the simple fact, Sir, that they want to recognize the rights of minority groups. That is the reason they go along with it, Sir, some of them may do it grudgingly but I think, with all of the immigrants coming into Newfoundland, that there was a bit of a problem developed, that these people were forced to either be married by a religious ceremony or forced to go to Halifax to get married.

I think the churches were pretty open-minded about this and recognized there was a problem there and went along with it because they

wanted to recognize the right of the minority groups. Society has changed considerably even in Newfoundland. In this pluralistic society that we are living in, Sir, I do not think some of them probably really did not want to do it but I think I recognized the problem and decided to go along with it.

Apart from that, Sir, I think, as my colleague pointed out, the bill was drafted by the previous administration. There was some objection raised to it; it did not see the light of day. But, Mr. Speaker, there is a psychological moment to do these things. Maybe three, four or five years ago, Sir, you could not do it. Maybe you could not bring a bill like this into the House, that you could not get the backing.

AN HON. MEMBER: The majority was too small.

MR. NEARY: No, Sir, it had nothing to do with the majority, it had to do with the churches. That is what it had to do with. The minister was, I would say, wise to send the draft bill around to the various heads of the churches, to the various religious denominations in the province. The minister did get a reaction, as he indicated, from all the heads of the churches. Some of them objected to certain parts of the draft bill. The minister said he was a little bit too humble to read out some of the letters, leaving the impression that they were very complimentary.

But, Sir, the minister did not have the courtesy, did not have the courtesy to pick up his telephone or to write a letter back to these people who made these suggestions, to let them know, to let these people know if their recommendations were going to be -

MR. HICKMAN: Inaudible.

MR. NEARY: I do not. Tell me. I know whereof I speak.

AN HON. MEMBER: He is wrong.

MR. NEARY: Whereof I speak.

AN HON. MEMBER: Inaudible.

MR. NEARY: I know it, that the minister did not have the courtesy to pick up his telephone and call them back or write them a letter. Say, "Look, we are going to put this in" or "we are going to leave it out." I do not mean that the minister should give them the bill that is going to be brought into the House, because that would be improper. Here we are

right at the eleventh hour, Sir, here we are in this House ramming legislation through the House, right, left and centre. Mr. Speaker, we spent the first seven or eight weeks in this honourable House scratching at one another's eyes, picking and clawing at one another, for the simple reason, Sir -

MR. SPEAKER: Order, please!

The honourable member is not relevant to the principle of this particular bill.

MR. NEARY: Well I certainly am, Sir, for the simple reason that we did not have any legislation like this before the House to debate. That is why the decorum of the House, Sir, was so bad. Now at the last minute, Mr. Speaker, here we have a very important piece of legislation that members should have all kinds of time to consider, to consult with their consciences, to consult with their clergy if they wanted to, here it is being rammed through at ten minutes after eleven o'clock, not only this piece of legislation, but the last two days, Sir -

AN HON. MEMBER: Inaudible.

MR. NEARY: It is being rammed through, Sir. It has to be passed tonight. The Governor is waiting in the wings. I have no particular objection to this piece of legislation, Sir, but the point that I am making here is that there should be more time for members of the House. When did we get the bill? We only got it when? Yesterday.

AN HON. MEMBER: Two days.

MR. NEARY: Two days.

MR. ROWE, W.N.: The House is being completely mismanaged throughout this session.

AN HON. MEMBER: Inaudible.

MR. NEARY: That is the understatement of the year. The House has been completely mismanaged.

MR. ROWE, W.N.: Or the House Leader.

MR. NEARY: Mr. Speaker, we should have had more time to consider -

AN HON. MEMBER: Inaudible.

MR. NEARY: Sir, I am being pretty fair about this. I am supporting the bill but I want the Minister of Justice who is introducing this bill to explain to my satisfaction. I am sure there are other members of the House asking the same question: Do parents want the authority taken out of their hands and put into the hands of the courts? If that is the interpretation the Minister is putting on it, then I would certainly object to that section of the bill because the minister has had objections to it from the churches and he knows that.

MR. DICKMAN: No, I do not.

