

PROPERTY OF NEWFOUNDLAND
LEGISLATIVE LIBRARY
PLEASE RETURN



PROVINCE OF NEWFOUNDLAND

**THIRTY-SIXTH GENERAL ASSEMBLY
OF
NEWFOUNDLAND**

Volume 1

1st Session

Number 7

VERBATIM REPORT

Monday, May 1, 1972

SPEAKER: THE HONOURABLE JAMES M. RUSSELL

The House met at 3:00 P. M.

Mr. Speaker in the Chair.

HON. F. MOORES (Premier): Mr. Speaker, I would like at this time to inform the House that the Honorable Minister of Public Works and Highways is still ill and will be convalescing for some time yet, unfortunately. Until such time as he is ready to come back I wish to advise the House the honourable member for St. Barbe South will be acting Minister of Highways the Honourable Minister of Justice will be the acting minister of Public Works.

Also, Mr. Speaker, this morning I resigned as Minister of Fisheries. The new Minister of Fisheries who was sworn in over the lunch hour is the member for Hermitage.

MR. SPEAKER: It is an honour for me to welcome to the galleries today forty-five Grade 1X students from Booth Memorial with their teacher Melvin Drover. Also, forty Grade 7 students from United Junior High with their teacher Shirley Parsons. We trust that your visit here will be enjoyable and educational and informative.

Presenting Petitions:

HON. J. CARTER (Min. of Education): Mr. Speaker, I beg leave to present a petition on behalf of the residents of Point Leamington, Glovers Harbour, Leading Tickles, South and North, requesting that the road from Northern Arm to Point Leamington be paved. Mr. Speaker, the prayer of the petition reads that the road from Northern Arm, Point Leamington be paved before the next election in 1971. Earlier in the prayer they wish that the road would be paved before 1966, so this is a very old petition that has been brought forward several times. We humbly beg that this promise be upheld that the upgrading of this road begin in the immediate future. This is one of the oldest roads in the Province and all merchandise, farm produce and lumber have to be transported over this road, for the towns of Point Leamington, Pleasantview, Glovers, Leading Tickles, North and South.

Mr. Speaker, I think that a petition of this kind is very serious

particularly when it gives evidence of promises that have long since been made and apparently disregarded. There is no question in my mind that this particular section of road needs some attention I would like to direct it to the department to which it relates. This is seconded by the hon. member for Hermitage. Thank you.

MR.E.ROBERTS: Mr. Speaker, If I could say a word in support of that petition. In so doing, perhaps I could in behalf of my colleagues here congratulate the seconder of that petition who is no longer merely the honourable member for Hermitage but is the Minister of Fisheries in addition to being the member for Hermitage. Of course we want on this side Sir, to see the prayer of this petition granted. All the more so, as, since my friend from St. John's North has so eloquently put it, apparently this is a long-standing (quote) commitment (quote) that has not been honoured. If that is so, I would merely caution the honourable gentleman.

May 1, 1972, Tape 155, Page 1 -- aph

MR. ROBERTS: He will learn if he has not already that oft times a statement of intention becomes a promise, but whether a promise or a commitment, obviously the people in this part of Newfoundland, represented I believe by Your Honour in the House, should have pavement. I am all for that especially as this apparently goes back some time.

I express the hope and address it to the acting Minister of Highways, the Minister of Labour. that the work will begin this year. I think that this is the very least that these people deserve and I hope that the press and the people in the House will carry it. For our side, we will be very disappointed, Mr. Speaker, if the work on this project does not begin this year. At the same time, of course, it relates to the causeway to Leading Tickles. We had a petition on that the other day and it too should be done. All this work should be done this year, Sir. I am sure that the temperament of the Minister of Finance will encourage this and we on our part will encourage it as well.

On motion, petition received and adopted.

MR. YOUNG: Mr. Speaker, I would like to present a petition on behalf of seventy-eight residents of Spaniard's Bay. They pray, Sir, that the section of road connecting with the paved road to Upper Island Cove and known as the Ridge Road, measuring approximately six-tenths of a mile in length and which is now not incorporated into the municipal boundary of Spaniard's Bay, be widened, rebuilt and upgraded without delay. They are more precise in the previous condition; they would like to see this done before the end of September 1972.

MR. NEARY: Mr. Speaker, it comes as a complete shock to this honourable House to find out that there is a piece of road in Conception Bay, especially in the Spaniard's Bay Area, that is not paved. We are equally surprised, Sir, to find out that there are seventy-eight residents not too far from Spaniard's Bay without incorporation. I would say shame on the previous member, Sir, for leaving out this little piece of road that should have been paved when they were in this House

of Assembly. I do hope, Sir, that the temperamental Minister of Finance will be able to find the money for the temporary Minister of Highways to complete this little piece of road. I hope that it will be done during the summer of 1972.

On motion, petition received and adopted.

MR. THOMS: Mr. Speaker, I beg leave to present a petition on behalf of the residents of Middle Brook North. The prayer of the petition is, Mr. Speaker, that the Town of Middle Brook North be provided with a water and sewer system. As the hon. gentlemen here will note, Middle Brook North is now incorporated under the Local Improvement District of Dark Cove, Middle Brook and Gambo.

Middle Brook South, Mr. Speaker, is already supplied with a water and sewer system and it is the prayer of the residents of Middle Brook North that they also be given this necessity. At the present time, Mr. Speaker, we have some 220 voters in this area and they feel that they too are entitled to proper water and sewer facilities.

Mr. Speaker, I ask that this petition be placed on the table of this House and referred to the department to which it relates.

On motion petition received.

MOTIONS:

MR. CROSBIE: Mr. Speaker, I have a notice of motion which is not here yet if the House will consent to it being given later on, the Linerboard Mill.

ORDERS OF THE DAY:

MR. NEARY: Mr. Speaker, I would like to ask the Minister of Labour if he would give the House a brief progress report on the steps that have been taken to rectify the safety hazards in the ERCO Phosphorous Plant and if he has any outstanding correspondence with the Union Steel Workers Local at Long Harbour that has not been answered yet?

MR. MAYNARD: Mr. Speaker, I will accept the question as notice and provide the answer on tomorrow.

MR. WINSOR: Mr. Speaker, I intended to direct this question to the Premier in his capacity as Minister of Fisheries but now we have a new Minister of Fisheries and may I be the first to congratulate him on that appointment. Is the honourable minister in a position to tell us exactly what is doing at Burgeo because there are some alarming reports coming out of Burgeo where the plant workers are working two or three days a week, not making enough money to tide them over, unable to get relief and not qualifying for unemployment? What is the position there?

HON. R.L. CHEESEMAN (MINISTER OF FISHERIES): Mr. Speaker, I will take the question as notice and supply my answer on tomorrow.

MR. SPEAKER: Any other questions or answers to questions?

ORDERS OF THE DAY:

Motion, second reading of a bill, "An Act To Repeal The Pensions (Premiums) Act, 1966-1967."

MR. CROSBIE: Mr. Speaker, the purpose of this act is to repeal the

MR. CROSBIE:

act mentioned which was passed in 1966-1967. The act that we ask the House now to repeal was passed to make legal the deduction of pensions premiums from the salaries of employees of government pending the drafting and enactment of appropriate legislation. The deduction of premiums is now covered under the Civil Service Act, the Constabulary Act, the Public Service Pensions Act and therefore this piece of legislation is no longer necessary.

I therefore move second reading of the bill.

MR. ROBERTS: Mr. Speaker, we will support it. The minister has fully and adequately explained a bill which is really a piece of housekeeping legislation.

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 Repeal The Contingencies Act."

MR. CROSBIE: Mr. Speaker, this is an Act to repeal the Contingencies Act which was passed many years ago. Apparently the Contingencies Act was designed to provide such procedures for the purposes of control of the procurement of certain items of goods and services which were to be effective by the deputy ministers of various departments. In the course of the evolution of procedures and control of procedures for this purpose under the last few years, say for the last twenty years, the functions required under this act have been incorporated into the form now for presentation of the estimates and in the control of expenditures as exercised by the Treasury Board.

Therefore this act has become obsolete and can no longer serve any useful purpose. We therefore now ask the House to repeal this legislation which is redundant and is no longer of any use. I move second reading of the bill.

MR. ROBERTS: Mr. Speaker, we were prepared to be the last stand. Yet the minister's eloquence swayed us and as a result we agree to consider it and we will support the bill at second reading stage. There may be a fight in committee though, Sir, there are two clauses to this bill.

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

Motion, second reading of a bill, "An Act Further To Amend The Agreement Entered Into, Executed And Delivered In Pursuance Of And In The Form Set Forth In The Schedule To The Government-Newfoundland Cement Company Limited And North Star Cement Limited (Authorization Of Agreement) Act, 1959, And To Make Certain Statutory Provisions Relating To That Agreement."

MR. CROSBIE: Mr. Speaker, I move second reading of this amendment. The original legislation was entered into in 1959 and governs the agreement entered into between the government of that day and the North Star Cement Limited. The North Star Cement Limited is purchasing from the government the shares of

MR. CROSBIE: Newfoundland Cement Company Limited and in order to do this, they are required to pay out of profits each year, they are required to redeem so many voting preferred shares which are held by the government.

I think the original agreement provided that one half of the profits, as defined in the original Act of those companies, be applied to redeem preferred shares held by the government.

Now the amendment that is before the House is at the request of the contracting company and if the amendment is passed it would provide that where they have in any particular year paid over more than they were required to do under the original agreement, they have redeemed more shares than they were required to, if there comes a year where they were not in a position to redeem the minimum number of shares that they be given a credit for redeeming more than the minimum number in earlier years and would

be able to meet their obligation in that way. This was agreed to by the previous administration and we see no reason to differ from it so that is what the amendment pertain to. As a matter of fact, the amendment that we now present to the House was approved by the previous government in 1970 by two Orders-in-Council, 159 and 159A.

This North Star Cement amendment also has a further clause which ratifies a deferral of share redemptions in the amount of \$66,400. There was a year when they were unable to redeem these shares. It was in contravention of the agreement but the government overlooked it. This amendment is to authorize the government's overlooking it in that particular case. Since that occurred some years ago, the amount has since been passed but the Legislature should approve it.

Just some information the House might be interested in on North Star Cement; the total investment that the government has in North Star Cement as at December 31, 1970, is \$3,161,600 and that was at the end of December 1970. So we still have involved in North Star Cement something less than that now but not much less than \$3,161,600.

The North Star Cement normally employs 100 people. There is a slump in cement sales at the moment so the employment is temporarily down to 50. The

MR. CROSBIE: company expects that they will be back up to their normal strength by the end of May. The House might be interested in their sales picture. I will just give the last three years. In 1969 they sold \$2,354,000 worth of product. In 1970 they sold \$3,619,000 worth of product. In 1971 they sold \$3,592,000 in sales. They made a profit in 1967, without taking depreciation, the same in 1968, not allowing for depreciation. The profit in 1969 was \$62,193.00 after depreciation of \$188,000. In 1970 a loss of \$190 after taking depreciation of \$628,000. In 1971 a loss of \$11,663.00 after taking depreciation of \$849,000. Their sales in 1972 have been 12,400 tons valued at \$400,000 compared with 29,700 tons valued at \$900,000 in the same period last year. The sales of cement are starting to pick up a little in the past two weeks. So that is just some information on the project and I move that the amendments to the agreement and that the legislation be approved by the House.

MR. ROWE (W.N.): Mr. Speaker, as the hon. minister has already mentioned, if my memory serves me correctly, we did in fact do this in our term of office that is we provided for this by Order-in-Council and this is merely the legislation to clean that up. It seems to be an eminently sensible thing to do. We obviously have no objections to it and we support it.

MR. ROBERTS: I wonder, Mr. Speaker, if I might ask the minister, (he probably would not have the information there but he might be able to get it) I was just keeping a rough account of the depreciation the company has been taking and was it unusually large during the 1970 and 1971 years, the two years in respect of which the company made a loss? It was \$650,000 one year and \$850,000 the second year, that is \$1.5 million. Is that unusually large and if so, why is it so large and what are they up to? What are the values of the assets against which they are taking? I assume by depreciation we are also covering capital cost allowance for tax purposes. This is one of these Crown corporations that use the tax shelter gimmick. As my colleague has said, we are quite prepared to support the legislation. The minister either now or in committee might wish to go into that aspect of it.

MR. CROSBIE: They have not taken any depreciation in previous years and this is probably why it is so large.

MR. ROBERTS: Have they now recaptured it all I wonder?

MR. CROSBIE: I do not know. I will have to ask.

On motion a bill, "An Act Further To Amend The Agreement Entered Into, Executed And Delivered In Pursuance Of And In The Form Set Forth In The Schedule To The Government-Newfoundland Cement Company Limited And North Star Cement Limited (Authorization Of Agreement) Act, 1959, And To Make Certain Statutory Provisions Relating To That Agreement," 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 Agreement Ratified, Confirmed And Adopted By And Set Forth In The Schedule To The Newfoundland Fibrply Limited (Agreement) Act, 1963 And To Make Certain Statutory Provisions

Relating To That Agreement,"

MR. CROSBIE: Mr. Speaker, this is a similar bill to the bill the House just considered with respect to North Star Cement Limited. In this case there is an agreement between the Government of Newfoundland and Newfoundland Fibrply Limited and Wood Products Limited in connection with another Crown corporation, entered into by the previous government in 1963. It is a similar arrangement. The people involved are the Newfoundland Fibrply Limited and are operating the company. They are obliged each year to redeem a certain number of voting preferred shares which represents the government's investment in the corporation. When they finally have redeemed all these shares, they would become the owners of the company. The principle is the same, that they have asked for a change in the agreement so that if in any year they have redeemed more than they were required to as a minimum and find themselves in the air where it is difficult for them to redeem the minimum number, they would get credit for that in that particular year. Fibrply does have a credit at the moment of \$56,200. In other words, they have redeemed \$56,200 more of shares than they had to, as a minimum, which they could use as a credit in the future if that became necessary.

Our total investment in Newfoundland Fibrply, as the province's investment at December 31, 1970 is \$1,108,200. Newfoundland Fibrply normally employs forty-five to fifty people. At the present time they have one shift which they are not using, so currently they are employing thirty-eight people. Their sales for the last three years: In 1969, they had sales of \$799,000; in 1970, they had quite a slump, a sale of only \$334,000; last year, 1971, they had sales of \$340,000 and they estimate their sales for 1972 at \$500,000. The profit picture took no depreciation. For the last three years, it was \$162,000; 1970, \$23,000; 1971, \$11,000 and they estimate, hope for profit this year of \$65,000. They have had a profit every year without taking depreciation. I would therefore move second reading of the bill.

MR. ROBERTS Mr. Speaker, again there does not need to be very much said to what the minister said. There is another little technical question: If they have been making a profit without taking depreciation, I wonder what the position would have been if they had been taking depreciation? What loss would they have made? The asset involved is, as with all physical assets, presumably depreciating. That is the whole reason why the accountants have come up with depreciation as a concept and why the - I guess I do not have to wind my watch. It is terrible having a calendar watch when you go to 31st of the month instead of the 1st of the month.

The accountants have the concept of depreciation and the tax people have the concept of capital cost allowance and they are both the same, an allowance being made to cover on the owner's part his wasting asset. I think perhaps if the minister could let us know, we, the people of Newfoundland still own this enterprise, whether we should or should not is beside the point. It is subject to what amounts to an option for sale, paid for out of the profits. I would be interested in knowing what the position of the company is and when are assets are depreciated, according to the normal accounting standards? Again I assume there are no tax liabilities involved because again I assume they are using the Crown corporation tax loophole which existed for so many years until it was plugged by the Government of Canada a couple of years ago. Again we will support the bill, with no question of principle.

MR. CROSBIE: I would like to say to the House that we will be reviewing all these companies during the year. Naturally, in the press of present business we have not had time to review them. If my hon. friend will wait until next year, I will certainly be able to give him all he wants to know about whether they are taking proper depreciation or not.

It would be innocuous to comment that of course, my hon. friend could have had all this information when he was in the government. The public is entitled to it anyway and we will be reviewing all of these, particularly...

MR. ROBERTS: (Inaudible)

MR. CROSBIE: Right. I would be delighted to hear the answers to his questions if he has them. We will be reviewing all of this, Mr. Speaker.

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 Made Between The Government And Allied Chemical Corporation." (No. 30).

MR. CROSBIE: Mr. Speaker, I wish we could get a little more room over here. If the Public Works Committee could do something to give us a little more room.

This Bill is the result of a policy decision made by the previous administration, who apparently decided sometime within the last year that the provincial parks system should be moved from the Department of Mines, Agriculture and Resources to the Department of Economic Development.

I do not know what the particular reason for that was, but it has been with the Department of Economic Development now for some months and this is amending the Act in accordance with that decision. This administration has not decided, Mr. Speaker, whether this is the proper place for provincial parks or not, but since it is there at the moment it is just as well to recognize the fact.

As the House knows, the government, the Premier has appointed a committee on the functions of government and that committee is studying each government department in relation to the functions each is carrying on and they will recommend whether they think there should be any rearranging of functions or any changes within departments or even whether there should be any departments that should disappear and be divided among other departments.

Provincial parks will obviously be looked at by that committee also. In the meantime, what this does is recognize the transfer that has been made. There may have to be another transfer next year and there may not, it depends on what that committee would recommend. This would mean that parks will come under the Department of Economic Development rather than Mines, Agriculture and Resources where it has been now for some ten or twelve months.

MR. W.N. ROWE: Mr. Speaker, it is quite true, as the hon. minister has stated, that the previous administration did in fact, by Order in Council, for practical purposes move the Provincial Parks Division of the Department of Mines, Agriculture and Resources to the Department of Economic Development.

I do not think it is a matter of any great importance, Mr. Speaker, and if the hon. minister wanted to withdraw the Bill I am sure he would get unanimous consent of the House. In the event that he wants to proceed with the Bill as he has shown he does, I think that I could mention to him that our rationale at the time, although I was neither Minister of Mines and Resources nor Economic Development, I think the government's rationale at the time was that provincial parks were more associated with tourism than anything else in the government and that tourism was something which properly came under the Department of Economic Development. We hope that it will be one of the mainstays of economic development in this province in the future. That was the simple rationale for making that particular move.

Also, as an ancilliary sort of reason for that move, as the hon. Minister of Mines, Agriculture and Resources probably all too well knows by now, his department is one of the largest and most diffuse and takes into account and has jurisdiction over probably more of a variety of items than any other department in the Government of Newfoundland and Labrador.

AN HON. MEMBER: The Gros Morne National Park deal ...

MR. W.N. ROWE: That is right, that will occupy his time. I think it is more as a favour to the Minister of Mines, Agriculture and Resources whoever he might be from time to time, as a favour to him that this particular move was made by the previous administration. We support the Bill, Mr. Speaker.

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 Further To Amend The Constabulary (Pensions) Act, 1970." (No. 32).

MR. CROSBIE: Mr. Speaker, this is as it says, a bill to amend the Constabulary (Pensions) Act, 1970 and the purpose of it is explained in the explanatory notes. The main purpose is to permit a contributor to the Constabulary Pension Plan to retire at age sixty rather than to have to wait to age sixty-five. As the House knows the usual retirement age is sixty-five years and the rule of legislation has been that you could not retire until you were sixty-five except by taking a loss in your pension. This would permit a man who has fifteen years of pensionable service to retire if he chooses when he reaches his sixtieth birthday and receive a pension based on his pensionable service that had accumulated up to that time. In addition it would also allow a second election to a female pensioned under the Act who marries and whose marriage is annulled or dissolved. In other words the female employees had an option before that they could go into the pension plan or not and if they were married and had made an option that they did not want to participate in the pension plan but their husband died they would be given a second option, if their husband died they could then go into the pension plan.

So this just amends that to give the same option if the woman involved gets divorced or her marriage is annulled. Of course there are very few of these in Newfoundland as we know who get annulled or divorced but anyway this is to give them the same option. If something happens and they are divorced they can take an option then to go into the pension plan. It seems sensible enough. So that is the purpose of these amendments, Mr. Speaker. They were approved by the Pension Committee of the Government and would go into affect the 15th of October, 1971, section (2) of the bill and April 1, 1967 for the female portion of the bill.

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 Further To Amend The Public Service (Pensions) Act, 1968."

