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VERBATIM REPORT

MONDAY, MAY 20, 1974

SPEAKER: THE HONOURABLE JAMES M. RUSSELL

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN:

MR. SPEAKER: The honourable Minister of Education.

HON. C. OTIENHELMER, Minister of Education: Mr. Speaker, I wish to table my answer to question no. 51 appearing on the Order Paper of May 13 and asked by the honourable member for St. Barbe North.

MR. SPEAKER: The honourable Minister of Justice. Does the honourable minister have leave to give his notice of motion? Agreed.

HON. T.A. HICKMAN, MINISTER OF JUSTICE: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce the following Bills, a bill, "An Act Respecting the Licensing of Trust Companies and Loan Companies," a bill, "An Act Respecting Public Libraries and Boards To Operate Them," 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 And To Certain Former Employees Of The Government Of Newfoundland And Of The Newfoundland Railway," and on behalf of my colleague, the honourable Minister of Provincial Affairs, a bill, "An Act Respecting Mobile Homes and The Registration and Regulation of Mobile Home Dealers."

MR. SPEAKER: Are there any further answers to questions for which notice has been given?

ORAL QUESTIONS:

MR. SPEAKER: The member for Bell Island.

MR. S. NEARY: Mr. Speaker, I was going to ask the government House Leader why there was no representative of the government down to meet Pierre Elliott Trudeau, the Prime Minister of Canada, but that would be out of order, that question would be out of order, Mr. Speaker, and therefore I will not ask the question, Sir. Could I ask the question by leave of the House?

Mr. Speaker, I wonder if the minister responsible for housing would tell us if the government have taken any steps to include Mundy Pond and Shea Heights into any programme of a-house-for-a-house deal

that we talked about here last week? There seems to be some doubt in the Mundy Pond Area about this question and it is quite controversial at the moment. Would the minister care to clarify the situation?

MR. SPEAKER: The honourable Minister of Municipal Affairs and Housing.

HON. H.R.V. EARLE, Minister of Municipal Affairs and Housing:

Mr. Speaker, I can inform the honourable member that the Mundy Pond Urban Renewal Scheme has now been included in the NIP Programme and what is known as the Residential Repair, that is the WAP Programme under which they can take advantage of loans up to \$5,000 for the forgiveness of \$2,500. Also the Neighbourhood Improvement Programme is applying. There is a fairly substantial amount of money being spent in that area this year and I have informed people in the area that every consideration will be given to those who may have to be dispossessed and that certainly nobody will be put on the street.

MR. NEARY: Does that mean that the people who have been forced out of Mundy Pond and Shea Heights will get a home for a home? The programme the minister referred to is a federal programme, what is the province going to do?

MR. EARLE: Mr. Speaker, the change in the legislation has not come into force yet. Only the motion has been passed, there has been no amendment to the Act.

MR. NEARY: Mr. Speaker, I wonder if the Minister of Social Services could tell us what is being done to help out the day care centre in Gander that is running into financial difficulty and wants to stay open? I think they have already sent a request to the minister. Would the minister indicate what is being done about it, if anything?

MR. SPEAKER: The honourable Minister of Education.

MR. OTTENHEIMER: Mr. Speaker, a number of day care centres, the one at Gander, the one at St. John's and some others I think, started under local initiative programmes this winter and of course that expired the end of April, I believe. What the government decided to do was to continue

one in operation for a full year as a pilot project in order to see - because none of these had actually been run by the department, there had been some liaison but never actually run by the department. One was selected to continue, financed by the provincial government and that was the one, St. John's, "Teach A Tot," it is generally known as. The others, including the one at Gander, are not being financed by the provincial government.

The overall aim is, after the experience of running one for a year, to then endeavour to make this available on a provincewide basis or to build into that situation. So basically all of those which started under LIP, the LIP participation came to an end and one was selected to be continued at provincial expense and that was the "Teach A Tot" one.

It is hoped that within a year the department will formulate a policy for day care homemaker services which will be provincially applicable.

MR. NEARY: A supplementary question. Is the minister aware that the day care centre in Gander, and I would not be a bit surprised the one here in St. John's too, because there is an article in today's retelegram, "Operating day care centres is agony," says ECDA delegate, but is the minister aware that the one in Gander will have to close immediately if they do not get financial assistance from the province and probably the ones here in St. John's too? Would the minister care to comment on it, because I understand there is a request in from Gander?

MR. OTTENHEIMER: I suppose practically all of them, you know, starting under LIP were hoping to have provincial funds to continue. What the government decided to do was that we would only continue one of them because we did not wish to get into a, if you wish, full-grown day care programme without the sufficient experience and appropriate guidelines, because what in effect we would be doing, we would be inheriting programmes across the province, very beneficial no doubt but started under LIP, not under provincial guidelines. While we realize that a great deal of good is done in such centres, government did not feel that it was possible

or wise to get involved in a provincewide programme prematurely. That is the reason that we have continued one as a pilot project, in order, hopefully next year, to have a provincewide programme.

I realize that other centres would indeed like to continue. We certainly realize that but we feel there is no other way we can do it and then we hope in a year's time, to be able to get into day care centres on a provincewide basis.

MR. NEARY: Mr. Speaker, is the minister aware that fifty per cent of any assistance given these day care centres is shareable by the Government of Canada?

MR. OTTENHEIMER: Yes, yes.

MR. NEARY: The minister is aware of that, is he?

MR. OTTENHEIMER: Yes, certainly.

MR. NEARY: Mr. Speaker, it seems, you know I just cannot swallow it, that it is going to take a year. Is the minister aware that a programme for day care centres was being worked on in 1971. Why does not the minister implement that programme? You know, what is the hangup? Why wait? Day care centres are nothing new, you know.

MR. OTTENHEIMER: I do not know that I can say much more than I actually have and that is that the government is planning to implement a province-wide day care centre next year, not this year. That is the government's hope and intention, to implement one next year. I do not think I can add anything further to what I said. I of course realize that these are, on the whole these programmes are fifty per cent cost shareable under the Canada Assistance Plan and the one in St. John's is continuing after the completion of the LIP, being administered along that formula.

MR. NEARY: Would the member for Gander care to comment on it?

HON. B. COLLINS, Minister of Fisheries: Mr. Speaker, I have been involved in this and I am not sure if my colleague will agree, but it is my understanding and I think I am right on this, that an application was made to the Federal Government for cost sharing on the Gander project -

MR. NEARY: No, the province.

MR. COLLINS: An application was made by the province to solicit federal

support in the continued operation of the Gander centre and the Federal government came back and said that until we are ready to implement a provincewide programme they would not consider sharing in either one.

MR. NEARY: No, that is not so.

MR. COLLINS: I think that is -

MR. COLLINS: In other words the Minister of Fisheries, would the minister indicate what would happen to that day care centre in Gander? Will it have to close if it does not get provincial assistance?

MR. COLLINS: Mr. Speaker, you know this is the whole LIP Programme, again with the honourable member's federal counterparts down in Ottawa, not only in day care centres but in different other endeavours as well, where monies were made available under LIP, the project or the programme, whatever it was, was kept going for seventy per cent of the time which was needed, and then they fell out of it.

I would say if the honourable member be really concerned about doing something for the day care centre in Gander, that he make Mr. Trudeau aware and make the other members who are running federally in Gander aware of it and see if we can get something done, and give up playing small-time politics.

MR. NEARY: Obviously, Mr. Speaker, the minister is not aware of the situation. It is a provincial matter. Mr. Speaker, perhaps I will have better luck with the Minister of Mines and Energy. Could the Minister of Mines and Energy tell us if all the gas companies have increased their prices in Newfoundland or only three as indicated in today's newspaper?

HON. L. BARRY, Minister of Mines and Energy: I have not had an opportunity, unfortunately, Mr. Speaker, to read the newspaper yet today. I have been so busy in my other duties, I just caught the headlines. If the honourable member could just tell me which of the three companies that are reported there as having increased.

MR. NEARY: Inaudible.

MR. BARRY: Mr. Speaker, as I understand it, there were a couple of companies that had increased prior to today's prices, or at least one,

and I would say that it is not to be unexpected to see all the companies take advantage of the opportunity which they have been given by the Liberal Government in Ottawa to increase their prices.

MR. NEARY: Mr. Speaker, supplementary, does the minister not think that it is too much of a coincidence for all the oil companies to increase their prices at the same rate? Does the minister not think that this would be a violation of the Canada Combines Act?

MR. BARRY: Mr. Speaker, I think that it is somewhat out of the ordinary but it is not unusual when we consider that the Liberal Government in Ottawa has consented and approved of the major oil companies increasing prices by the amount of approximately two point seven cents a gallon to cover the increased cost of crude, by approximately point four cents a gallon to cover the operating costs.

MR. NEARY: Four-tenths of one per cent.

MR. BARRY: I am sorry, four-tenths of a cent a gallon to cover increased operating costs on the part of these companies even though these companies have had large increases in profits over the last year or so and an additional point six cents a gallon to cover the increased federal sales tax. So that you have, Mr. Speaker, two point seven cents a gallon plus point four cents a gallon plus point six cents a gallon which totals three point seven cents a gallon, of which one cent is made up of costs that have nothing to do with the increase in the cost of crude from the Middle East or Venezuela or elsewhere. It has to do with increased federal sales taxes, when the provincial government has removed sales taxes, and it has to do with an allowance for operating costs, when these companies are making tremendous profit. Well I have to ask the honourable member opposite to go check with his Liberal colleagues to find out their reasoning behind that particular formula.

MR. NEARY: Mr. Speaker, supplementary. Is the provincial Minister of Mines and Energy aware that the Government of Canada is subsidizing crude oil to the extent of \$4 a barrel in refineries in Eastern Canada. What is his government doing about it? That is what I want to know. The

federal government is contributing \$4 a barrel in Eastern Canada.

MR. BARRY: Mr. Speaker, the people of Canada are contributing \$4 a barrel to subsidize the prices in Eastern Canada.

MR. NEARY: No. he forgot to mention that did he?

MR. BARRY: It is our tax dollar that was being used.

MR. NEARY: Yes but that was just incidental. He forgot to mention that.

MR. SPEAKER: Order please.

MR. BARRY: If I could answer the question, Mr. Speaker, it is our tax dollar that is being used to subsidize the price of crude. Yes, Mr. Speaker, the price of crude oil in the international market is in excess of \$10 a barrel and we are getting an advantage in having crude subsidized to the tune of some \$4 a barrel.

MR. NEARY: By the Liberal Government up in Ottawa.

MR. BARRY: And, Mr. Speaker, this was following very strong representation by this province and every other province in Canada to have this done. Mr. Speaker, if the Liberal Government in Ottawa had gone along with our other representation which was to the effect that all of the revenue received by Alberta and Saskatchewan should have gone into the equalization formula, you would see this province receiving instead of the measly \$9 million that it is receiving this year, you would see this province receiving something in excess of \$60 million, Mr. Speaker, if the principle of the equalization formula had been followed by the Liberal Government in Ottawa - then, Mr. Speaker, you would see this province in a position to be able to further subsidize prices in Newfoundland.

But, Mr. Speaker, the Liberal Government in Ottawa decided that it would not permit our province and the other provinces to receive the money which rightfully, Mr. Speaker, should have come to our people.

MR. NEARY: Mr. Speaker, I would not waste my time asking him a supplementary, Sir, he is getting too foolish now. Sir, by popular request, I want to ask the Minister of Forestry and Agriculture what is being done about the land freeze in the greater St. John's Area? When can the people expect the freeze to be lifted? When can they expect some

kind of a report from the minister?

MR. SPEAKER: The honourable Minister of Forestry and Agriculture.

HON. E. MAYNARD: I suppose I will answer the question again for about the 15,000 time, Mr. Speaker. It was only two days ago I indicated to the House that a complete soils analysis was being done in the whole St. John's Area. As soon as the soil analysis is completed I will be suggesting to government that areas that are not suited for agriculture or has no potential use, will be taken out of the control area. I would anticipate a soil analysis will take in the vicinity of four to five weeks.

MR. NEARY: Supplementary, Mr. Speaker, would the minister indicate if it is possible just to do a spot check? Look at it with your own eye, you do not need a soil analysis, and free up a lot of this land that is non-agricultural land. Would the minister indicate if that can be done right away? People are waiting. The construction season is underway and people are waiting to build houses.

MR. SPEAKER: Order please! Order please!

MR. NEARY: Could it not be done just by looking at it?

MR. MAYNARD: Mr. Speaker, applications have been received for building in the land development area ever since the controls were imposed. Many applications have been approved by spot checks as the member is talking about and many more will be approved but I am not prepared to take small spots out of the land development area until we know exactly what the potential is for agriculture in the area.

MR. NEARY: Supplementary, Mr. Speaker. Would the minister indicate how many applications now are outstanding? Is there a backlog of applications from people looking for permission to build houses on some of the land that is frozen?

MR. MAYNARD: I do not know how many applications have been received by the Advisory Board, which looks over all the applications before they come to me. I would think that there are not that many backlogs since the board meets every two weeks and deals with all the applications that are received during the two weeks.

May 20, 1974

Tape No. 1669

NM - 9

MR. NEARY: Mr. Speaker, would the minister be good enough to get the House that information?

MR. MAYNARD: Yes.

ORDERS OF THE DAY:

On motion of the honourable Minister of Justice, a bill, "An Act Further To Amend The Newfoundland Medical Care Insurance Act," read a first time, ordered read a second time presently, by leave.

On motion of the Hon. Minister of Justice, a bill, "An Act To Amend The Election Act," read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Justice, a bill, "An Act Further To Amend The Department Of Health Act," read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Justice, a bill, "An Act Respecting The Licensing Of Trust Companies And Loan Companies," read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Justice, a bill, "An Act Further To Amend The Companies Act," read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Justice, a bill, "An Act Further To Amend The Mechanics' Lien Act," read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Justice, a bill, "An Act Further To Amend The Registration Of Deeds Act," read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Justice, a bill, "An Act To Amend Certain Statutes Of The Province," read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Justice, a bill, "An Act Further To Amend The Summary Jurisdiction Act," read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Industrial Development, a bill, "An Act To Ratify, Confirm And Adopt An Agreement Entered Into Between The Government And Pyramid Mobile Homes (1959) Limited With Respect To The Commencement And Carrying On Of A Business For Manufacture And Distribution Of Mobile Homes Within The Province, And To Make Statutory Provisions Respecting Matters Connected Therewith," read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Justice, a bill, "An Act Respecting The Solemnization Of Marriage," read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Industrial Development, a

bill, "An Act To Ratify, Confirm And Adopt An Agreement Between Government And Canada Bay Lumber Company Limited," read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Forestry and Agriculture, a bill, "An Act To Amend The Farm Development Loan Act," read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Forestry and Agriculture, a bill, "An Act Further To Amend The Crown Lands Act," read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Education, a bill, "An Act Further To Amend The Education (Teachers' Pensions) Act, read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Municipal Affairs and Housing, a bill, "An Act Further To Amend The St. John's Housing Corporation Act," read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Fisheries, a bill, "An Act To Amend The Fisheries Loan Act," read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Manpower and Industrial Relations, a bill, "An Act Further To Amend The Workmen's Compansation Act," read a first time, ordered read a second time, presently by leave.

On motion of the Hon. Minister of Manpower and Industrial Relations, a bill, "An Act Further To Amend The Hours Of Work Act," read a first time, ordered read a second time, presently by leave.

MR. SPEAKER: Order 22, Bill (No. 20) - I think we are into the second reading of this bill. I really do not remember who adjourned the debate last day.

MR. MARSHALI: I think we are on the amendments, Mr. Speaker.

MR. SPEAKER: The honourable Minister of Forestry and Agriculture.

HON. E. MAYNARD (MINISTER OF AGRICULTURE AND FORESTRY): Mr. Speaker, I think the honourable Leader of the Opposition ended off the debate when we finished and an amendment was proposed at that time. Copies, I assume, have been distributed. In any case the motion was:

BE IT RESOLVED that all the words after that be deleted

and the following substituted therefor " - it is not indicated which section of the bill it applies to.

MR. W. ROWE: If the minister will allow me a point of order: The motion is that the bill be now read a second time. So, the motion is that those words be deleted and that it be referred to a committee.

MR. MAYNARD: Fine. Anyway, the amendment was that this bill be now referred to a committee of this House, such a select committee to have power to send for officers and papers while in session and out and to hold public hearings at such times and places throughout the province as may be considered necessary by the select committee.

Now, Mr. Speaker, I see no reason personally for referring the bill to a select committee. Much of the information that the honourable leader said he wanted and could not get was certainly in the task force report. I think we should deal with this amendment now and get on to the debate on second reading. I move that the amendment be voted out, thrown out or whatever is necessary.

MR. W. ROWE: Mr. Speaker, I cannot remember quite frankly if I spoke on the - I spoke once but I do not know if it were on the original motion before the Leader of the Opposition or on the amendment or what.

MR. MARSHALL: The honourable Leader of the Opposition spoke. After he spoke, I am sure that I adjourned the debate in order to give the honourable gentlemen opposite an opportunity to look at the Forestry Report and then reassess the position and see if they really needed a select committee. I think the honourable member for White Bay South has spoken in the main debate but not on the amendment.

MR. W. ROWE: Mr. Speaker, it is our feeling that this bill should be referred to a select committee of the House. Now we worded it as a select committee of the House. It is not necessary that that particular medium be used. The whole idea of the amendment proposed by the Leader of the Opposition was that on such an important matter as a fundamental change in forestry policy throughout this province that as many people as possible should be given an opportunity to make comments and to make submissions in briefs to some formally established body. Now, that could be a commission of enquiry. It could be a select committee of the House. We choose a select committee of the House as a

medium. It could be the minister himself holding a series of enquiries throughout the province, the major areas of the province.

The whole idea was to elicit information, comment and observation from as many people as possible throughout this province on such a fundamental issue. How many hearings did the task force hold throughout the province?

AN HONOURABLE MEMBER: A large number.

MR. W. ROWE: A large number. Well, I know a lot of people in my district who did not have any opportunity to appear before any task force. I do not know how well advertised it was.

AN HONOURABLE MEMBER: Inaudible.

MR. W. ROWE: Well, Englee is in White Bay North. There was nothing in Baie Verte, for example.

AN HONOURABLE MEMBER: Fishot Islands.

MR. W. ROWE: Fishot Islands - they might have met there.

The whole point is that some public body, some politically sensitive and acute body, whether it be a select committee of the House or the minister himself - I do not know, something like that - should hold wide public hearings throughout this province and not secretly or anything else or quasi-secretly but publicly with as much publicity given to the holding of the hearings as humanly possible.

We did not move that amendment, Sir, with the hope that or with the idea that our curiosity or our feelings would be satisfied when the minister tabled the task force report. Two separate issues altogether; One was that we condemned the minister at the time for having the temerity to bring a bill into this House and not at the same time table the task force report so the members of the House could have some idea as to what it was all about, what he was proposing.

The second thing we wanted to do and perhaps more important than the tabling of the task force report was to give as many people throughout this province as much opportunity and time as possible to make comment on this proposed policy change. Throw the task force report

into that select committee hearing, make sure the task force report was distributed widely so people would have some basis to make up their minds. Then in another three or four months, six months, whatever time expired, the minister could bring in the same policy as he has now enunciated and enshrined in a bill in legislation, or he could alter it or bring in a new policy altogether.

We have gone on record, I believe, Sir, as saying that we are not necessarily against the method chosen by the minister to bring in a policy change in forestry. We have said that most of us in this House are grossly ignorant. Most people in this House - I am looking at two now on the other side of the House who are grossly ignorant about all the ramifications of a fundamental policy change such as that proposed. I think that would be a fair statement. If I need any further support, the Premier himself got up somewhere in his usual form, serious, concerned way, and said that there was not a member of the House who knew what a pickaxe from a tooth pick was, or something. It is true, or something to that effect.

There are members in this House who had long experience with the forestry industry. There is no doubt about that. They could make some contribution. There is no doubt about that at all. Others have studied various aspects of the forestry industry. In any event, Sir, we think that the matter, even after the task force report has been tabled, should be given a wider public hearing throughout this province.

The task force report by the way in which the minister and the government deleted certain sections of it, raised more questions than it answered, Mr. Speaker. It raised more questions. Certainly there is a wealth of information in the report.