MR. NEARY: Yes, Sir, he does. Yes that part dealing with children under sixteen years of age. Well, Sir, the minister better read his correspondence again.

But anyway, Sir, I am for the bill. I do not see too much wrong with it. I would like for the minister to clarify that particular section of it. Apart from that, Sir, we should have had more time to consider this piece of legislation.

MR. SPEAKER: The honourable Member for Hermitage.

MR. P. SIMMONS: Before the minister closes the debate, I would just like to say two or three words on this subject. First of all, I should inform the House that I am by far the most qualified in the House to speak on this. Apart from the fact, together with the Leader of the Opposition we have been married just over one year, Not to each other, mind you, but married.

In addition to that my wife is only one of four women that I have married, the other three having been wives of other men and I was performing the ceremony. Perhaps I am the only person in the House who has been in that position, having performed some ceremonies. I checked recently, they are all doing very well, Mr. Speaker; in Deer Lake and in Springdale and in Labrador City.

At any rate, to the point at hand, Sir, I certainly welcome the legislation. The Member for Bell Island, the Member for White Bay South have given largely our views on the matter as they affect minority groups, non-Christians who wish to be married and so on.

But I would just like to make a comment or two on particular parts of the legislation; Section (11), Mr. Speaker, I would like to have seen a particular form prescribed for the ceremony. I think one of the dangers that could arise from the provision of civil marriages, and one of the dangers that I have had voiced to me on this subject is that it could in the eye of the person who is involved have less solemnity, if you like, have less significance to the person, if we, first of all, take the marriage ceremony out of the context and the atmosphere of the church. Then on top of that, allow it to be performed without any particular form prescribed for the ceremony.

So I would like to see Section (11) somewhat different than it is, so that there would be a prescribed form, a prescribed wording for the actual ceremony. Perhaps that could be covered under regulations, and the minister could perhaps indicate that when he rises to close the debate.

Section (13), the matter of appointing issuers of marriage licences: The minister indicated there, a few minutes ago I believe, that these would be appointed in literally every community of any size. I wondered if he might comment on the advisability or otherwise of involving present agents of the law such as, J.P.'s and Commissioners of Oaths and -

MR. HICKMAN: Inaudible.

MR. SIMMONS: Yes.

My concern here I believe has been taken care of by the minister under Section (13), the concern being that these issuers of licences would be accessible because, as I am sure honourable members of the House are aware of this while the emphasis in the discussion, both in the press and here tonight, while the emphasis have been on the provision in the act insofar as civil marriage is concerned, the Act also introduces a number of other items and a number of other restraints which were not heretofore present. This one in section (13), for instance, the requirement that there be issuers of marriage licences, involves a new restraint, not a clumsy one at all. It could be clumsy but it will not be if the issuers of licences are accessible to all persons in the province.

In Section (17), just to draw the minister's attention to this, somebody got confused on the sections there I believe. Section (17) refers to Section (16). I believe they may be referring to Section (15) rather than Section (16).

AN HON. MEMBER: Inaudible.

MR. SIMMONS: No, I am referring to the affidavit. The affidavit is covered in Section (15), but anyway that is a matter of housekeeping.

Yes that is all I have to say on the matter, Mr. Speaker.

MR. SPEAKER: If the honourable minister speaks now he closes the debate.

MR. HICKMAN: Mr. Speaker, one thing, if the honourable Member for Bell Island is within range of my voice, then I wanted to deal with that question again of the marriage of a person or persons under the age of sixteen years.

I have to confess I did not quite get his question when he asked me across the House when I was speaking. So let me repeat what the situation is: Marriage in the Province of Newfoundland of a person under the age of sixteen years is prohibited. So the question of getting consent does not enter the picture. The application to the court for consent would be in the cases of between the ages of sixteen and nineteen. But there is a provision and the only person that I see who could make the application to a magistrate as next friend would have to be the parents of the children. They would have to make the application. So there is no conceivable way that a court could grant permission to the marriage of a person under sixteen years of age if there were any objection from the parents.

I share the honourable gentleman for White Bay South's view on the use of the word "illegitimate" child, but I am rather reluctant at this time, where the act has been pretty carefully drafted and gone over many times, to start changing it in committee.