MR. CROSBIE: Mr. Speaker, this is a more lengthy series of amendments to the Public Service Pensions Act of 1968. The first several clauses relate to the pensionability of contractual officers. The Act as it now stands without this amendment excludes all contractual officers from becoming pensionable or having any of their service recognized as pensionable. This was not the intention of government when the act was drafted originally. The intention was that contractual officers who had special pension rights would not come under the ordinary Public Service Pensions Act but contractual officers who did not have special pension rights, of course, would. But the way the original act is mentioned that is not clear and the amendment will clarify the situation. So that the situation would be if he is an employee who has a special employment contract including pension rights he would not come under the Public Service Pensions Act but if there are contractual employees who do not have special pension rights their service would be recognized as pensionable service.

That is the purpose of clauses (2) and (3). Clause (4) is a similar clause to the one we just mentioned on the Constabulary Pensions Act. The married female who elects not to participate in the Public Service Pension Plan, the position is now that if her husband dies she can then elect to go into the plan if she wants to. So we suggest an amendment that if her husband dies or she becomes divorced or the marriage is annulled she again be given the option of going into the plan. Clause (5) deals with the crediting of service prior to the beginning of the Public Service Pensions Act of 1968. The present situation is that to give credit

MR. CROSBIE:

for teaching service or service with the railway or whatever for a person who has come into the public service, for them to get credit for service teaching and so on you would have to obtain the approval of the Lieutenant Governor-in-Council.

Now the amendment would provide that, which was the original intention, that such people will be allowed credit for all service performed prior to the 1st of April, 1967 provided that they were employed by the government on the 1st of April, 1967. So if a person were with the government on the 1st of April, 1967 he would automatically get credit for his teaching service if he had been a teacher before or whatever the other recognized categories are and you do not have to get the consent of the Lieutenant-Governor -in-Council.

Clause (6) is to provide a technical adjustment. The act provides that when a contributor has accumulated service that would total seventy per-cent, that is one and three quarters per-cent per year for each year prior to April 1, 1967 and two per-cent per year for each year after the 1st of April, 1967 he would be entitled to receive a pension equal to seventy per-cent of his average for any five years of service after the 1st of April, 1967. In cases where a calculated pension is more than seventy per-cent the act provides that the pension be reduced to the maximum allowable. If on the other hand the calculated pension is lower than seventy per-cent allowable there are no provisions to adjust up to seventy per-cent.

This amendment will enable that provision to be made. I hope that is clear to the House what this is, if it is I am delighted as it is not clear to me but anyway this is the reason for the amendment and the Pensions Committee has approved it. We now have the consent to reduce this allowance and there should also be consent to increase it.

May 1, 1972

Tape 161

JM - 4

MR. CROSBIE:

The next Clause (7) would permit government employees to retire
at age sixty after

fifteen years of service if they wish to - ten years, sorry, this case. A government employee who has ten years of service, attains sixty, can then retire, does not have to wait until sixty-five. He would get a pension of course based on his years of service up to that time.

Clause 8 provides for the pensionability of quasi-government organizations whose services may be contracted out to non-government bodies. What it means is this: That certain employees of government have now been transferred, in the case of the General Hospital, or the General Hospital Corporation, or in connection with the dietary department to Versa Foods, a private organization and in the case of the laundry, Laundry Services Limited. This amendment will permit them to continue to participate in the government's pension plan and to maintain pensionability, which I think is only fair because they have involuntarily been contracted out to another body.

Clause 9 repeals the schedule of the Act. The schedule has certain actuarial reduction factors no longer necessary due to the lowering of the retirement age as I referred to earlier. In other words, if you retired at sixty your pension was reduced actuarially sixty-one, sixty-two - now that we are giving them permission to retire at sixty, that schedule is not any longer needed. So those are the amendments, Mr. Speaker, I would therefore move the second reading of the Act.

MR. ROBERTS: Mr. Speaker, as the honourable gentleman has indicated these are not necessarily earth-shaking but they do represent a tidying up of a number of the loose ends in the pension plan, the Public Service Pension Plan which I think is a very good one. It is one that has been in effect now for four or five years. It is modelled essentially on the Government of Canada Public Service Plan. The minister has touched on the two or three weaknesses. It showed up in the administration of the plan particularly this matter of the former direct government servants who moved out because of the fact that the body which employs them has become other than the government, directly. For example, the General Hospital, the computer

corporation and all the other agencies of government will increasingly have to use to do their work.

I think that is particularly important if as I hope the government carry on with the policy which although it was adopted by the previous administration I think is non-partisan. It should be. My friend the Minister of Health is not here, but he is the one who has to do with it directly, the policy of more and more moving hospitals out from under direct control of the government, into the hands of local boards. The government put up the cost for all hospitals in this province. I suppose ninety-nine cents out of every dollar spent is found by the Minister of Finance in one way or another but the fact remains that the government now operate relatively speaking very few hospitals I hope it will become fewer.

If people are to move out into that sort of arrangement Sir, working for a crown corporation or a board incorporated under a statute then their pension rights must be protected. The world in which we are living pensions are as much a condition of employment as wages and what have you. Indeed I suspect when the next round of negotiations come round with N.A.P.E. or whatever it is called the government will find pensions are an item to be negotiated just as our wages and working conditions. I know the gentleman from St. John's South would agree with the view that pensions are very much a matter of - the type of matter to be negotiated if he is acting for the employee he has one view if he is acting for the employer he has another, well we all do, they are increasingly going to be of concern to this House and to the public.

The only other point in it and it is fairly major is the fact that the people of Newfoundland are not allowing their public servants to retire at sixty. Their pension would be as the minister quite properly said it would be lessened, related to their years of service. It is quite possible Sir to get a maximum pension at age sixty. The minister can correct me if I am wrong but I think that you can attain the maximum pension after thirty-five years of service. That would mean if a person comes to work with the public service at the age of twenty-five by the time he is sixty

he will have built up his maximum pension credit. If then he decides to retire he will get his full pension not one that is reduced actuarially as was hitherto.

This is a new principle it is one that is increasingly come into force across Canada, the Government of Canada adopted it a year or so ago, essentially all this legislation does is follow up on this and a number of other items. I hope that one of these days Sir, we will be able to have a full debate on pension plans in this House something the ministry might wish to look at. Something which is of concern to us increasingly is the question of private pension plans. Most of them in this province are not funded. Most of them in this province the lack of funding does not matter, the public ones are not funded but most of them in this province are not governed in any way at all Sir. There have been cases

MR. ROBERTS: within recent years of people who have spent a number of years working for a private firm thinking they have pension benefits, sometimes even paying towards them a small percentage of their salary where those pension benefits, when reality shooed into the matter, when those pension benefits were found not to be existent or to have evaporated. Pensions generally speaking are a matter of contract, a contract that should be policed in the public interest. When the honourable gentlemen work through their other priority matters, well they have only four years, but when they begin to work on them they might wish to look at this one. A number of other jurisdictions have gone a long way towards it and it is something that we should move into.

Anyway that is a bit of a long dissertation on what is a very simple bill in principle, Sir. It is a good bill and we are delighted to support it.

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 Respecting The Award Of An Increase Of Pensions To Or In Respect Of Certain Employees Of The Government And Certain Teachers."

MR. CROSBIE: The purpose of this legislation, Mr. Speaker, is to approve something that is has already been done. It was done by the previous administration and that is to approve certain increases given certain teachers who are on pension and certain other government employees who were on pension in previous years.

There was an Order-in-Council passed with respect to teachers and former civil servants including railway employees who retired prior to the 1st. of April, 1967. The increase I believe was given last fall. There was an increase in pensions for teachers, I think that was given in 1970, which was also authorized by this bill, and an increase in pensions of former civil servants, constabulary, railway employees and so on that was given last fall. You will see

MR. CROSBIE: that the percentage increase is shown in the schedule on page five of the bill. It is twenty percent if you were pensioned before January 1, 1960. Eighteen percent if you were pensioned in 1960 and so on, then if you were pensioned during the first few months of 1967 the increase was four percent. So that increase was given and has been paid out. This bill is to approve what has been done certainly the earlier intentions, certainly previous to 1960 and any of those, since the pensions were quite low and an increase was badly needed.

In any event this is to authorize it. The monies have already been spent for this year, as was explained when the supplementary supply came before the House. So I move second reading of the bill.

MR. MURPHY: Mr. Speaker, may I ask just one question. These matters have been coming up over the past number of years, are we just about clued up now? We had one for Gander, one for "CBC" employees and what have you. Are we just about near the end of the rope, Mr. Speaker?

MR CROSBIE: Well, this is a general increase for everyone who was on pension. You know it is not in the same category as Gander, people who worked at Gander and so on. That was to continue for another year or so. This was a general increase for all those people who are on pension, a general increase in the pensions.

MR MURPHY: (Inaudible)

MR CROSBIE: Well, that would depend on what the government felt at the time. If it were felt in a years time or two or three that the pensions these people were receiving were desperately low, then there might be a further increase.

I am always interested in answering any questions, no matter from what side of the House.

We are not used to seeing a minister questioned on the same side of the House.

MR. ROWE, W.N. Mr. Speaker, as the honourable the minister has already indicated this, again as with most of these smaller bills I think it is

MR. ROWE, W.N. again something which the previous administration did in fact and was very pleased to do and proud to do and we are delighted now to see that the thing is being given legislative authorities.

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 Amend The Civil Service (Transferred Employees) Act, 1956."

MR. CROSBIE: Mr. Speaker, this is an amendment that is similar in intention to several we have dealt with this afternoon, only it refers to transferred employees, that is, employees who transferred from the service of the Government of Newfoundland to the Government of Canada in 1949.

At present

MR. CROSBIE: under the Act. Employees who transfer at the date of union may elect to retire at the age of 60. The portion of his pension being paid by the Newfoundland Government in respect of his preunion services would be reduced because of his early retirement. That is the present situation. This is a Newfoundlander now who worked with the Government of Newfoundland before 1949 then went with Canada. This amendment would permit him now to retire between the ages of 60 and 65 without reduction in pension with respect to the years the Newfoundland Government is responsible for which are the years of his service before 1949 in line with the amendments the House has already approved this afternoon. I would therefore move second reading.

On motion a Bill, "An Act To Amend The Civil Service (Transferred Employees) Act, 1956," 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 Civil Service Act."

MR. CROSBIE: Mr. Speaker, the purpose of this amendment is this, that The Civil Service Act, with respect to pensions is still in effect with respect to civil servants who chose not to go under The Public Service Pensions Act passed in 1968 but who decided that they would continue under the previous Civil Service Pension Act.

AN HON. MEMBER: Inaudible.

MR. CROSBIE: I do not know what their benefits are but whatever they are they must know what they are because they chose to stay under them. There were about 200 as I understand it, about 200 of all Newfoundland Government employees who decided that they would sooner remain under the old Act than go under the new one.

Now the purpose of this amendment is to permit them to retire at age 60, between the age of 60 and 65, the same as we have done this afternoon for other groups. That is the effect of clause (2). Clause (3) provides for the return of contributions in the case of employees who elected to remain under the old Civil Service Act and who resign or die or for any other reason are not entitled to a pension. This amendment was forgotten to be included when

MR. CROSBIE: The Civil Service Act was amended in 1968 so it provides that you get your contribution back if you resign or die or for some reason you are found not to be entitled to a pension, you or your estate get the contributions back.

Clause (4) provides for the payment of pension premiums in respect of special leave without pay, subject to the approval of the minister. A similar provision exists under The Public Service Pensions Act, 1968, that is if you have leave of absence, special leave of absence authorized by the minister and you pay your contributions while you are on that period of leave of absence that is permitted. The final clause, clause (5) makes provision for the recovery of any monies due the government by employees who might receive a refund under clause (3). In other words they could deduct from the refund any amount they owe the government.

Then the date of its coming into force of the amendments is given in section (6) - April 1, 1967 with respect to sections (3) and (4) and October 15, 1971 with respect to section (2). I therefore move second reading.

HON. A. J. MURPHY: Mr. Speaker, just one short question to the minister on that and something I have asked over the years, with reference to the rate of interest on these contributions and at what rate is it based and is there interest paid on it?

AN HON. MEMBER: The hon. minister did not hear a word the hon. gentleman said.

MR. MURPHY: The hon. minister is busy. What would he do with you guys if he ignores me like this?

MR. CROSBIE: Sorry.

MR. MURPHY: I am just wonder, this is a question I have asked on many occasions, what interest rate is paid on a refund of any premiums and if there is any interest paid, and is it pegged at a certain percentage or not? Is the minister aware of that?

MR. CROSBIE: What interest is paid on contributions or returns? I think it is 3%.

MR. ROBERTS: I just want to say briefly that we are prepared to support the Bill. Indeed I suspect that it was largely prepared or the policy that was adopted while we were the administration of the province. For the benefit of my friend from St. John's East, the Minister of Provincial Affairs, who seems to be absent again, he is like a jack in the box these days— here he comes now, I think the rate is 3%. It is 3%.

I may say it is the first time I think in my knowledge I have heard a minister questioning a minister in the House on a point of policy. It could be very interesting on Orders of the Day, Mr. Speaker, we are looking forward to it.

MR. MURPHY: With that policy you can find a bit of information.

MR. ROBERTS: Well, Mr. Speaker, policy could very much be information and I quite agree it is a good point to bring out. As I said, in case the minister have any doubt, the rate is 3%. Perhaps it should be raised. It is something again that should be looked at. The only problem is that if you raise it, it ups the cost of administering the plan and as my colleague says, the temperamental minister might not go for that, but that is another story, Mr. Speaker.

On motion a Bill, "An Act Further To Amend The Civil Service 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 Pippy Park Commission Act, 1968."

MR. HICKMAN: Mr. Speaker, this is a very simple Bill that would permit regulations to be made with respect to the C.A. Pippy Park control area. I move second reading.

On motion, a bill, "An Act To Amend The Pippy Park Commission Act, 1968," read a second time, ordered referred to a committee of the whole House presently.

MR. MARSHALL: I move that the House now move into committee of the whole on bill no. 2 to 20 and certain other orders that we have already passed today.

On motion that the House go into committee of the whole on said bills, Mr. Speaker left the Chair.

MR. L. BARRY (Chairman of Committee of the Whole)

A bill, "An Act To Amend The Statute Law."

Motion that the committee report having passed the bill without amendment, carried.

A bill, "An Act Further To Amend The Registration Of Deeds Act."

Motion that the committee report having passed the bill without amendment, carried.

A bill, "An Act Further To Amend The Assignment Of Books Debt Act."

Motion that the committee report having passed the bill without amendment, carried.

A bill, "An Act Further To Amend The Direct Sellers Act, 1966."

Motion that the committee report having passed the bill without amendment, carried.

A bill, "An Act Further To Amend The Evidence Act."

Motion that the committee report having passed the bill without amendment, carried.

A bill, "An Act Further To Amend The Commissioners For Oaths Act, 1954."

Motion that the committee report having passed the bill without amendment, carried.

A bill, "An Act Further To Amend The Prisons Act, 1969."

MR. MARSHALL: Mr. Chairman, I would like to move an amendment to clause (2) because of an error in the draftsmanship, in the typing I am informed by the

Mr. Marshall

hon. Minister of Justice. It is in the third last line of section (2)(a) and I would move that the word "a" (It looks like the hon. Minister of Justice has done an expert job of blotting it out) be deleted and replaced by the word "they."

MR. MARSHALL: So they would read, "this act shall apply to such place of confinement, under such last mentioned named as fully and effectually as they applied."

I have no doubt, Mr. Chairman, that it is desired that the Minister of Justice will be only too happy to speak to that amendment.

On motion, amendment carried.

On motion, clause (2) carried.

MR. W.N. ROWE: On Clause (3), would the hon. minister let us know, I probably should have this information myself, but I have forgotten and he may know - now that the superintendent and the assistant superintendent and other members of the permanent staff constitute as police officers and they have certain powers which they can exercise, not only within the penitentiary but outside in the precincts and environs, giving them all the powers of the constabulary, is there a complete parity in pay now or is there still some distinction? Does the hon. minister remember that?

MR. HICKMAN: The relevancy to that section escapes me, Mr. Chairman, but I prefer not to answer that question because I am actually certain. The pattern was that - the policy always was that the three forces received the same pay. They do have separate bargaining units now and there may be some differential, not too much.

On motion, clause (3) carried.

On motion clause (4) carried.

MR. W.N. ROWE: Clause (5), Mr. Chairman, you may recall that during second reading, the debate on second reading, we on this side made a number of what we thought to be crucial points on this whole idea of any person who without lawful excuse, the truth of which lies upon him, being pulled off to court and having to exonerate himself of a criminal accusation, we thought that this was wrong on principle and at that time if I remember correctly, the hon. minister mentioned that he would look at this once more to see if it was absolutely necessary that we should violate the principles which have been built up in

criminal law over the centuries in order to take care of some problem which could not be dealt with in any other way. Has he looked into that now, Mr. Chairman, I wonder and is he prepared to withdraw that particular section?

MR. HICKMAN: I looked into it, Mr. Chairman, and I am not prepared to withdraw that particular section. The - not that uniformity is a good answer to any legislation, but this is not only uniform legislation within the various prison Acts, but it is also identical with the similar provision in the Criminal Code. The problem is that there has to be some control of loitering around prison walls. If you see a person loitering around a prison wall, how do you prove that he is loitering there with intent to maybe aid somebody to escape? This is the problem that you have within penitentiaries generally. People hang around and try to flick something over the wall that ordinarily should not be inside.

I am informed by the prison officials that this is not an onerous section. There is no great principle of the Criminal Law violated here and that it is necessary to maintain the security.

MR. ROBERTS: With all deference to the officials at our prisons who I think are very good prison officials, I do not think we should accept them as authorities on criminal law. The fact remains that although this may be uniform and although any number of things, this is still a section that puts the onus upon a person to prove himself innocent as opposed to the more normal principle of Criminal Law of putting the onus upon the accuser to prove his accusation.

Because of the circumstances the hon. gentleman has suggested, Mr. Chairman, there might be some case even for going to the standard of balance of probabilities as opposed to the usual quite rigorous standard of the Criminal Law. If the hon. gentleman is not prepared to accept any amendment to this, then I think we would move that the section be deleted, section (5) be deleted. I do so without any real expectation that nine of us will overwhelm how ever many are on the other side, but I think it should be placed on the record. I am

sure there are other means of achieving the end. The end in itself may be desirable, but, Mr. Chairman, I have long ago come to the philosophical concept that the end does not justify the means.

Having people loiter around prisons may be not very desirable but it is even less desirable, Sir, to create another offence whereby a person can be accused by a functionary, accused by an official of just being somewhere and then having to go to the trouble and the expense and the difficulty of proving himself innocent. I do not like it so I move that the clause be deleted.

MR. HICKMAN: Mr. Chairman, obviously we on this side of the House will oppose the vote against that amendment. May I point out, Sir, that all he has to do, any person who is loitering, is prove that he was there with lawful excuse. It is as simple as that. The section as it now stands reads: "... any person who without lawful excuse, the proof of which lies upon him, enters in or in any other way trespasses upon or loiters near a penitentiary..." It follows there is no great -

MR. ROBERTS: Mr. Chairman, I appreciate the minister's comments and I read the words of the new (11A) that if this clause is adopted will go in the Act. The words "without lawful excuse" are in there, but the minister has neglected or glossed over the fact that all that has to happen is, you are standing down by the lakeside, Sir, watching the races and some member of the prison staff decides you are there, he merely can drag you - sure, all you have to do is convince somebody, but whom do you convince, Sir? The minister has not made out a case for this. I have every expectation that the people on the other side will vote for it, Sir, I would be very surprised if they did not. That does not take away the belief that this is unnecessary and wrong.

Without lawful excuse, granted, but without lawful excuse means appearing before a magistrate or some sort of peace officer, some sort of judicial officer. I think it is an infringement on the rights of the subject and as I said, I move that it be deleted. We cannot divide in committee, we can take a vote and it can be recorded and then

May 1, 1972, Tape 166, Page 4 -- apb

we will go on from there.

I think it is wrong and I think the minister has put up no case in favour of it. Until and unless he does, I for one will use my vote to the effect that this clause (5) be deleted.

On motion, amendment defeated. (Standing Vote)

Motion, that the committee report having passed the bill with amendment , carried.