Again we often hear the Minister of Energy talking about bureaucrats here, there and everywhere. Well, I would like to see a little more perhaps bureaucratic input so called but I would like to see some political input into this as well, people who are elected by the people in order to represent their best interests as they see fit, fundamentally as laymen, not as narrow, blinkered, tunnel-visioned experts in the field.

So, without going on at any great length, haranguing the House on the matter, Sir, I would like to support the amendment before the House. There should be further public hearings on the matter. More people should be permitted to put in some information, make some comments and make some observations.

I do not know what the outcome of this is going to be, on the Reid lots for example. Maybe it will have a salutary effect on the Reid lot controversy, maybe it will not. I think people should be given an opportunity to examine that.

There are hundreds and hundreds of questions which I will not bore the House with now, Sir. The fundamental thing is that more people should be brought into this. It is a fundamental change; it is a very basic change. We support the amendment, Sir, and we think that more people should be given an opportunity to comment on it.

MR. NEARY: Mr. Speaker, I rise to support the amendment for the reasons outlined by my colleague, the member for White Bay South. My colleague indicated, Sir, that this report was put together by a group of provincial and federal civil servants.

AN HON. MEMBER: Bureaucrats.

MR. NEARY: Bureaucrats, Sir. In my opinion, Mr. Speaker, just glancing at the report, not reading it at any great detail because it is tedious and monotonous but it seems to me, Sir, that the bureaucrats who put together this report did not do too much research. There is no back-up material. A lot of it is based on opinion. There are a lot of other people in this province, Mr. Speaker, who have opinions to express on a forestry policy of this province and they should be given an opportunity to do so.

I never saw a report in my life, Sir, that is based so much on opinion as that report. After we finally dragged it out of the minister, the censored report, four pages lifted out of it, we got a chance to get a look at it, Sir. There was no in depth study done on this whole matter as far as I can see. It was just a group of federal and provincial civil servants, Sir, expressing in most cases an opinion.

Mr. Speaker, one thing that we did find out from this report was that the former Liberal Administration were absolutely right, Sir, back in 1971, when Bowaters threatened to close down No. 7 machine in Corner Brook, with a possibility at that time of the mill closing down altogether because of the slump in the market conditions. That the previous administration were absolutely correct, Sir, in the position that they took. Your Honour will remember the ranting and raving that was done by the Tories in this province about this poor little Liberal Government taking on big Bowaters and making a downpayment of \$100,000 to buy out Bowaters in Corner Brook. Now we discover, Mr. Speaker, we discover in the censored pages of the document, and the minister has not told us yet how they got out to the press - the minister looks over at me with a grin on his face. Sir, that is not good enough. The minister made certain charges outside of this House and he is either going to have to put up or shut up.

AN HON. MEMBER: The government -

MR. NEARY: I think it was a plant. I think it was a plant, Mr. Speaker. I think the government deliberately planted it so it would be leaked out.

AN HON. MEMBER: Inaudible.

MR. NEARY: I beg your pardon?

AN HON. MEMBER: Inaudible.

MR. NEARY: The Minister of Finance says more than his prayers sometimes.

AN HON. MEMBER: Inaudible.

MR. NEARY: But, Sir, the publication of these four pages that were taken out of the report, Sir, in my opinion, was one of the greatest services that has ever been done to people in Newfoundland, especially the people of Grand Falls and Corner Brook. It confirms beyond any doubt, Sir, that the former administration were right, that Bowaters did threaten to close down that mill, not only number (7) machine, they were likely to pull out of Corner Brook altogether. And any government worth its salt at that time would not stand idly by and see that happen.

It could happen again, Sir, according to the censored document.

Mr. Speaker, I have to confess to Your Honour and to the House at this moment that I have not read these four pages up to this moment. I am only going on the press report; I have not read the four pages; I do not have them in my possession.

MR. SPEAKER: Order, please!

MR. NEARY: I do not have the four pages in my possession. The minister, Sir, and the government would not even trust the members of the House with these four pages. And that is another reason why we need a select committee or a commission of enquiry to sit down and examine this document. The minister would not even trust his own colleagues sitting on the government benches.

MR. W. N. ROWE: Would not even trust the people of Newfoundland.

MR. NEARY: I was not handed a copy of it, Sir. My colleagues were not given a copy. I understand the Leader of the Opposition got a copy

of it.

AN HON. MEMBER: Inaudible.

MR. NEARY: I do not know whether it be correct or not because I have not seen the copies of the Leader of the Opposition. I have not seen them to this moment. That might be news for the honourable and nasty Minister without Portfolio. I have not seen the documents, Sir, the Leader of the Opposition's documents. I do not have copies in my possession.

AN HON. MEMBER: Would he like to see it?

MR. NEARY: Well, Sir, I do not know if the minister told the Leader of the Opposition to allow us to see it. I do not know whether he did or not.

AN HON. MEMBER: Did he ask him for it?

MR. NEARY: No, Sir, I did not ask the Leader of the Opposition, if the minister has not got the courage, does not trust me enough to give me a copy of these four pages, I am not going to go on my hands and knees to anybody and ask for them.

AN HON. MEMBER: Does he usually have to speak to him on his hands and knees?

MR. NEARY: No, Sir. No. I am sure, Sir, if I went to the Leader of the Opposition he would gladly furnish me with the document, but I am not going to do it, Sir, and as a member of this honourable House I am entitled to it.

MR. W. N. POWE: But he did not have to any way, the government planted it.

MR. NEARY: The government deliberately planted it in the press and I read it in the newspaper. That is not good enough for a member of this honourable House, Sir. Not good enough!

AN HON. MEMBER: Inaudible.

MR. NEARY: Pardon?

AN HON. MEMBER: Inaudible.

MR. NEARY: No, Sir, the minister would not even trust his colleagues.

AN HON. MEMBER: Inaudible.

MR. NEARY: And gave the Leader of the Opposition one copy. I do not know if my colleagues have gotten it or not, but I certainly have not. The Leader of the Opposition did not distribute it around. I did not go and ask him for it, I have no intention. I am a member of this House and I have a right to all the public documents just as well as every person in this province.

AN HON. MEMBER: Inaudible.

MR. NEARY: Pardon? If we do not, what?

MR. W. N. ROWE: He cannot understand it.

MR. NEARY: Mr. Speaker, this is another reason why a select committee should be established, Sir, to look over not only the report that was tabled in the House but what about the four pages. Are they going to be held in the files and in the closets, the dark closets of Confederation Building never to see the light of day? What would happen? Mr. Speaker, I ask the minister to tell this honourable House what would happen if there were a slump in the paper market next year and Bowaters and Price, who apparently are on shaky grounds, decide that they are going to cut back their operation? Or Bowaters decides that they are going to pull out altogether and we as representatives, elected representatives of the people, have been sitting on a report indicating that this might happen, how would the minister talk his way out of it? If I were the people out in Corner Brook and Grand Falls and all the logging communities I would lynch anybody who would do that. They deserve to be lynched, Sir, concealing information from the people of this province. It is unheard of. I hope the people out in these communities will remember it the next time they go to a polling booth.

The government, Sir, the government commissions, a group of civil servants, provincial and federal civil servants, to do a report on the forestry industry of this province and in the process of getting this information a crowd of civil servants, based on opinion more than anything else, according to what I read in the newspaper, nothing there to back it up. Bowaters have since denied it. I did not hear the minister comment on it, to say whether it is true or false. A group

of civil servants expressed an opinion, Sir, that if we had another slump in the paper market that Bowaters may close down and Price may follow suite. The minister does not think that is worthy of comment in this honourable House, clips the four pages out of the report and hides them away down in the files somewhere, will not even trust his colleagues or the elected representatives of the people to see these four pages.

Did you ever hear, Your Honour, of anything like that in your life? "Not in the public interest," he said. What is not in the public interest? And who does that minister think he is to say that that is not in the public interest? I happen to be living in a community, Sir, that was hard hit by an industry closing, a community, a whole community economically marooned because an industry pulled out. -Sir, we want the information. Why try and hide it? If it is ever going to happen, should not these people have a chance to advise their sons and daughters? Get yourselves a good education. Do not depend on the paper mill like we had to do. Do not put all your eggs in one basket." What is the government going to do about getting other industries in these areas in case Bowaters ever close down in Corner Brook? I hope it will never happen. I think the people are mature enough, Sir, to have that information. They are entitled to it. In this day of communication and people are better educated, do you not think that they are mature enough to absorb that information? What a gall the minister has to say, "No, you are not entitled to that information. Your industry may close down next year or five years or ten years or twenty years if there should be a slump in the paper markets, but we are not going to give you the information." Does that make sense, Mr. Speaker? It certainly does not make sense to me.

Then the minister, when the information does get out to the newspapers, a deliberate plant as far as I can see on the part of the administration, when it does get out, the minister then starts pointing the finger. He did not say who it was. Every member of the House then is in the same boat. Everybody is guilty. Every civil servant that had

anything to do with the report is guilty. Anybody who printed it is guilty. I call upon the minister now to point the finger, put up or shut up.

AN HON. MEMBER: Inaudible.

MR. NEARY: Is that so? The minister might get a surprise. He might get a surprise.

AN HON. MEMBER: Inaudible.

MR. NEARY: The Minister of Finance and a couple of his colleagues say "Oh the Member for Bell Island, deny it." All that would mean, Mr. Speaker, is as I said before, that there would be just one eliminated. What would that prove? Then that crowd over there talk about McCarthyism. Talk about McCarthyism.

Sir, it was a deliberate plant, otherwise they would have kept - if we did not have to keep after them long enough. Mr. Speaker, the people of this province would have never gotten hold of that piece of information, until that honourable crowd got thrown out. Then all of a sudden we would come in and discover it in the files. Can you imagine, Mr. Speaker, the new Liberal Administration coming in a year from now -

AN HON. MEMBER: Inaudible.

MR. NEARY: and six months after we are in power, six months after we are in power there is a slump in the paper market and we go down in the files and discover a report, a year and a-half ago, saying that this was going to happen.

AN HON. MEMBER: Inaudible.

MR. NEARY: It would leave the government of the day in an awful spot, Sir, in my opinion. And leave the people in these communities, especially Corner Brook and Grand Falls and surrounding areas in a pretty tough position. There has been no mass criticism from the people in these areas, Sir, saying, "Oh, no you should not put the report out." I heard the Mayor of Corner Brook, I do not know what his politics are say, "It was a good thing this piece of information came out." I saw several letters in the newspaper indicating that it was a good thing this piece of information came out, and the man who put it out should be decorated. He should get at least the second highest honour -

AN HON. MEMBER: A Centennial Medal.

MR. NEARY: No, Sir, we have the Centennial Medals.

AN HON. MEMBER: Inaudible.

MR. NEARY: The Twentieth-Fifth Anniversary.

AN HON. MEMBER: Wait until we are in another seventy-five years .

MR. NEARY: We will get the bronze one I suppose the next time.

There should be some kind of an award, Sir, some kind of an award for heroism, for having the courage to put that piece of information out to the people, especially in Central Newfoundland and on the West Coast of this province.

I do not think there is any need to get alarmed about this at all, Sir. I do not think there is any need -

AN HON. MEMBER: Inaudible.

MR. NEARY: Mr. Speaker, I do not think there is any need to get alarmed about this.

AN HON. MEMBER: Watergate in reverse.

MR. NEARY: I do not think we need have any fear that Rowaters is going to close down tomorrow, unless the bottom drops out of the paper market.

Therefore, Sir, in my opinion, the report should not have been censored. The whole document should have been tabled. Remember, Mr. Speaker, this is the honourable crowd who said they were going to take the government to the people. "They were going to take the people into their confidence," they told them in two provincial general elections. Is this taking the people into your confidence, Sir? Is this trusting the people of this province? Out in Your Honour's own district, where you just have a linerboard mill opened out there, have a big logging operation springing up, I am sure, Sir, the people out in Your Honour's district would like to have an opportunity to comment on this.

I think, Sir, that there should be public hearings. That the public, the contractors, the paper companies, individual citizens, should be given an opportunity to express their views on this report. I think it would be a sorry day for Newfoundland, Sir, it would be a

mistake to ram this report through the House, to bring in this bill.

All it is, Mr. Speaker, in actual fact this bill is nothing but a tax bill anyway. They talk about the great reform it is, an act to bring certain forest lands under proper management. It is a tax bill, Sir, that is all. It is nothing more nor less than a tax bill which will enable the minister to collect a substantial amount of money so he can build up his own little army.

AN HON. MEMBER: Air force.

MR. NEARY: Air Force? No, Sir, they already have their Air Force. Now the minister wants to build up his little army, forest rangers or whatever you call them, going around. He is going to get the money by charging taxes on the unused land. Well, Sir, I would like to know what the views of the public are on this. I would like to hear the views of the paper companies, the unions in Grand Falls and Corner Brook, the contractors, what their views are.

I have already heard some views expressed publicly that were not very favourably towards this report. Yet this crowd are saying it is one of the greatest reforms ever brought before this House. It is a sham, Sir. It is nothing only a tax bill, a tax bill! This government are trying to leave the impression that they are taking back the forests. They are not, Sir. They are not, they are just imposing taxes on the unused land. Is that taking back? Is that nationalizing your forests? Is it?

AN HON. MEMBER: Inaudible.

MR. NEARY: Ah! But the minister is trying to leave that impression, that this is nationalization. Ah! The minister is. Well his colleagues have all gotten up - spouted off about what a great reform this is. Why does not the minister admit that all this is is a tax bill. That is all it is. In effect, Sir, it is another form of taxation. This honourable administration, Sir, are experts on going through the back door to collect taxes. Everything including a little licence. Now to go off hunting, small game hunting, it goes up from one dollar to ten dollars. Everything has been increased in the last year or two by the administration. This is just another form of taxation. If the

government really wanted to bring in some reforms they should have carried out the programme that was outlined by Joey in this honourable House, right down there in the corner, when Joey had all the charts and all the mans. The Minister of Education was here at the time, I believe as Leader of the Opposition. All they are doing here, Sir, is nit-picking at what Joey was going to do and at what the former administration were going to do. All the plans are down in the minister's office, so do not try and cod us. Who are that crowd trying to cod, Sir, over there? That honourable crowd!

All it is is a tax bill, Sir. Nevertheless the people should be given an opportunity to express their views on it. I would like to find out. I have no sympathy at all with the paper companies of this province. God only knows they have been attacked enough in this honourable House. The minister, I think, had a go at them. Every minister who has spoken in this debate has had a go at the paper companies. Then all of a sudden out comes the four pages. They did not have a go at them then, they started to back away then like a bunch of cowards, backed away then because they know if they attacked these paper companies the moment you get a slump in the market what is going to happen. They will not be so cocky then. They will not be out looking for their \$100,000 back then.

I know I am getting to the Minister without Portfolio, if he should not like it, go downtown and peddle his wares down in the Royal Trust Building we will look after the House.

So, Sir, I agree with my colleague and I agree with this amendment that the people of this province should be given an opportunity to express their views on this bill. Mr. Speaker, we could have done that in the last few weeks. When was the last time this bill was discussed in the House? Was it five weeks ago?

AN HON. MEMBER: Inaudible.

MR. NEARY: About five weeks ago, I would say, Sir. During that length of time the committee could have been set up. It could have been out all over the province and it could have had a report in the House by

now. It just goes to show, Sir, the poor planning on the part of the House Leader and the government. We have been here in the House now since the last of January, most of the time, Sir, just clawing at one another's eyes, scraping and scratching one another because we had nothing to discuss. For weeks we were told that we had this great forestry bill coming in. Then the bill comes in and we start the debate and then what happens? The Minister without Portfolio gets up and says, "Oh well, we will give the opposition a chance to study the bill and we will discuss it next week." It has not seen the light of day for five weeks now, Sir.

AN HON. MEMBER: Inaudible.

MR. NEARY: I know a little bit about it. I know more about it than

the member for Green Bay knows about it.

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: Yes, and I will take the honourable member up on it too because I do my homework. Do not worry about that, I do my homework. I can tell the honourable members that it is nothing but a tax bill. That is all it is.

What we need in this Province, Sir, is a land speculators' bill. That is the kind of a tax bill we need to stop members from being out involved in land speculation. That is what we need in this Province. We probably need this too, Sir, but we have had ample opportunity over the past few weeks to have a select committee go around this Province and get the views of the people and the companies and the contractors and the unions and the individuals on this particular piece of legislation. Then it might have developed into a great reform. As it stands now, Sir, it is not the reform that this crowd are trying to claim that it is. I support the amendment.

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

MR. L. BARRY: I thank the honourable member from Bonavista South, Mr. Speaker. I just have a couple of comments to make on the statements of the last member opposite. It will only take a few minutes.

Mr. Speaker, the honourable member for Bell Island is a dangerous man. He is dangerous, Mr. Speaker, in that he only covers one side of a particular issue. He can be effective. He can put forth an effective case but I think he is the living example of the maxim that "A little knowledge is a dangerous thing."

Mr. Speaker, the thing that concerns me about what the honourable gentleman is saying and what honourable members opposite have been saying about this planning exercise that was carried out by this government, and their submission that the reports, all of the reports of all of these committees should be immediately made public. Mr. Speaker, that submission is dangerous because it overlooks certain things.

In order to have proper planning, Mr. Speaker, the individuals

engaged in the planning process have to be able to let their imagination run random. They have to be able to consider all of the alternatives, to look at all of the alternatives, However outrageous or weird or scandalous or improper initially they might seem to be, they have to be considered because they are potential alternatives.

So, Mr. Speaker, when the honourable members opposite start talking about the need for publicity, the need for the publicizing of the reports of these planning committees, they neglect to mention the fact that what these committees are doing and what the individuals on these committees are doing, is to engage in a process of assisting initially the minister of a particular department and eventually government in arriving at a decision.

These committees, these individuals, they may make statements, they may supply opinions, they may consider alternatives which are not and will not be and perhaps should never be government policy, but, Mr. Speaker, if government were obligated to publicize the reports of these committees there could be two dangerous consequences followed from them.

First of all there is a danger that one will have individuals restricting themselves, restricting their imagination and restricting the suggestions that they would make to government for consideration, because of the fact that they may not want themselves associated with a particular recommendation particularly if government decide that it is not going to implement the recommendation that is made. So you would have a dampening, Mr. Speaker, of this planning process. You would have individuals, instead of sitting down in the privacy of a committee room, letting their imagination run riot, coming up with all of these alternatives that they can put before their minister or put before government, you would have them acting with some reservation, Mr. Speaker.

So that is one problem that I see with the submission that is made by the honourable gentlemen opposite. It is not the same as a royal commission, Mr. Speaker. It is not the same as an enquiry into a particular problem. You have here an integral part of the planning process that is in danger of being impaired by the misinformation supplied by the honourable

member who is going to be the minister for misinformation when his party finally gets into power in twenty or thirty years.

Mr. Speaker, the second, of course, danger in having these reports publicized that were never intended initially, when they were set up, to be made public, is that some of the statements made in them while they may be merely the suggestion of an alternative, that is, as I say, may never be intended to become government policy, you have the recommendation or you have the facts or the opinion contained in the report given a certain amount of stature, a certain amount of importance, a certain amount of interest, merely because of the fact that it is contained in a report that is released by government and that appears to carry the imprimatur of government.

So these are two dangers, Mr. Speaker, which the honourable members opposite have never addressed themselves to. It is never contemplated, Mr. Speaker, I have no doubt that they suggest this as well but I do not think that too many people would say that the minister of a department should be expected to table the letters or the memos that he gets from his Assistant Deputy Minister or his Deputy Minister in the day to day administration of his department.

One would not get a situation where it is expected, although again it is asked for by the honourable members opposite from time to time or is expected that government release and publish and make public its negotiating posture, its negotiating tactics when it is in the process of negotiating the purchase of property from a private individual or negotiating the acquisition of a company and so on.

Mr. Speaker, this deals specifically with the task force on forestry and therefore to the forestry bill that is before the House. It refers to the statements made by honourable members opposite.