AN HON. MEMBER: Inaudible.

MR. HICKMAN: It could be amended next year? Yes, I agree.

Just in closing may I say that this final draft of the bill was sent and a letter written to the heads of all the churches, to whom I had written in the first instance, in closing the final draft some days ago.

AN HON. MEMBER: Oh, some days ago.

MR. HICKMAN: Oh in sufficient time for them to make any objection that they possibly could have. But in any event -

MR. NEAPY: As of seven o'clock tonight, is not sufficient time.

MR. HICKMAN: I did not send it to every clergyman. I sent it to the gentleman - I know for instance the man who I referred to on the radio, he is a friend of a draftsman involved in this, was talking to her last Thursday I think it was. He had received my letter. He spoke for one very major denomination in the country.

So I move second reading.

MR. SIMMONS: Inaudible.

MR. HICKMAN: Yes.

MR. SIMMONS: I thought I heard the minister indicate earlier though that there were some objections from the churches. Is that correct? If so -

MR. HICKMAN: As to suggestions on procedural matters, as opposed to the principle of the bill.

MR. SIMMONS: Was there any objection of any substance?

MR. HICKMAN: No.

On motion bill read a second time, ordered referred to a Committee of The Whole House presently, by leave.

On motion, that the House go into Committee of the Whole on said bills, Mr. Speaker left the Chair.

COMMITTEE OF THE WHOLE

A bill, "An Act Further To Amend The Mechanics' Lien Act."

MR. W. W. MARSHALL: In connection with this, Mr. Chairman, the word "Shall" should be "May" and I move the amendment.

On motion Clause (1) as amended, carried.

On motion Clauses (2) and (3) carried.

Motion, that the Committee report having passed bill without amendment, carried.

A bill, "An Act To Amend Certain Statutes Of The Province."

Motion, that the Committee report having passed the bill without amendment, carried.

A bill, "An Act Further To Amend The Summary Jurisdiction Act."

Motion, that the Committee report having passed the bill without amendment, carried.

A bill, "An Act To Amend The Farm Development Loan Act."

Motion, that the Committee report having passed the bill without amendment, carried.

A bill; "An Act Further To Amend The Crown Lands Act." (No.80)

Motion, that the committee report having passed the bill without amendment, carried.

A bill; "An Act Further To Amend The St. John's Housing Corporation Act." (No. 79).

Motion, that the committee report having passed the bill without amendment, carried.

A bill; "An Act To Amend The Fisheries Loan Act." (No. 93).

Motion, that the committee report having passed the bill without amendment, carried.

A bill; "An Act To Amend The Emergency Compensation Of Employees Act, 1971." (No. 42).

MR. MARSHALL: With respect to (2), Mr. Chairman, there is an amendment that is before you and I think the Member for White Bay South has it. This will amend section (2). It is amended by (a) deleting paragraph (c) and substituting therefor the following: (c) "Employer means a person, firm, corporation, agent and any due representative, contractor, subcontractor or other person having control and direction of or are responsible directly or indirectly for the employment of an employee within the limits of the City of St. John's or within the limits of the municipality during the state of emergency."

(b) deleting paragraph (d) and substituting therefor the following: "(d) "Minister" means the Minister of Manpower and Industrial Relations."

(c) deleting from paragraph (e) the words "and" and substituting therefor the words "and further the period between the hours of 12:00 p.m. midnight March 11, 1974 and 12:00 p.m. midnight March 12, 1974, when the Mayor of the City of St. John's or the council of the municipality declared a state of emergency; and."

Motion, clause (2) as amended carried

Motion, that the committee report having passed the bill with amendment, carried.

A bill, "An Act Respecting A Provincial Court." (No. 49).

On motion clauses (2) through (19), by leave, carried.

Shall clause (20) carry?

MR. MARSHALL: Clause (20), Mr. Chairman, I move that there is one typographical error there in "because" but there is another substantive one "reprimand the magistrate either" instead of "verbally" to put in the word "orally."

On motion amendment carried.

On motion clauses (21) through (37) inclusive, by leave, carried.