A bill, "An Act Respecting The Registration Of Partnerships."

MR. ROBERTS: Mr. Chairman, on clause (5), we are on the Partnership Bill, are we not? There was some considerable discussion at second reading about perhaps extending this somewhat. Has the minister been able to look at that and if so, has he any amendments? Well he cannot offer them but one of his colleagues I am sure would - well the minister is not. I think, Mr. Chairman, I am prepared to move that the words, "for trading, manufacturing or mining purposes" be deleted and that will then leave: "Subject to subsection (2), persons associated in partnership shall cause to be registered with the Registrar, etc. etc." Let us let all partnerships in this province be registered, Sir, including those of my own profession of the law - the words inclusive from "for" in the second line to "purposes " be deleted.

MR. CHAIRMAN: The hon. Leader of the Opposition is moving the deletion of the words, "for trading, manufacturing or mining purposes."

On motion amendment defeated.

On motion clause(5) carried.

MR. MARSHALL: Mr. Chairman, this is a typographical or drafting error. I would move, Section 5,8,11 or 13 on the second last line of Clause 14, deletion of the numeral "11"therefrom so that it reads: "under Section 5,8 or 13." Section 11 does not relate to that particular declaration.

MR. CHAIRMAN: With the deletion of the comma as well?

MR. MARSHALL: Yes, Mr. Chairman, with the deletion of the comma.

On motion clause (14) as amended, carried

MR. MARSHALL: Mr. Chairman, clause (15), subclause (6), the word "register" in the first line, "when the former name has been restored to the register." That should read "books and records." I, therefore, move that the word "register" be deleted from subclause (6) of clause 15 and be replaced with the words, "books and records."

On motion clause (15) as amended, carried.

Motion that the committee report having passed the bill with amendments, carried.

A bill, "An Act To Repeal The Pensions (Premiums) Act, 1966-1967."

Motion that the committee report having passed the bill without amendment, carried.

A bill, "An Act To Repeal The Contingencies Act."

Motion, the committee report the bill without amendment, Carried
A bill, "An Act Further To Amend The Agreement Entered Into,
Executed And Delivered In Pursuance Of And In The Form Set
Forth In The Schedule To The Government-Newfoundland Cement Company
Limited And North Star Cement Limited (Authorization Of Agreement)
Act, 1959, And To Make Certain Statutory Provisions Relating To That
Agreement." (Bill No. 38).

Motion, the committee report the bill without amendment, Carried.
A bill, "An Act To Amend The Agreement Ratified, Confirmed And
Adopted By And Set Forth In The Schedule To The Newfoundland Pilgrimage
Limited (Agreement) Act, 1963, And To Make Certain Statutory
Provisions Relating To That Agreement." (Bill No. 39).

Motion, the committee report the bill without amendment, Carried
A bill, "An Act Further To Amend The Provincial Parks Act."
(Bill No. 12).

Motion, the committee report the bill without amendment, Carried
A bill, "An Act Further To Amend The Constabulary (Pensions)
Act, 1970." (bill No. 32).

Motion, the committee report the bill without amendment Carried
A bill, "An Act Further To Amend The Public Service (Pensions)
Act, 1968. (Bill No. 46).

Motion, the committee report 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 And Certain
Teachers. (Bill No. 33).

Motion, that the Committee report having passed the bill without amendments, carried.

A bill, "An Act To Amend The Civil Service (Transferred Employees) Act, 1956."

Motion, that the Committee report having passed the bill without amendments, carried.

A bill, "An Act Further To Amend The Civil Service Act."

Motion, that the Committee report having passed the bill without amendments, carried.

MR. MARSHALL: Mr. Chairman, on order (26) which is an Act Further To Amend The Insurance Premiums Tax Act, 1968, normally introduced by means of a resolution which is first referred to the Committee of the Whole, this was not brought up in the House when the House was in session but we seek permission now, leave of the Committee in order to have this resolution considered now in order to expedite the business if we could.

Pardon me, Mr. Chairman, we are told that the technicalities, even though we have leave of the Committee, will not allow us to do it so we will just have to refer it back or bring it up in the House and bring it through normally. Therefore I go on to number (10), order (10).

A Bill, "An Act Respecting The Organization, Operation, Functions, Powers, Duties, Right And Privileges Of The St. John's Fire Department."

Clauses 1 through 21 carried.

MR.W.ROWE: Mr. Chairman, Clause 22, honourable members may remember during the discussion on second reading of this bill some reference is made to the fact that it seemed to be wrong in principle if for no other reason that a party to an arbitration should also be entitled to appoint an arbitrator or a chairman in the event of default of one of the parties so appointing or the two arbitrators themselves so appointing a chairman. Has the honourable minister given any consideration to that? Has he thought perhaps that it might be worthwhile in the event that the arbitrator for the government side and the arbitrator for the association side cannot come up with the name of a chairman of the board of arbitration that perhaps a Supreme Court Judge or some other person or body might be given the power to appoint the third arbitrator namely the chairman or do they think it is okay? That it is all right that the government, which is after all one of the parties, should also have the power to make such appointments under the Bill?

MR.HICKMAN: Mr. Speaker, I checked back on this and I suspect that my honourable friend is familiar, I know he is, with negotiations that went on on this. The Act has been agreed to between the two parties. Similar provision is in the Constabulary Act. Last year it went through; apparently it is working reasonably well. There has been no opportunity to test whether it is working, the reasonableness of it or otherwise. I would prefer that this section remain as is at this time. Ordinarily that is not the kind of clause that I would particularly like to see in an act. I think there is a great deal of merit in the suggestions of my honourable friend. But this time this act has really come as a result of negotiations, I would be reluctant to make any changes now.

Clauses 22 through 49 carried.

A Bill, "An Act Respecting The Organization, Operation, Functions, Powers, Duties, Rights And Privileges Of The St. John's Fire Department."

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 Attachment Of Wages Act, 1966-67."

Motion, that the Committee report having passed the Bill without amendment, carried.

A Bill, 'An Act To Amend The Chattels Real Act.'

Motion, that the Committee report having passed the Bill without amendment, carried.

A Bill, "An Act To Amend The Pippy Park Commission Act, 1968."

Motion, that the Committee report having passed the Bill without amendment, carried.

A bill, "An Act To Amend, Revise And Consolidate The Law
Respecting The organization And Administration Of Community Councils."

On motion, Clauses 1 - 7, carried.

MR. HICKMAN: Clause (8). Mr. Chairman. Clause (8), subsection (4)
on the sixth line after the fifth word "local" I move that there
be inserted the word "road" so it will then read, "the local road
board."

On motion, Clause (8) as amended, carried.

On motion, Clauses 9 - 32, carried.

MR. HICKMAN: On Clause (33), Mr. Chairman, (33), subsection (2)
that should read "businesses" rather than "business" on the fifth
line.

On motion, Clause (33) as amended, carried.

On motion, Clauses 34 - 47 and schedule, carried.

Motion, that the Committee reports having passed the bill with
amendments, carried.

A bill, "An Act To Amend, Revise And Consolidate The Law
Relating To The Establishment And Administration Of Local Government."

On motion, Clauses 1 - 71, carried.

MR. MARSHALL: With regard to clause 72, Mr. Chairman, clause 72, subsection (4), the comma at the end of the last word should be changed to a full stop or a period. Again appearing on subsection (8) of clause 72, the last word in the second line should read, "distrain." There was a typographical error, the "i" should replace the "e".

MR. MARSHALL: With regard to clause 82 (3), the word "property", the second "e" appearing in the word should be deleted.

MR. GILLET (H.W.C.): With regard to clause 93, I notice there is no provision for taxes on electricity and this has been mentioned to me in my home town particularly since many of the new homes are heated by electricity and those who have older homes, being heated by oil subject to a gallon tax. The same thing applies to people who are cooking by propane gas. The newer homes have complete electric heating, cooking and what not, I suggest that some sort of a tax should be imposed upon electricity for the same purposes as the taxes imposed upon oil and propane gas.

MR. MARSHALL: Mr. Chairman, the remarks made by the hon. the member for Twillingate are certainly well taken. They would be though matters which would really effect the substance and the principle of the Bill.

I do not know what this situation is, I think from the point of view of administration, it would perhaps prove to be very hard to impose such a tax but as I say the point of the hon. the member for Twillingate is very well taken and the hon. member in this House can be assured that the government will certainly look into the feasibility of it.

MR. MARSHALL: With regard to clause 146, in the fifth line of sub-clause (2) the word "for" should read "far", substitute an "a" for an "o".

On motion, clause 172 to 146, carried.

Motion, that the committee report the bill without amendment, carried.

A bill, "An Act Further To Amend The Local Government (Receivership) Act." (Bill No. 37).

Motion, that the committee report the bill without amendment, carried.

A bill, "An Act To Repeal The Bowring Park Area (Control) Act," (Bill No. 11).

Motion, that the committee report the bill without amendment, carried.

A bill, "An Act Further To Amend The St. John's (Metropolitan Area) Act, 1963." (Bill No. 35).

Motion, that the committee report the bill without amendment, carried.

A bill, "An Act Further To Amend The City Of Corner Brook Act, 1968." (Bill No. 40).

MR. HICKMAN: Mr. Chairman, Clause 2, the word "to" to be inserted after "referred" in the third line.

Motion, amendment carried.

Motion, that the committee report the bill with amendment, carried.

A bill, "An Act Respecting The Application And Effect Of Certain Acts Passed In The Present Session Of The Legislature Upon The Revised Statutes Of Newfoundland." (Bill No. 18).

Motion, that the committee report the bill without amendment, carried.

On motion that the committee rise report having passed bills no. 7, 44, 41, 15, 4, 13, 14, 38, 39, 12, 32, 46, 33, 31, 45, 20, 27, 26, 23, 29, 43, 37, 11, 35 and 18 without amendment and the following bills no. 17,19,42 and 40 with some amendments, Mr. Speaker returned to the Chair.

On motion report received and adopted.

On motion bills ordered read a third time on tomorrow.

On motion of the hon. Minister of Finance, a bill, "An Act Further To Amend The Revenue And Audit Act," read a first time, ordered read a second time on tomorrow.

On motion of the hon. Minister of Finance, a bill, "An Act To Provide For Exemption Of Atlas Construction Co. Limited From Taxes Imposed By The Social Security Assessment Act, 1963," read a first time, ordered read a second time on tomorrow.

On motion of the hon. Minister of Finance, a bill, "An Act Further To Amend The Constabulary (Pensions) Act, 1970," read a first time, ordered read a second time on tomorrow.

On motion of the hon. Minister of Finance, a bill, "An Act To Move The House Into A Committee Of The Whole To Consider Certain Resolutions Respecting A Measure, Namely An Act Respecting Succession Duty," read a first time, ordered read a second time on tomorrow.

MR. MARSHALL: Mr. Speaker, I would like to withdraw the calling of that motion. That is not supposed to be called for reasons. I would like to, just before we get on to the next order of business, Mr. Speaker, there are two things I would like to mention: First of all, we have decided that in order to expedite the work of this House and in order to make the way clear for considering of other legislation later this week that this House will adjourn and meet tonight at 8:00 P.M. and the opposition, I think, would be agreeable with respect to that. I would like leave of the opposition at this time, on behalf of my colleague the Minister of Finance to ask leave to introduce a bill which is the following bill, "An Act To Ratify, Confirm An Agreement Made Between The Government And Certain Companies Relating To The

Mr. Marshall

Linerboard Mill At Stephenville And To Provide For Certain Matters Relating Thereto." I ask the consent of the House to give notice of a motion, although out of order now for first reading -

MR. ROBERTS: Mr. Speaker, before we give leave for notification, I wonder if the minister could tell us when we might expect to see the bill?

I ask that because I understand that it is to be an unusually and probably an inevitably complicated piece of legislation. If the government intend to bring it on for debate on Wednesday, as I understand they hope to do, I for one and I think two or three of my colleagues would like an opportunity to study it. The government have had this for several weeks and have had draft legislation presumably for several days. I wonder if the House Leader could indicate when we might expect to see the bill in some form? We understood that we would have it today and the whole business of sitting tonight, so forth and so on, has been predicated on that assumption. Before we give leave or not, perhaps the minister could tell us?

MR. MARSHALL: Well, Mr. Speaker, I could inform the House that it was hoped to have an Xerox copy of the bill to give to the hon. Leader of the Opposition and the opposition today. Hopefully, we will still be able to do this later on this evening. However, I wish to assure the House and assure the hon. Leader of the Opposition that we fully appreciate the nature of this bill which is a very, very important one and we shall be giving - I can give the assurance to the hon. Leader of the Opposition that we shall certainly have it in his hands at least twenty-four hours before it is debated and we shall attempt to use our best endeavours to have it at least forty-eight hours before.

MR. ROBERTS: Mr. Speaker, on that basis, I, for one, cannot give consent. Twenty-four hours notice of a bill this complicated is less than minimal. It is not enough to enable us to look at it. I am quite prepared to give consent or I am quite prepared to ask the minister to hold on until later tonight because his request for leave can be at any time but I, for one, am not prepared to enter into second reading of this bill on a twenty-four hour notice. If he wants to give us the bill, a draft bill in confidence, fine.

Mr. Roberts

If he wants to give us an Xerox copy, it is fine but again other than that I think we will go by each stage at one notice. Maybe the thing to do, Mr. Speaker is to just let the matter stand and see how they come on with the bill.

MR. MARSHALL: I concur, Mr. Speaker. That is fine. Later on as we get on into the evening session, it will perhaps be determined over the supper hour as to when we can actually release the bill. The only thing that I would like to - we will be going into order number (1), which is the Address in Reply. I would like it to be understood then that we can or the Minister of Finance, if he is here at the time, can at any time come in at that juncture and ask for leave in the middle of the Address in Reply, and at the same time we will work out with the opposition as to notice.

MR. ROBERTS: Mr. Speaker, my colleagues and I will agree to give leave, as of the moment we get a copy of the bill or several copies that we can look at. We are not trying to be difficult but we would like to look at the legislation. I think it is going to probably be both complicated and important. We will give leave any time that the hon. gentleman can get it. It will be either to him or to one of his colleagues to

MR. ROBERTS:

give the requisite notice so that we can go on to the first reading tomorrow.

MR. MARSHALL: Grand, well thanks! Now, Mr. Speaker, order (1).

ADDRESS IN REPLY:

MR. CHEESEMAN: Mr. Speaker, as I rise to address this honourable House I do so with a great sense of pride and a deep sense of responsibility. Pride, Mr. Speaker, in having the honour to represent in this House the great and historic district of Hermitage. Pride also, Mr. Speaker, in having the opportunity to serve the Province of Newfoundland and in so doing to join with my colleagues in this honourable House and to serve in our time as our predecessors have done. I say also that I rise with a great sense of responsibility because I believe that by our very presence in this House, all of us elected members have chosen to take on the responsibilities and direction of this Province for the duration of the sitting of this government.

I believe, Mr. Speaker, that it will take all our energies and all our imagination to carry that job through successfully. I only hope and pray that each and every one of us will keep this uppermost in our minds, that we are here to serve the interest of the people who saw fit to send us here. Now, Mr. Speaker, before going into my address I would like to take this opportunity to congratulate you, Sir, on your appointment to the high office, one which I am sure you will discharge with great ability. I would also like to congratulate the mover and seconder of the Address in Reply and also to all members who have spoken. I believe that the speeches have been of a very high order, Mr. Speaker. There are differences of opinion, naturally that is reasonable, that is what we are here for but I believe nevertheless that regardless of how it is presented

MR. CHEESEMAN:

and there are those of us who are perhaps not as eloquent, perhaps not as versed in procedures but I do not think, Mr. Speaker, that that should detract from the intent the context of what a man says.

I believe that everybody in addressing this honourable House, regardless of the district from which he comes or the side of the House on which he sits, is sincere in his hopes and his ambitions to be able to serve the people of this Province.

Now, Mr. Speaker, I understand that it has more or less been the tradition of the House that the Address in Reply in the main deals with the district of whichever member happens to be representing that district in the House and this is a good thing, I guess, because it does give an opportunity for us to bring the particular or individual problems to the floor of this House and that is certainly one of our functions.

However before doing that, as a result of some of the debate which has gone on previously, there are a few comments which I would like to make. I make these, Mr. Speaker, because I believe that as a result of some of the comments made we are establishing or finding a basic difference in the approach to government. I believe that the gracious Speech from the Throne outlined a pretty clear course. However the Speech from the Throne, I suppose, is nothing more than a guiding light. In itself it does not go anywhere, it is up to us the elected representatives to make sure that those things which are detailed in the gracious Speech from the Throne are carried through and carried through to the best of our ability.

Now a few days ago the honourable member from Bell Island in addressing this honourable House touched on what I believe is a very basic difference in philosophy between past administrations and this administration. I am not sure that the honourable member

May 1, 1972

Tape 175

JM - 3

MR. CHEESEMAN:

realized how deeply the difference was in that philosophy. The honourable member for Bell Island stated and I quote from the verbatim report of the House of Tuesday, April 25, on page 148 where the honourable gentleman said, "private enterprise can no longer afford to employ people in large numbers." He went on further to say on that same page

MR. CHEESEMAN: only through government can work be created on a scale that will provide an alternative to people from going on welfare or on social assistance or on unemployment insurance.

Strong words, Mr. Speaker, very strong words

As I say, I believe this divides the basic philosophy of this administrations and the policies as outlined in the gracious Speech from the Throne. Because what it is, Mr. Speaker, from what is contained in those words then I must only assume that the honourable the member for Bell Island meant to convey this, that within this Province of Newfoundland today this honourable gentleman has no faith in private enterprise. That is the effect of those words, Mr. Speaker, and that as I say, I feel is a very, very serious comment on the province and the ability of the province to carry forward its programme.

Now, Mr. Speaker, the Speech from the Throne goes into some considerable detail on what this government intends to do to revitalize those communities around our coast that in the past have suffered from a degree of neglect, some perhaps to a greater extent than others. We heard the honourable member from Labrador North the other day make a very eloquent plea for the people in his district. I sympathize with him, Mr. Speaker, I have some knowledge of Labrador and I know that many of the things that the honourable the member for Labrador North stated are so. Equally, Mr. Speaker, these same conditions apply in many areas of this province and only through the greatest effort and the greatest imagination will this be overcome.

But, surely, surely, Mr. Speaker, not one of us sitting in this House can reasonably expect the government to be the "be all and do all and end all to all people." Because on that basic philosophy what we are doing is encouraging a dependency on government which, as far as I am concerned, Mr. Speaker, has no

MR. CHEESEMAN: place in the basic philosophy of the free enterprise system. I should hate to feel that we were headed in the direction of government being the controlling factor in everything.

We have seen it in recent years all over the world, many areas of the world where government have grown to be a larger and larger influence on people's lives. Mr. Speaker, as far as I know and from what I have read and what I have seen it has not worked and I should hate to think therefore that that is the course on which we are embarked. I know it is not. I know that the gracious Speech from the Throne advocates the free enterprise system. The objective of the gracious Speech from the Throne is to provide the opportunity for people to work- not work, the opportunity to work. I believe this is the basic difference in the philosophy of this government and the previous administration.

Now the honourable the member for Bell Island when he stated that this was the only alternative to going on welfare, social assistance or unemployment insurance, I would like to make two comments on that. One is that, and I am sure that the honourable member is well aware of this,

that unemployment insurance is paid out as a result of work which has been provided by the free enterprise system. If it were not for the contributions made by people working, there could not be any unemployment insurance. Therefore I suggest that there is no way that the government can provide total work without at the same time receiving money, public money via the tax system in order to even help, never mind provide.

Government in its own right, Mr. Speaker, has no money. Now if we had a government in this province or in this country that had a mandate to print money, I would agree with the hon. member that government could spend a few days a week printing money and then a few days dreaming up projects on which the money could be spent and perhaps in that way government could provide work for people

But, Sir, as long as we live under the free enterprise system which we have in this province, in this country today and which, incidentally, Mr. Speaker, I hope for one I shall never live under any other system. But as long as we have that system then we must rely on the private enterprise system to develop the country, to develop the province, to provide the tax money that will give the government the dollars which they need to help perhaps other areas of not only our province but our country to develop in their turn. But it is absolutely essential that profits be generated somewhere and I would suggest that it will be a sad day for this country when we begin to rely more heavily, because, Mr. Speaker, I believe that already we have relied far too heavily on welfare.