It is never contemplated, Mr. Speaker, that these matters which in the normal course of day to day living, of day to day operation of government, must be confidential in order to be effective, it is not contemplated that these be made public. I submit, Mr. Speaker, that it does not follow as a matter of course that merely because we have a

task force set up to get a better organization into this planning structure, it does not follow automatically, Mr. Speaker, that all of these task force reports should be made public.

Now, it may be that government should decide, will decide that part of the report will be made public or all of the report. I am not particularly hung up by secrecy provisions, Mr. Speaker. I think we find that most matters of public importance have the custom of leaking out in any event. It is very difficult, and I do not think anybody really wants, Mr. Speaker, to have a veil of secrecy or a cloak of secrecy over very much of government operations.

Mr. Speaker, we have to face up to the fact that in whatever exercise we are engaged in, we want it to be effective. If the only way that a planning exercise can be effective is to have a certain amount of restricted coverage of the result of that planning process, then I say that that may be a hard decision to make but it is a decision that I would not be afraid to make.

I just wanted to point out, Mr. Speaker, this over-simplification that has been going on for several months now about this cry for government to release the reports of the planning task force on forestry, and presumably they will be going on to other areas of government planning eventually.

Mr. Speaker, I have no intention of voluntarily releasing the confidential information that comes to me from members of the Department of Mines and Energy in the course of day to day administration of that department. I have no intention of releasing the reports that come in from individuals who are willing to give their time and engage in assisting government in the planning process. I have no intention of being badgered by the honourable gentlemen opposite into being forced into an inflexible position where all reports must be made public merely because they have been obtained by government.

I think that that is a dangerous over-simplification of the matter, Mr. Speaker, and it is one that I do not want to be associated with in

this House.

MR. SPEAKER: The member for Bonavista South.

MR. J. MORGAN: Mr. Speaker, I had not intended to speak on the amendment but instead on the main bill itself. After listening to the opposition spokesman, I feel I have no hesitation about having a few words to say, accordingly, on the amendment.

The amendment placed by the Leader of the Opposition is asking that this legislation be put aside and that a select committee of the House of Assembly be appointed to investigate the whole matter, to travel the Province and to get the views of the public, when yet we have a task force that advertised extensively in all of the local papers and through all of the electronic media asking for briefs from individuals, concerned groups all over the Province. They held these hearings and they were conducted by the experts, but of course 'experts' is a dirty word with the opposition. It was a dirty work with the previous government. For years we had a government who would not take the views and opinions of experts. 'Experts' was a dirty word.

MR. NEARY: Inaudible.

MR. MORGAN: Mr. Speaker, if the honourable member from Bell Island would only keep quiet a little while, he might learn something.

Mr. Speaker, so the honourable spokesmen on the opposition, I will call the spokesman from Bell Island, stands up and says, "Oh, no! The experts were wrong. They expressed their opinions. They did not go out and do research work. They did not go out and get the data. Oh, no! They did not do that. They formed their opinion."

That is the attitude of the previous government. The Liberal administration for years condemned experts. They would not have experts. It was only what the politicians said that was right. If the politicians said, "This is the kind of law that we must have," naturally we go along with it. The expertise, in respect to their field, was ignored in the last twenty-three years and he wants to ignore them now. The fact is that the task force consisted of both Federal Government and Provincial

Government expertise. So why should we ignore them? The honourable colleague stands and condemns the experts. "They did not do the research work" he says, "They only form an opinion." If that be not condemning the experts, Mr. Speaker, it is a sham, the report is a sham. The legislation is a fraud, accordingly to the Leader of the Opposition when he spoke earlier in February. "The legislation is a fraud."

Now according to one spokesman on the opposition side, it is a sham, a tax bill. What a way to hide the real meaning of this bill. This bill is not really a tax bill. It is a bill that will take over the control of our forestry resource. The bill simply points out to the companies, "Either you manage your resources you have now or you will be taxed and if you do not pay your taxes you are going to relinquish all of your property back to the government."

Rightly so, Mr. Speaker, for too long we had our resources given away by the other government, for too long. We must not be allowed to continue that same kind of thing in the future. We must not be giving away our resources.

Mr. Speaker, they are trying to hide the real meaning of the bill by saying that, "Look, let us ignore the task force because we did not get the four pages." How childish can you get. Ignore the task force and let us have a select committee of the House of Assembly consisting of politicians, who seem to know it all according to the previous administration.

The politicians on this government side today do not admit we know it all, do not profess to know it all because we do not know it all, but we have to get the views and opinions of experts and we are doing this. To turn around and say that this is a tax bill when the bill is really nothing more than a bill that is going to take over the control and management of our resources, our forest resource, it is as simple as that.

In the legislation there is a method for appeals. If a company feel that the government are not dealing with them properly, they can appeal the decision of government. They can appeal the method of taxation.

What does the opposition want? Does the opposition want the same kind of thing we have now to continue, when a company can say to government,

"I am not going to cut these timber stands. I am not going to cut them. I will let them sit there." Then we found there are thousands of cords on the stump rotting throughout our Province." Is that what they want?

Well if they do not want this legislation, Mr. Speaker, that is what they will have in this Province. So let them make up their minds. Let them make up their minds. Do they want legislation to control our resource or do they want it to continue the same as in the past?

AN HONOURABLE MEMBER: Inaudible.

MR. MORGAN: Mr. Speaker, these kind of stupid, childish, silly remarks are very -

MR. SPEAKER: Order, please!

MR. MORGAN: It suits the honourable gentleman, these kind of remarks.

Mr. Speaker, the issue is that we are either going to control our resources in this Province, we are either going to control the forestry resource by government doing it or we are going to let the companies continue on as they did in the past. That is the question mark. It is not a question of taxation, it is a question of control.

The three main questions which should be asked of all Newfoundlanders who are concerned for their resources, whether it be timber or forestry, the three main questions in connection with forestry: (1) Should control of our forest resources be in the hands of government or not? According to the opposition, they say, "No".

AN HONOURABLE MEMBER: Inaudible.

MR. MORGAN: The bill is completely relevant to that question. Mr. Speaker, question number (2): Are the people of this Province content to permit the companies to have control? The honourable gentleman is contradicting his own earlier statements because this legislation again I point out is completely relevant to question number two. You have a choice to make. You want either the companies to carry on to manage the forest resource or you want government to do it. The honourable gentleman from Bell Island, of course we all know from his earlier comments on the estimates, during the budget debate, is not, now that we are on the subject, so he stands up and makes a complete fool of himself, saying it is a tax bill. "The Tories are

trying to tax the companies" but all we are trying to do is take over the control and management.

AN HONOURABLE MEMBER: Inaudible.

MR. MORGAN: Especially John Doyle and others. We all know about these.

The other most important question, Mr. Speaker, is question number (3): Shall we have the companies continuing to have the authority to turn around to government and say, "We are going to cut these timber stands when we damn well feel like it." That has been going on for twenty-three years in this Province, twenty-three years.

For twenty-three years government did not have the guts nor the courage to go into these companies like Bowaters and Price and Reid and others and say, "Look, either you manage these timber stands or you are going to be taxed. You manage them the way we want them managed or you are going to be taxed. If you do not pay the taxes, accordingly the properties will come back to the people of this Province." It is not to the government. But no, the honourable member from White Bay South, the so-called intelligent member from that side of the House of Assembly, stands up and says, "No, let us have a select committee of the House, let us have those expert politicians go out and receive complaints from all the public of Newfoundland and then come back and form an opinion whether they should go ahead with this legislation or not. Ignore the viewpoint of experts." Ignore the data and research they have done and

carried out, ignore them. It is an obvious policy and philosophy and belief of the Liberal Party who stood for years in the same kind of belief, ignore the experts, let the politicians make all the decisions. That is the kind of thing that the honourable Member for White South is condoning and advocating in his own party now and in opposition. He is condemning this legislation because it means control of our forestry resources. For no other reason is he condemning it. Not because it taxes the companies, that is only a red herring. And because we are taking positive action to control our resource the opposition want to condemn that kind of legislation.

Well here is one backbencher who is not going to support the idea of a select committee. It seems that one or two members on the opposite side seem to have a sore point because four pages are missing from the report. The people of Newfoundland today, I am willing to bet the people of Newfoundland today are not concerned about whether they see or hear or read about the task force on forestry. They are concerned about one thing and that is proper management of our forestry resource, proper controls of our forestry resource. The most important thing of all, they want to see action on the part of this government to bring about this control.

This legislation, Mr. Speaker, is the like of legislation that is going to bring that kind of action, so I am naturally going to vote against the amendment and support this bill. Thank you, very much.

MR. A. B. PECKFORD: Mr. Speaker, one is led to say to the opposition as a result of their amendment, although I do not believe this to be true, I think it is just a tactical move on their part but one would almost say that they are deliberately trying to block good legislation that comes before this House.

For twenty or thirty years in this province, well since Confederation, the government of the day, the government in power did absolutely nothing to try and rationalize or bring some sense into the forestry industry. I think that one of the unfortunate things about this House of Assembly now; this House of Assembly for the last twenty years has been that very often we get fairly talented and intelligent members to come to the House but

unfortunately many of them know little about forestry, including myself, many of them know little about the fishery, many of them know little about mining or any other of the resource base industries that mean so much to this province. So that when we come to discuss a detailed bill like we have before us now, in the amendment proposed by the opposition there is very of us can talk intelligently about.

I venture to say, Mr. Speaker, that outside of the minister and perhaps one or two other members of this House, there are very few members here in this House right now, if everybody were present who know enough about forestry to really speak on it. As it applies to my district because the District of Green Bay depends to a large extent on the forestry industry, right now we are at a crossroads, we are in a crisis. We have many contractors. We have 400 or 500 jobs going right now in the forestry industry outside of this large company and if we do not do something immediately in the next six months, in the District of Green Bay, with the forestry, we are going to find ourselves with an unemployment rate of about twenty-five or thirty per cent within the next year.

AN HON. MEMBER: Inaudible.

MR. PECKFORD: Well that is another question. I could answer that one.

AN HON. MEMBER: Inaudible.

MR. PECKFORD: Now the whole story is, Mr. Speaker, for twenty-five or thirty years now the companies have been allowed to go free with these leases that they got back in the 1920's and the 1910's and so on, some of the leases coming due in 2002 and in 1999 and this kind of thing. I do not know how many honourable members have actually gone through forest lands that the contractors for the companies have cut. How many people have actually gone in with a forest ranger and watched him crooze a block of timber?

AN HON. MEMBER: Inaudible.

MR. PECKFORD: Now we have, after all this time, after two or three decades of no approach taken by government to try and bring some sense into the forestry industry, perhaps our biggest resource for the future

because it is a renewable one, much more perhaps than the fishing resource, now we have studies being done by people in the business, who are suppose to know their business, and these studies have translated themselves into legislation that we have before us today. Now what the opposition want is for this legislation to stop. Mr. Speaker, in my opinion it is irresponsible of the opposition to bring an amendment before the House. This kind of legislation right now, this legislation, this kind of rules and regulations are too important for this province right now, right today, right this week to get this kind of legislation passed and to get some action taken on establishing these management plans for the various areas, and let us see how it will work.

AN HON. MEMBER: Inaudible.

MR. PECKFORD: Nobody on this side of the House -

AN HON. MEMBER: Inaudible.

MR. PECKFORD: Nobody on this side of the House - Well okay it is before the House, now let us not talk about this. It is before the House now, and he is delaying it.

AN HON. MEMBER: Inaudible.

MR. PECKFORD: I can relate five or six or seven different areas of this province where there are large stands of timber rights now of over 2,000 to 3,000 cords to 1,000,000 cords of wood that are over matured, that if something is not done within the next year the country is going to lose thousands and thousands of dollars besides the jobs involved. The honourable Member for Bell Island is the very exponent of the philosophy that the more jobs, the more work we can get for Newfoundlanders the better, the more that we can get at home for ourselves the better. Well I suggest to the honourable Member for Bell Island, if that be his real interest, if that be what he be interested in, if he be interested in seeing more jobs in the District of Green Bay and in the District of White Bay South and in other districts that are depend upon the forestry industry to a large extent, that he withdraw that amendment.

AN HON. MEMBER: Inaudible.

MR. PECKFORD: Because it is going to mean -

AN HON. MEMBER: Inaudible.

MR. PECKFORD: No, it is going to mean the next six months to a year either 200 or 300 more jobs in my district, or that many less.

Besides the fact of a tax as incorporated in this legislation there also has been a management plan for the companies or whoever owns the land to the government. Now this is the whole key to it because what has happened? I even heard the Leader of the Opposition (This is how much he knew about forestry) when we were talking about the bill in principle some time ago, he was not even sure whether the companies had done any high grading in the forests of this province. If all the honourable members of this House could only take a week or two and walk through some of the forest lands of this province to see what has happened. It is a disgrace. It is an absolute disgrace the way many blocks were left. There will never be another tree grow there, on thousands and thousands of acres all around the province. It is a disgrace. You do not have to go very far off the Trans Canada in many places to see it either, where trees are left.

AN HON. MEMBER: Go down behind the steel plant, for instance. There are trees down there...

MR. PECKFORD: Now here is an opportunity.

The other thing, Mr. Speaker, on this, besides the fact that if a company is told by government, as part of the regulations, that they must have X number of cords allowable cut per year, and that they must cut that or if they do not somebody else must be allowed to cut it, and then they will be taxed on the value of that if it were not cut.

Besides that the other big question mark in this whole legislation and one that hopefully will be pursued through this legislation is the fact that this year millions of cords of wood have been cut for pulp wood when it should never be cut for pulp wood. There are great stands of timber and there should be a management of that timber stand,

and you would have to have quite a few forest rangers in the field for this, allowing for what areas are going to be cut for pulp wood and what areas are going to be cut for sawmilling, because we are losing valuable dollars every day. You can take any block of timber around the province now of 50,000 or 60,000 cords, especially in Central Newfoundland, and of that 50,000 or 60,000 cords very often you will find a concentration of saw logs. I have seen it on the Trans Canada and down in my district last week where you have prime saw log timber and that log is worth twice as much, three times, I suppose, as much as timber than it is as pulp. It is a tragedy, a real tragedy to see this province losing valuable dollars every day because there is no management on that block to permit the contractor to be told by a forest ranger or by the government. This area here is primarily small timber; it is good pulp wood, you can cut that for pulp wood. This area over here has a major concentration of saw logs, then you have to set up a sawmill there. You are providing more jobs and you are making more money that way for the province. That has to be done."

AN HON. MEMBER: Inaudible.

MR. PECKFORD: Nobody is saying that is the panacea for all the forest problems in this province but I think, and seriously - just hold on a second now, I think seriously that we should give this thing a chance. We might be back at it again next year, on amending certain parts of it, but if we are going to -

AN HON. MEMBER: Inaudible.

MR. PECKFORD: No, no, we do not. No, no, we do not need public hearings on it. I do not think we need public hearings on it. I would rather see this legislation go on through now, put it into action. I am selfish on this, Mr. Speaker, and I will be the first to admit it, that I know out my way that we are in trouble because we have no crown land left only in the Burlington/Middle Arm Area. We have some crown land there but outside of that in Green Bay District there is none. There are a couple of operators started down in his district just recently, in White Bay South. But even the crown land that is in the

Burlington Area, you know, is not going to last forever. It is only going to be three or four years. Bowaters are down there now and there are some contractors in there cutting for Labrador Linerboard and for Bowaters.

My own selfish motive behind it all; if this kind of legislation is not brought in immediately, if we do not get a management plan for Green Bay Area this present year, we are in serious trouble. Many contractors who, well I know, have gone \$100,000 to \$200,000 into the business with new trucks, new timber jacks or J5's or whatever, they are going to find themselves, and each one of them employing twenty, thirty or forty men and sometimes fifty men, in a very difficult bind come October and November if they do not have the cut. The same way with the saw log operators. They are all in there. Now we are running short of timber.

Well hopefully under this kind of a management plan where there has to be an annual allowable cut that the companies, if they are not going to cut it themselves because their mills are working at capacity, if government says to them, "You have to cut 20,000 or 30,000 cords off this block." Well then if the company cannot do it because it has its mill full, then one of the local contractors will have the advantage of going in on that block and cutting it, thereby continuing the employment that was started two or three years ago.

So it is essential, in my opinion, that this kind of legislation albeit, it is not a perfect bill on forestry, that this kind of legislation be enacted immediately and get on with the job of hiring the forest rangers and establishing the management plans for the various areas. Then as it gets into operation, we can see the flaws in it, amendments can always be made to it. Every area is going to have to be different. There might be, as a result of that, that amendments are going to have to be brought in for various areas because of the kind of wood that you find in the area or the kind of terrain there that it might be impossible for to cut annual allowable cut off that block of

timber because it is inaccessible, it is difficult to get at. Special rules and regulations might have to be set up for it but there are large tracts of timber right now of a-half million to one million cords of wood just lying dormant and being infested with insects and over-maturing and blowing down, valuable dollars every day just blowing down on the lands of this province. It should not be allowed to continue. If this amendment were taken away by the opposition so we could get on with the job of getting this kind of legislation through, it is better than anything we had in the last two or three decades and we would be on our way to doing something with the forest resource of this province.

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

MR. F. B. ROWE: Mr. Speaker, I stand in support of the amendment put by my colleague, the Leader of the Opposition. I think there is a need for a select committee of the House to travel the province and seek the opinions of the people of this province.

As a matter of fact, the very points and the very suggestions and the recommendations and the information provided by the Member for Green Bay points out the kind of information and suggestions you can get from people who were not included on the task force committee itself. The Member for Green Bay has some very strong opinions. I am sure there are hundreds and thousands of people who are familiar with the forests of this province and how they should be managed and who would like to have the opportunity to state their opinions to government through a select committee of the House.

So the member himself, while not supporting the amendment or saying that he was not supporting the amendment, was giving evidence in support of the amendment himself.

Another point, Mr. Speaker, that I should counteract is the statement by the honourable Member for Green Bay when he accuses the opposition of delaying this legislation. I would submit, Mr. Speaker, that we could have had a select committee of this House set up and they could have conducted their hearings, gotten the information from the people of this province, from the most ordinary person who has had

experience in the woods to management, these public hearings could have been held and the report made and submitted to the committee, the Task Force Committee on Forestry, or to the House itself in the time that the government have seen fit to delay the consideration of the amendment on this particular bill, because it is my understanding, what is it? Some seven or eight weeks?

That is another thing, Mr. Speaker, that does raise certain questions or certain suspicions. Why was it that the government saw fit to hold off on the consideration of this amendment for that period of time? There was no reason given, Mr. Speaker. No reason given whatsoever, Mr. Speaker, except the fact that it was delayed, and the government are not obviously going to support this idea of a select committee. Sir, this is the very government who saw fit during their two election campaigns, saw fit to say that they will be bringing government to the people. They will be telling it the way it is. They said they will not tell the people, but they will allow the people to make recommendations and participate in government. Instead of that what did we have, Mr. Speaker? We had this legislation brought into the House of Assembly and before the legislation was brought in and while the legislation was being introduced we had the propaganda campaign going on, on videotape, on television and on radio, talking about this great new legislation that was about to come before the House, camouflaging -

AN HON. MEMBER: Inaudible.

MR. F. B. ROWE: The honourable Member for Bell Island, I understand, I was on the road when I heard it but I understand that he has been accused of leaking some of the most vital information contained in the Task Force Report. To be quite frank with you, Mr. Speaker, I sincerely hope that it was the honourable Member for Bell Island or somebody on this honourable side of the House who had the guts to release or leak or present this information to the people of Newfoundland,

AN HON. MEMBER: I wish -

MR. F. B. ROWE: because it is entirely inconsistent of any government, this Tory Government, to come out and talk about their great task force committees and their great task force reports, propagandized that aspect of government and then for the honourable Minister of Mines and Energy to talk about editing such report or questioned about whether such reports should be made public.

Now, I would suggest, Mr. Speaker, that there are some things, things that are considered in cabinet for instance, that are not open for public consumption but any government who goes around bragging about bringing government to the people and having people participate and brags and talks about these great task force committees and reports and then falls flat on their face with respect to publication and bring this information to the people of Newfoundland it can only be classified as pure hypocrisy. I have never heard anything in my life, Mr. Speaker, or never witnessed anything in my life when a government makes public a report with four or five pages removed. That in itself raises certain suspicions about the whole concept of these task force reports and what the true meaning of them should be.