Motion, that the committee report having passed the bill with some amendment, carried.

A bill; "An Act To Vest Certain Minerals In Her Majesty." (No. 68).

Motion, that the committee report having passed the bill without amendment, carried.

A bill; "An Act Respecting Tenders For Public Work." (No. 67).

Motion, that the committee report having passed the bill without amendment, carried.

A bill; "An Act Respecting Certain Provisions Of Certain Mining Leases Made And To Be Made Under The Agreement Forming The Schedule To The Act No. 41 Of 1938 As From Time To Time Heretofore Amended." (No. 70).

Motion, that the committee report having passed the bill without amendment, carried.

A bill: "An Act Further To Amend The Local School Tax Act." (NO. 71).

On motion clauses (2) through (14), by leave, carried.

Motion, that the committee report having passed the bill without amendment, carried.

A bill: "An Act Respecting Certain Building Supplies." (No. 57).

Motion, that the committee report having passed the bill without amendment, carried.

A bill: "An Act To Amend The Motor Carrier Act." (No. 78).

On motion clauses (2) to (16), by leave, carried.

Motion, that the committee report having passed the bill without amendment, carried.

A bill; "An Act To Ratify, Confirm And Adopt An Agreement Entered Into Between The Government And Pyramid Mobile Homes (1959) Limited With Respect To The Commencement And Carrying On Of A Business For Manufacture And Distribution Of Mobile Homes Within The Province, And To Make Statutory Provisions Respecting Matters Connected Therewith." (No. 85).

Motion, that the committee report having passed the bill without amendment, carried.

A bill; "An Act To Amend The Election Act." (No. 86).

MR. HICKMAN: Clause 2(d) that should be "deleting paragraph (1) " instead of (h).

On motion amendment carried.

On motion clause as amended carried.

On motion clauses (3) through (26), by leave, carried.

Motion, that the committee report the bill with amendment, carried.

A bill; "An Act Further To Amend The Registration Of Deeds Act." (No.98)

Motion, that the committee report having passed the bill without amendment, carried.

A bill; "An Act Respecting The Solemnization Of Marriage." (No.95).

On motion clauses (2) through (48), by leave, carried.

Motion, that the committee report having passed the bill without amendment, carried.

A bill; "An Act To Ratify, Confirm And Adopt An Agreement Between Government And Canada Bay Lumber Company Limited (No. 94).

Motion, that the committee report having passed the bill without amendment, carried.

A bill; "An Act Further To Amend The Workmen's Compensation Act." (No.87).

Motion, that the committee report having passed the bill without amendment, carried.

A bill; "An Act Further To Amend The Hours Of Work Act." (No. 88)

Motion, that the committee report having passed the bill without amendment, carried.

A bill: "An Act Respecting The Award Of An Increase Of Pensions To Or In Respect Of Certain Employees Of The Government Of Newfoundland, Certain Teachers And Certain Employees Of The Broadcasting Corporation Of Newfoundland, And To Or In Respect Of Certain Transferred Employees Of The Government And Of The Newfoundland Railway." (No. 101).

Motion, that the committee report having passed the bill without amendment, carried.

A bill: "An Act Respecting Mobile Home Dealers." (No. 77).

On motion clauses (2) through (26), by leave, carried.

Motion, that the committee report having passed the bill without amendment, carried.

On motion that the committee rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed bills no. (91), (90), (92), (89), (79), (93), (68), (67), (70), (71), (57), (78), (85), (98), (95), (94), (87), (88), (101) and (77) without amendment.

On motion report received and adopted, bills ordered read a third time presently, by leave.

Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed the bills no. (83), (42), (49) and (86) with some amendments and ask leave to sit again.

On motion report received and adopted.

On motion amendments read a first and second time, bills ordered read a third time presently, by leave.

On motion the following bills read a third time ordered passed and title be as on the Order Paper.

A bill; "An Act Further To Amend The Wildlife Act."

A bill; "An Act To Amend The Communicable Diseases Act."

A bill, "An Act To Amend The Department Of Municipal Affairs And Housing Act, 1973."

A bill, "An Act Further To Amend The Newfoundland Municipal Financing Corporation Act."