I believe it has taken something from our people. In 1949 when this great Province of Newfoundland and Labrador entered into confederation with Canada we did so and I am sure that the people who were the prime movers at that time felt in their own hearts and souls that this was the best course for the Province of Newfoundland. They did so in all honesty and sincerity. Of that I am certain. But, Mr. Speaker, if the end result of that union is to be that we become a welfare province, where we lean on government for everything, where government wants to control everything, where we sell our opportunity to work, sell it to the government for a pittance, to take away a man's greatest

pride, that of earning, under the free enterprise system, his living for himself and his family. If we ever reach that stage, Mr. Speaker, and I am afraid that sometimes we are headed too far and too fast in that direction, but if we ever reach that stage, Mr. Speaker, then I think that history will record that certainly confederation with Canada did not do for the people of the Province of Newfoundland and Labrador what the gentleman of that day hope that that union would bring about.

Now I am quite certain that this will not happen because this government in its

Gracious Speech from the Throne as I have said before has outlined a basic course of development, a course which will give opportunity to all of our people including the District of the honourable member from Labrador North. I believe that every district of this great province is entitled to equal opportunity. I believe it is the job of each and every one of us who represent districts in this House to make certain that we do to the best of our ability see that every district does in fact have equal opportunity.

Now, Mr. Speaker, I would like if I may to turn to my own district of Hermitage District which I have the honour to represent in this House. The District of Hermitage is basically a rural district. It encompasses three bays, Fortune Bay., Hermitage Bay, Bay D'Espoir. When I say encompasses, that is to say that there are communities in all three of those bays. The main source of income, the main, the economic base of the District of Hermitage is involved with our natural resources, In the areas of Harbour Breton, Hermitage, and on the south western side of the bay, Hermitage Bay, these are basically, fundamentally fishing communities. The people in these areas have a long proud tradition of being basic workers - people who have down through the years given a great deal to this Province, people who in the face of great hardships and for the most part minimal earnings have struggled with the Atlantic Ocean, have fought to maintain themselves and their families, have very little to show after years of such labour other than the satisfaction of a job well done and the fact that they have been able to maintain their families.

Moving into the Bay D'Espoir area, this area of course is concerned with the woods. The natural resources in that area are minimal in terms of timber. In the immediate area of Bay D'Espoir it will be necessary in the years ahead for the people of Bay D'Espoir to move farther afield in terms of the distance from Bay D'Espoir to attain the wood resource which will be so necessary for the development which must come.

Bay D'Espoir had a great tradition of boat building, but in recent

years when the Power Commission came into Bay D'Espoir and developed the water resources of that area, a great deal of the resources of the area immediately surrounding Bay D'Espoir was flooded and that resource was lost to those people.

MR. CHEESEMAN: Now, Mr. Speaker, I am certain that the people of the Bay D'Espoir Area were not against progress, they were not against seeing the power development take place in the Bay D'Espoir Area, but when one lives in that area and sees the resource that was developed there taken away to help other areas of the province without any benefit accruing to the area from which it comes, then surely it is reasonable that these people should sit and ask; what about us?

I believe, Mr. Speaker, that there is a real responsibility on the part of the Government of Newfoundland to see that there is some compensation for the lost resources of the Bay D'Espoir Area. I believe that this will come. I have faith in the gracious Speech from the Throne, in its programme. I have faith, Mr. Speaker, in this present government to carry out the objectives as outlined in the Speech from the Throne and I believe that the people of the Bay D'Espoir Area will be in the years ahead compensated, through development of their area, for the resource which has been lost to them.

Mr. Speaker, right through the district, from the Harbour Breton Area on through to Francois, we have perhaps a combination of circumstances in several of the area. In the Harbour Breton Area and in the Galtois - the communities of Harbour Breton and Galtois, the district is fortunate in having fish plant operations which are the basic suppliers of labour in these two communities. However, they are still one-industry communities and they have grown. The centralization programme has brought a number of people into Harbour Breton and there is an ever increasing demand for jobs. It is fortunate, I think, that the centralization programme was slowed down or drew to a close when it did, otherwise we may have had many communities around the coast of Newfoundland who would find themselves in the same position as Harbour Breton, where these people have come in and the compensating services in terms of available land, hospitals, or schools have not really kept pace with the demands for people and these communities have found themselves

over-burdened.

Fortunately, however, in the District of Hermitage there were a number of communities who decided that they did not wish to be centralized, moved to other areas to pursue their way of life. They decided, Mr. Speaker, and I believe rightly so, that if a man wants to live in a community, wants to pursue the way of life that he has pursued and his forefathers before him, then that is that man's right. I believe that there are those, however, who would attempt to destroy that which they do not understand.

MR. CHEESEMAN: Mr. Speaker, I believe that there is a great danger that this kind of thinking can be allowed to go on in Newfoundland. I believe that if these people want to remain in their fishing communities then they must be given every encouragement to do so. Certainly in many respects they live under hardships, they live in places where medical services are a term that is heard on the radio or heard on T.V. Incidentally, in the District of Hermitage there are many times when you cannot see it on T.V. or hear it on radio, because the services in that area are far below the standard enjoyed throughout most of our province.

But nevertheless, Mr. Speaker, these people have elected to stay there in the communities of Francois, Parsons Harbour, MacCallum, Furby's Cove, the small isolated communities; these people are prepared to stay and work but they must receive some encouragement from their government. They must know that they are recognized for the contribution which they made. Because, Mr. Speaker, I for one am firmly convinced that if we were to carry on with a centralization programme designed primarily to do away with our rural communities then, Mr. Speaker, there would not be a Newfoundland. I do not think that any man was ever elected and sent to this honourable House to represent a district and at the same time given a mandate to move the people and eliminate a lot of the communities in that district. I cannot believe and from my own travelling around the country certainly this is not the indication that I have had.

In the Gracious Speech from the Throne I believe, Mr. Speaker, is the type of encouragement that the people throughout rural and outport Newfoundland were waiting for. I believe they were waiting to be recognized. I believe that they were waiting for someone to come along and say you do in fact have the right to live in your own way, in your own communities, to pursue your own way of life and therein

MR. CHEESEMAN: to find your happiness.

Now, Mr. Speaker, I do not believe that the people of Hermitage expect to have everything or the District of Hermitage expect to have everything cured overnight. I believe that the people of the District of Hermitage are patient people, but I believe at the same time that they want to know that the planning of this government is going forward and moving in such a way that they too will benefit from the economy of the Province of Newfoundland and Labrador.

MR. NEARY: (Inaudible).

MR. CHEESEMAN: The transportation services, Mr. Speaker,

MR. NEARY: (Inaudible).

MR. CHEESEMAN: The time is short and I do not have time for any interchange, Mr. Speaker.

But I believe there are some areas which will need serious looking at and

MR. CHEESEMAN: looking at in the District of Hermitage in the months and years ahead.

The Canadian National Railways provides the basic transportation services through the area but these are not, I believe, adequate, Mr. Speaker, to the needs of the people. We get many requests on a continuing basis for a better, improved service and this is absolutely necessary for the district, for the growth, both the economic and social life of the district. Roads or the lack of roads have for a number of years retarded the economic progress of the district but I am pleased that the work is continuing on the Bay d'Espoir - Harbour Breton Highway, with the completion of this highway during the coming summer, I believe that this will go a long ways toward breaking the economic bondage of that great District of Hermitage.

However, roads in themselves are no answer. I believe that the opportunity for the people to live on a decent basis will have to go hand in hand with improved communications and transportation. I believe, Mr. Speaker, that a new works programme which we have heard about in the gracious Speech from the Throne, will be the encouragement needed in the Bay d'Espoir area and I believe that the policy designed to put pressure on those in charge, to make certain that our fishery resources are protected, will go a long ways towards bringing economic stability to the district.

MR. MARSHALL: I wonder, Mr. Speaker, since it is near 6:00 o'clock, if the hon. Minister of Fisheries, would like to adjourn the debate.

MR. CHEESEMAN: Well I can conclude if you wish. I would like to adjourn the debate.

MR. MARSHALL: Mr. Speaker, just before Your Honour leaves the Chair until 8:00 o'clock tonight, I think we have the procedural difficulty overcome and I think now that the hon. Leader of the Opposition and members of the opposition are receptive to the motion that the hon. Minister of Finance is about to make.

MR. CROSBIE: Mr. Speaker, I beg leave of the House to give notice that I will on tomorrow ask leave of the House to introduce a Bill, "An Act To Ratify And Confirm An Agreement Made Between The Government And Certain Companies Relating To The Linerboard Mill At Stephenville And To Provide For Certain

May 1, 1972

Tape No. 181

NC - 2

MR. CROSBIE: Matters Relating Thereto."

MR. SPEAKER: It is now six o'clock and I do leave the Chair until
8:00 o'clock tonight.



PROVINCE OF NEWFOUNDLAND

**THIRTY-SIXTH GENERAL ASSEMBLY
OF
NEWFOUNDLAND**

Volume 1

1st Session

Number 8

VERBATIM REPORT

Monday, May 1, 1972

SPEAKER: THE HONOURABLE JAMES M. RUSSELL

1
2

3
4

5
6

The House resumed at 8:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: The Chair recognizes the honourable Minister for the district of Hermitage.

HONOURABLE R.L. CHEESEMAN (MINISTER OF FISHERIES): Mr. Speaker, I have, I believe, dealt at considerable length with the problems of the district of Hermitage. I would like to again emphasize that the South Coast of Newfoundland is a major contributor to the over-all good of the Province of Newfoundland. There are many who will be very familiar with some of the larger communities of the South Coast but I suggest also, Mr. Speaker, that there are many communities not so well known but who nevertheless make the same contribution to our economy. It is difficult to measure this contribution, for many of the people in the district who make their livelihood through seasonal work in the woods and through their fishing effort cannot be classed as taxpayers. These men have a struggle to make sufficient money to maintain themselves and their families at anything approaching a reasonable standard of living.

These people, Mr. Speaker, deserve our understanding and our help. It is to them a means of living at a decent wage. I believe that they are due the protection which the gracious Speech from the Throne has outlined in terms of the protection of our fish stocks. Without this protection, Mr. Speaker, I suggest that we may one day find ourselves in a position where no longer can these communities survive. When that day arrives then I think Newfoundland will know for once and for all the true value of its outport communities. It is not welfare that the people of the district of Hermitage want, Mr. Speaker, but a chance to walk into the seventies with head high and a feeling of confidence in the future, a decent standard of living for our elder folk and a chance for our children, for men and

MR. CHEESEMAN:

women without hope or children without a future are as a rudderless boat drifting with the winds and the tide with no real hope of reaching a home port.

No people, least of all the good people of the District of Hermitage, should be subjected to such a life. Let us therefore, Mr. Speaker, resolve to cure some of the ills which have surrounded us in recent years. Let us resolve to restore Newfoundland to its rightful place in the economy of this country. Let us restore human dignity to all our people. The National Anthem of Canada contains within its words the lines, "O Canada we stand on guard for thee." Can our people not expect the same, Mr. Speaker, by having the country for which we stand on guard give all its people equal opportunity. We in the district of Hermitage stand ready to do our part to ensure a brighter future for our province and our people. We stand ready to work but we must have the sympathy and help of our country and our province to help us do the job.

Mr. Speaker, I have rambled at great length on the problems of our district but I believe that a better knowledge of the district is one means by which some of our problems will be overcome, the rest must rest with the energies and the dedication of those of us who have chosen to serve. The gracious Speech from the Throne has set the course. Let its contents be our guiding light in the years ahead so that the people of the district of Hermitage as well as all Newfoundlanders may enjoy a greater portion of the good things of this life.

MR. SPEAKER: The Chair recognizes the honourable member for St. John's South.

MR. R. WELLS: Mr. Speaker, it is indeed with considerable pleasure and pride that I rise to take part in this Throne Speech Debate as

MR. WELLS:

the representative of St. John's South. May I at this time, Sir, like my predecessor in the speech, take the opportunity of congratulating you on your appointment and I would also like to take the opportunity to congratulate the honourable the Minister of Fisheries on his appointment today.

Mr. Speaker, St. John's South, perhaps more than most of the St. John's districts, represents differing and varied parts of the life of Newfoundland. In the district the fishery is represented, the farming community is represented and also, of course, the city of St. John's. The only elements of Newfoundland life that are not represented in that district are probably the mining communities and the forestry.

In this speech, Mr. Speaker, rather than refer to generalities I would like to deal with some fairly specific topics, some related only to St. John's South but some topics of general application. But before I do that I must associate myself with the remarks made by the honourable the Minister of Fisheries in the part of his speech which took place this afternoon because in that he said what I think ought to be said by us, certainly by us on this side of the House, that we believe basically in the free enterprise system. We believe that it is the role of government to assist the free enterprise system and to assist individuals to work toward, and work is the word, Mr. Speaker, to work toward a better and more prosperous way of life.

I think I can say here now for myself, apart from any of my colleagues, that certainly I do not feel that I was elected to push the cause of socialism or anything like it and that our duty and our job, as I see it, is to help private enterprise do the job which it has done for a great many years and which I for one still believe that it is capable of doing in a more complex society. The job of

MR. WELLS:

government is to make sure that private enterprise has the opportunity to do that job and to take steps to see that it is done and to help us to do so.

Now, there also, of course I think the role of government and the role of this House, Mr. Speaker, is to correct injustices which in a more complex society, as I describe this, are always and ever more to the fore. With regard to St. John's South there are some specific points that I would like to make and they are also points of general application. I think it is vitally important insofar as Petty Harbour is concerned that this province have a new and worthwhile fisheries development policy. This is one of the reasons that I am personally so pleased at the appointment of our honourable colleague to the post of Minister of Fisheries because I believe that he has the knowledge and the background and the intelligence and the courage to work on our fisheries policies so that they can become something more than they have been in recent years, because I firmly believe, Mr. Speaker, that the fisheries of Newfoundland have been neglected.

Now it would be unnecessary and uncalled for, for me to start talking in detail about the fisheries but suffice it to say that emphasis and greater emphasis has to be placed on the fisheries and

I have every confidence in this government in its ability to do that. With regard to farming, which industry is carried on in the Goulds and Kilbride I think also that the proper emphasis has to be placed on farming in Newfoundland. It is true in past years we have had emphasis on farming but I have doubted the genuineness of it, Mr. Speaker. It seems to me that certain aspects of farming have been pushed and others allowed to lag. In the Goulds and Kilbride there is considerable arable land and

May 1, 1972

Tape 182 (Night)

JM - 5

MR. WELLS:

there is particularly a very active dairy industry and I am told
by members of that industry that in the most recent year and in the year
just passed

Mr. Wells

that the value of milk products sold to the various dairies approached \$1.5 million. That is a very considerable industry, Mr. Speaker, which employs a fair number of people and provides a product which we in this town, in Newfoundland, need. I am told by these farmers that the industry could increase five-fold with the proper agricultural policy particularly a policy which makes land available. In the Goulds and Kilbride area, there are considerable and large areas of land which are not being utilized for farming, which are not being utilized for anything at the moment. I think the government have to inquire into this and this House if necessary has to inquire into it and formulate a land policy as part of a policy of agricultural development so that an area can be set aside as an area suitable for agricultural development and the land policy devised that will make land available, lands which might otherwise lie fallow.

Now one of the difficulties with agricultural land is that good agricultural land is also land which is convenient and good to build houses on, probably better than going into a wooded area - when I say better, I mean easier than going into a wooded area or a hillside or something like that. I think that a decision of policy has to be made somewhere along the line, Mr. Speaker, so that the agricultural land that we have in this province is in fact, used for agriculture and set aside to be used for agriculture. If people want to sell, there may well be a case for a land bank as part of an agricultural policy so that the government can buy such land when it comes up for sale and make it available to other farmers. If we do not have an agricultural policy which assists and determines the question of land use, then inexorably and quickly the land which is suitable for agriculture seems to me to be, swallowed up in housing developments.

Now as I say, it is easy land for housing development but housing developments can be put elsewhere. It seems to me that our agricultural potential is much greater than it has yet been realized and I think what agricultural land we have or land suitable for agriculture should be ascertained and something should be done along these lines to make sure that

Mr. Wells

it stays in agricultural production. In this matter of milk alone, \$1.5 million worth of milk in a year is not an inconsiderable boost to the economy of St. John's and Newfoundland. I think this could be taken much further than it has up to the present. It is in fisheries and agriculture I look forward and I am confident that this House and this government (or this government and this House, I should say) will devise policies and put them into effect which will be of benefit to the people whom we represent.

There is also another matter concerning St. John's South which I bring to the attention of this House, not solely because it concerns St. John's South but it concerns something which I think is essential to good government and that is (I think I referred to this the other day in some remarks on the motion proposed by my hon. friend from Bell Island) where I think this province in large measure has gone wrong in the way in which it has spent the people's money, not necessarily the way but the mode of expenditure, the fact that value has not been obtained for the dollar. You may ask how does this refer to St. John's South. I think we have a classic example, Mr. Speaker, in the Blackhead Road. The Blackhead Road is an area of St. John's, in St. John's South and upon the Southside Hill. Everybody is familiar with it. There are approximately 2,000 people living there. Until three or four years ago, they lived there without even the barest minimal service. It was decided by the government of the day that an urban renewal scheme should be put into effect there, that services should be brought to these people and that the land question should be straightened out and something should be done to make it a worthwhile community, and a project was undertaken. Up to that point, Mr. Speaker, that was fine but we have a very, very sorry mess which has developed on the Blackhead Road (There is no question about it) in which the money was spent wrongly or at least, if not spent wrongly, full value from the dollar was not received from it. Things were put in wrongly, as I think it will be found. It is obvious up there now that to some extent there was bad engineering or at least bad execution of the engineering that was called for.

Mr. Roberts

Consequently, Mr. Speaker, the government, I presume this government, if the money cannot be obtained from Ottawa, is going to have to spend a large sum of money merely to put right what has gone wrong and what had been put into place wrongly in that area. Do you realize, Mr. Speaker, and perhaps this House does not realize that down over the Blackhead Road, for instance, flows a sewer line and that sewer line, a ten or twelve inch pipe was not buried below ground? It is exposed. It sits up on little concrete pillars, a great many of which have split to pieces in the frost of the past winter. During this past winter, in the cold that froze solid. The pipe split great tears which appeared in the pipe, sewerage flowed out and now somebody is faced with a major cost of putting that back there and I hope putting it back in a fashion that it will not split again next year.

Now that to me means one thing, that public monies have been wasted in the original execution of that project. This is one of the other things that we are confident of on this side of the House and that is basic to our way of thinking, Mr. Speaker, that the government and this House have the duty to spend public monies in a way that they are not wasted. I think the Blackhead Road is a good example of a place where problems have been created, a design and idea that was good in its inception but has been carried out in a way that has left a very sour taste in the mouths of the residents of the Blackhead Road and a great many problems.

The other thing I might comment on while speaking of the Blackhead Road, Mr. Speaker, is this: That it is not enough if you are going to go into a community and try to make it a worthwhile and viable community, it is not enough merely to straighten out the roads and put sewers in and water systems in. In a place like the Blackhead Road, some emphasis (This would be far less costly than the provision of services) has to be placed on the rehabilitation of houses. You cannot go to a place where a great many houses - in the Blackhead Road there are some excellent houses, some very poor houses that have to be demolished. But you have to have a programme of

Mr. Roberts

rehabilitation of houses along with the provision of services in order for a community to be viable and worthwhile. I mention that as something which the government had to come to grips with as well as this legacy of the past which it inherited and which is a problem of the first magnitude.

Mr. Speaker, speaking of spending public money, I cannot speak in this speech without referring also to the arterial road, the Harbour Arterial Road it is called, and some of the problems I feel are associated with it. It is my belief, Mr. Speaker, whether I be right or wrong, that no great planning went into the decision to put that road from the Trans-Canada right down into the harbour or on to the west end of New Gower Street. I rather suspect, Mr. Speaker, that it was a case of the previous administration finding out that money was available

MR. WELLS: from DREE and said: "Here we can grab the necessary money, what will we do with it? Let us put a road there." I think, Mr. Speaker, that is about all the planning that was involved in that. I think that everything that followed afterwards was an attempt to justify a decision that was taken probably like that on the spur of the moment. The Royal Commission Report that followed and the terms of reference of this Royal Commission Report were very interesting, they did not say to the Royal Commission, should the road have come down the Waterford Valley at all? Should the road have gone there in the first place? What was the need for it? These were questions which were not asked. What was asked, Mr. Speaker, was this; of the three routes that will end up on the westend of New Gower Street, which is the least obnoxious? The Royal Commission of course said the hillside route.