The simple fact of the matter is, Mr. Speaker, that this government have reneged on their promises made during their election campaigns. They do not trust the people of Newfoundland to express their opinions. They are not going to listen to the opinions or accept the opinions of the people of Newfoundland. They are not going to allow it to influence any decisions or any recommendations coming from any reports.

I notice, Mr. Speaker, there are a number of people or groups who have made submissions, twenty-six groups or individuals or agencies have submitted briefs to this task force will they be made public? Twenty-four groups, twenty-four organizations went to the trouble of presenting briefs to the task force and I would suggest, Mr. Speaker, that I would be very interested to see the contents of some of these particular briefs.

AN HON. MEMBER: Inaudible.

May 20, 1974

Tape 1673 (Afternoon)

PK - 10

MR. F. B. ROWE: Sir, a principle is at stake here. The government should do one of two things, just shut up, keep quiet, not talk up, not try and get some political mileage out of these great task force committees

and great task force reports, if they are going to turn around then and not make these public or censor or edit these reports so that only what they want the people to hear will be made public to the people of Newfoundland. Then to make it even worse, they turn around with an expensive advertising campaign to try to gain approval or try to sell their legislation.

Mr. Speaker, I do not know if there is any province in Canada that has found it necessary or any country in the world except some countries, I suppose, behind the Iron Curtain who found it necessary to use an expensive advertising television campaign and newspaper campaign to try to get support for or propagandize their own legislation. Surely Mr. Speaker, if the legislation is worthy of the support of people in Newfoundland it should be able to stand on its own two feet. The government in this House should be capable of defending that legislation without having to propagandize the people of Newfoundland.

One other point: The honourable the House Leader, Mr. Speaker, has plenty of opportunity to speak during the debate. The honourable the House Leader on the other side is making it his one occupation in this House, Mr. Speaker, of trying to harass and tangle up and trip up honourable members on this side. The most distracting feature is that silly grin on his face, Mr. Speaker. That is the most distracting. He can talk and yell and scream all he wants but that grin just gets to one, Mr. Speaker.

Now, Mr. Speaker, I was very disappointed in the Minister of Mines and Energy's remarks. The only thing that he did once again is being consistent with his continuous attack on the federal government: Sometimes I get the feeling that he is the Progressive Conservative campaign manager for the upcoming federal election - but he used the same technique on my honourable friend, the member for Bell Island. He insulted and he cast insults at the member for Bell Island with respect to his remarks. He did not say one thing or the other with respect to publicity or privacy or secrecy. He walked the fence.

He said, "Well, there are some cases where you will probably

need confidential reports. There are some cases where it can probably be made public." I return to the original point. If the government are going to try to get political mileage out of their Task Force Committees and Reports, they should have the guts to at least make these particular reports public because there is a real principle at stake here. I have never heard of editing a report and lifting out four of the most important pages. The fact that the contents of these four pages were linked in itself -

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

The honourable member has gone on for quite an appreciable period of time. He is not being relevant to the bill. He is not talking about the principle of the bill itself nor the principle of the amendment. Indeed all he happens to be doing is talking about again what this government has said and what that other person has said.

There are people in the galleries, I believe from the vocational school, forestry. I think they would like some intelligent debate from the opposition. I think this House is entitled to get it as well, Mr. Speaker. Let us talk about the principle of the bill itself rather than what this one said and what that one said.

MR. W. ROWE: Sit down 'Nastiness'.

On the point of order, Mr. Speaker. The honourable Minister of Mines and Energy was up going on about everything under the sun except a referral to the select committee of this bill. Now, I brought not Your Honour but Your Honour's Deputy's attention to the fact. I said, "What bill are we on now?" Your Honour's deputy allowed the minister to go merrily on his way, implicitly or explicitly or something, widening the limits of the debate on this particular amendment.

Now, my colleague, the member for St. Barbe North, is not being nearly as irrelevant as the Minister of Mines and Energy is. At least he is talking about the need for information and publicity for this bill. The best way of doing it would be referral of it to a select committee of the House so that public hearings could be

held. I would submit, Sir, that the honourable member for St. Barbe North is not being irrelevant. If he is being slightly irrelevant, he is not being half as irrelevant as was the Minister of Mines and Energy who was not drawn to order by Your Honour's deputy.

MR. MARSHALL: Let me address myself to what the honourable member for White Bay South has said. I mean, this is childish. The fact of the matter is that he is perfectly within his rights, if he should think any member on this side is irrelevant, to get up on a point of order and draw it to Your Honour's attention. The fact of the matter is that they have had eight weeks to study the report. They have indicated, all of them Mr. Speaker, that they have not even read a single page. By their remarks they are covering personalities again rather than substance.

MR. SPEAKER: As regards to what perviously happened when the Minister of Mines and Energy was speaking, I was not in the Chair and I am certainly not at all concerned with what took place then. I am concerned with the points of order raised when this speaker is in the Chair.

The rule of relevancy is difficult to make a ruling on, as has been said through this position on numerous occasions. There has been some leeway granted. However, the honourable member for St. Barbe North, I think, could be more relevant particularly to the amendment to which he is speaking and not the main bill.

MR. F. ROWE: Mr. Speaker, I wish the honourable the Government House Leader would at least wait until an honourable member on this side of the House finishes his statement or sentence before he rises on his point of order, because the very point that I was trying to make, Mr. Speaker, was the need for this select committee and to give the people of Newfoundland an opportunity to have an input.

What was the point that I was trying to make? The fact that four pages were lifted out of that report - they were made public, they were leaked. I hope it was somebody on this side. It was not I. I hope it was somebody on this side because they deserve a medal. The four most important pages in that report represent need in itself for public hearings because it affects the lives of thousands

of people out on the West Coast and in that town or city that is dependent upon one major industry.

I think the contents of these four pages should be sufficient reason to set up a select committee and get the opinions of the people affected.

Now, there is one other point, Mr. Speaker, that has been made by my colleagues. This is undeniable; this is basically a taxation bill. Now, I would like to ask this question, Mr. Speaker. I would like the people of Newfoundland to ask this question and make suggestions relating to it. What happens, for instance, in my district and I believe in part of the honourable member for St. Barbe South's district? I mean, Bowaters or any of these companies are not little corner stores down there in the center of town. I do not know if they are making a profit or not in Newfoundland but they have money. What happens if these companies or any of them see fit to go ahead and pay the taxes on certain blocks of land thereby crippling the economy or the employment situation in a certain district?

I will give them an example. In my own district there are hundreds of people on unemployment insurance. Many of these people were loggers with Bowaters over the years. Bowaters, as far as operation is concerned, have pulled out of the area.

AN HONOURABLE MEMBER: Inaudible.

MR. F. ROWE: Yes. Well, I am not finished yet, Mr. Speaker. Supposing Bowaters for some reason decides that they would like to hold on to that concession and they decide to pay their taxes on that particular concession, they still have the wood and they still have the land tied up and the people still remain unemployed. We still have no management and we still have wood rotting on the stump. It is no good to Bowaters or the people of Newfoundland in another five, ten or fifteen or twenty years.

Now, I would like for some businessmen who know what they are talking about to go to public hearings and talk about that possibility. They can have all the legislation that they want to on taxes but I would not be the least bit surprised that there are areas of this province that Bowaters will want to hold on to for some reason

or another, for competitive purposes or some other concessions that they may have, some other rights that they may have.

It is a good question; what other rights besides the timber rights do these paper companies have on that land? There are a great number of individuals who want to set up private sawmill operations, small ones. There are numbers of individuals who want to set up a fairly major logging operation. There are other persons who want to set up tourist establishments on some of the beautiful lakes and rivers going up the Northwest Coast. They cannot get in there. What happens?

Look, the honourable the member for Green Bay, the only thing that he described was a bucksaw and logs when he got up. He was not relevant to the amendment whatsoever. So, Mr. Speaker, I will ask for him to stop interrupting at the present time. I have given a couple of examples of the need for public hearings. One was, this leak is sufficient reason itself. Two, the very types of detailed information - one would swear the honourable member for Green Bay was a lumberjack himself.

MR. PECKFORD: Well, I did one time.

MR. F. ROWE: Good. He brought out some very good recommendations and very good suggestions and raised some questions, the sort of thing with which the honourable member should appear before such a public hearing.

The third point that I made is, then what happens if the company sees fit to hold on to certain concessions, pay their tax and let the wood rot on the stump and keep the unemployment rate up in these particular areas?

Now, Mr. Speaker, getting back to the whole business again, it is hypocritical for a government, that so based their whole campaign not to have public hearing on this very important and vital issue. Believe me, it is important. I think the legislation, as it now stands, is insufficient. It is only a taxation bill. I think the only way it can be improved is to get opinions and ideas and recommendations from the people whom this government supposedly place so much faith in during their campaigns. Have these public hearings and, Mr. Speaker, I will

certainly support this particular amendment.

MR. SPEAKER: I put the amendment: All those in favor of the amendment, "Aye". All those against the amendment, "Nay". In my opinion the "Nays" have it.

MR. HEARY. Well, Sir, we were hoping that the government - there was a close vote apparently, Sir, according to the "Ayes" and the "Nays". As a matter of fact, they had nine in the House and there were six of us. We nearly defeated them.

Sir, we were hoping that the government would accept our amendment. This amendment was put seven or eight weeks ago as was indicated by my colleague here. The government had sufficient time to set up a select committee, go around the province, hear the views of the people. They would rather, Sir, take the dictatorial -

MR. MARSHALL: On a point of order, Mr. Speaker. I believe we are back on the main motion now. I would like the journal of the House checked. I am not sure whether the honourable member for Bell Island spoke before or not. He usually has a lot to contribute to the debate. No doubt we would all like to hear him again but the rules say he may only speak once in the debate. Perhaps we may check the journals first.

MR. W. ROWE: The honourable nasty House Leader wants this checked and that checked. Is he saying the member for Bell Island spoke or not? He is raising a point of order. Sit down now. It is hard enough, Sir, to have to tolerate him when he is sitting down. When he stands up it is even worse. Sir, he raised a point of order. He wants this checked and that checked and the next thing checked. Either he is saying the member for Bell Island spoke or he did not. I am saying in response to his specious, foolish point of order that the member for Bell Island did not speak to the main motion. Your Honour undoubtedly will make up his mind on it.

The member for Bell Island spoke to the amendment but, as I understand it, he did not speak to the main motion. It is not even a point of order anyway, Sir. The House Leader has not submitted that the member for Bell Island spoke and he wants to know if he spoke or not. You know, unheard of, Sir, in parliamentary procedure. Just

another attempt to be nasty.

MR. SPEAKER: It is the feeling of the Chair -

MR. NEARY: Are they going to hear me?

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

The Speaker was trying to make some comment, with regards to the honourable member having spoken or not spoken before, when he was interrupted by the honourable member.

MR. NEARY: Is it my turn?

MR. SPEAKER: No. I am just trying to say that the Chair is not sure whether or not the honourable member for Bell Island spoke to the main motion before, and I was asking the persons at the table to find out for me when I was interrupted by the honourable member.

MR. NEARY: Well, what is he going to do now? Will we recess for five minutes or can I carry on my speech or what?

MR. SPEAKER: Well if the point of order were raised by the honourable member and if the honourable member for Bell Island did speak to the main motion before, he is not entitled to speak to it again.

MR. HICKMAN: Mr. Speaker, this does not have to be done by a point of order at all. The simple fact is that if any honourable member speaks or commences to speak the second time on the same resolution, as soon as it is drawn to the attention of the Chair he has to be ordered to desist.

MR. W. POWE: Mr. Speaker, the honourable minister is rising on a point of order. The House Leader, Sir, in his typical, nasty fashion did not raise a point of order. He asked Your Honour whether the member for Bell Island spoke again or if this were the second time he had spoken. If the honourable member had gotten up in his place and said, "Sir, I draw to your attention that the member for Bell Island is speaking a second time in this debate," that would be a point of order.

What the Minister without Portfolio did was he got up and raised a hypothetical question to Your Honour, asking Your Honour a question as to whether the member for Bell Island spoke before or not. I, Sir, have submitted that that is not a point of order. He did not make a point of order. He asked Your Honour a hypothetical question.

MR. NEARY: Can I plough on, Your Honour, with my little -

MR. SPEAKER: I am awaiting the decision of the table as to whether or not the honourable member had spoken before.

As I said earlier, the Chair is of the opinion that the honourable member for Bell Island did not speak to the main motion. Unless honourable members can prove that the honourable member did speak to the main motion, the Chair is willing to permit him to continue.

MR. NEARY: Thank you, Your Honour. I have been trying to say that for ten minutes, Sir. The honourable House Leader, Sir, is completely out of order.

MR. W. ROWE: And the Speaker condoning him.

MR. NEARY: Sir, I have no intention of getting up and speaking twice in this honourable House. I know when I have spoken. It is so long ago since they brought this bill into the House that they do not remember what has happened.

What I am going to say now, Sir, is that we are going to support this bill. We are going to support it. What choice do we have, Sir? We put up a proposition to the administration, Sir - this is seven or eight weeks ago now I am talking about, Mr. Speaker - that they go around the province -

MR. SPEAKER: Order, please!

The matter was raised. There was considerable debate and the honourable member for Bell Island was permitted to continue, of course on the assumption that he is speaking to the main motion and not continuing to debate what has already been raised.

MR. NEARY: Now, Mr. Speaker, my colleague suggested to me that I - no, I had better not do that.

Sir, we are going to support the bill. We tried the best way we could to persuade the administration -

AN HONOURABLE MEMBER: We have been persuaded.

MR. NEARY: No, Mr. Speaker. To persuade the administration, Sir, to set up a select committee to go out and hear what the public had to say about this. They refused to do it, Sir.

Now the Minister of Mines and Energy there a few minutes ago, Sir, talked about all the confidential, secret documents that were presented by civil servants. He was not referring specifically to this bill. He said, "How would you get them to be freewheeling and use their imagination and make reports?" Well, Sir, the answer to that is this, that the responsibility for this report, Mr. Speaker, has to lie with the Minister of Forestry and Agriculture. This report, Sir, has to rise or fall on its own two feet.

The Minister of Mines and Energy cannot turn around and start to say, "Well, we can cover this up or we can cover that up or we can blame this on the officials or we can blame it on the Task Force." There is no such thing, Sir. The minister is the head of that department and he has to assume the responsibility for that or any other report. Whether he likes it or not does not make any difference. It is the minister, Sir, who has to either take the credit or accept the blame for that report, not the

civil servants, not the task force. It should not restrict the people who are working on the task force. It should not restrict them one iota, Sir. I am sure that there are dozens and dozens of documents that the minister has down in his office that never reached this report. They were culled out. The documents were taken out and are still in the minister's file.

AN HON. MEMBER: (Inaudible).

MR. NEARY: No, the minister did not do the report. That is right. The minister has to accept the responsibility for it. The minister asked to have the report done. Whether it is a good report or a bad report, the Minister of Forestry and Agriculture, Sir, has to accept the responsibility for it. In large measure, I would say that it was a poor report, very poorly done. It was not properly researched. It was not done by experts. There are only one or two experts in Newfoundland on forestry. Neither one of them expressed an opinion on that report. I saw one of them on television giving his views on the report. He called it a tax bill.

Then the minister, Sir, after he brought this bill into the House, Bill No. 20, "An Act To Bring Certain Forest Lands Under Proper Management And To Impose Varying Degrees Of Taxation In Respect Thereof," had to go out and purchase radio and television time and advertisements in the newspaper to try to defend his report. This went on, Sir, for weeks and weeks. The poor, old public of Newfoundland had to put up with this. Their favourite programmes were interrupted on television and radio. They had to watch the minister who looked liked he was half frightened to death.

AN HON. MEMBER: (Inaudible).

MR. NEARY: They did everything but say that this was a paid political telecast. It had no more affect, Sir, then going over now and spitting out through the window down in front of Confederation Building.

AN HON. MEMBER: (Inaudible).

MR. NEARY: I would have more effect, I can tell the minister that. If I were going to sell the report, I think I should have done a better job on it than that. At least the minister did not get his deputy on, like the Minister of Social Services who had his deputy on. It is a wonder the minister did not parade the members of the task force out in front of the television cameras, one after the other, and have them praise it up.

Nevertheless, Sir, we have done everything in our power to try to persuade the administration to hold public hearings to try to improve this bill. It is only an infant step. That is all it is, Sir, It is only an infant step in our forestry management.

AN HON. MEMBER: It is a good beginning.

MR. NEARY: Maybe it is, Sir. That is why we are going to support it. It may be a good beginning, we do not know. We are going to support it, Sir, and we hope that the experience over the next year or so will prove that it is a half decent bill.

I notice that the bill would come into force by proclamation. I presume the minister is going to have the bill proclaimed at as early a date as possible. Such date would require to correspond with the date of coming into operation of those regulations provided for in the bill. I do not know if the minister can indicate whether the regulations have been drafted yet or not or when he expects to have the regulations drafted. When the minister speaks now, he will conclude the debate.

Mr. Speaker, as far as we are concerned on this side of the House, it is merely an infant step in the management of our forests. Nevertheless, we are prepared to support it and give it a year or so and see what happens.

MR. SIMMONS: Mr. Speaker, just before the minister speaks, there are a few things I would like to say on the bill. First of all, I certainly

think there is a need for proper forest management. I have been looking forward to some legislation on this subject for some time. I guess it is particularly for that reason that I was rather disappointed to see the bill. When it came before the House some weeks ago, as we indicated at that time, we were pretty much at a loss to make any intelligent comment on it. We did not know what had been the background of the bill or what had been the recommendations of the task force. Since then and after considerable dialogue on the subject, we were successful in getting the minister to give us at least a summary of the report or parts of the report, the censored report. We have had an opportunity now to look at the report.

Mr. Speaker, I have to concur with what the members on this side have said and with what I have heard, at least from one knowledgeable person in the forest industry on television, that at most it is a tax bill.

Mr. Speaker, I have made an effort to talk to a number of persons involved in the forestry industry, persons who would have some knowledge, some depth in this particular area. The consensus that I am getting on the subject from other persons, not only on this side of the House but from persons outside the House is that at best this is a tax bill.

Mr. Speaker, if government are going to place so much reliance on and point with such pride to the task force report, as the father or mother, if you like, of this legislation; then I believe we ought to hear what government are going to do about a number of the other very key recommendations in this report. All we hear as a result is a proposal, a bill which would return some taxes to the provincial treasury and which would add considerably to the size of the provincial bureaucracy. What it will do in terms of effective forest

management is certainly not indicated to us in the bill. If it does, let us concede, Mr. Speaker, that it may indeed accomplish a few things in terms of forest management. One only has to look at some of the recommendations in this report to see that the bill is begging the real questions, the real recommendations in this report, altogether.

Mr. Speaker, I would invite the minister to educate me on this point. I cannot find any provision in the bill for the allocation of lands for recreation, for wildlife or for agriculture or that kind of thing, although that appears to be one of the key recommendations of the report. What are government going to do on that subject? Are we going to have a piece-meal type approach, one bill this year and another next year? At some point when she is completely out of control, we are going to see all the recommendations of the report taken care of. Have government taken from this whole, what appears to be a comprehensive report, one little kernel which is to its advantage and ignore the rest? What will happen to the other major recommendations in this particular report?

Mr. Speaker, there is the recommendation concerning the need for broadly based benefit cost and land use analyses before any large scale developments are undertaken such as the Lower Churchill, which is the example given here - any such large development which may have serious detrimental effects on the environment. Where is the provision in the legislation for this kind of thing or what do government intend to do in respect of this particular recommendation, the recommendation that such benefit costs and land use analyses be done before large scale developments are undertaken? Where in the bill (I am just picking them in the order as they come, Mr. Speaker. I am not at all ranking them in terms of their priority in my view) or where in the government's plan is there some provision for measures to offset the detrimental effects of snowmobiles and all-terrain vehicles on the animal communities and on various types of vegetation? What are the government going to do about that?

AN HON. MEMBER: (Inaudible).