A bill, "An Act Further To Amend The Education (Teacher Training) Act."

A bill, "An Act Further To Amend The Social Assistance Act, 1971."

A bill, "An Act Further To Amend The Schools Act."

A bill, "An Act Respecting Fraudulent Conveyances."

A bill, "An Act Respecting The Appointment And Powers Of The Newfoundland Geographical Names Board."

A bill, "An Act Further To Amend The Conditional Sales Act."

A bill, "An Act Further To Amend The Child Welfare Act, 1972."

A bill, "An Act Further To Amend The Bills Of Sale Act."

A bill, "An Act Further To Amend The Welfare Of Children Act."

A bill, "An Act Further To Amend The Maritime Hospital Service Association Re-Incorporation Act, 1949."

A bill, "An Act To Amend The Community Councils Act, 1972."

A bill, "An Act Respecting The Newfoundland Teachers' Association."

A bill, "An Act Further To Amend The Crown Lands (Mines And Quarries) Act."

A bill, "An Act To Confirm The Setting Up And Closing Out Of The Children's Trust Account And Matters Relating To The Operation Of The Account."

A bill, "An Act To Bring Certain Forest Lands Under Proper Management And To Impose Varying Degrees Of Taxation In Respect Thereof"

- A bill, "An Act Further To Amend The District Courts Act."
- A bill, "An Act To Amend The Interpretation Act."
- A bill, "An Act Further To Amend The Judicature Act."
- A bill, "An Act To Amend The Public Service (Collective Bargaining) Act, 1973."
- A bill, "An Act To Amend The Quieting Of Titles Act."
- A bill, "An Act Further To Amend The Constabulary (Pensions) Act."
- A bill "An Act Further To Amend The Highway Traffic Act."
- A bill, "An Act Further To Amend The Civil Service Act."
- A bill, "An Act Respecting The Designation Of Beneficiaries Under Retirement Savings Plans."
- A bill, "An Act Further To Amend The Local Government Act, 1972."
- A bill, "An Act To Amend, Revise And Consolidate The Law Respecting The St. John's Memorial Stadium."
- A bill, "An Act Further To Amend The Agreements Ratified By The Avalon Telephone Company Act, 1938."
- A bill, "An Act Further To Amend The Judicature Act."
- A bill, "An Act Further To Amend The Grand Falls Hospital (Management) Act, 1961."
- A bill, "An Act Further To Amend The Newfoundland Medical Care Insurance Act."
- A bill, "An Act Further To Amend The Companies Act."
- A bill, "An Act Further To Amend The Mechanics' Lien Act."
- A bill, "An Act To Amend Certain Statutes Of The Province."
- A bill, "An Act Further To Amend The Summary Jurisdiction Act."
- A bill, "An Act To Amend The Farm Development Loan Act."
- A bill, "An Act Further To Amend The Crown Lands Act."
- A bill, "An Act Further To Amend The St. John's Housing Corporation Act. "

A bill, "An Act To Amend The Fisheries Loan Act."

A bill, "An Act To Amend The Emergency Compensation Of Employees Act, 1971."

A bill, "An Act Respecting A Provincial Court."

A bill, "An Act To Vest Certain Minerals In Her Majesty."

A bill, "An Act Respecting Tenders For Public Work."

A bill, " An Act Respecting Certain Provisions Of Certain Mining Leases Made And To Be Made Under The Agreement Forming The Schedule To The Act No. 41 of 1938 As From Time To Time Heretofore Amended."

A bill, "An Act Further To Amend The Local School Tax Act."

A bill, " An Act Respecting Certain Building Supplies."

A bill, "An Act To Amend The Motor Carrier Act."

A bill, "An Act To Ratify, Confirm And Adopt An Agreement Entered Into Between The Government And Pyramid Mobile Homes (1959) Limited With Respect To The Commencement And Carrying On Of A Business For Manufacture And Distribution Of Mobile Homes Within The Province And To Make Statutory Provisions Respecting Matters Connected Therewith."

A bill, "An Act To Amend The Election Act."

A bill, "An Act Further To Amend The Registration Of Deeds Act."