This government when it took office, Mr. Speaker, I think was faced with a terrible dilemma insofar as the arterial road was concerned. because a great deal of thought has to be given to arterial roads. Other parts of this country, and when I speak of this country I mean Canada, have found that these roads do more harm to a city than they do good. There may have well been other alternatives. But when this government took office I suggest, as a result of bad planning or no planning on the part of the previous administration, it found the situation where \$10.5 million had been spent of public funds and the road just came to an end out there in Kilbride, pointed toward the City of St. John's and I suppose there is not much else could be done but carry on with it. And yet maybe even now, Mr. Speaker, maybe even now a second look may be worthwhile, I do not know.

But it seems to me that when you embark, as the previous administration did, on a programme of an arterial road such as this you immediately lock the city that is concerned into it. Because once

MR. WELLS: you bring an arterial road like that into the City of St. John's, you cannot stop it. It is no good for anyone to say, this road will stop on the westend of New Gower Street. The volume of traffic that you are dumping into the city has to go somewhere. So you are locked into the concept, Mr. Speaker, of building or of coming on down through the city, at God knows what cost of difficulty. The other thing of course about that is that you start when you build a massive structure like that, you start to move people out of the city because the very existence of such a road means the removal of houses, the removal of people and the very people who kept and are keeping the centre of St. John's alive are the very people that you move to the suburbs and there is a grave danger that the centre of the city can die.

But these are the things that we inherited, this government inherited, Mr. Speaker, from the previous administration and again is an example of public money being committed on a vast scale, I suggest without proper thought and planning. It is so sad and all the more sad, Mr. Speaker, when you consider the needs of Newfoundland, not just St. John's South, not just St. John's but so many parts of Newfoundland where there is not a bit of pavement to drive over, where there is not a bit of decent road to drive over. I can think of Fort Amherst in the District of St. John's South, where in winter it is dangerous to go out there because there is a drop on the side of the road which is unprotected or at least it was until very recently, unprotected which, if it were slippery, you could go off the side and very easily have a serious accident. These sort of things do not seem to get and have not seemed to get in the past the bit of money by comparison that they need to fix them up and make them worthwhile whereas vast projects are undertaken, it seems just because federal money is available and it is grabbed at without thought. This is something which I am confident and hopeful, Mr. Speaker, that we can change and this government will change in the future. The idea

MR. WELLS: of the department of intergovernmental affairs, a department which will study federal programmes and help to take advantage of them in the most sensible way. This seems to me to be a good beginning and a good place to start, so the federal dollars when they come in here that firstly if they are available they can be got into the province and secondly that they can be spent in a planned, decent fashion that will be worthwhile to the Province of Newfoundland.

I do not know, Mr. Speaker, what the experience of other honourable members is, but in my going around the Province of Newfoundland, in my ordinary travels professional work or politics or anything else, the one complaint that I seem to hear over and over again from individual citizens is that public monies that come from the federal government, Canadian, federal, public monies are spent in a wasteful fashion and spent in a way that does not do the maximum good for the communities in which they are used. Somehow, Mr. Speaker, somehow we in this House are going to have to bend the will of the federal government to spending monies more in keeping with the needs and desires of the community.

Now to leave that topic, Mr. Speaker, move to something else of general application. It has been a pleasure to me, as a member of this House for the first time, to see the bills introduced and to be a part of the process of passing legislation which we have seen this past few days. Some of the bills which have been introduced are merely housekeeping matters, others are matters of important and content.

There are two matters which I would like to raise and I would like to ask the government to consider and members of the House to consider they are not bills before the House, but they are matters, Mr. Speaker, which I think ought to be brought before this House because I think there is a definite need for them and the cost factor is not part of it. There are two - most jurisdictions in the English speaking world

MR. WELLS: certainly in the Commonwealth have what is called in England "A Crown Proceeding Act" and what is called in Ottawa "A Crown Liability Act" and this means, Mr. Speaker, that if an individual, be it you or I or anybody, has some legal dispute with government that they are able to sue the government in the normal course of things just as you or I would sue some other individual. If I run into you in my car, you can sue me. But if a government's car runs into you, you cannot sue. What have you got to do? You have got to find an individual, be he the driver or somebody like that, and pin the blame on him and, in practice, Mr. Speaker, the government have stood behind that individual.

Now that is wrong and it can lead to injustice. To illustrate my point I will refer to one specific case which took place in an outport area of Newfoundland in the last two or three years, when a car was being driven over a wooden bridge and one of the planks in the bridge was loose, it was not properly maintained. As the car went over it the end of the plank came up underneath the car and just sort of lifted the car rather faster than you could wink and a lady passenger in the car had an injury to her neck.

All right, what did that woman do? She wanted to sue the government but she could not because you cannot sue the government in Newfoundland. So a person had to be found to be sued because nobody knew who was negligent if anybody was, in the maintenance of that bridge. So an action had to be taken against the Minister of Highways. Of course that is only a fiction because the Minister of Highways did not know what this was all about and an action also had to be taken against the Superintendent of Highways because he was in charge of that particular area.

But it was found, Mr. Speaker, that neither the superintendent nor the minister was directly responsible for maintaining that bridge. There was some workman who was at fault. We would never find him,

MR. WELLS: the individual concerned, we could never find that person.

So the law officers of the Crown, quite properly and acting on behalf of the Crown in their legal rights, went to court after the action was

MR. WELLS: started, took out the summons and said, "look you cannot prové that the Minister of Highways or the Superintendent of Highways is at fault here, it has to be thrown out," and the case was thrown out, and that woman is today uncompensated for her injury because we did not have a Crown Proceedings Act or a Crown Liability Act, as many other provinces have, as Ottawa has, as England has, as practically every English speaking country has. That is one of the things that I think ought to be rectified and ought to be rectified at the earliest opportunity, Mr. Speaker, so that ordinary citizens, if they get run into by a government car, do not have to sue the individual driver, they can go and quite properly under the Legislation, sue the government itself and serve the writ on the Attorney General, as the case may be. This is something that has been done in other jurisdictions and is long overdue here, Mr. Speaker. I would certainly urge upon the government that it give serious thought to bringing in legislation, there are plenty of patterns of such legislation, so that at least Newfoundlanders will not have to suffer under that particular kind of injustice.

These are the things, Mr. Speaker, that were so long ignored and have been so long ignored in this province. There is another matter which I would like to raise, another matter which is exclusively a provincial jurisdiction and I, in my own professional life, Mr. Speaker, have seen more injustice arise out of this that I am going to talk about than any other single thing.

It is a matter of law now in Newfoundland, insofar as automobile insurance is concerned, that you need put only a minimum of \$35,000 public liability insurance on your automobile. Now that was all right perhaps twenty years ago when there were few roads and there were very, very few cars. But today when we have relatively high speed roads like the Trans Canada, what it means, Mr. Speaker, is that you or I can go out, three or four persons in a car, get involved in an accident with another party, you are injured, perhaps seriously, three or four people, five or six people are injured seriously; it may turn out that the driver of that other car has only \$35,000 of insurance. If you want cases, Mr. Speaker, I can provide them.

MR. WELLS: There are a couple now, from the Mainland as it happens, down in the General Hospital, the man is an airline pilot and he and his wife, who is a nurse, were both injured and they are not clients of mine, Mr. Speaker, but I know about this case. They are both injured. He may never be a pilot again. What job he can do when he gets out of hospital, as he ultimately will, heaven only knows. He has been very seriously injured and his wife has been very seriously injured. Their whole lives have been altered by this.

"Well all right," one might say, "this is the chance you take when you go out on the road," but the point is, Mr. Speaker, the man who was at fault and admits he was at fault in the accident had only this minimum \$35,000 allowed by the Province of Newfoundland and what it really means, Mr. Speaker, is that the \$35,000 will hardly pay the hospital bill of these two people and they have to go about the rest of their lives maimed and unable to perform the function they performed beforehand and only \$35,000 available, much of which, will be taken up by the hospital bill, probably \$20,000 - \$25,000, to say nothing of loss of income. They have been in hospital nearly a year now. So that with loss of income alone and expenses, the \$35,000 is going to be gone, wiped out. There is nothing more. You can of course go after the individual but it is no good to go after a poor man who has not the resources to meet a judgement that you might get. There are cases and cases and cases, and hon. members of this House who are members of the Bar will certainly be aware of them, on both sides of the House, Mr. Speaker, where people have obtained judgements of \$50,000, 60,000, \$70,000, \$80,000, \$90,000 and are maimed for life and need that money and yet, because of our minimum public liability insurance of \$35,000, there is no way that they can be compensated.

Now judgement recovery which I think by and large operates very well in this province, judgement recovery stands in the place of the person who does not have insurance and if liability is proven against such a person and he has no insurance and no means to pay, judgement recovery will pay. That is fine, but judgement recovery has a maximum which is the maximum necessary

MR. WELLS: automobile insurance, so there again it is \$35,000.

My feeling, Mr. Speaker, is that it should be a minimum of \$100,000 and I myself have personal experience of a particular case where \$100,000, and this is quite recently, where \$100,000 did not compensate six occupants of a car - six occupants who were injured and very seriously injured and they all had to agree to take lesser amounts to make the \$100,000 go round. So even \$100,000 may not be enough but \$35,000 is a disgrace, Mr. Speaker, and it is causing hardship to injured people every day of the week.

I have seen recently in the papers very learned correspondence over whether it would be better to have a state-run operated insurance scheme for automobile use or whether to have private enterprise. I happen to think it can be better done by private enterprise. But the point is that the real issue, the issue that people are going uncompensated because of a too low allowable amount of insurance, this issue does not seem to have been raised at all, and I raise it as a matter of the utmost importance, Mr. Speaker, and I sincerely hope that this House will see fit to rectify that this year.

One other area that I feel I must speak of at this stage, Mr. Speaker, is the use that has been made of our mineral resources in the last twenty three years. Everybody knows and it is common knowledge that there are valuable minerals in this province. We all know that. We know that they have been tapped, exploited perhaps may be a better word, but I will give you one concrete example of what has been done and the sort of thing that we on this side of the House, Mr. Speaker, are pledged to rectify.

In 1960, the previous government, in 1960 or 1961, passed an amendment to an Act called "The Undeveloped Mineral Areas Act," and what The Undeveloped Mineral Areas Act said was that if a person has a mining claim or a mining lease or a piece of mining ground and does not develop the land, then the government has the right to take it and give it to somebody else who will develop it under whatever conditions the government decides. That is all very well in theory but in practice I will give you a concrete example of what

MR. WELLS: happened. Certain people, who lived all over the Province of Newfoundland * held mining concessions in the Baie Verte area and as soon as this Undeveloped Mineral Areas Act was amended and great teeth were given to the government of the day in that Act they seized valuable lands on which Consolidated Rambler now operate and this recent Ming Mine that was opened, that is on part of that land. They seized the land from the owners and the government of the day gave the land to a gentleman, M. J. Boylen who has since deceased. They gave it to him, Mr. Speaker, under the most peculiar agreement that gave him absolute carte blanche to spend and to charge against the land any expense whatsoever. I am quoting these words right out of the agreement— every expense whatsoever, far and away beyond the ordinary demands that are made under The Mining Tax Act. They allowed him to go ahead and develop this. They said to him in the agreement, "if you develop, which you of course will no doubt, it is a valuable property, full of copper, if you develop it, you must give one third of your profits to the government, and the government then said in the Act that it would distribute among the land owners one half of what the government received.

Now the thing was, Mr. Speaker, that the land was taken after the owners had spent considerable money of their own resources, and money that they borrowed and after they had entered into an agreement with Falconbridge Nickel Mines Limited which is one of the major mining companies in Canada and had actually formed a company called Rambridge Mines and the purpose of that was to develop these mining properties and Falconbridge had the resources and assets to do it.

What did the previous government do? It took it and gave it to the late Mr. Boylen just at the moment that Falconbridge and the owners had agreed on the terms of its development, and it was given under this outrageous agreement. What has happened in the last ten years? Twenty-four million dollars of copper have been mined from that and sold on the open market by Consolidated Rambler.

Of that \$24,000,000, to my knowledge and I speak with some authority

MR. WELLS: on this matter, not 5¢ has come to the Province of Newfoundland. Because what the Company had done under the terms of this extremely lax agreement, this extremely open agreement which was given to it, what the company had done of course, has adjusted

its profits, so that there was never anything to give to the Minister of Mines, Agriculture & Resources. So this kind of mining development means \$24 million worth of copper come out of our ground not one cent comes back to us, the citizens, not one cent to the people who own the ground under mining grants before. I am just as concerned about the taxpayer and that he should get something from this development as I am concerned about the people who own the ground. But either way, in common justice and common sense, Mr. Speaker, this kind of mineral development is a disgrace to the country that allows it to take place. I hope very, very much and I am confident that this type of development under our government, this new government, will not be allowed to continue.

Also I think it may seem silly to talk about events that happened ten years ago but it is not, Mr. Speaker, talking about events that happened ten years ago, because minerals, copper is being mined today, still no benefit is coming back to the Province of Newfoundland. This is something that is current, is as fresh and current and clear now as the day when it first began to happen. If it goes another year there will be so many more million dollars worth of copper mined but not a cent back to the Province of Newfoundland except wages. not too many of them.

So, Mr. Speaker, when you consider mining policy, you have to consider what has so often been said that minerals in the ground can only come out once and after that you are left with a hole in the ground or a torn up area of land. If we do not get benefit directly to the public Treasury of this Province from our minerals we are losing out and losing out very badly. I hope I never, I hope no one can stand up in this legislature ten years from now and say that in the last ten years \$24 million worth of copper have been mined and not a cent is coming to the public coffers of this province.

This whole area of mineral concessions has to be looked at and examined, Mr. Speaker, in the greatest detail. Other provinces, other parts of the world have a system of mineral concessions, there are many

systems. One system that occurs to me and which I know is in use is that the province is marked off for the area of land in a grid and that a company will get a concession on payment of a certain amount for say two years, and at the end of a year will have to narrow it down to a smaller area, at the end perhaps of another year to an even smaller area. So it goes with the company getting more and more interested in a certain spot but releasing other land so that other companies can take concessions on them or be given concessions on them and work them with the same detail. Therefore the whole province or the whole area in question, the whole country, if you are talking about a country, gets a careful analysis and a careful exploration by many companies who pay for the privilege of doing it.

What has gone on in Newfoundland in the last twenty-three years is that vast concessions have been given to a very few companies. They have taken the concessions. Heaven Knows what they have done with them. They have developed some of them, but the point is the large areas of this province are under concession today to people who are making only token efforts to explore. We should have I suspect ten mining companies in Newfoundland doing exploratory work and hopefully development work, where we only have one.

This is a mistake I think in policy. One of the areas in which for my part I charge the previous administration with a gross distortion of what ought to have been done is in the area of mining concessions, Mr. Speaker, I am confident that this government and this House can devise ways whereby we can get better value for our - we can get the country explored more closely and carefully and develop mines that we can get more out for the public coffers, out of what is actually dug out of the earth.

I think this is a matter of vital and top priority. Mr. Speaker. On this point, that I use as one concrete example, there are many examples that have been developed over the past twenty-three years of areas of

which the harm which has been done in the way they have been developed is still with us today, is a continuing thing, still going on, and has to be looked at by this Government and this House.

I do not say that anyone who is making a worthwhile contribution to the government - to the province, anyone who is working a developed mine, anyone who is cutting wood in the proper way I do not suggest that they should be interfered with but there are middle men, there are people whose existence in our industry is not justified and they should be looked at.

You may say or some one may say Mr. Speaker, well, "can we take unilateral action against anybody no matter what deal he might have." My answer to that, Mr. Speaker, is that when the Government of Newfoundland back in 1961 took that land away from these land owners and gave it to Boylen, subsequently to Consolidated Rambler Limited, it was unilateral action.

Governments in the past, particularly one government which we had in this province did not shrink from unilateral action. Unfortunately, Mr. Speaker, the unilateral action was always against the people of Newfoundland, so it seems. That is the sort of thing, Mr. Speaker, that has to change.

Before closing, Mr. Speaker, I feel it desirable to make one or two general comments about the labour situation in this province. The report of the Cohen Commission on labour which has been long awaited has arrived, it has been distributed to honourable members, although it is a lengthy document, I do not suppose any of us have had a chance yet to examine it in its entirety much less digest it. The Minister of Labour has announced that in due course there will be examination by groups representing both industry and labour, business and labour, who will comment on it. Of course honourable members and members of the public generally will read, digest and comment on this.

I think I should make one or two points, Mr. Speaker, both about the public sector and the private sector. I think that we should not get carried

May 1, 1972. Tape 186. Page 4.

away by the idea that the labour legislation, I am speaking of the private sector now, the Labour Relations Act, an ancillary legislation is all set.

MR. WELLS: Far from it, we have basically in Newfoundland today, insofar as labour law is concerned, we have basically what they have elsewhere in Canada. After all, what is labour legislation? It is something to regulate the relationships between unions on the one side or workers on the one side and management or the owners, or employers on the other side. That is all that it is, It regulates the procedures between them so that if, for example, workers are disgruntled, rather than having to walk off on a wild-cat-strike or something like that, the machinery is there both to negotiate contracts and to adjust disputes afterwards. That is basically the function that labour legislation performs.

I think we have gone wrong in certain aspects of this in Newfoundland in recent years. Where we have gone wrong I think, Mr. Speaker, is not that our basic legislation was necessarily too faulty, but when a tough situation came up, when a particular situation came up that alarmed the previous administration they chose to pass hasty legislation to deal with specific matters. It is an old legal maxim, Mr. Speaker, that hard cases make bad law and they do.

When, instead of allowing the strength of the legislation that was there to show, or the weakness to show as the case may be, it does nothing for anybody to dash through laws that will deal with that particular situation, put that man in jail, fine that union one thousand dollars, you know, and fine somebody else who has been convicted of something elsewhere- you know, he is not allowed to come into the province. That is not what is needed. What is needed I suggest, Mr. Speaker, is a certain toughness here. Not toughness to turn against one side or another, but toughness to recognize that your legislation is there to deal with situations. That is not always going to be easy. You are not going to make every union and every employer agree. You will never do it in one thousand years and it never has been done. What you have to do is be tough enough to let your legislation handle the situation, the legislation of course, being made as good as you can make

it. But, be tough enough to trust it rather than to jump into the breach saying, 'we are going to this, we are going to do that, we are going to outlaw you and we are going to hang you.' This type of approach is where we have gone wrong.

When this business of amending the legislation in the private sector of this province comes to the fore, this I think the government and hon. members should bear in mind, we are not going to solve all the problems which will arise between management and labour. What we are trying to do is to put into effect a system whereby they can work out their problems, even if that means confrontation at times, but at least a set of rules beyond which they cannot go.

This leads me to a point, Mr. Speaker, and I think the point has to be made and it has to be made in this House. There can be no good come out of allowing people to go beyond the bounds which they have agreed to. In other words, if a union and a company have agreed on a certain course of conduct which is put into a labour agreement and it says that while this agreement is in effect there will be no strikes, nobody, absolutely nobody can countenance a thing like a wild-cat strike, because, that is the way of anarchy. That is when you can agree to anything and say, 'oh never mind, we are going to go our own way anyway. The heck with what is written on paper.' To recognize, any recognition of that sort of thing is the road to anarchy, because the next week there will be more and more and more. There is no end down that road, Mr. Speaker.

What I am saying is that we examine, as the Minister of Labour has suggested to individuals and to interested groups, that we examine that report, that we take what is good in it and we apply it to our legislation, making our legislation general in the sense that we never descend to picking on an individual group just because there happens to be trouble today in that area. Rather have legislation of general application and expect people and require people to keep to the obligations which they assume under it.

There are certain things, certain things that occur to me, such as this business of injunctions and how they should be treated and approached. I feel myself that there should be an amendment to the Labour Relations Act in the matter of injunctions which would prohibit somebody going ex parte, which is only a Latin phrase for going by yourself to a judge and getting an injunction without the other side then. This sort of thing seems to me basically unfair, but again, you know, I would bow perhaps to the Cohen Commission report, and maybe I would not on such a matter.