MR. SIMMONS: Is that another part of the report which will be ignored completely? Where, Mr. Speaker, in the bill or in government's plans are the measures that would place controls on destructive land practices such as open-pit or gravel pit operations? I was surprised and shocked, Mr. Speaker, as I drove along the highway, in the last twenty-four hours, to see a new gravel pit being opened up (I cannot say it is completely new. I believe it was used slightly before, by the appearance of it) which had been used only minimally before now being worked, as late as this morning, right within one hundred and fifty feet of the Trans Canada Highway. That is certainly no more than the minimal distance from the centre of the highway. It is right in the open view, just west of Grand Falls, right on the Trans Canada. I am one of those Newfoundlanders who have regretted the use of these gravel pits or the opening up of these gravel pits inside of the highway in years past. There is not too much one can do about these. I was very surprised to notice again as late as this morning that this kind of thing is still going on. There is no attempt to get it away from the highway at all, Mr. Speaker. It is right on the highway itself.

AN HON. MEMBER: (Inaudible).

MR. SIMMONS: Mr. Speaker, again, as always when I am speaking, I have to put it in very elementary terms for the Member for Bonavista South. I am at this particular point, Mr. Speaker, addressing myself to (perhaps somebody would find the page for him. Perhaps the Member for Bay de Verde would help him) page seventy-six of the report, item number six. It makes reference to the need for legislation to address itself to open-pit and roadside restoration.

MR. NEARY: He did not even read the report. Do not pay any attention to him.

MR. SIMMONS: I would say to the Member for Bell Island that the Member for Bonavista South probably cannot read the report, so we have to be charitable with him, as charitable as possible. If anybody should need educating in this House, Mr. Speaker, it should be the Member for Bonavista South. It is almost a futile exercise, but as a devoted teacher I am willing to try.

MR. SIMMONS: Mr. Speaker, if I can judge by the success of that pupil, I am a very bad teacher.

MR. SPEAKER: Order please!

While the Hon. Member for Hermitage has been unnecessarily interrupted by the Hon. Member for Bonavista South, he is not being relevant to the particular item he was discussing prior to that. He may continue.

MR. SIMMONS: Mr. Speaker, I would hope that the minister would indicate what government intend to do about this particular recommendation as it affects open-pit and roadside restoration. I hope, even more important, that we can hear something of what government are going to do so that this kind of thing does not continue, the kind of thing I saw only this morning, west of Grand Falls. The report also makes reference to the need for government to increase the effectiveness of the Clean Air, Water and Soil Authority. I am glad the wording is like that, Mr. Speaker "to increase the effectiveness of." It did not say, "clumsify or to make more bureaucratic" or anything of that nature but it did say, "to increase the effectiveness of." I have had some involvement on behalf of other people in the past few years with this particular authority. I can only say amen! to this particular recommendation. At the moment, it is my particular view that this authority, if anything, is one of the detriments to development in the province, let alone making any contribution to proper development.

I would appeal to the government to do something to increase the effectiveness of and to indicate to us how it intends to increase the effectiveness of the authority. Or is this another of the several recommendations I suspect that may go by the board, the government having picked out the one at the back that suits this particular purpose? It gives the government some more revenue and adds to the bureaucracy of the province, the size of the bureaucracy, without effectively coming to grips with the overall concerns which have been expressed in this report.

Mr. Speaker, page eighty-nine of the report is another matter that I believe requires some comment. The report says in part

that there is a requirement for a strong central authority to develop and enforce the forest policy designed to reduce losses from forest pests. Where in the bill is there some provision for the accommodation of this particular recommendation? There are so many others, Mr. Speaker, (I just picked a few at random) in the report that are not at all provided for in the bill. I am not saying that a government should take a report holus-bolus and just do everything that is recommended. I would suggest that if it be, as it shall in future time and already I believe going to blame the men who wrote this report for the legislation and for all that may go wrong with it in the future, at least it should give some kind of explanation as to why it is not adopting some of the recommendations or indicate at what time in the future government may intend to adopt the recommendations.

There is another that is of considerable interest, on page ninety-nine of the report, the matter of forest protection. The sentence which is pertinent says: "Since the forests constitute a renewable public resource, the provincial government must take complete responsibility for forest fire protection." What are government going to do about that recommendation in the report?

Mr. Speaker, I have referred to, as I have said, not all of the recommendations but some which I believe are pertinent to the point at hand. Certainly, they are recommendations of the report. I am wondering (it is a puzzle) that so much fuss has been made about this forestry bill. To be honest with you, Mr. Speaker, if I were to judge by the fervour with which the minister, when on the subject of publicizing if I were to judge by the size of the advertisements in the papers six or eight weeks ago, if I were to judge by these indications without having seen the bill or the report, I think I could only come to the conclusion that great things were in store, if I had believed the propaganda being put forward by the minister.

Mr. Speaker, one looks at the bill and one gets very, very disappointed. I am all for finding a way to collect a few more dollars to go into the Provincial Treasury. Let it be called that if that were all it were. Let it be called a tax bill. Let us reserve the title of Forestry Bill for something worthy of the name, something which addresses itself to the problems as raised in the Task Force Report.

Mr. Speaker, this brings me to the real point of what we have been doing on this side in reference to the Forestry Bill. We believe it is a right small step but only a small step. It is lamentable that of all the recommendations in this report, government have seen fit to address itself to such a small part of the recommendations. What we wanted, with the amendment which was defeated, was to provide a means for the government and anybody else who would like to have input, for all concerned to come up with a forestry bill that was worthy of the name. We do not have it at the moment. We, on this side, do not have much choice but to support it. We are not against what the government are proposing but we think it is only a patch approach, it is only an awfully small step. We would hope that a forestry bill instead would address itself to the whole gambit of problems that have been referred to, at least the principal items, certainly the matter of forest fire protection, as an example, the last one I mentioned, among others of this report. The government in its bill should address itself to that kind of problem.

Mr. Speaker, I repeat, the bill does not address itself to the key recommendations in the report. That is lamentable. I believe something ought to have been done about it. What puzzles me about this whole thing, as I watched the publicity earlier, I was delighted and beyond that amused that government decided to take our advice on this side and get off the television and stop the propaganda. At least we accomplished that much. If we did not accomplish it, the people of Newfoundland and their feedback accomplished it because it must have caused the minister some embarrassment

wherever he went and wherever the subject of the television programmes got to be discussed. I may say, not wanting at all to hurt his feelings, -

AN HON. MEMBER: (Inaudible).

MR. SIMMONS: He would know.

I happened to be sitting, Mr. Speaker, in a living room, first when those famous promos came on television with the minister's face on the screen. I was sitting with a person from among others, a person from a neighbouring province not too far from here and the individual asked: "Who was that?" I did not have it in me, Mr. Speaker, to say that that is our Minister of Forestry. I did not have it in me, for my own sense of shame more than wanting to cover up for the minister, to say that the person on there mumbling on about forestry and some philosophy or something that somebody had written for him, I

did not have it in me to admit that that was the Minister of Forestry for my province. I let the thing pass.

Mr. Speaker, all this publicity of some weeks ago and all this jumpiness of the last hour or so since we got on this subject, this wanting to get it done not tomorrow, not next week, not three weeks from now, getting it done today; as according to the member for Green Bay we cannot wait another week. Suddenly she has gone right to pot. We cannot wait another week, not another two days. We have to do it today. Yet the same crowd, Mr. Speaker, have dragged this thing out for six or eight weeks.

MR. NEARY: This time next year they will not have the regulations finished.

MR. SIMMONS: Mr. Speaker, we have studied it and we have found, I have found, I cannot speak for my other colleagues, they can speak for themselves, I have studied it in some detail and I have found what I reported to the House a few minutes ago. I have found that the bill, which of itself has nothing wrong about it, it is a right but small step, I have found that in the overall it does not address itself to the key recommendations in the report. I put the question to the minister. What does the government intend to do? Does it intend to just ignore the rest of the recommendations, to throw out the rest of them? Or does government have other legislation pending which would take care, which would put into effect the other major recommendations in this report?

I was most surprised, Mr. Speaker, by the comments from the Minister of Mines and Energy. He was true to form, true to form but still I was surprised he would admit it in this House, that it is the government, according to his philosophy, his statement, it is the government which decides what the people should know. It is very kind of them and perhaps that explains the run-around we have gotten on this particular bill and the information we have been looking for. Perhaps that explains the rather, well amusing is too kindly a word I suppose, rather amusing publicity we saw on television for a while; the great ads in the paper that did not

say anything in terms of letting us know what we could expect in the forestry bill. Perhaps that explains it.

If government in its own wisdom have decided what the people shall know, they demonstrated that of course by tearing out, how many pages? Four pages in the report. Anyway, Mr. Speaker, I suppose there is so little else that can be said. We shall support this particular bill, we will make a strong plea to government to indicate to us what it intends to do about the other major recommendations in this report, because this bill of itself is not worthy of the name. It will not ensure proper forest management, it will ensure the collection of considerable taxes and it will ensure the enlargement of the provincial bureaucracy.

But I maintain that of itself this bill will not ensure proper forest management. The sooner we get that bill, the better for all concerned.

MR. SPEAKER: If the minister speak now he closes the debate.

MR. FAYNARD: Mr. Speaker, I suppose I have to say a few more words in closing the debate. It is kind of difficult after listening to that bit of unadulterated nonsense for the last half hour, but the honourable gentleman keeps saying that the bill is not going to accomplish anything. It is too bad, Mr. Speaker, that over the last seven weeks they have not bothered to read the bill, they have not bothered to read the Task Force Report, have not bothered to do anything else ~ I guess which indicates the interest they must have in the forest resource of the province.

I was also very interested to hear the honourable member for Bell Island say that he had not seen the uncensored copy of the report because as soon as the pages had been made available to the press, his leader telephoned me in a sweat saying that he assured me that it did not come from their office, but he did say that all of his caucus had seen the report. That was interesting, to hear the honourable member's version of it.

However, Mr. Speaker, the legislation does set out to accomplish the things that are suggested in the Task Force Report and does accomplish

or will accomplish more of the things that were recommended by the Task Force. There are a number of recommendations in the Task Force Report that do not require legislation. You do not have to put everything in legislation if you should want to accomplish it. There are a number of recommendations in the Task Force Report that will be accomplished by further pending legislation such as the new Lands Act and certain things that will be accomplished by acts being devised by outside departments, such as the Department of Tourism, and this sort of thing.

Basically this bill sets out to accomplish the objectives that we have set out as far as forestry is concerned, and the bill should be concerned only with that. The other things will come later. I think there was some mention of the recommendation regarding the forest protection. "The government should take over complete forest protection."

Mr. Speaker, that is one of the main points that were made in the policy statement when I made it in the House, but obviously honourable members have not even read that yet. So it is kind of difficult to answer criticisms that are made from no basis whatsoever, from people who have not bothered to even familiarize themselves with a few basic principles that they should be familiar with.

The Task Force Report is a good one. The act bringing the forest lands under proper management is a good idea and is something that has to be done. It cannot be implemented overnight, and no one is saying that. We are saying that it is going to take three to four years to implement all the policies that implied. The legislation gives us the wherewithal to implement the policies that we have enunciated as far as forestry is concerned. That is all legislation is supposed to do. Regulations will set out the specific details and these regulations are now in the final drafting stage as are the manuals for management plans and all the other things that are necessary for us to go to work and try to manage the forests in this province in a sensible manner.

There was one question asked:—"What happens if the company decides to pay the tax?" Well, Mr. Speaker, I submit that it is very, very unlikely that any company is going to decide to pay a high rate

of taxation, a very high rate of taxation, just for the purpose of holding on to timber that may become over-mature or fall down around them within a few years. The legislation and the policy is not designed to clean out the forest resource; it is designed for proper management techniques to be implemented so that the forest resource is going to be around there for a long time. I can see how any company would decide that they are going to follow good management practices when management practices are essentially more beneficial to them than it is to government. So it is extremely unlikely that any company will decide to pay the high rate of taxation and ignore the provisions that are set out in the bill.

I am not sure as to what other questions were asked. I mention that the other recommendations in the Task Force Report are being implemented through various means, some of them by legislation that will come up in the next session of the House, some of them by simple policies that are implemented by government, that do not need legislation. So in general the Task Force Report and its recommendations has been accepted by government and the recommendations will be implemented.

I might point out now, Mr. Speaker, that during the committee stage I have two or three amendments that we have to make to various sections of the bill. These are as a result of very lengthy discussions held with the two major paper companies and the amendments will, the main amendment will essentially give a right of appeal that was not in the bill before, but it will put a limit on the appeal time so that appeal procedures do not take away the essential effect of the legislation itself. But I think it is fair to do that, and that amendment will be made. So with that, Mr. Speaker, I move second reading.

On motion a bill, "An Act To Bring Certain Forest Lands Under Proper Management And To Impose Varying Degrees Of Taxation In Respect Thereof," read a second time, ordered referred to a Committee of the Whole House presently by leave.

On motion that the House go into Committee of the Whole, Mr. Speaker left the Chair.

A bill, "An Act To Bring Certain Forest Lands Under Proper Management And To Impose Varying Degrees Of Taxation In Respect Thereof."

On motion clause 1, carried.

MR. HICKMAN: Clause 2, Mr. Chairman, I move the clause be amended by, in subclause (a), that the word, "and", in quotation marks at the end of paragraph "1", be deleted and (b) that the period at the end of paragraph "n" be substituted by a semicolon, followed by the word "and" semicolon; that a new paragraph be added as follows -

(n) "Water body" means a lake or pond exceeding one hundred acres in extent as disclosed by the latest aerial photographic survey of the Department of Forestry and Agriculture, whether carried out before or after the coming into force of this Act.

On motion clause 2 as amended, carried.

On motion clauses 3 to 5, carried.

MR. HICKMAN: I have an amendment at the end of clause 6, to add a new clause 6 (a) (1) and on the side, "aggrieved person may apply for adjudication."

6 (a) (1) any person (such person in this section referred to as the appellant) aggrieved by (a) the refusal of the Minister of Forestry and Agriculture to issue a certificate of managed land; (b) any term or condition on which a certificate of managed land is issued; (c) the period of validity of a certificate of managed land; (d) any amendment to a term or condition on which a certificate of managed land is issued; (e) any addition to or deletion from the management plan; or (f) the cancellation of a certificate of managed land made within twenty-eight days from the date of intimation of the refusal or the issuance or cancellation of the certificate or of the amendment to the term or condition thereof or of the addition to or deletion from

the management plan as the case may be, serves written notice on the Ministry of Forestry and Agriculture to refer the question for decision by an adjudication board, prosecuted in the manner provided by this section. Notice then on the side.

- (2) The notice pursuant to subsection (1) shall,
 - (a) set out the grounds of complaint of the appellant with the facts upon which the complaint is based; and
 - (b) contain the name of the person appointed as adjudicator by the appellant.
- (3) Minister to appoint adjudicator: The Minister of Forestry and Agriculture shall forthwith upon receipt of the notice containing the matters provided in subsection (2) appoint a second person as adjudicator and advise the appellant of such appointment.
- (4) Appointment of Chairman of Adjudication Board: The two adjudicators appointed under subsections (2) and (3) shall not later than five days after the appointment of the second of them, appoint a third adjudicator who shall be Chairman of the Adjudication Board to hear and decide upon the matter of the appeal but in the event of the two adjudicators failing to appoint a third adjudicator within the period herein provided, any one of them may apply to a judge of the Supreme Court to make the appointment and upon such application being made, the Judge of the Supreme Court shall appoint a third adjudicator.
- (5) Adjudication board vested with powers: For the purpose of hearing and determining an appeal under this section, the adjudication

board and each member thereof is vested with all the powers that are conferred on a commissioner by or under the Public Enquiries Act. The adjudication board has the rights and powers of an investigating body within the meanings of the evidence of the Public Investigations Act.

- (6) Decisions of adjudication boards: The adjudication board comprising of all its members shall (a) hear the appeal on a day appointed by it for the purpose, which day shall not be later than twenty-eight days from the date of appointment of the third adjudicator. (b) Decide the matter of the appeal within forty-five days from the date of the appointment of the third adjudicator or such longer period as the minister may direct by making such order for or against the Minister of Forestry and Agriculture as it deems proper, and -

MR. WM. ROWE: Inaudible.

MR. HICKMAN: All this does is puts in a power, Mr. Chairman -

MR. WM. ROWE: Right of appeal.

MR. HICKMAN: Right of appeal, which I recall some honourable gentlemen, including the honourable member for White Bay South, suggested would be a good thing.

(c) forthwith thereafter record such decision and orders in writing disclosing in the record whether the decision is unanimous or by majority and transmit copies of the decision to the appellant and to the Minister of Forestry and Agriculture.

- (7) Minister to produce documents: The Minister of Forestry and Agriculture shall cause to be produced before the adjudication board prior to the hearing of the appeal all papers and documents which are in the possession of Her Majesty and which may effect the outcome of the appeal.
- (8) Costs: The adjudication board may award costs of an appeal under this section for and against Her Majesty and fix the amount thereof.

- (9) Decision not subject to review: Subject to prerogative rights vested by the law in any person, the decision of the adjudication board is final and binding and not subject to appeal or review by a court of law.
- (10) The Minister to comply with orders: Notwithstanding anything contained in this act the Minister of Forestry and Agriculture shall give effect to any order made upon him by the adjudication board respecting the subject matter of the appeal referred to in subsection (1).

MR. WM. ROWE: I do not think my colleagues have a copy of that amendment. The House Leader, Sir, who is quick enough to ask for favours from this side, does not seem to have the common courtesy to notify us beforehand or even to send over a copy of the proposed amendment. I understand from listening to the garbled, hurried articulation of it from the Minister of Justice, that this is the right of appeal that we are asking for. Is that correct? The right of appeal that was brought up by members on this side, starting with the Leader of the Opposition and reiterated by other members on this side of the House to try to get rid of some of the harsher unjust features of this bill?

We will support it, although I must say, Sir, it would have been nice if the minister had given it to us a little bit earlier on. It is difficult to follow. But if as the minister says, it is a right of appeal from certain perhaps arbitrary or dictatorial judgements or decisions made by the board and the minister presumably, both, any executive decision

made by these gentlemen can be appealed to what? The Supreme Court? The judge thereof or what?

MR. HICKMAN: The adjudication board consisting of two; one member is appointed by the town, one by the minister and the third by the chairman, chosen by those two.

MR. W. ROWE: Right! Well that is reasonable enough and that gets rid of the difficulties of going to the Supreme Court on this type of matter where you are talking largely about matters of expertise not within the competence of a judge and one would have to rely on expert evidence anyway. So you may as well have the people who would be giving the expert evidence comprise the board and then very quickly a decision can be made, because delays in such a matter as this of course could be very bad for the people concerned.

We support it. We should point out to the committee, Mr. Chairman, that it is an example of the hurried fashion in which this legislation was originally brought in. It shows that the government were too quick to try to get some kudos or some public credit for allegedly attempting to take back the control of the resources.

AN HONOURABLE MEMBER: Inaudible.

MR. W. ROWE: That is right. They are trying to get some political kudos for this whole idea. First of all, attack the Federal Government and second of all, grab back Newfoundland and Labrador's resources to where they rightfully belong, namely the people of the Province.

Well, I mean it would be great if they were doing it. If this government were doing that, Mr. Chairman, I would leave now and go over and join the government, if I thought that this was their actuating, motivating force, but nothing that has been brought into this House gives one scintilla of evidence or indication that that is in fact the motivation or actuating force of this government. I mean that is as clear as day to anybody who has observed.

In any event, Sir, it shows that in their hurry to ram through the House a piece of legislation which minuscule in its effect though it may be and trying to portray it as something which was massive and overwhelming in its importance, they forgot some of the essential

items, namely, for example, treating somebody fairly. Mr. Chairman, being fair about it, when you are whipping somebody's land away from them or their money away from them, be fair. Allow the common principles of natural justice which have grown up by the spilling of blood over the past several centuries, allow some of those principles to be incorporated into the act. You know, epoch making things, Mr. Speaker, things like fair play, decency, justice, law, natural justice, all of these things which are elementary to anybody who has had any training whatsoever in the law or anything associated with the law or with administration, all of these things conveniently or negligently left out of the legislation.

We are glad, Sir, that we have at least made this much of a step forward, that there is a right of appeal against arbitrary executive decision making.

On motion, amendment carried.

On motion, Clause 6 as amended carried.

On motion, Clause 7-8 carried.