A bill, "An Act Respecting The Solemnization Of Marriage."

A bill, "An Act To Ratify, Confirm And Adopt An Agreement Between Government And Canada Bay Lumber Company Limited."

A bill, "An Act Further To Amend The Workmen's Compensation Act."

A bill, "An Act Further To Amend The Hours Of Work Act."

A bill, "An Act Respecting The Award Of An Increase Of Pensions To Or In Respect Of Certain Employees Of The Government Of Newfoundland, Certain Teachers and Certain Employees Of The Broadcasting Corporation Of Newfoundland And To Or In Respect Of Certain Transferred Employees Of The Government And Of the Newfoundland Railway."

A bill, "An Act Respecting Mobile Home Dealers."

SERGEANT-AT-ARMS: Mr. Speaker, His Honour the Lieutenant Governor has arrived.

MR. SPEAKER: Admit His Honour the Lieutenant Governor.

It is my agreeable duty on behalf of Her Majesty's dutiful and loyal subjects, Her faithful commons in Newfoundland to present to Your Honour a bill for the appropriation of Supply granted in the present session.

A bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending March 31, 1975 And For Other Purposes Relating To The Public Service."

THE HON. E. J. A. HARNUM, LIEUTENANT GOVERNOR: In Her Majesty's name, I thank Her loyal subjects, I accept their benevolence and assent to this bill.

MR. SPEAKER: May it please Your Honour, the General Assembly of this province has at its present session passed certain bills, to which in the name and on behalf of the General Assembly, I respectfully request Your Honour's assent:

A bill, "An Act Respecting The Colonial Building."

A bill, "An Act To Repeal The Gift Tax Act, 1972."

A bill, "An Act To Repeal The Succession Duty Act, 1972."

A bill, "An Act Further To Amend The Gasoline Tax Act."

A bill, "An Act Further To Amend The Petroleum And Natural

Gas Act."

A bill, "An Act To Repeal The Debentures Of The Province Act."

A bill, "An Act To Amend The Undeveloped Minerals Areas Act."

A bill, "An Act To Repeal The Property Loss Reserve Fund Act."

A bill, "An Act To Amend The Assessment Act."

A bill, "An Act To Authorize The Raising Of Money By Way Of Loan By The Province."

A bill, "An Act Further To Amend The Income Tax Act."

A bill, "An Act Further To Amend The Retail Sales Tax Act, 1972."

A bill, "An Act Further To Amend The Local Authority Guarantee Act, 1957."

A bill, "An Act Further To Amend The Loan And Guarantee Act, 1957."

A bill, "An Act Further To Amend The Wildlife Act."

A bill, "An Act To Amend The Communicable Diseases Act."

A bill, "An Act To Amend The Department Of Municipal Affairs And Housing Act, 1973."

A bill, "An Act Further To Amend The Newfoundland Municipal Financing Corporation Act."

A bill, "An Act Further To Amend The Education (Teacher Training) Act."

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A bill, "An Act Further To Amend The Bills Of Sale Act."

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- A bill, "An Act Further To Amend The District Courts Act."
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A bill, "An Act Respecting Mobile Homes And The Registration And Regulation Of Mobile Home Dealers."

THE HON. E.J.A. HARNUM, LIEUTENANT-GOVERNOR: In Her Majesty's name,
I assent to these bills.

Members of this honourable House of Assembly, as this may be the last occasion in which I may have the privilege of attending the Legislative Assembly as Lieutenant Governor, I want to express my deep appreciation to all here for the co-operation and assistance that I have received at all times during my term of office as Lieutenant Governor. I want to say how very happy I have been as Lieutenant Governor during the past five years and my deep appreciation to one and all of this honourable House of Assembly. Thank you very much indeed.

MR. MARSHALL: Mr. Speaker, I move that the House at its rising do adjourn until tomorrow Thursday, June 6, 1974 at 3:00 P.M. and that this House do now adjourn.

MR. SPEAKER: It has been moved and seconded that the House do now adjourn until tomorrow Thursday, June 6, 1974 at 3:00 P.M.

I do now leave the Chair until tomorrow Thursday, June 6, 1974 at 3:00 P.M.