The point is, Mr. Speaker, because there has been labour trouble in Newfoundland in the last two or three years, we the government and we of the House should not panic. With regard to the public sector, I feel also entitled to make a few remarks as I have been perhaps closer to public bargaining, bargaining in the public sector, perhaps as close as anyone else, perhaps closer than anyone in the last three years since it came into being.

It came into being, Mr. Speaker, because there was no machinery, there was nothing set up. The government of the day laid down the rules and regulations to pay everything else and said, "there you are, take it, if you do not like it, get out." That is what it was and like the lid on a boiling kettle, Mr. Speaker, the situation grew and grew and grew in intensity until suddenly, somewhere it was going to blow and it did. It blew of course with the Newfoundland Constabulary. Out of the difficulty that came there, out of that came the principle of collective bargaining. It was said at the time, Mr. Speaker, said to members of the Newfoundland Constabulary, "yes, collective bargaining in the public service would be a great thing but it will not come for another ten years. The attitude of government is such that it will not come for another ten years." But it did come, it came that year. Afterwards, of course, the first act of public bargaining was the Police Act and I was pleased to see here, the day before yesterday or the day before that, a Bill brought in, which passed committee stage today, dealing with the St. John's

Fire Department which is almost a replica of that particular Act. It may not be perfect, Mr. Speaker, but I think it will work.

On the question of strikes in the public service, the fact of the passage of these two Acts makes me feel that I ought to make comment on that.

I do not think that there is a place in certain essential public services for the strike. Quite frankly, I do not think that the police should be allowed to strike. I do not think that the firemen should be allowed to strike. These are essential services, but if you take away the strike provision, Mr. Speaker, as the Police Act and the Fire Department Act have in fact done, if you take these away you have to put something in their place. In other words, you cannot say to the men, "surely you cannot strike, I will not let you strike or we will not let you strike, but you are you going to take what we say and like it." You cannot say that and you ought not, Mr. Speaker, be able to say that.

What do you do? The only thing that you can do is put in its place binding arbitration. Binding arbitration on the employee, but also, what is sauce for the goose is sauce for gander or whatever expression, binding on the employee but also binding on the government. I think, Mr. Speaker, this is vital.

I would be interested to read the detailed comments of Professor Cohen in his report, on other aspects of the public service. It may well be, Mr. Speaker, that some areas of the public service should be allowed to strike. Or maybe it is not too important for the government of the day, if they are allowed to strike. Not all services are essential. Of course, some people might say, Mr. Speaker, with some cynicism that perhaps there might be many areas of the public service where it would not matter at all. It would matter, but at the same time, I think we have to draw a distinction between what I would call vital public services and public services which are not so vital in the day-to-day sense -- not so vital as the necessity of putting

out a fire, not so vital as the necessity of apprehending a criminal.

No doubt this debate will rage fast and furious when people begin to assess the Cohen Commission Report. I note with interest in my quick glancing at the report that Professor Cohen has said that insofar as the essential public services such as police and fire, that there should be no strike provisions and he says that in all other cases if there are to be strike provisions they should be postponed for two or three years and that in the first two or three years of the agreements in question there should be no strike provisions. Afterwards, after both parties are more used to dealing with the matter then strike provisions could be placed in the legislation.

I think that is a very interesting thing. I think that we are all going to find ourselves debating and talking about this because this is an area where both the employees and government, not just this government but any government and any House, is breaking new ground relatively speaking in this business of collective bargaining in the public service.

Well, Mr. Speaker, I do not want to go on any longer, but I will say this to you. Facing Newfoundland are very tough decisions, very interesting problems, problems that are going to require a lot of work, problems that are going to require incisive thinking and problems the solving of which are going to require considerable courage. I am proud, Mr. Speaker, to be a member of this House and I expect the next four or five years of this House to be a very exciting and worthwhile time for all of us. Thank you.

MR. P. S. THOMS: May I first, Sir, congratulate you on your office as Speaker of this Chamber. May I also congratulate the forty-two members of this House on their election on March 24 and in so doing may I also remind these gentlemen of the job, the task that we were sent here to do. The people of Newfoundland have put confidence in us, confidence that we could come here and could do a good and a decent job for Newfoundland. They expect us to stand up in this Assembly as men. Remember we are just forty-two men among a population of approximately 520,000. They expect us to be gentlemen. They expect us to stand out among men. I was quite pleased, Mr. Speaker, the other day when two members of this Assembly withdrew some statements that they had made the previous day. I assure you, Sir, that I disagree with such character assassination. I do not believe that it belongs to this Chamber. I do not believe that it belongs to any member of this Assembly. It is not what the people of Newfoundland sent us here to do. We should never verbally assassinate each other. I am quite sure that the majority of the people of this province disapprove of such verbal assassination of each other's character and such, what I call, cat-calling across the floor of this Assembly. The people of Newfoundland sent us here to be men, to speak like men, not to sound like a bunch of kids who are fighting and scrapping continually, because they have not yet learned of a way to live together.

We should be an example among the men of this province to set an example to our population and to prove to them that we can stand up in this Assembly and to discuss the issues and to prove to all our people that we are men of character and integrity. I believe, Sir, when the committee on the rules or the procedure of this House is set up, that some form of penalization should be imposed on members who in the future carry on with such verbal assassination; set up a penalty box if you will; deduct from the sessional pay if you will, but do something to stop this verbal assassination.

Now this was quite obvious and carried on to a large extent in at least the Thirty-Third and Thirty-Fourth General Assembly. The general

Mr. Thoms

public were given the idea or at least left with the impression that this was just carried on by two men. In most cases the general public were left with the impression that it was the one man who was at fault but apparently this was not so because one of these gentleman is not with us. Of course, it comes back, it takes two to tangle I guess. Maybe the people of Newfoundland should have gotten rid of the two of them and we would have had a clean House.

Now, Mr. Speaker, we have heard quite a number of gentlemen speak in this Assembly on the Throne Speech debate and all the gentlemen on the other side of the House have been (what I call) verbally assassinating the previous government for the things they did not do. I wonder if they would go back forty years and verbally assassinate the government then for the things they did not do. The previous government took over this province of ours when it was in what I consider a deplorable state. The hon. member for Bonavista South was complaining about the roads and in 1949 there was only one road in the district I believe. There was neither one in my district. There were many districts in this province of ours where there were no roads. There were no schools, no hospitals. There were no public services. This is the job that the previous administration took over and they changed all that. The Smallwood era changed the standard of public services in our province. When I was a boy, and that is not too long ago, if the merchant's son walked down the road beside me anyone could look at us and tell exactly which boy was the merchant's son. If my boy walked down the road today and the merchant's son, you cannot tell them apart. They are both dressed equally. They both look healthy and strong and happy. The Smallwood era eliminated all this and we give credit to a man who brought this about.

AN HON. MEMBER: \$1 billion!

MR. THOMS: Whether it cost \$1 billion or whether it cost \$10 billion, it was worth it. The elimination of poverty in the Province of Newfoundland, you

Mr. Thoms

cannot put a price on it. I do not care with what price you come up with. it was still worth it.

AN HON. MEMBER: (Inaudible)

MR. THOMS: It is eliminated.

MR. ROBERTS: This present government are going to do all this without borrowing any more money now.

MR. THOMS: Sure you have isolated cases and you will always have them. But as far as poverty in Newfoundland is concerned, it is abolished once and for all. You look down over any school population today in Newfoundland and you will see a school full of kids, healthy looking kids who are well-dressed, well clothed and ninety-nine per cent of them are well housed. That is a different story from 1949. It is quite a difference from the time when I went to school and when many of you gentlemen across the way went to school, also possibly with the bottoms out of your boots, like I did, no socks on. We only had one pair of pants, when I was ten years old. Maybe you have only one pair now but if you have it is your own fault, your own laziness, your own stupidity—that is correct.

But, Mr. Speaker, the former administration changed all this. They brought us into a prosperous life. Now there are a lot of things which they did not do. There are a lot of things which they could not do. There are a lot of things which time would not allow them to do.

AN HON. MEMBER: (Inaudible)

MR. THOMS: My dear man we stood here for 400 years before that. What happened then? Our people starved to death. In the 1930's we starved to death in Newfoundland.

MR. THOMS:

I remember as a boy of ten years old carrying the last member of one family to the graveyard. Tuberculosis had wiped out the whole family, mother, father and five children and this was in the district of Burin.

AN HON. MEMBER: I happen to be one of twenty-two and I am alive.

MR. THOMS: Well, you are lucky, Sir, if you are. You are very lucky indeed. But, Sir, the honourable members in this House and on the government side can criticize all they like. They apparently can only pick out the wrong that have happened this last twenty-three years. They fail to see beyond their noses the good things that happen. Continually, Mr. Speaker, there has been reference made to the previous Premier and none of these gentlemen seem to be able to refer to him with a kind word at all.

As the member for Bonavista North, Mr. Speaker, and especially as a citizen of the city of Gambo, I stand here tonight very proud, very proud indeed not because I was only shortly associated with the previous Premier but because I come from the community where the previous Premier was born, Gambo and I realize that Gambo has a unique position in the history of Newfoundland because it can claim to be the birthplace of the only father of Confederation. I am sure that any of you people would like to have that privilege to be able to claim the same thing. I am proud tonight, Mr. Speaker, and so is every citizen of Gambo proud to be able to say that Gambo was the birthplace of the only living father of Confederation.

The Smallwood government, the policies of the Smallwood government, the things that have been brought about in Newfoundland by the previous administration, the benefits from these programmes will show up for years and decades to come. People not born today will benefit from the Smallwood era in Newfoundland. We here tonight

MR. THOMS:

in this building are benefiting from the Smallwood government.

AN HON. MEMBER: You would still be over on Military Road only for the Smallwood government.

MR. THOMS: Mr. Speaker, this past twenty-three years, even though some members may not agree with me, have seen great change in Newfoundland, change that many of us fail at this time to realize but I believe that over the next four years we will realize them indeed. Mr. Speaker, I represent one of the most historical districts in the Province of Newfoundland, second only to the honourable member for Bonavista South. In Bonavista North we have thirty-five communities, we have five of these communities on two islands in Bonavista Bay. Just to show you what exactly has been happening and the vast change that has come about this last twenty-three years, in 1949 we did not have one community under any kind or form of local government and today we have twenty-five of the thirty-five communities under some form of local government. We have sixteen of these communities either part or partially serviced with water and sewer and that leaves some nineteen more to come.

I want to warn the Minister of Municipal Affairs that our people are in dire need of this service. They did not want it ten or fifteen years ago, they possibly needed it but they did not want it but today they want it, they need it. Today it is a necessity of life in the 1970's for every town in our province to be serviced with a water and sewer system and I am quite sure and it is quite evident from the number of petitions that I have presented and will continue to present that the vast majority of our district demands that they be serviced with the essential of these water and sewer projects. I may say that there is one application at the present

MR. THOMS:

time for incorporation. I suppose, sitting on the minister's desk right now waiting for approval, and this application has been there some five months. This I believe is unnecessary. There is no reason why this department cannot make up its mind within thirty days whether a community be given a local government or not. This is retarding the community and I urge the minister to take a look at it and to speed up this application and either say, "Yes, go ahead," or turn it down.

Now, Mr. Speaker, in my district the economy of my district is based chiefly on two things, the return from our fishery and the return from our forestry. Today in the town of Valleyfield we have one of the most up-to-date fishing plants in the province and I am sure the honourable member for St. John's South, who I believe has gone through it, would verify this. We have eight communities, Mr. Speaker, who rely directly or indirectly upon this fish plant. We have some forty longliners and there are some four hundred fishermen involved either directly or indirectly in this fish plant and this plant is a multipurpose plant. It can take almost any fish that the fishermen can catch from cod, crab, lobster and more recently, last year we experimented on the lumpfish fishery and now today, this year, lumpfish roll is going to be one of the main items brought to this fish plant.

MR. THOMS: I am quite happy to see that this present administration is taking an interest in the fishery of our province. I only hope that they can put this interest to work and bring about much better conditions for our fishermen.

However, I would caution the Minister of Fisheries on one thing and that is on where they apply these huge draggers that they are planning to bring to our province. We have forty longliners operating out of this fish plant. They employ approximately 130 people. I would not want to see these forty longliners replaced with two or three draggers. I would not want that. I do not believe that the fishermen of our districts would allow it to happen.

This is one of the things that the fishermen of our districts are afraid of. But I sincerely hope that this administration will realize this danger, acknowledge it and make sure that it does not bring any unnecessary hardships to our local fishermen.

Mr. Speaker, the forestry in Bonavista North is a vast forestry. It may interest the gentleman or the honourable the member for Fortune that our districts touch each other. Throughout my district there are many virgin stands particularly black spruce. These virgin stands at the present time are untapped. There is no forestry industry there whatsoever at the present time. The reasons they are now untapped is chiefly because of two disasters which have come about in our district this last eleven or twelve years.

Of course the first disaster came in the great fires of 1962 when hundreds and hundreds of square miles of our forest were destroyed by fire. Particulary touched in this fire was the northside of my district. It was a disaster, Mr. Speaker. We had wood camps and equipment burnt in this fire. We had something like close to 300 men thrown out of work overnight. And ever since the great fires of

MR. THOMS: 1961 the centre portion of my district has been what you may considered a depressed area. The area I talk about is Hare Bay, Dover, Trinity, Centreville, Wareham and Parsons Point.

Another - not exactly a disaster, but in 1967 the then A.N.D. Company left the Gambo waters area - left the Gambo watershed. By so doing they put something like 300 men out of work. This I understand was because someone one day jumped up on top of the mill in Grand Falls and looked around and he estimated that he could see something like five years wood within eyesight of the mill. So they decided to close up the operations in Gambo and went to the Grand Falls Valley and harvested their wood. This to us was a disaster for it left many of our people without employment. I am afraid it is going to take a while before we can get these operations back again. I had hoped that one time during the winter, Mr. Speaker, that possibly we could harvest some of our present forest stands. I was looking and hoping at the Stephenville project. But then I am sure the member for Labrador North would not there agree with me, neither of course would the member for Labrador South. He has enough prosperity as it is.

Mr. Speaker, we do have many stands of what I call saw logs in our district. We have hundreds and hundreds of acres of them and some of them are very productive stands. Some of them will come up to something like forty cords per acre. This represents a good harvest. It is my hope and wish that this administration will be co-operative with us and help us develop some of these fir stands that we possess.

I seem, Mr. Speaker, to be getting a feed-back from this microphone, I am not sure what it is and I dare not name what it is.

Mr. Speaker, I sincerely hope and trust that this administration will lend a hand and I was quite encouraged by the possibility of this corporation being set up to help small industry. I understand the negotiations have been going on for this now for over one year and

MR. THOMS: I believe the former Minister of Economic Development should get some credit for this. Maybe the present minister has speeded it up a little, I hope he has. But to date we have not been given any indication when this corporation will be in operation. I have at the present time five people in my district who are quite interested and are ready to approach the honourable minister.

AN HON. MEMBER: (Inaudible).

MR. THOMS: There is more than that. Very good indeed I am glad of that.

AN HON. MEMBER: Inaudible.

MR. THOMS: One thousand from my district?

AN HON. MEMBER: Inaudible.

MR. THOMS: Mr. Speaker, with the advent of these two logging companies Price Brothers as they are now and Bowaters these people have left behind them hundreds of miles of woods road in my area. These roads are not in a passible condition, as many of the people in this House of Assembly here tonight will agree with me. I am sure some of them have gone up over the Gambo roads either fishing or moose hunting. I know many of them particularly many people from St. John's have gone to the Indian Bay waters for the big trout and by the way this is where the biggest trout are in the Island of Newfoundland

AN HON. MEMBER: Inaudible.

MR. THOMS: In the Island of Newfoundland.

We have in our district two lakes, two of the three I believe in the whole island of Newfoundland that contains the arctic char. I said, Mr. Speaker, and I draw the attention to the member for Labrador North, I said, "In the Island of Newfoundland." I realize that you have a huge population of arctic char in Labrador.

AN HON. MEMBER: Inaudible.

MR. THOMS: Mr. Speaker, I am

MR. THOMS: sure the St. John's sportsmen would love to see the improvement of these roads to resources and I hope this present administration will continue the programme that the previous administration started last year when they fixed up at least ten miles of the road in the Indian Bay Waters. This gave extra access to many of the sportsmen, not only the sportsmen but the local people as well so that they could harvest the forest and so that they could harvest other natural benefits from our wilds.

Mr. Speaker, in Bonavista North at the present time, we have a small industry, a very unique industry or I should say it is really not an industry but it comes under agriculture. By the way I was quite interested to hear the hon. member for St. John's South talk about the good agricultural land that he has in his district. You want to see good agricultural land? You go to the interior of Newfoundland and there, Mr. Speaker, you will find number two soil.

I may point out to the hon. members of this House that this is at least one classification better than the soil in Prince Edward Island, New Brunswick and Nova Scotia. Most of the soils on Prince Edward Island is of a number three. In central Newfoundland we have thousands of acres of number two soil. An investment in cultivation would be good.

Mr. Speaker, in my district we have a blueberry industry. We have hundreds and hundreds of square miles of blueberries grow every year. We have hundred and hundreds of square miles of blueberries that are not picked every year and the main reason why they are not picked is because most of it is not accessible to our population. We need new roads, new trails in order for our population to get in to pick, to harvest this crop.

Mr. Speaker, there is no industry, there is no other job in this world that I can think of that has fed so much money to such a vast portion of our population than the blueberry industry. It puts money in the pocket of the head of the family. It puts money in the pocket of the wife. It puts money in the pocket of every child who can crawl in over the barrens and pick

MR. THOMS: a gallon of blueberries.

I knew families last fall, a man, his wife and three children who earned \$1,000 in one month in blueberries. This happens time and time again to family after family and it takes in at least seven of our communities.

In September and October, the area in my district, that is the area which I consider as a depressed area, in September and October it becomes the most prosperous area just simply because our people pick the blueberries.

Now at the present time we have very little policy in Newfoundland as far as blueberry picking is concerned. We have no help whatsoever to the blueberry pickers. You are going to see, within the next few years, blueberry farms emerge. In my district, at the present time, we have one man who does that, at least twenty acres of blueberry land cleared and he is planning on his first harvest this year. This man is looking at something like a 500 acre operation within the next five years. I ask this government to do all in its power to assist these people, to lay down a policy on blueberry farming, to set down a price per acre for cleaning up blueberry lands such as they do to the farmers for cleaning agricultural land. This is a need at the present time and it is going to be an even greater need as the years roll on.

As I stressed before, Mr. Speaker, there is no other industry in our province, no other industry that I know of that will spread the dollar like the blueberry industry. We also want in Bonavista North, to work in conjunction with this industry, some kind of a processing factory, some kind of storage, so that we can take the blueberries and we can store them and utilize them, either in jams, pies or something else. I do not know exactly what you could do with them but there are many things. A good idea is blueberry wine. Did you ever drink it? I had a bottle given me the fall and boy was it ever delicious! Mr. Speaker, might I inform the hon. gentleman from St. John's Centre that a bottle of blueberry wine would do his heart good.

MR. THOMS: Mr. Speaker, I notice in the Speech from the Throne that this administration plans on setting up a committee to consider redistribution in our province. I hope, Mr. Speaker, that this committee will be an impartial one, that it will not discriminate against any segment of our population.

MR. MURPHY: Guaranteed. We will set Mr. Smallwood up as chairman.

MR. THOMS: You could not do a better thing. Mr. Speaker, the hon. gentleman from St. John's Centre must have had a drop of that wine.

Mr. Speaker, it amazes me sometimes when I think of some of our districts as such a vast area and others of them, really from one end to the other is almost a stone's throw. I can think of the District of St. John's Centre...

MR. MURPHY: Inaudible

MR. THOMS: There must have been a lot of trees voted in the last election.

Mr. Speaker, in my District of Bonavista North, it takes me two hours to drive from one end to the other. I am sure in the fine physical condition that I am in today I can walk

from one end of St. John's Centre to the other in at least fifteen minutes. I can walk from St. John's East to the other end in twenty-five minutes. Of course if I happen to go down hill I can cut off a few minutes.