MR. A. HICKMAN: There is an amendment to Clause 9, Mr. Chairman, which is a consequential amendment to the definition section of water body. I move that paragraph (c) of subsection 1 of Clause 9 be deleted and the following substituted therefore as Clause (c): "A description of the boundaries of the parcel or part thereof in which such right or benefit exists together with (i) the area in acres of the parcel or part and (ii) the area in acres of the parcel or part are deducting there from the total area of each water body."

On motion, amendment carried.

On motion, Clause 9 as amended carried.

On motion, Clause 10 carried.

MR. A. HICKMAN: Mr. Chairman, again a consequential amendment. I move that paragraph (c) of subclause (1) of Clause 11 be deleted and the following substituted therefore as (c): "A brief description of the parcel or part

thereof showing the area in acres of such land and the area and acres of the parcel or part after deducting therefrom the total area of each water body."

On motion, amendment carried.

On motion, Clause 11 as amended carried.

MR. HICKMAN: I move that paragraph (c) of Clause 12 be deleted and the following substituted therefore as (c): "The assessment of the fair market value of the net present value applicable to or the assessible area of a parcel of land or part thereof is incorrectly recorded in the assessment role for that year or."

On motion, amendment carried.

On motion, Clause 12 as amended carried.

On motion, Clause 13 and Clause 14 carried.

MR. HICKMAN: I move that paragraph (a) of subclause (2) of Clause 15 be deleted and the following substituted therefore: (a) "The area within the parcel or part thereof assessed."

On motion, amendment carried.

On motion, Clause 15 as amended carried.

On motion, Clause 16 carried.

MR. W. ROWE: Mr. Chairman, unless it were included by consequence in some amendment that the minister has already given, I do not think it has. Clause (17); the minister has now shown as Minister of Justice that he is capable of doing things fairly, judiciously, legally and within the gambit. He has shown that he has been amenable by persuasion. Not by his own initiative but by persuasion he wants to do things fairly and equitably, if he can be persuaded.

Now, Clause 17 (2): "The members of the board shall hold office at the pleasure of the Lieutenant Governor in Council." Now, surely it was contained in that amendment. What does it now read?

AN HONOURABLE MEMBER: Inaudible.

MR. ROWE: He has an amendment, does he? Very good. Mr. Chairman, before I sit down, this is just an indication of the co-operation of the House Leader. He comes over our way, Sir, and says, "How about doing this thing by leave and that thing by leave

and the next thing by leave?" and all of this kind of thing, yet, Sir, hold back amendments which are of great substance to the bill before the House, wasting the time of the House by allowing members to get up to have their pet beefs aired for a half an hour and then hear the Minister of Justice say, "Well, we have an amendment for that." It is typical, Mr. Chairman of this government.

MR. W. MARSHALL: I just want the members of the opposition to realize, Mr. Chairman, that while I am responsible for the bills of the honourable Minister of Justice, I am not responsible for everything. I delegated this very important duty to him and it is not really my fault so do not pick on me, pick on the Minister of Justice.

MR. HICKMAN: Now, as the worser of the worst, I move, Mr. Chairman, that paragraph (a) of subclause (2) of Clause 17 be deleted and the following substituted thereto: (a) Hold office therefor, "Hold office for a period of three years from the date of their appointment and shall be eligible for reappointment."

How is that? Justice has triumphed again and again and again and again.

MR. W. ROWE: Mr. Chairman, again we rise, I suppose being politicians we want to take credit for what good we might do for the people of Newfoundland. I rise, Sir, to commend the minister for again seeing the light after twenty years or so administering, I do not know how long the minister has been in practice. After twenty years as an officer of the court, sworn to uphold the right, and as a minister of the Crown for eight or ten years and whatever side Your Honour might want to chose at any given time, sworn to uphold the right, he has after persuasion and argument from this side of the committee finally decided that perhaps it would be better to give the board which is going to be taking executive and administrative decisions which could affect companies and people in amounts of hundreds of thousands of dollars, perhaps it might be well to have that board that has that power out from under the thumb of the government and allow them some independence, some security of tenure.

I am glad to see that the minister, after days of argument and advice and persuasion from this side, has agreed to do that.

On motion, amendment carried.

On motion, Clause 17 as amended carried.

On motion, Clause 18 - 21 carried.

MR. HICKMAN: Clause 22, Mr. Chairman, this is a consequential amendment because of the definition section of water body. I move that paragraph (a) of subclause (1) of Clause 22 be deleted and the following substituted therefore: (a) An annual tax at a rate to be fixed each year by the Lieutenant-Governor-in-Council not exceeding twenty-one cents for each acre within such parcel or part other than the acreage of each water body therein."

On motion, amendment carried.

On motion, Clause 22 as amended carried.

On motion, Clause 23 - 33 carried.

MR. W. ROWE: Clause 34, Mr. Chairman, the regulation authorizing clause: The minister, since he has not jumped to his feet with an amendment, apparently had a slight lapse in this particular clause. I refer him to 34 - 1 (L) which would be, "The Lieutenant-Governor-in-Council may make regulations, etc. etc. ..." designating in addition to the matter set out in subsection (1) of section (28) which is the forfeiture section, "Such additional rights and privileges to be forfeited by taxpayers following the operation of subsection (3) of that section."

Now, it is a matter of principle, Sir. I suppose you can do something by legislation or you can do it by regulation under the authority of legislation but for my part I would like to go on record as saying that if rights and privileges are going to be taken away from anyone, I do not care if it be big, gigantic Bowaters or if it be some common drunk down in Her Majesty's clink, it seems to me that if rights and privileges are going to be taken from somebody that they should be set out in the legislation and that people should be given an opportunity to debate that publicly in order to see whether it is right and proper that certain rights and privileges be taken away or certain duties imposed on people.

Now this (L) says that the Lieutenant-Governor-in-Council, the Cabinet the highest political body of the land, that is the partisan body of the land as an institution, can have the power, Sir, in secret session convened to designate in addition to the matter set out, properly set out in Section 28, subject to debate and scrutiny by the members of the House, in addition to that such additional rights and privileges may be taken away from taxpayers following the operation of subsection (3) of that section as the Lieutenant-Governor-in-Council in secret session convened may determine.

On principle, I want to go on the record as being against the operation of that kind of a clause in this Province. If there are certain rights and privileges to be forfeited by a taxpayer for the nonpayment of taxes or for any other purpose, Sir, then why do the government not bring in what rights and privileges they are talking about, lay them before the House here and let members have a go at it.

I am not saying they are going to misuse their power under this particular section but as long as the possibility of misuse exists, we in this House should be vigilant and on our guard against it.

I invite the minister (Even at this late date he has seen the light with regard to two other very inequitable, unjust sections) perhaps he might get an amendment to section 28 for that matter, if he have the rights and privileges which are going to be forfeited, and by leave of the committee they can be incorporated. If not, Sir, that this section be taken out altogether and that if it turn out by experience that there are other rights and duties which somebody should forfeit as a result of nonpayment of taxes or the improper management of forestry, if by experience it should turn out that other penalties should be imposed and other rights and privileges forfeited, let the government and the minister concerned bring it before the House and let everybody debate it and see what the government is doing, not, Sir, by way of regulation decided upon in secret, in cabinet, a cabinet dutybound to have secret debate and not public debates. Let us bring it before the House and not just have the cabinet doing it, Sir, and gazetting it in the "Gazette" with no debate nor no chance of scrutiny by anybody concerned.

On motion, Clause 34 carried.

On motion, Clause 35 carried.

MR. W. ROWE: Clause 36, can the minister give us some idea as to when this act will be proclaimed? What is the time table for proclamation?

MR. MAYNARD: The regulations are in the final drafted form now. I would think that we would have to proclaim it within the next month or month and a half at the latest.

On motion, Clause 36 carried.

On motion a bill, "An Act To Bring Certain Forest Lands Under Proper Management And To Impose Varying Degrees Of Taxation In Respect Thereof," passed with some amendments.

MR. CHAIRMAN: It now being 6 o'clock, I do now leave the Chair until 8:00 o'clock this evening.

I N D E X

ANSWERS TO QUESTIONS

TABLED

MAY 20, 1974

Tabled 20/5/74

In reply to Question No. 51 appearing on the Order Paper of May 13th, 1974, copies of correspondence between the Avalon Consolidated School Board, the Roman Catholic School Board for St. John's, the Pentecostal Board of Education, the Seventh-Day Adventist District and the Government with respect to the establishment of a school tax authority for the St. John's area, are tabled herewith.

July 31st, 1972

Mr. R.C. Anthony,
Chairman,
Avalon Integrated School Board,
Box 1980,
St. John's, Newfoundland.

Please see p. 5 for reply

Dear Mr. Anthony:

In late June representatives from your School Board and from the Roman Catholic School Board for the St. John's area met me to discuss some aspects of school taxation, and to inform me that your Boards were intending to request that a School Tax Authority be appointed for St. John's and the surrounding areas. At the time we discussed some of the implications of the proposal, but no firm decisions were reached, except that a decision should be made fairly early if the authority is to function during the coming school year.

I have given some thought to this matter and I have decided to write you to suggest that your Boards, and any others which might be affected, should make a decision as soon as possible. If it is the wish of your Boards to have a School Tax Authority set up, I would suggest that you contact me and in accordance with the provisions of the School Tax Act, I will have the matter referred to Cabinet for appropriate action. I would like to point out that before any order is made by the Lieutenant Governor in Council to establish a Tax Area, motives of intention must be given for at least two months so that the observations or objections of the tax payers or any group of them can be made to me.

...2...

- 2 -

I will await your instructions.

Yours truly,

John A. Carter
Minister of Education & Youth

CR/cab

6519

July 31st, 1972

Mr. Aiden Woodford,
Chairman,
Roman Catholic School Board
for St. John's,
Belvedere,
Bonaventure Ave.,
St. John's, Nfld.

Please see 4(A) & 6 for replies

Dear Mr. Woodford:

In late June representatives from your School Board and from the Integrated School Board for the St. John's area met me to discuss some aspects of school taxation, and to inform me that your Boards were intending to request that a School Tax Authority be appointed for St. John's and the surrounding areas. At the time we discussed some of the implications of the proposal, but no firm decisions were reached, except that a decision should be made fairly early if the authority is to function during the coming school year.

I have given some thought to this matter and I have decided to write you to suggest that your Boards, and any others which might be affected, should make a decision as soon as possible. If it is the wish of your Boards to have a School Tax Authority set up, I would suggest that you contact me and in accordance with the provisions of the School Tax Act, I will have the matter referred to Cabinet for appropriate action. I would like to point out that before any order is made by the Lieutenant Governor in Council to establish a Tax Area, motives of intention must be given for at least two months so that the observations or objections of the tax payers or any group of them can be made to me.

...2...

- 2 -

I will await your instructions.

Yours truly,

John A. Carter
Minister of Education & Youth

CR/cab

6521

TELEPHONE 726-9450

Roman Catholic School Board for St. John's

BELVEDERE
BONAVENTURE AVENUE
ST. JOHN'S, NEWFOUNDLAND

Department of Education
MINISTER'S OFFICE

AUG 28 1972

August 21, 1972

Hon. John A. Carter,
Minister of Education & Youth,
Department of Education,
Confederation Building,
St. John's.

Dear Mr. Carter:

In reference to your letter of July 31, 1972, concerning the proposed establishment of a School Tax Authority, the Roman Catholic School Board for St. John's has directed me to inform you that meetings will be shortly arranged with other St. John's area school boards to discuss a decision on the matter.

I shall be in touch with you to keep you briefed on any action that is contemplated.

Yours sincerely,

A.J. Woodford,
Chairman.

AJW/ms

6522

The Avalon Consolidated School Board

Department of Education
MINISTER'S OFFICE

SEP 12 1972

P. O. BOX 1980
ST. JOHN'S, NEWFOUNDLAND

Chairman: R. W. BARTLETT, Q.C.
First Vice-Chairman: E. W. HUTCHINGS
Second Vice-Chairman: VEN. R. S. SHEPPARD
Secretary: L. M. NOSEWORTHY
Treasurer: F. M. MILLEY

Superintendent: G. B. MARCH, M.A.
Asst. Superintendent: N. KELLAND, B.A.(Ed.), M.Ed.
Business Administrator: C. A. ASH

September 12th, 1972.

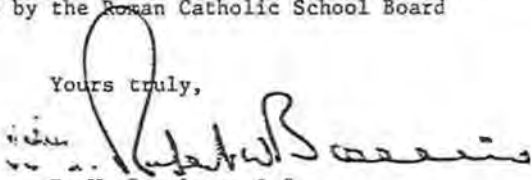
The Honourable John Carter,
Minister of Education,
Department of Education & Youth,
Confederation Building,
ST. JOHN'S, Newfoundland.

Dear Sir:

I am directed by the Avalon Consolidated School Board to request you to recommend to the Lieutenant-Governor in Council that an order be made subject to sub-sections (3) and (4) of the Local School Tax Act 1970 declaring the area served by the Avalon Consolidated School Board and the Roman Catholic School Board for St. John's a School Tax Area by the name of "The St. John's School Tax Area".

It is our Board's understanding that a similar request will be transmitted to you by the Roman Catholic School Board for St. John's.

Yours truly,


R. W. Bartlett, Q.C.,
CHAIRMAN.

6523



HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR

TELEPHONE 726 9450

Roman Catholic School Board for St. John's
BELVEDERE
BONAVENTURE AVENUE
ST. JOHN'S, NEWFOUNDLAND

Department of Education
MINISTER'S OFFICE
CONFEDERATION BUILDING
ST. JOHN'S, Nfld. 1972

September 14, 1972

F. J. in front
ck

The Honourable J.A. Carter,
Minister of Education and Youth,
Department of Education,
Confederation Building,
St. John's.

Dear Mr. Carter:

P. 344 (A) 10/1/72

The Roman Catholic School Board for St. John's requests you to recommend to the Lieutenant-Governor in Council that an order be made subject to sub-sections 3 and 4 of the Local School Tax Act, 1970, declaring the area served by the Roman Catholic School Board for St. John's and the Avalon Consolidated School Board a School Tax Area by the name of "The St. John's School Tax Area".

A similar request has already been made by the Avalon Consolidated School Board.

This formal application is prompted by the critical need of our Board for additional sources of capital revenue to finance the Board's ever-increasing school building and maintenance program.

The establishment of a School Tax Authority is an essential step to permit our Board to provide for the educational needs of 21,500 children.

Yours truly,

A. J. Woodford

A.J. Woodford,
Chairman,
R.C. School Board for St. John's.

AJW/ms



HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR

TELEPHONE 728 9450

Roman Catholic School Board for St. John's
CONFEDERATION BUILDING
ST. JOHN'S, NFLD.
BELVEDERE
BONAVENTURE AVENUE
ST. JOHN'S, NEWFOUNDLAND

December 1, 1972

Mr. James Mahoney,
Asst. Chief Superintendent,
Department of Education,
Confederation Building,
St. John's.

Dear Mr. Mahoney:

Mr. Vernon R. Gorman, Chairman of the Joint School Tax Authority Committee, has asked the Roman Catholic School Board for St. John's to state exactly the boundaries for which representation has already been made for the establishment of a School Tax. These boundaries are outlined in the 1969 Schools Act, No. 68, p. 77, No. 14 St. John's:

14. ST. JOHN'S

St. John's Educational District shall extend from Indian Pond exclusive in the Electoral District of Harbour Main northward to Cape St. Francis and then southward to the south head of Petty Harbour, then inland to Indian Pond exclusive in the Electoral District of Harbour Main and shall include Bell Island.

At no time in a preliminary discussion with you on School Tax Authority issues was there any intention whatsoever to depart from the boundaries as defined above.

Yours sincerely,

A.J. Woodford,
Chairman,
R.C. School Board for St. John's.

*Ms. Wick
7-12-72
12-8-72/ms*

The Avalon Consolidated School Board



President: R. W. BARTLETT, Q.C.
Vice-President: J. W. BUCHANAN
Secretary: I. M. GOSWAMI
Treasurer: J. M. BILLET

HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR

Superintendent: G. B. MILES, M.A.
Deputy Superintendent: A. P. FLETCHER, B.Sc., M.B.E.
Business Administration: J. A. BISH

CONFEDERATION BUILDING
AUGUST 13TH 1976, Nfld.

Honourable G. Ottenheimer,
Minister of Education,
Department of Education and Youth,
Confederation Building,
ST. JOHN'S, Newfoundland.

7/20/76
7.3

Dear Sir:

I am directed by the Avalon Consolidated School Board to request you to recommend to the Lieutenant-Governor in Council that an order be made, subject to Section 5 of the Model School Tax Act 1970, declaring the area served by the Avalon Consolidated School Board and the Roman Catholic School Board for St. John's, more specifically described in the attached sheet, as a school tax area by the name of "The St. John's School Tax Area".

It is our Board's understanding that a similar request will be transmitted concurrently to you by the Roman Catholic School Board for St. John's.

The Avalon Consolidated School Board and the Roman Catholic School Board, in anticipation of this request, have made an exhaustive study of their financial needs for the next five years. Should you require that such information be made available to you, this will be done without delay.

Yours very truly,

R. W. Bartlett, Q.C.,
CHAIRMAN.



Proposed St. John's Tax Area

HOUSE OF ASSEMBLY

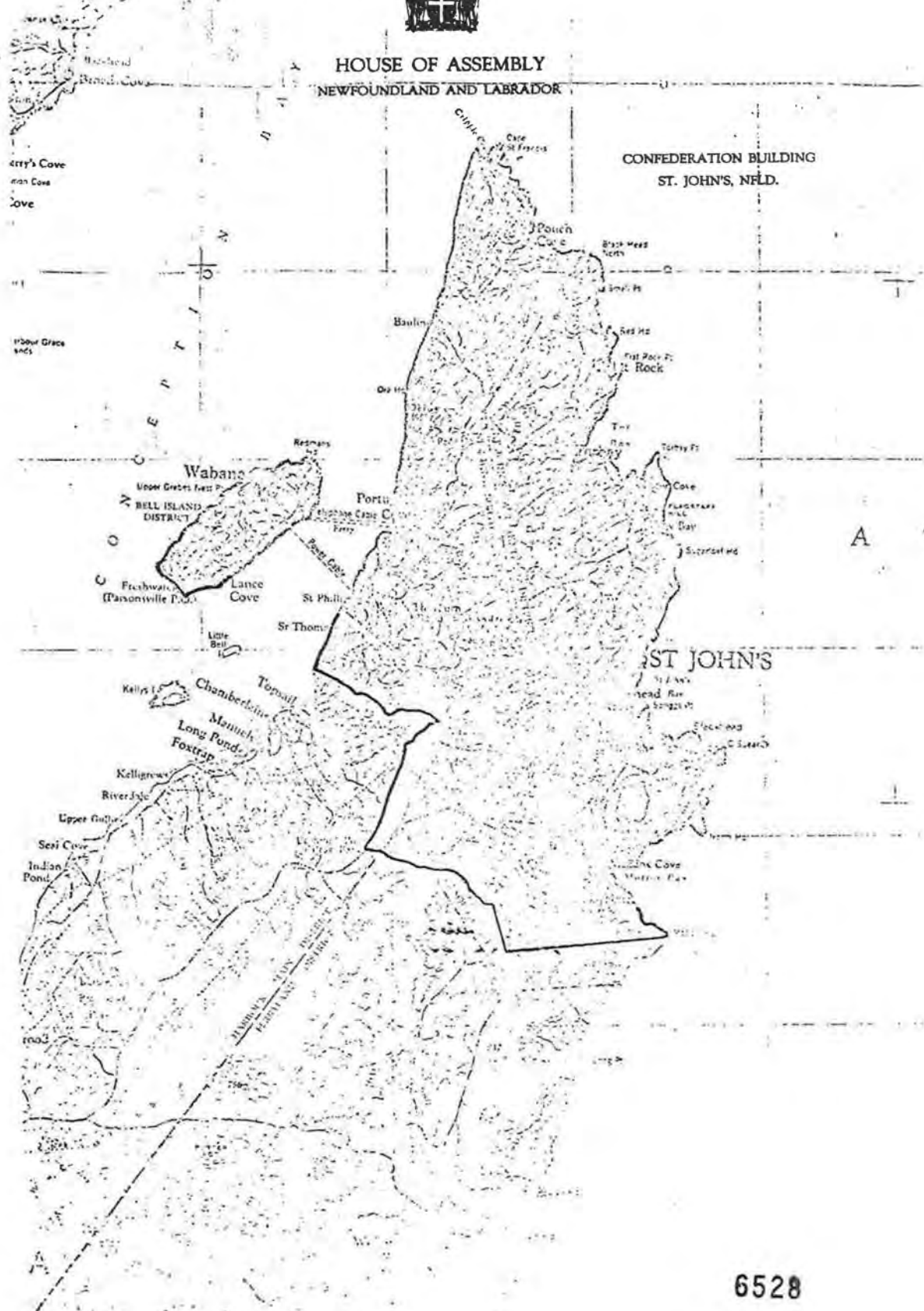
Beginning at the shore line of Cape

St. Francis and Thence running in a generally southerly direction along the sinuosities of the eastern shore line of the Avalon Peninsula to the most eastern point in South Head (Motion Head) at the southern entrance to Motion Bay; thence running south eighty-two degrees west a distance of twenty-eight thousand (28,000') feet, more or less, to a point in the southwest corner of the municipal boundaries of the Town of Goulds; thence running along the western boundary of the Goulds, north seventeen degrees thirty minutes west a distance of eight thousand two hundred and fifty (8250') feet more or less to a point on the northern bank of Cochrane-Pond Brook; thence running in a generally westerly direction along the northern bank of the said brook and continuing along the northern shore line of Paddy's Pond to a point in the western limit of the Trans Canada Highway Reservation; thence running in a generally northeasterly direction along the western limit of the Trans Canada Highway Reservation to a point in the southeast corner of the Local Improvement District of Paradise; thence running in a generally northeasterly direction along the eastern boundary of Paradise to a point in the northeast corner of the municipality; thence running along the northern boundary of the Local Improvement District of Paradise to a point in the northwest corner of Paradise on the eastern shore line of Conception Bay; thence running in a generally northerly direction along the sinuosities of the eastern shore line of Conception Bay to the point of beginning, including Bell Island adjacent thereto.