Well it does not necessarily mean that trees vote, Mr. Speaker. It does mean that a member with a large area has a larger responsibility. He has more problems. For example, the member for St. John's Centre has no road problem.

MR.A.MURPHY: No, nor housing problems either. Tearing them all down.

MR.THOMS: Do you mean to tell me that the people in St. John's are living in poor housing conditions? We are living in good housing conditions in Bonavista North. Good conditions. You can eat your breakfast right off of any floor in Bonavista North.

MR.MURPHY: We have tables-

MR.THOMS: You have tables, do you? I thought you just said there were poor housing conditions. Mr. Speaker, it amazes me to think that we would make such districts as St. John's Centre and St. John's East smaller or compact, then possibly extend on the other districts that have such a large and vast area. Our problems are tenfold considering the city districts. This is what I warn this administration about. I asked them to make sure that the redistribution committee is an impartial one.

Mr. Speaker, the Conservative Party in this last two elections and for this last four or five years have been advocating that government should take the service to the people. I hope they do. I sincerely hope and trust that they do. I want you to. I want you to and the faster you do it the better. While they do I trust they will note that we have two islands in Bonavista North, two of them without medical services. I sincerely hope and trust that they will see fit to at least station a nurse on the island of Greenspond, the island of St. Brendans, at least for the winter months. I am sure the honourable member for St. John's Centre would agree and would say okay to that. Good!

Thank you very much! I will tell the people of St. Brendan's next time I go out, that is if I can get out there before you.

But, Mr. Speaker, these people need this service. They need this service. As most honourable gentlemen here tonight will realize, this is the hardest winter that we have experienced, that I can remember, These two islands were completely isolated.

MR. NEARY: Tory times are hard times!

MR. THOMS: That is correct, Tory times are hard times! That is what my father used to say and he had proof of it. But, Mr. Speaker, it is an absolute necessity that these two islands be serviced, that they be given medical services during the winter months. During the past winter the island of St. Brendan's was completely isolated from late November until just about three weeks ago. The only way you could get out there was by plane. Believe it or not we had a fuel shortage in St. Brendan's this year.

As the honourable gentleman from St. John's Centre realizes we had to fly oil out there. We also had to get the Sir Humphrey Gilbert to go in with a load. But we sincerely hope and trust that this will be eliminated in the future.

MR. MURPHY: I know - the boats cannot get into Burnside.

MR. THOMS: They can get to the point, as she is coming right now, not into the wharf. But, Mr. Speaker, I am quite happy to realize that this administration is going to take the services to the people. Of course that means taking all the services to all the people. It is no good to leave out a portion of our population. We want services to all the people. I would expect to see water and sewer systems in most of my communities before the next election, I expect to see road pavement throughout my district. The same as the honourable member for Gander can boast about, he has pavement through all of his district. All of his roads are paved. Of course it was done by a good Liberal Administration. Who else can do it?

Mr. Speaker, the people of Newfoundland have been led to believe that the Province of Newfoundland is on the brink of disaster. They have been led to believe that we cannot do any more borrowing. We have no credit on the money markets of the world. It never ceases to amaze me when I think that the honourable Minister of Finance could go to New York come out of there with \$50 million, he can go to England get another \$25 million while he is looking at his cousin's mushrooms. Then before he gets to the House of Assembly he has another \$25 million. Surely Mr. Speaker, a province who can do this has an excellent credit rating on the money markets of the world. If we did not, how would the honourable minister be able to get the money?

Do you mean to say, Mr. Speaker, that if the province default on this hundred million dollars this will be taken over by a personal guarantee of the honourable member from St. John's West. I must say he is very patriotic these days.

But, Mr. Speaker, our people have been led down the garden path to think that we cannot get another million dollars. I remember the honourable member from Fortune stating that we are on the brink of disaster. We only have to go a little farther, we would drop. Our legs were dangling over the cliff, financially. Then the Boy Wonder from St. John's West comes along and solves it all, Amazing! Amazing! I cannot see how we missed this for twenty-three years.

Mr. Speaker, as I look through the pages of history, I see that it is forty years since our province elected a Conservative Government. We hope that history will repeat itself, and it will be another forty years before they are elected. As I look at the smiling faces across the floor of this House I see what I consider some Tory and some Conservatives. I would give the Honourable Premier a little bit of advice. "Beware of the Tories, Mr. Premier, and handle the Conservatives with kid gloves."

MR. H.D. YOUNG: It is a great privilege, Mr. Speaker, to rise before this House and speak as the member for Harbour Grace. I do not know what the former member for Harbour Grace would have said as he did not have the chance to speak and all I heard him say was, "Burn your barges." I believe from looking at the Auditor General's report after joining the Liberal Government that he missed the barge.

Mr. Speaker, the people on March 25 stated that I had buried my opponent. Unfortunately I did not get a death certificate and he will still be echoing from the tunnels at Memorial. I notice the opposition has left but I wish to thank the member for Bell Island for looking after my district, as he stated in his speech. I understood, Sir, that there was going to be no name calling and now they advised us young members not to name call but I am sure, Sir, we have heard quite a bit on this side of the House. I was also surprised at the Leader of the Opposition's speech and in quoting his scriptures and he already explained that the pendulum was going to swing that way now and it is going to swing back but he forgot to tell us that the grandfather clock was gone out of the country.

Mr. Speaker, I want to be part of a free and democratic government and I assure our honourable Premier and his honourable ministers that we will not be afraid to speak out. The gracious Throne Speech of March 1 and outlined again on April 29 reaffirmed the aims of this government. I am sure, Sir, the future of Newfoundland is bright under this administration. Sir, as every mother thinks her little Johnny is best I am sure every member thinks that his district needs the most. I am afraid, Sir, that the last administration was like the modern day artists, they had a dab there and a dab somewhere else but they made an awful big dab on the road that I drive over every morning as you look through and see the

MR. YOUNG:

Ponderosa.

On Saturday, Sir, I had the great privilege of representing the Premier at the opening of a bank in Harbour Grace. As these people of the financial world have opened one of their modern banks in our area, I trust that this government will have faith in the district of Harbour Grace and our needs there are something that will be fulfilled. I do not know the needs of the tourist industry and I do not know, as the previous speaker said, how many lakes we have but I know, Sir, that there is room for parks and we have a good harbour.

The Liberal candidates in the past have made great promises. I am sorry, Sir, I did not make any promises, I made pledges and I trust that the district of Harbour Grace will once again be restored to its rightful place in the province. Our workers drive daily over roads that need to be repaired. The previous administration in the 1960's promised a civic centre and these plans are now still in the court house in Harbour Grace. This court house houses the Justice and Finance Departments and they are under staffed and have lack of space. I trust, Sir, that someone will explain to me when the new building or what the new building is for that is being constructed in Harbour Grace. Our towns that have had councils for ten or twenty years are still lacking water and sewerage and all the settlements or just about all of them need road improvements and we need serviced land for the building of houses and community pastures.

We have been promised all these things, Mr. Speaker. We have been promised everything, I suppose, but the kitchen sink. I would like to thank the voters of Harbour Grace for the confidence they put in me in electing me as their member. I assure the Premier

May 1, 1972

Tape 193 (Night)

JM - 3

MR. YOUNG:

that I never made any promises, I made pledges. I pledged to work hard for my district. I know the problems of this province are many and the problems of my district are many and I trust under this government Newfoundland will have a bright future.

I thank you, Mr. Speaker.

MR. HARVEY (J.B.): Mr. Speaker, I would first like to congratulate you on your election to the hon. Chair. I did not get much of a chance to speak in the last session of the House. I may not get much of a chance to speak in this House but I will try to get a few words in while I can. I would like to congratulate also all members of the House of Assembly who were elected in March.

I was very pleased, Mr. Speaker, and I will get right into the Throne Speech here. I would like to quote from it, if I may, "the continued development of Labrador will be closely linked to a continued expansion of our forest products industry. This industry, along with mining and tourism, will provide the major opportunities for future development employment in the northern two thirds of our province." I certainly hope, Mr. Speaker, that this comes to pass.

In Labrador South we have some of the most substantial stands of timber anywhere in the province but we need government help to develop this great resource. As it is now, only one part of Labrador's timber resource is being utilized and I refer to Melville area and Happy Valley and Goose Bay.

Mr. Speaker, with the building of the new paper mill on the east coast of our province and the need for black spruce to supply this mill, the timber resource of Labrador South should be fully utilized. To accomplish this, government financing is needed for the building of access roads. Experts from various departments of government are needed to teach and train the people as to the proper use of harvesting equipment. Resource people are needed to help organize co-operatives. In other words, Mr. Speaker, this resource cannot be developed without government co-operation and I certainly hope that this co-operation will come from our Government Of Newfoundland and Labrador.

Mr. Speaker, to dispell a mith, I would like to say now that I represent the people in Labrador South who are of English and Irish origin, who have lived on the coast for hundreds of years and like my colleague who represents ethnic groups in the north, Eskimoes and Indians, I represent people who came over from England and Ireland in the eighteenth century.

MR. HARVEY: I represent an area that stretches from the Quebec Border in the southern part of the Labrador coast, bordering on the Quebec community of Blanc Sablon to Rigolet in the north, a distance of approximately 400 miles.

The hon. member for Labrador West had stated in his reply that Labrador West was not looking for any special concessions as did the hon. member for Labrador North but Mr. Speaker, Labrador South must have special attention if it is to be brought up to the standards now enjoyed by the rest of Newfoundland. I think Labrador South has been neglected terribly over the past years by the past administration, past Liberal Administration, and I certainly hope that it is not neglected by this present one. Some of my colleagues may disagree with me on that but that remains to be seen, whether it was the Liberal Government or the representation, I do not know what it was but it was certainly neglected.

To prove that neglect, I went to the Labrador Coast for the first time in 1969, offered myself for election in 1971, in October, and was elected without the people even knowing where I came from really or what I planned to do for them. They wanted a change, apparently they needed somebody to represent them in the House of Assembly and it gives me a great honour to do so.

Our basic resource in Labrador South, Mr. Speaker, is of course the fishery, from L'Anse au Clair to Red Bay, covering about eight community along the Labrador Coast and that is commonly referred to as the "straits area". We have a road connection build by the past administration, a distance of about sixty miles. All communities take part in the fishery which, of course, as everybody knows has been a failure over the past three of four years.

Although the fishery has been carried on on the Labrador Coast for hundreds of years, they are well behind the standards that are enjoyed by other fishing communities on the Island of Newfoundland. As I passed through St. Barbe North on my way to Labrador, I had to pass through a Community of Port au Choix, Port Saunders, where you can walk across a harbour on

MR. HARVEY: longliners stretched from one end to the other, yet on the Labrador Coast, where incidentally most of these longliners fish, on the Labrador Coast there are very few, I can count on my fingers the amount of longliners in that area.

For two hundred years the fishery on the Labrador Coast has not produced one fish plant, not one fish plant on the Labrador Coast. Although in the past year or so there have been a sort of a fresh fish pick-up boat come there, transporting the fish back to a plant in St. Anthony and Port au Choix, and I would certainly hope that this continues this summer.

What we need on the Labrador Coast, and I speak of the area from L'Anse au Clair to Red Bay, are holding units for the holding of fresh fish, due to the fact that we do not have these plants. I speak of needing bait holding units in certain communities along the Labrador Coast. We have one in a place called West St. Modeste right now, although people from Red Bay travelling over very dangerous road I might add, through mountains, have to come to West St. Modeste to pick up their bait, bring it back to Red Bay and, of course, if there is a storm the next day, or so on and so forth, they cannot use that bait. A small bait holding unit in a community like Red Bay would be a great asset to them.

AN HON. MEMBER: Inaudible.

MR. HARVEY: There should be one in Williams Harbour, probably one at Matty's Cove, all along the Labrador Coast, to the distance of fifteen or twenty miles, every fifteen or twenty miles where you have a group of communities.

Bait holding units, I understand and correct me if I am wrong, the hon. Minister of Fisheries, I do not think they are very expensive. They could be easily installed and I do not have to tell the hon. minister of what benefit is derived from having a bait holding unit in these communities. People fish late on the Labrador Coast.

AN HON. MEMBER: Inaudible.

MR. HARVEY: There is power in the ones that I mentioned with the exception of Williams Harbour and I think the Power Commission has this on its books for power this year. I certainly hope it does. I am not sure of the cost.

MR. HARVEY: Breakwaters of course are needed and upgrading of community stages and wharves. I understand in a place called English Point just outside of the community of Forteau they have been promised a breakwater for the past ten years or so. I think, also, that comes under the federal government. There must be a closer liaison with the federal and provincial government in upgrading these facilities and bringing these worthwhile facilities to the Labrador Coast.

The roads on the Labrador Coast, Mr. Speaker, I guess like somebody said, if you want to call them roads, in the summertime the road is fairly well kept up, not unlike any gravel road that you would see in Newfoundland or on the Island of Newfoundland, from L'Anse au Clair to Red Bay. But in the wintertime, as we have seen in the past month or so it has caused considerable hardship, as my honourable colleague and the Minister of Labrador Affairs will know. This road is used of course not for joy-riding around, it is very essential. We have one nursing station covering that sixty miles of road and this happens to be in the centre of the road so people from both ends have to come in to this nursing station.

What I am trying to say is that the road in the wintertime is blocked with snow and they get plenty of it. I have tried to get snow removal equipment in there. I do not think they have enough and this is what is causing the problem. I certainly hope this can be rectified this winter. People are transported into Forteau to the high school via this road and the controversy arriving from the fuel shortage that we all heard so much about in the past month or so was a direct result of this road being blocked with snow. It was not the fuel shortage as such but it was the lack of getting this fuel to the various communities.

On the Labrador Coast further north, Mr. Speaker, and I have an area that you would sort of call two separate areas. The one I spoke of here from L'Anse au Clair to Red Bay, with the road connection,

MR. HARVEY: and I have another area that I represent from Mary's Harbour to Rigolet, entirely different altogether, no road connection, no facilities whatsoever. Not one community with water or sewerage. Not one community receiving television. Not one community other than Mary's Harbour with a nursing station.

AN HON. MEMBER: Inaudible.

MR. HARVEY: Pardon?

AN HON. MEMBER: Inaudible. What was I talking about? What was that Mr. Premier?

AN HON. MEMBER: Inaudible.

MR. HARVEY: I did not use it yet.

We have a bridge in Mary's Harbour, yes, spanning the river from one side of the harbour to the other, the Jerry Hill Bridge we call it. That is there, right. It is leading from nowhere and goes to nowhere. We have no road connections at all in that section, Mr. Speaker. I represent in that area about eleven communities and I have a nomadic group so to speak. I have twenty communities in the wintertime and I represent about thirty-nine in the summertime when communities such as Mary's Harbour become Matty's Cove, Indian Cove, Trap Cove, Battle Harbour and so on, Port Hope Simpson becoming George's Cove or Francis Harbour Bigh, Sandy Hook and so on and so forth. I could keep naming them.

The one community in the wintertime becomes about five in the summertime. This of course emphasized the need for facilities, seeing as we have two communities instead of one to be maintained for a certain group of people, two, three and in some cases four or five.

Medical facilities on the Labrador Coast, Mr. Speaker, are pretty near nil if you want to speak about our section, our province, the Province of Newfoundland and Labrador. There is a hospital used by the people of the Straits Area in a place called Blanc Sablon. But

MR. HARVEY: for a 400 mile coastline from L'Anse au Clair to Rigolet we have three nursing stations, one in Forteau, one in Mary's Harbour and one in Cartwright. In Port Hope Simpson with a population of 500 or 600 people no medical facilities whatsoever, the closest nursing station is Mary's Harbour about thirty miles away. I am pretty sure the building of a nursing station there or a medical clinic or the building of a road from Port Hope Simpson could be accomplished within the next couple of years. I certainly hope this is done.

AN HON. MEMBER: Inaudible.

MR. HARVEY: Pardon?

AN HON. MEMBER: With the help of the I.G.A.

MR. HARVEY: The I.G.A. through this government, I think.

In Port Hope Simpson, if a man lived in Port Hope Simpson and I saw men take patients on ski doo, hauled on a sleigh, I have seen them taken by aircraft in the roughest kind of weather, land in the bay, open trap boat taking hours and hours to get a sick patient to a nursing station in Mary's Harbour.

I would certainly recommend and it will be one of my top priorities to get this nursing station or medical clinic built in Port Hope Simpson in the very near future.

There are two Labradors, Mr. Speaker, Labrador West and the Coast of Labrador. In Labrador West they have all the facilities, all public facilities that I can think of, all transportation facilities that I can think of, jetliner, you can jet anywhere from Wabush, Labrador City or Churchill Falls and be in any major city in Canada in two or three hours on certain days of the week. I think it is five days a week or six days a week.

For the first time in the Labrador Coast area that I represent we have now an air service brought to the Labrador Coast by the Liberal Administration before it left office in January. I think that service is used quite frequently as the member from Labrador North has stated. He gave the figures. I am not quite sure that he was referring to the north or to my area in the south.

Mr. Harvey.

Tuesdays and Fridays down south. But I was wondering how many passengers they did take now?

AN HON. MEMBER: (Inaudible)

MR. HARVEY: Yes, right and I certainly hope that that is continued also, Mr. Speaker.

Before last year, a man, woman or child on the Labrador Coast had no way out of Labrador other than an odd airplane that came in carrying mail or the odd airplane coming in to carry a patient out of Labrador to the hospital. Usually it did not have room for passengers moving back and forth on business or visiting relatives along the Labrador Coast, as they now enjoy. I think that has been quite a service and like I said before, I certainly hope it continues.

The timber resources that I referred to, Mr. Speaker, before were the timber resources of the Alexis Bay area, around Port Hope Simpson and the Sandwich Bay area in Cartwright. Last year there was a co-operative started in the Sandwich Bay area called the Sandwich Bay Co-operative. Apparently the government did not - they did give this co-operative so much money to start their operation and get it started, it got started too late and therefore it sort of failed in a sense, although it only failed for that year. I think what they need now is money and as I mentioned before resource people to train these men in the use of equipment and the newer methods of bringing this timber out of the forest and, of course, looking for markets. I think one of the main markets for black spruce could be the linerboard mill at Stephenville, on the West Coast. The hon. member for Labrador North mentioned that he would like to see all the timber possible come from the Labrador area and I certainly agree with him one hundred per cent.

Our government must get involved deeply. The hon. the Premier, before the last election, had stated that he would also not give any special concessions to Labrador although I think as I stated here before that Labrador South indeed needs special concessions if it is to survive.

Mr. Harvey

I am not saying that Labrador South is the only place in Newfoundland and Labrador that has these problems. I know that there are communities all over the island, rural communities that do not have water and sewerage, fish plants, long liners, that do not have all these public services. I know of men living on the Labrador Coast in a community, when they moved back (I talk of a place called Snug Harbour in Labrador South. I believe the hon. the Premier, (the previous Premier, Mr. Smallwood) father-in-law fished there in the old days - they moved to a community called Norman Bay. In that community they have nothing in the way of public facilities. There is nothing whatsoever. There are about six families who do not want to resettle into a Community of Charlottetown thirty miles away. They have no water and sewerage, indoor or outdoor. They have no television, very little radio, no school, no medical facilities and no way of getting out of that community, six months of the year.

AN HON. MEMBER: How far is Charlottetown from Norman's Bay?

MR. HARVEY: It is about thirty miles. They do not want to resettle there as the hon. Minister of Fisheries put it in his speech today, for the same reasons. People do not want to centralize just for the sake of being in on these public facilities and so on and so forth. They want to continue their way of life that their grandfather's had, their fathers and they just do not want to resettle. This Community of Norman's Bay I speak of, yet it is only thirty miles away from the Community of Charlottetown, the people will not move in there. They do not want to centralize. I talked to the men myself a couple of them and sort of not to pressure them or anything because, at the time I did talk to them, it was none of my business really, just a friendly chat and he said that he would rather not move into a place where he could not make five cents. He traps in the wintertime, hunts and traps and he is quite contented to stay there. If a man is contented to stay in a community like that, well surely he can have the benefit of some facilities.