All bearings being referred to the true meridian.



HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR



CONFEDERATION BUILDING
ST. JOHN'S, Nfld.

ST JOHN'S

2 H
Please draft reply for my sig to both
 Roman Catholic School Board for St. John's
 BELVEDERE
 BONAVENTURE AVENUE
 ST. JOHN'S, NEWFOUNDLAND
Take necessary action for publication of interest

August 14, 1973

Honourable G. Ottenheimer
 Minister of Education
 Department of Education and Youth
 Confederation Building
 St. John's, Nfld.

*Please see p 35 for
 News Release, and
 p. 38 for reply.*

Dear Sir:

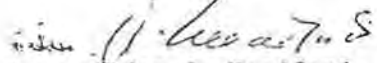
I am directed by the R.C. School Board for St. John's to request you to recommend to the Lieutenant-Governor in Council that an order be made, subject to Section 5 of the Local School Tax Act 1970, declaring the area served by the R.C. School Board for St. John's and the Avalon Consolidated School Board, more specifically described on the attached sheet, as a school tax area by the name of "The St. John's School Tax Area."

It is our Board's understanding that a similar request will be transmitted concurrently to you by the Avalon Consolidated Board.

The R.C. School Board for St. John's and the Avalon Consolidated Board, in anticipation of this request, have made an exhaustive study of their financial needs for the next five years. Should you require that such information be made available to you, this will be done without delay.

we should request same.

Yours very truly,



Alden J. Woodford
 Chairman
 R.C. School Board for St. John's

AJW:bc

Description of Boundaries

of the
Proposed St. John's Metropolitan Tax Area



Beginning at the ^{HOUSE OF ASSEMBLY} most northern point in the shore line of Cape NEWFOUNDLAND AND LABRADOR St. Francis and thence running in a generally southerly direction along the sinuosities of the eastern shore line of the Avalon Peninsula to the ^{CONFEDERATION BUILDING} most eastern point in South Head (Motion Head) at the southern ^{ST. JOHN'S NFD} entrance to Motion Bay; thence running south eighty-two degrees west a distance of twenty-eight thousand (28,000') feet, more or less, to a point in the southwest corner of the municipal boundaries of the Town of Goulds; thence running along the western boundary of the Goulds, north seventeen degrees thirty minutes west a distance of eight thousand two hundred and fifty (8250') feet more or less to a point on the northern bank of Cochrane Pond Brook; thence running in a generally westerly direction along the northern bank of the said brook and continuing along the northern shore line of Paddy's Pond to a point in the western limit of the Trans Canada Highway Reservation; thence running in a generally northeasterly direction along the western limit of the Trans Canada Highway Reservation to a point in the southeast corner of the Local Improvement District of Paradise; thence running in a generally northeasterly direction along the eastern boundary of Paradise to a point in the northeast corner of the municipality; thence running along the northern boundary of the Local Improvement District of Paradise to a point in the northwest corner of Paradise on the eastern shore line of Conception Bay; thence running in a generally northerly direction along the sinuosities of the eastern shore line of Conception Bay to the point of beginning, including Bell Island adjacent thereto.

All bearings being referred to the true meridian.

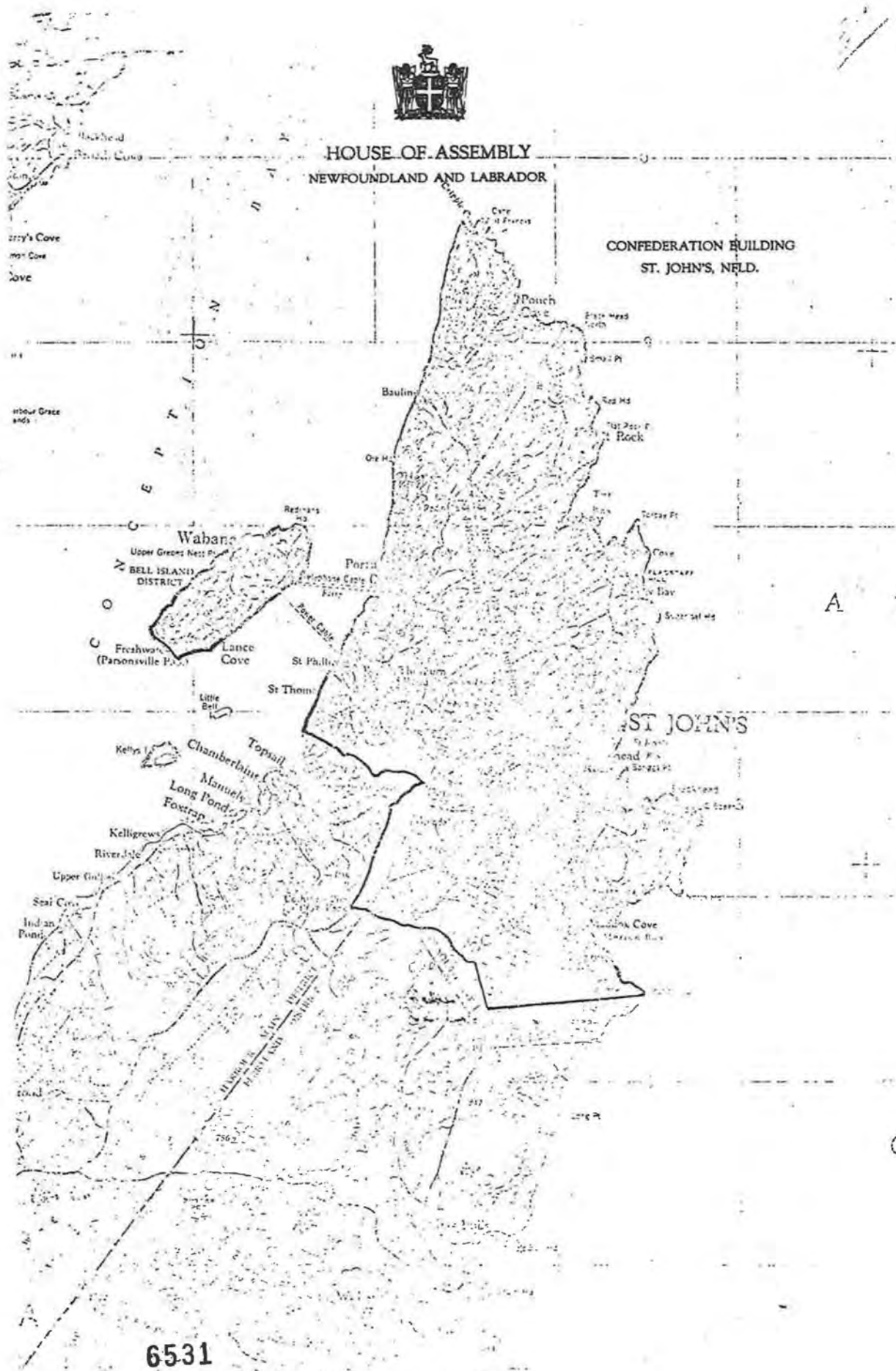


6530



HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR

CONFEDERATION BUILDING
ST. JOHN'S, Nfld.



6531

for my sig to both
2 H
Please draft rep
Take necessary action
for publication of interest

Roman Catholic School Board for St. John's



CONFEDERATION BUILDING
August 14, 1973 ST. JOHN'S, NFLD.

Honourable G. Ottenheimer
Minister of Education
Department of Education and Youth
Confederation Building
St. John's, Nfld.

*Please see p. 35 for
news release, and
p. 38 for reply.*

Dear Sir:

I am directed by the R.C. School Board for St. John's to request you to recommend to the Lieutenant-Governor in Council that an order be made, subject to Section 5 of the Local School Tax Act 1970, declaring the area served by the R.C. School Board for St. John's and the Avalon Consolidated School Board, more specifically described on the attached sheet, as a school tax area by the name of "The St. John's School Tax Area."

It is our Board's understanding that a similar request will be transmitted concurrently to you by the Avalon Consolidated Board.

The R.C. School Board for St. John's and the Avalon Consolidated Board, in anticipation of this request, have made an exhaustive study of their financial needs for the next five years. Should you require that such information be made available to you, this will be done without delay.

we should request same.

Yours very truly,

A. J. Woodford
Aiden J. Woodford
Chairman
R.C. School Board for St. John's

AJW:bc



Description of Boundaries

of the
Proposed St. John's School Tax Area



HOUSE OF ASSEMBLY
Beginning at the most northern point in the shore line of Cape
NEWFOUNDLAND AND LABRADOR

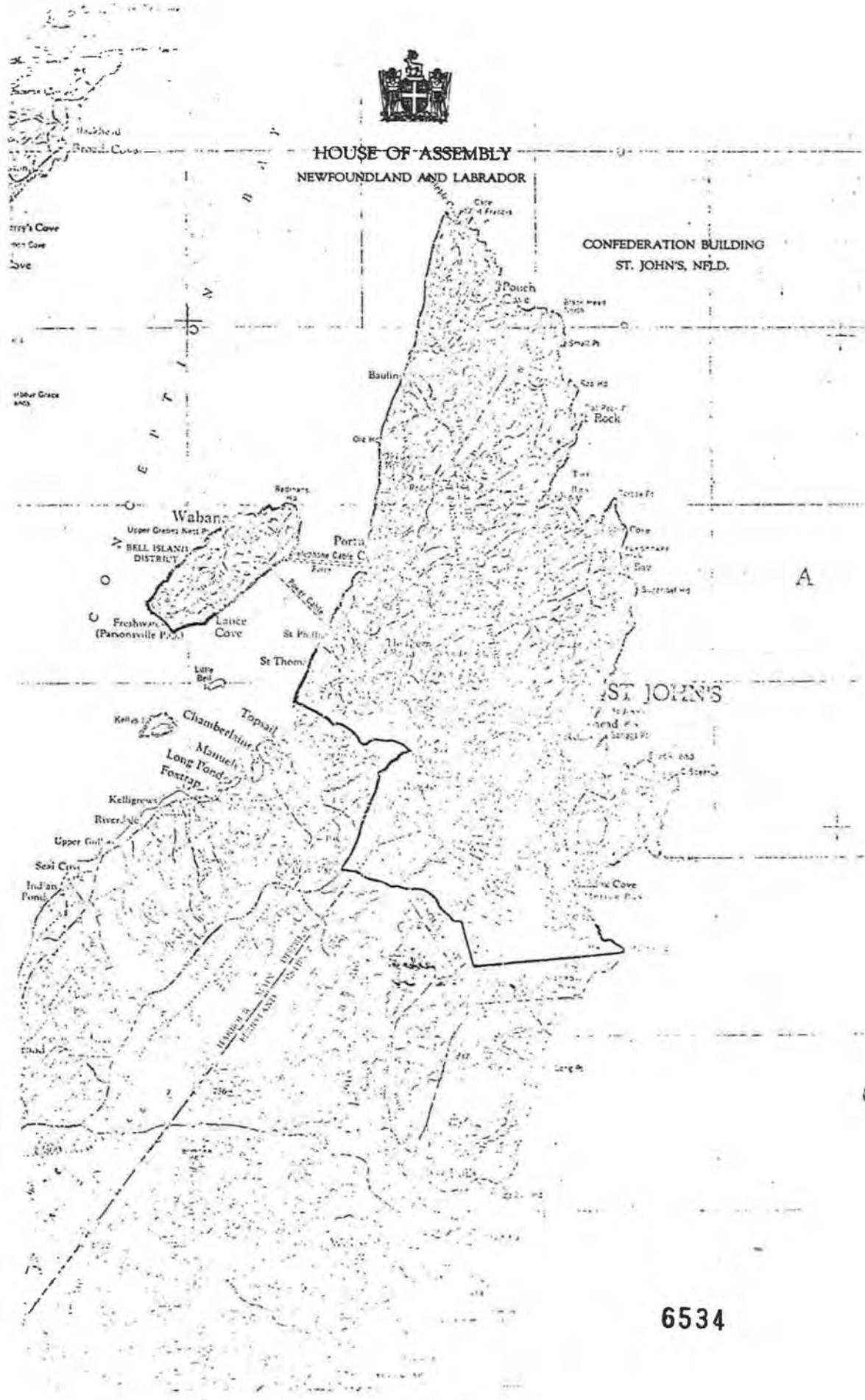
St. Francis and Thence running in a generally southerly direction along the sinuosities of the eastern shore line of the Avalon CONSTITUTION BUILDING ST. JOHN'S, Nfld. most eastern point in South Head (Motion Head) at the southern entrance to Motion Bay; thence running south eighty-two degrees west a distance of twenty-eight thousand (28,000') feet, more or less, to a point in the southwest corner of the municipal boundaries of the Town of Goulds; thence running along the western boundary of the Goulds, north seventeen degrees thirty minutes west a distance of eight thousand two hundred and fifty (8250') feet more or less to a point on the northern bank of Cochrane Pond Brook; thence running in a generally westerly direction along the northern bank of the said brook and continuing along the northern shore line of Paddy's Pond to a point in the western limit of the Trans Canada Highway Reservation; thence running in a generally northeasterly direction along the western limit of the Trans Canada Highway Reservation to a point in the southeast corner of the Local Improvement District of Paradise; thence running in a generally northeasterly direction along the eastern boundary of Paradise to a point in the northeast corner of the municipality; thence running along the northern boundary of the Local Improvement District of Paradise to a point in the northwest corner of Paradise on the eastern shore line of Conception Bay; thence running in a generally northerly direction along the sinuosities of the eastern shore line of Conception Bay to the point of beginning, including Bell Island adjacent thereto.

All bearings being referred to the true meridian.



HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR

CONFEDERATION BUILDING
ST. JOHN'S, N.F.L.D.



August 23, 1973

Mr. Aiden J. Woodford
Chairman
R.C. School Board for St. John's
Belvedere
Bonaventure Avenue
St. John's, Nfld.


Dear Mr. Woodford:

This will acknowledge your request of August 14 to take the necessary steps to declare a school tax area in accordance with the boundary description submitted.

I have drafted a notice of intention, and I have instructed the Department of Public Works and Services to have it posted in the newspapers in accordance with the requirements of the Act.

After the 60-day waiting period has expired, the request and other pertinent information will be submitted to Cabinet for its consideration.

Sincerely yours,


Gerald R. Ottenheimer
Minister of Education

CR/ah

6535

August 23, 1973

Mr. R.W. Bartlett, Q.C.
Chairman
Avalon Consolidated School Board
P.O. Box 1980
St. John's, Nfld.


Dear Mr. Bartlett:

This will acknowledge your request of August 13 to take the necessary steps to declare a school tax area in accordance with the boundary description submitted.

I have drafted a notice of intention, and I have instructed the Department of Public Works and Services to have it posted in the newspapers in accordance with the requirements of the Act.

After the 60-day waiting period has expired, the request and other pertinent information will be submitted to Cabinet for its consideration.

Sincerely yours,


Gerald R. Ottenheimer
Minister of Education

CR/an

6536

Box 2017

NEWFOUNDLAND
ALC 589

28 November 1973

Mr. Aiden Woodford,
Board Chairman,
St. John's R.C. School Board,
Belvedere, Bonaventure Avenue,
St. John's, Newfoundland.

Dear Mr. Woodford:

P. 40 report

I am pleased to inform you that your request for the establishment of a School Tax Area for St. John's has been approved by the Lieutenant Governor in Council.

You may now proceed to take the necessary steps to organize a School Tax Authority in your area in accordance with the Provincial School Tax Act.

Officials of my Department are available to provide you with any assistance you may require.

Yours sincerely,

GERALD R. OTTENHEIMER
Minister of Education

CJM:cj

6537

Box 2017

NEWFOUNDLAND
A18 5R9

28 November 1973

Mr. Rupert Bartlett,
Board Chairman,
Avalon Consolidated School Board,
P.O. Box 1980,
St. John's, Newfoundland.

p. 70 note

Dear Mr. Bartlett:

I am pleased to inform you that your request for the establishment of a School Tax Area for St. John's has been approved by the Lieutenant Governor in Council.

You may now proceed to take the necessary steps to organize a School Tax Authority in your area in accordance with the Provincial School Tax Act.

Officials of my Department are available to provide you with any assistance you may require.

Yours sincerely,

GERALD R. GITTENHEIMER
Minister of Education

CJMcc:

6538

Box 2017

NEWFOUNDLAND
AIC 539

5 December 1973

Mr. Rupert Bartlett,
Chairman,
Avalon Consolidated School Board,
P.O. Box 1980,
St. John's, Newfoundland.

Dear Mr. Bartlett:

On 2 November 1973, the St. John's School Tax Area was created by a Minute of Meeting of Executive Council for Newfoundland. This Order becomes effective on the date of its publication in the Newfoundland Gazette (Local School Tax Act, Section 7,1).

Section 6 (1) of the Act referred to provides for the administration of the Tax Area by an Authority to be known as the St. John's School Tax Authority, the members of which shall be appointed by the Lieutenant-Governor in Council.

The Act states that every School Board conducting a school within the Tax Area shall be represented on the Authority by a member of the School Board, who shall be nominated by the School Board concerned. (Section 6, 2). The same Section of the Act also states that every municipality or portion thereof included in the Tax Area shall be represented by a person designated by that municipality.

However, the Act provides for the appointment of five members in addition to representatives of every School Board and every municipality involved in the School Tax Area. Because the Avalon Consolidated School Board represents some 13,000 children

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in the Tax Area, you are hereby requested to nominate two members in addition to the nomination referred to above. These nominees may be, but need not be, members of your School Board.

We are enclosing a copy of the Local School Tax Act, 1970, for your information. We trust we shall hear from you in the near future.

Sincerely yours,

JIM MANGREY
Assistant Chief Superintendent

JM:vw
Enclosure

c.c. Mr. Byron March
District Superintendent

6540

Box 2017

NEWFOUNDLAND
AIC 5R9

December 6, 1973

Pastor A. S. Bursey
Chairman
Pentecostal Board of Education
P.O. Box 130
Windsor, Newfoundland
AOK 2H0

Dear Pastor Bursey:

*7 p. 70
Sec 4 Vol. II for reply.*

On 2 November 1973, the St. John's School Tax Area was created by a Minute of Meeting of Executive Council for Newfoundland. This Order becomes effective on the date of its publication in the Newfoundland Gazette, (Local School Tax Act, Section 7, 1).