Mr. Harvey

Mr. Speaker, we have an 800 mile coastline on our East Coast of Canada. If the government, whether it is federal or provincial, will not bring these facilities to the people of the Labrador Coast, then the Government of Canada and the Government of Newfoundland and Labrador must want a depopulated 800 mile coastline on the East Coast because that is exactly what will happen. Therefore, in wrapping up, Mr. Speaker, I would certainly hope - in the Speech from the Throne there has been some good point brought forward concerning resources and resource development in Labrador and I would certainly hope that they come to pass.

MR. SPEAKER: The Chair recognizes the hon. member for Placentia West.

MR. L. BARRY: Unfortunately, Mr. Speaker, the hon. members are going to have to wait in breathless anticipation because the hon. leader has asked me to adjourn the debate. I move that the debate now adjourn.

On motion debate adjourned.

HON. T. HICKEY (Minister of Social Services and Rehabilitation)

Mr. Speaker, this Bill is just a Bill to consolidate the law respecting the children of unmarried parents, set forth by the Children of Unmarried Parents Act, 1964 and the amendments thereto enacted in the years 1966 - 1971.

Hon. members have read the explanatory notes, and it is quite clear. I do not see the necessity of going through them all unless there are some questions. There is some improvement in the amendment and one of the great necessities for it is to make it a little more simple for my officials to carry out their work. With this in mind, I move second reading.

MR. NEARY: Mr. Speaker, the hon. minister who moved that this bill be approved in second reading is quite right. This is a piece of housekeeping legislation, some unfinished business that was left behind when the previous administration resigned.

There are one or two comments I would like to make about these amendments, Mr. Speaker. In reading over the proposed amendments I would like to urge the Minister of Social Services and Rehabilitation to consider, if it is in order in committee stage, to drop wherever it appears in the Act and in the proposed amendments to the Act, an expression which in my opinion is both discriminatory and a serious violation of the spirit of the Federal and Provincial Human Rights Legislation. It has been rightly said, Mr. Speaker, that there are no illegitimate children just illegitimate parents. Accordingly, Sir, I would strongly urge the minister that he eliminate entirely from the amended Act the term illegitimate wherever and whenever it appears as a modifier of the noun child.

The dictionary, Mr. Speaker, tells us that illegitimate means not lawful, bastard, incorrectly deduced or concluded and not logical. I would strongly urge, Sir, that the minister in committee give serious consideration to having the word illegitimate removed from this Act and that it never be used again when we are referring to children in this province.

There is one place in the Act, Mr. Speaker, where I notice that the mere dropping of the word illegitimate would not be sufficient, but I think this could be paraphrased. One part of the Act, Sir, I just do not remember the correct wording, but I think it is superfluous. I think from "whether or not on" could be eliminated as obvious nonsense. There may be other expressions where similar paraphrasing may be necessary, but I am certain that the hon. minister and his officials will be able to provide alterations which will express clearly the intent of the Act without using an expression which may not offend the legal draftsman, Mr. Speaker, but I am sure certainly offends anyone inside and outside of this House who hates the thought of victimizing innocent children when a little thoughtfulness on our part could avoid this.

MR. SPEAKER: If the hon. minister speaks he closes the debate.

MR. HICKEY: Mr. Speaker, the remarks of the hon. member are certainly in good timing and I would have to agree with him. However, I should point out to him that rather than change this bill in committee stage, I think it would be better if we waited, because there is a request before the Department of Justice already, similar to what he has in mind, for the sole purpose of dropping the word illegitimate.

There are some other areas of improvement which are necessary I believe and the Department of Justice are pursuing this matter. I would hope to bring another bill before the House to take care of that.

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

Motion, second reading of a Bill, "An Act To Amend, Revise And Consolidate The Law Respecting The Welfare Of Children." (No.6).

MR. W. RONE: Mr. Speaker, on a point of order I think it is a little confusing especially to some of the new members. The orders are called out by the Government House Leader, like in this case I believe it is Order 37. The Bill number itself which most of the members will be looking to in this case would be Bill No. 6. I think that could be clearly stated at the beginning and would save us a lot of trouble.

MR. HICKEY: Mr. Speaker, this Bill would consolidate the law respecting the welfare of children at it now appears in the Child Welfare Act, dated 1964. Other amendments to that Act made in the year 1965, 1966, 1968, 1969, 1970, 1971. so, by and large it is a kind of tidying up of several of the amendments, or consolidation. There are two exceptions, Mr. Speaker. Clauses 15 and 46 are the only sections wherein there are anything new, Clause 15 deals with the matter of maintenance, Where an order is made by a judge, the Director of Child Welfare may order that the parents or legal guardian of the said child contribute to the support of that child.

The other section Mr. Speaker, is section 46, That section deals with the matter of, the Director of Child Welfare may take into custody a child, without a court order, and provide for the said child or maintain it. He does not necessarily become the legal guardian of that child and may place the child with relatives or with some responsible people and direct the monies which come to him from the parents to the people who have the child, for his or her support. Apart from that, Sir, there is nothing else that is new, some revision of language or nomenclature in the Bill apart from that it is routine. It is just a matter of consolidating all the amendments. I move second reading.

MR. NEARY: Mr. Speaker, it should be a matter of grave concern to members of this House that such a large number of children should be committed to foster homes or departmental institutions. I think up to the time that I left the Department of Social Services & Rehabilitation there were upwards

of 2000 children under the care of the department, wards of the province. Now, Sir, in my opinion this legislation or these amendments and the consolidation of the legislation would appear to me at least to pave the way to perhaps doubling the number of children removed from their own parents. Therefore, Mr. Speaker, I would like to suggest to the honourable minister that it would be to both the advantage of the children and the people of this Province that he counsel his officials to the fact that to remove a child from its parental home should be done only as a matter of final recourse, after every other means has been taken through counselling and guidance by the social worker or the welfare officer to rehabilitate the home and train both parents and child in their responsibilities.

Mr. Speaker, I contend that once a child has been moved from its parental home through court procedures an almost insurmountable barrier has been set up between the child and its parents. I would also like to recommend Sir, that the department should maintain closer and more constant contact with children individually in both foster homes and in the institutions so that the ultimate good of the child will be constantly served and the quality of substitute parenthood in both institutions and in the foster homes will be under constant evaluation. Hopefully there will be an improvement in the situation in the foster homes and we will not see a recurrence of what was reported in the press about a week or so ago.

MR. HICKEY: Mr., Speaker, I cannot find too much fault in what the honourable member says. Apart from the fact that section 46 of this Bill does something what he has in mind, it is not all new but there are parts of it new. Something about it, at least it covers the non-ward agreement in which the director of child welfare may enter into with the parents of the child. It takes the child on a temporary basis. It permits the director as I have indicated to place that child, it cannot be placed with the parents to some other home. Not necessarily take it on a

permanent basis or have a court order made. So far as my officials are concerned, in their performance of their duty I might say to the honourable member for Bell Island, having been in the department I think he should have full appreciation of this point. In the past this department has felt very heavily the acts of Treasury Board in request for people, for staff, and for additional staff to improve the services to our people. As a result the case loads of our welfare officers are so heavy, so high that it prevents them from doing this kind of work.

The average welfare officer Mr. Speaker, in this province until now has his job cut out just to issue assistance. I am pleased to say that we have already had approved for forty new positions to bolster our forces and it is with this very thing in mind, at least one of the things that we want to do, provide a counselling service, do some rehabilitated work and to work more closely with families where there are problems and discord in their homes and what have you.

Mr. Speaker, it is not going to happen overnight. I suggest the fact what we as a new government have to do is certainly a sad commentary after twenty-three years in the former administration.

On motion Bill read a second time ordered referred to a Committee of the Whole House now by leave.

Second Reading of a Bill, "An Act To Amend the Social Assistance Act, 1971."

MR. HICKEY: Mr. Speaker, this Bill will permit the appointment or will give the minister authority to appoint another officer of my department to act as the secretary to the Appeals Board, in place of the Director of Enquiries who 's already overworked. Under the old Act this lady had to occupy both spots. I am sure all honourable members on the other side will not object to this because they contribute to her work and rightly so, as do my colleagues

MR. HICKEY: referring to her numerous requests for information and for assistance of one kind or another. This will permit the minister to appoint another person in place of Mrs. Crawford, who as I said cannot possibly keep up with the amount of work she has at the present moment, I move second reading.

MR. NEARY: Mr. Speaker, I wish to speak in support of this amendment. I believe when I was Minister of the Department of Social Services and Rehabilitation that I was the one who took the initiative in having this matter submitted to the Department of Justice for formulation by its legal draftsmen, as the hon. minister, stated to deal with a very real difficulty in procedure caused mainly by overwork on the part of the Director of Enquiries.

The burden, I felt Mr. Speaker, of the normal day to day work prevented the Director of Enquiries from giving the full attention and the time that was necessary for the performance of the duties essential to the post of Secretary of the Social Assistance Appeal Board. Accordingly as the hon. minister pointed out, this amendment gives the minister discretionary powers in appointing the board secretary from among his officials either on the basis of a specific term of responsibility or on a strictly ad hoc basis. Although, Mr. Speaker, it is essential both in common sense to comply with the terms of the Canada Assistance Plan that the members of the board should be selected from outside the Civil Service, it is also a necessary and practical measure to have a secretary from within the Service for convenience of securing documentation necessary to the board's hearings.

May I point out, Mr. Speaker, and I think probably the hon. minister may do this when he is closing the debate, that the secretary will not share in the judicial function of the board but will act solely under the discretion of the board chairman in the areas of research, recording and communication.

I hope, Mr. Speaker, that when the hon. minister closes this debate that he will look upon this great reform in a favourable light as one of the

MR. NEARY: things that the previous administration did do in their twenty-three years of office.

MR. HICKEY: Mr. Speaker, there is no doubt, I have never been backward in saying a few complimentary things about the former administration, when I sat on the other side, and of course that always opens the way so I can lower the boom when the time comes.

On motion of the hon. Minister of Social Services and Rehabilitation, a bill, "An Act To Amend The Social Assistance Act, 1971," read a second time, ordered referred to a Committee of the Whole House now by leave.

Motion second reading of a bill, "An Act Further To Amend The Social Assistance Act, 1971."

MR. HICKEY: Mr. Speaker, this Bill is probably the first of several that will follow in line with my department's new policy, or at least stepped up policy of decentralizing authority.

It will mean that the Regional Administrator may grant assistance to an unmarried mother without having to go through the Director of Social Assistance which is now necessary under the present Act.

There is a lot of time and certainly undue hardship, Mr. Speaker, created as well as cost - phone calls I suppose and letters and everything else sometimes and this kind of amendment will eliminate a lot of it because it will place the authority at least in the hands of someone at the field level. It is felt that more and more we should do this, hopefully before the present session ends that there will be several other pieces of legislation before the House giving more authority to the welfare officer, more authority to the Regional Administrator and to the Regional Supervisor. That is the main purpose of the amendment, Mr. Speaker, and I have much pleasure in moving second reading.

MR. NEARY: Mr. Speaker, this Bill of course is a result of a decentralization programme that was started some three or four years ago, first by

Mr. Neary.

my hon. colleague the Leader of the Opposition and then carried on by myself and now the hon. minister is carrying the policy a step further. I think that this is probably another amendment that I got on the rails before I made my departure from the department. I always contend that unmarried mothers should be treated as equal. Why discriminate against an unmarried mother? I think it is only right and proper that this authority should be put in the hands of the regional administrator or in the hands of the welfare officer. I certainly have no objection to this bill, Mr. Speaker.

On motion, a bill, "An Act Further To Amend The Social Assistance Act, 1971," 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, Revise And Consolidate The Law Respecting The Adoption Of Children."

MR. HICKEY: Mr. Speaker, this bill like a couple of the others have just gone through second reading. It is necessary because of so many amendments. In the explanatory notes it says: "This bill would consolidate the law respecting the adoption of children as set forth in The Adoption of Children Act, 1964 and the amendments thereto enacted in the years 1966, 1966-67, 1968, 1969 and 1971."

It must be obvious, Mr. Speaker, to hon. members how difficult it is for my officials to follow the letter of the law, as the saying goes, when there are so many amendments. There is really hardly anything new in this bill but a kind of tidying up in consolidation of several amendments. "Subclause (2) of Clause 2 is new and is rendered necessary by the provisions of The Minors(Attainment of Majority) Act, 1971. Clause 24 is new, and replaces subsection (2) of the present section 17." The only other thing Mr. Speaker is some revision in language in terms of changing of names, the department and so on. I move second reading.

MR. NEARY: Mr. Speaker, this bill as the minister pointed out represents the consolidation of previous legislation of this province concerning adoptions. Now, Sir, since over the past three years, we have attained a certain national and international measure of fame for our success in finding mothers and fathers for children who for one reason or another became wards of the province, I can find no reason to quarrel with the hon. minister and I would have no alternative but to state formally, Mr. Speaker, in behalf of Her Majesty's most loyal Opposition our hearty concurrence in this effort to render obviously successful legislation into a form somewhat more compact and more intelligent

MR. CARTER: voice to the supports of this bill. The adoption process up to now has been somewhat cumbersome. I welcome any consolidation that may speed this up.

MR. ROBERTS: Mr. Speaker, just before we adjourn I was intrigued by the Minister of Education. Any of us who had anything to do with adoption and I hasten to say my only connection has been in the ministerial sense, a number of years ago, I was intrigued by his comment and the bill is a good one and those who had any debate or comment. But if the minister could undertake in consultation with his colleague to let us know at committee stage. I was genuinely intrigued by his statement that a Consolidation Act, a bill which consolidates a number of amendments with the overall statute, the main statute passed a number of years ago, how that will speed up the process, I would be most intrigued if he would answer it. I know he cannot speak again except he can ask me a question and I will yield the floor and he can speak on it. But it was an intriguing comment.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Is that a joinder of action in law, Mr. Speaker?

MR. L. BARRY: If I could, Mr. Speaker, maybe help the honourable -

MR. ROBERTS: Sure we welcome help, Mr. Speaker.

MR. L. BARRY: I submit to the honourable Leader of the Opposition that any information would assist the officials in finding out what the law was and what the proper course of procedure was would speed up the internal workings of the department and therefore would speed up the process of adoptions generally.

MR. ROBERTS: Mr. Speaker, I have always heard that the honourable gentleman, I have always known that the honourable member for Placentia West was an extremely good counsel. He has just proven it by spinning a very thick argument well beyond what it could support, then again even the House Leader would agree.

No I am just intrigued by the Minister of Education comments and naturally I welcome them. I would be particularly anxious on

MR. ROBERTS: committee stage perhaps in consultation with the gentleman from Placentia West who feels that either officials interpret statutes, which I suggest is a very weird process, our colleague the Minister of Justice has officials who give advice on legal matters when they arrive and if the Minister of Social Services would be the first to assure us that his officials who deal with adoptions, I think, are quite familiar with the law and over the years have done an amazing good job at it. I think there have been few legal difficulties arising from the adoption process in this province. But they use office -

MR. HICKEY: And speed up their work.

MR. ROBERTS: And speed up their work. I am delighted, we will have more adoptions per hour. We will have a new index of the minister's performance along with some of the other industries that the minister is giving us, this would be most intriguing.

So I hope the Minister of Education will carry it on at committee stage. It was an intriguing comment and it bought me leaping into the debate where ordinarily I would not. As the saying goes, what is it? "Fools rush in where angels fear to tread." We will now hear from the Minister of Provincial Affairs.

MR. W. N. ROWE: Mr. Speaker, there is I think one thing that goes to the principle of the bill, could the honourable the minister when he is closing up the debate now give us some information on the role that religion plays in the adoption of children. For example, I notice here in section (12) that a judge can make an order allowing someone to adopt a child taking into account all the best interests of the child. Then they mention the religious persuasion in which the child has been brought up and the religious persuasion of the parents as well, the adopting parents.

Now I can see a situation where a child of four, five, six years and older where it would be definitely against the best interest

MR. W. N. ROWE: of a child perhaps to be put in a home where the parents are of a different religion. It would be a certain disrupting influence on the child's upbringing. There is no doubt about that in my mind. But what has always amazed me utterly is where you see a child who is put up for adoption, looking for parents, the child may be three months old and some mention is made - the child is of such and such a religious persuasion and perhaps by putting up this needless obstacle in the way, this religious obstacle it perhaps, in some cases I have no doubt, could stand in the way of that child finding a home, no matter if the religion of the adopting parents might be different from say the religion of the child's natural mother.

Now can we have some information on that because I think it goes to the heart of the bill and also could I have an answer to the question as to whether, as I have been led to believe, as to whether it is in fact correct that a mother who is giving up her child for adoption does have the right or use to have the right, maybe it is changed now, to actually state what religion that child should be brought up in. If that is in fact the law or the practice, I do not think it is the law there is no mention of it made here, but if it is the practice, it seems to me that it is wrong on principle because if a mother is giving up a child for adoption she should give up all rights to the child. She should not have the right to put that type of a needless, unnecessary obstacle in the way of a child being adopted. Could we have some information on that, Mr. Speaker?

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

MR. HICKEY: Mr. Speaker, I will attempt to answer the last question first. When a mother signs a consent form that her child be placed in the care of the director she signs away all rights to that child and while there is a waiting period wherein she can probably change her mind and come and take the child back certainly she might express a wish that the child be raised in her faith or her religion. I would suggest there is nothing binding on the Director of Child Welfare or my department which would indicate that we would have to place the child in a home where the religion was the same as the mothers.

MR. NEARY: Would the honourable minister permit a question? Is it not true, Sir, that nowhere I do not think in any of the legislation for the Department of Social Services and Rehabilitation is religion mentioned? It is in the court.

MR. HICKEY: It is mentioned in this act.

MR. NEARY: It is mentioned in this act but it is the court really that decides whether or not the, not the director. The director can place a child, as the minister says, at his own discretion but it is the court in handing down the final adoption papers that will decide whether or not the director will be permitted to cut across denominational boundaries. This is where the problem is and I think probably the Minister of Justice and not the Minister of Social Services should take a look at that and have a talk to his magistrates and his judges.

MR. HICKEY: Mr. Speaker, I think it is worthwhile or it is necessary for me to point out that the religious issue is or certainly was one which was more of a political one or brought on by politics than anything else. As the former minister points out it is a word which has been sort of by-passed or gone over very smoothly in terms of making it an issue within the department. It is an issue that comes up in a court hearing which will make the final order of adoption.

MR. HICKEY:

I would suggest that at this time and I am certainly very pleased to say that we have had good experience in recent time with regards to the religious issue and I will be the first to commend the former minister in this connection. He made his contribution as well and I hope that we will be able to continue to make some headway when the time in fact will arrive where there will not be even the problems that we find today.

At this present time there are children of one faith placed in the home of another but with consultation of the minister or clergyman, whatever the case may be. In some instances the priest or minister or clergyman goes in court and testifies that he has no objection and, of course, the judge will then make an order and the child may be placed. So I would suggest that it is a matter which I would prefer not to say too much on. I would hate to upset the apple cart at this point because I honestly believe we are making progress and I hope that very soon the whole matter of religion will be sorted out.

MR. ROWE (W.N.): Mr. Speaker, one short question before the honourable minister sits down. Would the honourable minister give consideration to perhaps, I do not ask him for an on the spot judgement now, in consultation with his colleagues I think we have a favourable reaction from the Minister of Justice, give consideration to perhaps in Committee Stage if we took out of section (12) there that reference to religion and made the order predicated on and dependent entirely on the best interest of the child, then if the religious issue were to arise those concerned in it, the director, other people giving evidence and the judge or the magistrate as the case might be, would bring it in to play if it was in the best interest of the child. If it were not then he would not feel obligated to bring in, to trot

May 1, 1972

Tape 202 (Night)

JM - 3

MR. ROWE (W.N.):

that particular horse and cart out in court. I think the Minister of Justice has already indicated that might be acceptable but I would ask the honourable minister to get together with his colleagues. Perhaps it would be an improvement to the act in this day and age.

MR. HICKEY: Mr. Speaker, I certainly have no objections to -
I conferred with the Minister of Justice on it and as I said, I
would not want to up-set the present situation which is indeed a
healthy one. If I believe the situation is let continue, if we
continue to cultivate it as we are, I think the whole matter will
be sorted out. If this will create no problem in this area, then
certainly I would have no objection.

On motion, Bill read a second time ordered referred to
a Committee of the Whole House on tomorrow.

On motion, the House at its rising adjourned until
tomorrow, Tuesday at 3:00 p.m.