Section 6 (1) of the Act referred to provides for the administration of the Tax Area by an Authority to be known as the St. John's School Tax Authority, the members of which shall be appointed by the Lieutenant-Governor in Council.

The Act states that every School Board conducting a school within the Tax Area shall be represented on the Authority by a member of the School Board, who shall be nominated by the School Board concerned. (Section 6, 2). The same Section of the Act also states that every municipality or portion thereof included in the Tax Area shall be represented by a person designated by that municipality.

In light of the above, you are hereby invited to nominate a member of your School Board to the School Tax Authority. When nominations have been received from all School Boards and municipalities, the Honorable Minister of Education shall recommend them to the Lieutenant-Governor in Council to constitute the St. John's School Tax Authority.

. . . 2

6541

- 2 -

We are enclosing a copy of the Local School Tax Act, 1970, for your information. We trust we shall hear from you in the near future.

Sincerely yours,

JIM MAHONEY
Assistant Chief Superintendent

JM:krc
enclosure
cc. Mr. Boyce Fradsham
District Superintendent

6542

Box 2017

NEWFOUNDLAND
A1C 5R9

December 6, 1973

Pastor R. A. Matthews
Chairman
Seventh-Day Adventist District
106 Freshwater Road
St. John's, Newfoundland

Dear Pastor Matthews:

On 2 November 1973, the St. John's School Tax Area was created by a Minute of Meeting of Executive Council for Newfoundland. This Order becomes effective on the date of its publication in the Newfoundland Gazette (Local School Tax Act, Section 7, 1).

Section 6 (1) of the Act referred to provides for the administration of the Tax Area by an Authority to be known as the St. John's School Tax Authority, the members of which shall be appointed by the Lieutenant-Governor in Council.

The Act states that every School Board conducting a school within the Tax Area shall be represented on the Authority by a member of the School Board, who shall be nominated by the School Board concerned. (Section 6, 2). The same Section of the Act also states that every municipality or portion thereof included in the Tax Area shall be represented by a person designated by that municipality.

In light of the above, you are hereby invited to nominate a member of your School Board to the School Tax Authority. When nominations have been received from all School Boards and municipalities, the Honorable Minister of Education shall recommend them to the Lieutenant-Governor in Council to constitute the St. John's School Tax Authority.

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6543

- 2 -

We are enclosing a copy of the Local School Tax Act, 1970, for your information. We trust we shall hear from you in the near future.

Sincerely yours,

JIM MAHONEY
Assistant Chief Superintendent

JM:krc
enclosure

6544

Box 2017
NEWFOUNDLAND
A1C 5R9

December 6, 1973

Mr. Aiden Woodford
Chairman
St. John's R. C. School Board
Belvedere, Bonaventure Avenue
St. John's, Newfoundland
A1C 3R4

Dear Mr. Woodford:

On 2 November 1973, the St. John's School Tax Area was created by a Minute of Meeting of Executive Council for Newfoundland. This Order becomes effective on the date of its publication in the Newfoundland Gazette (Local School Tax Act, Section 7, 1).

Section 6 (1) of the Act referred to provides for the administration of the Tax Area by an Authority to be known as the St. John's School Tax Authority, the members of which shall be appointed by the Lieutenant-Governor in Council.

The Act states that every School Board conducting a school within the Tax Area shall be represented on the Authority by a member of the School Board, who shall be nominated by the School Board concerned. (Section 6, 2). The same Section of the Act also states that every municipality or portion thereof included in the Tax Area shall be represented by a person designated by that municipality.

However, the Act provides for the appointment of five members in addition to representatives of every School Board and every municipality involved in the School Tax Area. Because

. . . 2

6545

- 2 -

the St. John's Roman Catholic School Board represents some 23,000 children in the Tax Area, you are hereby requested to nominate three members in addition to the nomination referred to above. These nominees may be, but need not be, members of your School Board.

We are enclosing a copy of the Local School Tax Act, 1970, for your information. We trust we shall hear from you in the near future.

Sincerely yours,

JIM MAHONEY
Assistant Chief Superintendent

JM:krc
enc.
cc. Bro. G. R. Bellows
District Superintendent

6546

P. O. Box 130

Pentecostal Assemblies
WINDSOR



Telephone 489-5751
489-5752

Board of Education
NEWFOUNDLAND

A. Stanley Bursay
Chairman

Boyce T. Fradsham, B.A. (Ed.), B.A.
District Superintendent

Robert B. Paddock
Business Manager

December 13, 1973

Mr. Jim Mahoney
Assistant Chief Superintendent
Department of Education
P. O. Box 2017
St. John's, Newfoundland



Dear Mr. Mahoney:

P.87 Vol.I - see p.10 for reply

With reference to your letter of December 6th, requesting that a representative of the Pentecostal Assemblies Board of Education be nominated to be a member of the School Tax Authority for the St. John's school tax area, we have accordingly nominated Pastor G. E. Noble, 7 Stamp's Lane, St. John's, to act in this capacity.

Sincerely yours,

A. S. Bursay

ASB/sl
c.c. Mr. B. T. Fradsham

6547

SEVENTH-DAY ADVENTIST CHURCH
in Newfoundland

106 FRESHWATER ROAD - ST. JOHN'S, NEWFOUNDLAND

TELEPHONE 578-1122
(AREA CODE 709)

January 24, 1974

Mr. Jim Mahoney
Assistant Chief Superintendent
Box 2017
Department of Education
Confederation Building
St. John's, Nfld. A1C 5R9

Dear Mr. Mahoney:

In answer to your letter of December 6, our board nominates Pastor R.A. Matthews to represent the Seventh-day Adventist School Board to serve on the School Tax Authority. As an alternate, Pastor L.K. McDowell, who is also a member of the Seventh-day Adventist School Board. The purpose of the alternate is in the case that Pastor Matthews is unavailable for a called meeting. This is for St. John's.

Very sincerely yours,

Ray A. Matthews
Ray A. Matthews, Chairman
S.D.A. School Board

RM:bj

6548

Box 2017
NEWFOUNDLAND
A1C 5R9

January 31, 1974

Pastor A. S. Bursey
Board Chairman
Pentecostal Assemblies Board of Education
P.O. Box 130
Windsor, Newfoundland

p. 4

Dear Pastor Bursey:

This will acknowledge, with thanks, your nomination of
Pastor G. E. Noble of St. John's to represent the Pentecostal
Assemblies Board of Education on the proposed St. John's
School Tax Authority.

Sincerely yours,

JIM MAHONEY
Assistant Chief Superintendent

JM:krc

6549

Box 2017
NEWFOUNDLAND
A1C 5R9

January 31, 1974

Pastor R. A. Matthews
Board Chairman
Seventh-Day Adventist School Board
106 Freshwater Road
St. John's, Newfoundland

Dear Pastor Matthews:

This will acknowledge, with thanks, your nominations of
Pastor Ray A. Matthews and his alternate Pastor L. K. McDowell
to represent the Seventh-Day Adventist School Board on the
proposed St. John's School Tax Authority.

Sincerely yours,

JIM MAHONEY
Assistant Chief Superintendent

JM:krc

6550

TELEPHONE 728-9450

Roman Catholic School Board for St. John's

BELVEDERE
BONAVENTURE AVENUE
ST. JOHN'S, NEWFOUNDLAND

DM

February 14, 1974

The Honorable Gerald R. Ottenheimer
Minister of Education
Department of Education
Confederation Building
St. John's, Nfld.

*P. 111 - vol II reports
see p. 20 also returns for reply.*

Dear Mr. Ottenheimer:

The R. C. School Board for St. John's wishes to
nominate to the Lieutenant-Governor in Council, the
following individuals for appointment to the St. John's
School Tax Authority:

- Mr. Kevin Breen
- Mr. Stanislaus Barnable
- Mr. Kenneth Duggan
- Mr. Lewis O'Brien

With every best wish.

Sincerely,

G. R. Bellows
G. R. Bellows, C.F.C.
District Superintendent

GRB/sp

The Avalon Consolidated School Board

P. O. BOX 1280
ST. JOHN'S, NEWFOUNDLAND

Chairman: R. W. BARTLETT, Q.C.

Vice-Chairman: F. W. HUTCHINGS

Secretary: L. M. NOSEWORTHY

Treasurer: F. M. MILLEY

Superintendent: G. E. MARCH, M.A.

Asst. Superintendent: N. KELLAND, B.A.(Ed.), M.Ed.

Business Administrator: D. L. BISHOP, C.A.

March 5, 1974.



Mr. Jim Mahoney,
Assistant Chief
Superintendent,
Department of Education,
Confederation Building,
St. John's, Newfoundland.

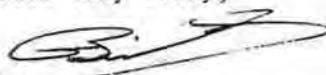
Dear Mr. Mahoney:

With reference to your request of
December 5, 1973, for nominations by the
Avalon Consolidated School Board to the
St. John's School Tax Authority, this is
to advise that the Board has decided on the
following nominees:

Board Representative - Major H. C. Snelgrove
Other Nominees - R. B. Butler
D. L. Bishop

We trust you will find these acceptable.

Yours very truly,


D. L. Bishop,
Business Administrator.

DLB/me.

6552

March 13, 1974

Mr. D. L. Bishop
Business Administrator
Avalon Consolidated School Board
P.O. Box 1980
St. John's, Newfoundland

Dear Mr. Bishop: *P. 17*

This will acknowledge with thanks receipt of your letter of March 5, 1974, in which you advised us of your Board's nominations to the St. John's School Tax Authority.

Both your office and the nominees will be advised when the appointments are made.

Sincerely yours,

JM
JIM MAHONEY
Assistant Chief Superintendent

JM:krc

6553

March 21, 1974

Bro. G. R. Bellows
District Superintendent
St. John's R.C. School Board
Belvedere, Bonaventure Avenue
St. John's, Newfoundland

Dear Brother Bellows:

This will acknowledge, with thanks, your letter of February 14, 1974, advising us of the nomination of four members to the St. John's School Tax Authority. P.13(c)

Both the School Board and the members will be notified as to the time and place of the first meeting of the Authority.

Sincerely yours,

JIM. MAHONEY
Assistant Chief Superintendent

JM:krc

6554

The Committee resumed at 8:00 P.M.

Mr. Chairman in the Chair.

MR. CHAIRMAN (STAGG):

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

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

A bill, "An Act To Amend The Communicable Diseases Act."

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

A bill, "An Act To Amend The Department Of Municipal Affairs And Housing Act, 1973."

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

A bill, "An Act Further To Amend The Newfoundland Municipal Financing Corporation Act."

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

A bill, "An Act Further To Amend The Education and Teacher Training Act."

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

A bill, "An Act Further To Amend The Social Assistance Act, 1971."

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

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

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

A bill, "An Act Respecting Fraudulence Conveyances."

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

A bill, "An Act Respecting The Appointment And Powers Of The Newfoundland Geographical Names Board."

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

A bill, "An Act Further To Amend The Conditional Sales Act."

On motion Clauses (1) through (3) carried.

MR. HICKMAN: Clause (4), Mr. Chairman, there is an amendment. I move that Clause (4) be amended as follows: It will be "Clause (4) Section (14) of the said Act is amended by (a) by deleting from Subsection (4) the words "and filed in the registry" and substituting therefore the words "file in the Registry of Deeds: and (b) deleting from Subsection (6) the words "the Registrar shall" and substituting therefore the words "The Registrar of Deeds shall appoint." Then subsections, (4), (5), (6), (7), and (8) of the present bill to be renumbered as Sections (5), (6), (7), (8) and (9).

On motion Clause (4) as amended carried.

On motion Clauses (5) through (8) carried.

On motion that the Committee report having passed the bill with amendment, carried.

A bill, "An Act Further To Amend The Child Welfare Act of 1972."

On motion that the Committee report having passed the bill without amendment, carried.

A bill, "An Act Further To Amend The Bills of Sale Act."

On motion that the Committee report having passed the bill without amendment, carried.

A bill, "An Act Further To Amend The Welfare of Children Act."

On motion that the Committee report having passed the bill without amendment, carried.

A bill, "An Act Further To Amend The Maritime Hospital Services Association Re-Incorporation Act, 1949."

On motion that the Committee report having passed the bill without amendment, carried.

A bill, "An Act To Amend The Community Councils Act, 1972."

On motion that the Committee report having passed the bill without amendment, carried.

A bill, "An Act Respecting The Newfoundland Teachers Association."

On motion Clauses (1) through (6) carried.

MR. HICKMAN: Clause (7), Mr. Chairman, I move that Clause (7) be amended by adding Subclause (c) as follows: "The employer of a teacher who is a member of the association and whose salary is paid in part from monies provided by the Crown and in part from monies provided by the employer shall deduct from the total salary the annual fee payable by that member of the association and pay the amount so deducted to the association."

On motion Clause (7) as amended carried.

MR. CHAIRMAN: Shall Clause (8) carry?

MR. W. N. ROWE: Mr. Chairman, I think, over here for our part if the House Leader wanted to move Clauses (8) to (20) carried, inclusive, unless there is some amendments that the Minister of Justice wants to put, by leave of the House we will put them through.

MR. CHAIRMAN: Shall Clauses (8) to (20) inclusive, by leave, carry?

On motion Clauses (8) to (20) inclusive, by leave, carried.

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

A bill, "An Act Further To Amend The Crown Lands, (Mines And Quarries) Act."

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

A bill, "An Act To Confirm The Setting Up And Closing Out Of The Children's Trust Account And Matters Pelating To The Operation Of The Account."

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

A bill, "An Act To Amend The Emergency Compensation Of Employees Act, 1971."

On motion clause 1 carried.

MR. MARSHALL: Perhaps the honourable the member for White Bay South could follow me. I move that this clause be amended by inserting a clause to be known as paragraph (c) which will read as follows:

"This act will apply to any other municipality in the Province of Newfoundland, any other local government or municipality in the Province of Newfoundland where the municipal authorities declared a state of emergency?" Is that okay?

MR. W. ROWE: Well, another question, Mr. Chairman, would be whether we need a time elimination here. "The City of St. John's between 12:00 P.M. midnight on March 11 to 12:00 P.M. midnight on March 12."

MR. MARSHALL: I think we ought to have the time in.

MR. W. ROWE: The problem with it you see, Mr. Chairman, is that the intent is obvious and the principle is obvious but there are municipalities when a a storm or a series of storms sweep across the province, they hit various parts of Newfoundland at various times.

I understood last day that somebody, the officials of the House, the clerk or somebody, was going to give the Department of Highways or Municipal Affairs a shout and get the times when a state of emergency was declared. Unfortunately, that has not happened.

MR. MARSHALL: Would one not think this would cover it? I mean, we are talking about a specific, you know, midnight, March, 11, 1974 to 12:00 P.M., midnight on March 12, 1974 and any other municipality where a similar state of emergency had been declared.

AN HON. MEMBER: Why any municipality? What about some other community -

MR. MARSHALL: Or a local government.

MR. ROBERTS: Well somebody declared a state of emergency.

MR. MARSHALL: Yes, local government, I think those are the words we should use. The province did not do it. It was the local governments.

MR. CHAIRMAN (Mr. Stagg): Shall the amendment carry?

MR. MARSHALL: Well now, I do not think so. Perhaps we had better let clause 2 stand and we can do it tomorrow.

MR. W. ROWE: I say, as we are going to have the information, why do we not wait until tomorrow?

MR. MARSHALL: Right. Well, we will do it tomorrow. I move we let clause 2 stand and we let this bill stand for consideration.

MR. CHAIRMAN (MR. STAGG): The motion is that bill no. 42 stand. Those in favor "Aye". Those against "Nay". Carried.

On motion that the Committee rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

MR. STAGG: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed bills no. 21, 28, 46, 56, 13, 15, 29, 32, 33, 36, 35, 40, 37, 48, 54, and 59 without amendment and bills no. 20, 34, and 50 with amendment have made further progress and ask leave to sit again.

On motion report received and adopted.

On motion amendments read a first and second time.

On motion bills Nos. 21, 28, 46, 56, 13, 15, 29, 32, 33, 36, 35, 40, 37, 48, 54, 59, 20, 34, and 50 ordered read a third time on tomorrow.

Motion second reading of a bill, 'An Act Further To Amend The Judicature Act.'

MR. WICKMAN: Mr. Speaker, I rise to move second reading of this bill. It is a fairly lengthy bill. A lot of the clauses in it are quite technical. There are three or four major principles in the bill because this bill is designed to amend the Judicature Act, to provide for the setting up of a separate court of appeal of the supreme court of Newfoundland and indeed to divide the supreme court into two divisions, namely a court of appeal and a trial division.

It may be of interest, Mr. Speaker, for honourable gentlemen to note that this is the first major restructuring of the superior court of this province since 1824, 150 years ago. In 1824, the Newfoundland Act of 1824, which was an imperial statute, was passed in the fifth year of the reign of his late majesty, George IV, entitled, 'An Act For The Better Administration Of Justice In Newfoundland And For Other Purposes Authorizing His Majesty To Charter, By Charter Or Letters Patent, Under The Great Seal To Institute A superior Court Of Judicature In Newfoundland To Be Called The Supreme Court Of Newfoundland.'

This is the act referred to in section (4) of our Judicature Act and it conferred on the supreme court of Newfoundland civil and criminal jurisdiction.

AN HONOURABLE MEMBER: It got to be known as the Lawyers' Pension Act.

MR. HICKMAN: The royal charter which was issued on September 19, 1825, is the charter under which really the superior courts of judicature have been operating in this province ever since.

For the benefit of the unenlightened, the first three judges of the supreme court were Richard Alexander Tucker, Esq., Chief Justice who was an English barrister; Augustus Willet Desbarres; and John William Molloy who were the first assistant judges. I do not know and am not able to indicate whether the two later gentlemen were Newfoundlanders but I suspect they probably were English barristers as well.

Mr. Speaker, in 1957, by the act No. 33 of 1957, there was an amendment to the Judicature Act which increased the number of supreme court judges from three to four. The appeal court continued on as part of and the trial division as part of the one court. Prior to 1963, really from 1824 to 1963, we had a situation in Newfoundland which was rather unique in the administration of justice in the British Commonwealth. That was that if an unsuccessful litigant wished to appeal from the decision of a trial judge of the supreme court to the court of appeal of Newfoundland, the trial judge was one of the members of the court of appeal hearing an appeal from his own decision, which simply meant that the appellant was faced with convincing the other two judges of the righteousness of his cause, because I think only once in the history of the Supreme Court of Newfoundland did a trial judge sitting as a member of the court of appeal overrule himself on appeal.

Well, in 1957 we had the act passed which provided for a fourth judge. This eliminated the situation where a trial judge sat on the court of appeal and heard an appeal from his own decision. For matters that history has recorded and it might have been better if they did not record it in the history of the administration of justice in Newfoundland, that whilst the act creating the fourth judge

was passed by this legislature in June of 1957, it was not proclaimed until June 25, 1963, six year thereafter. That delay was despite the fact that representation was made time and time again by the law society to have it proclaimed. It was one of only two bills to my knowledge, that ever received critical comments from the Canadian Bar Association. That does not comment on provincial bills but they did feel in 1960, the year that Mr. St. Laurent was the president of the association, that the delay in proclaiming this act was a serious threat to the administration of justice in Canada. In Quebec City there were some rather uncomplimentary comments made.

The only other act I think was the act expropriating the BC Light and Power. Be that as it may, since June 25, 1963, we have had four judges of the supreme court. The trial judge has not been sitting on an appeal from his own decision.

This bill, Mr. Speaker, in dividing the supreme court into two separate courts; a court of appeal, consisting of a chief justice and two other judges, and a trial division consisting of the chief justice of the trial division and three other judges; in my opinion will improve the administration of justice in this province. We together with the province of Prince Edward Island are the only two provinces in Canada where there is not a separate court of appeal.

This court of appeal, sitting totally separate, dealing only with appeals, will in my opinion result in the speedy handling of appeals will result in the trial judges being relieved of some of the appellant work so that they can devote their entire attention to hearing cases and trials in the first instance.

The number of appeals - I do not have them here at this time, Mr. Speaker - are not very high. If we follow the trend that has been followed or appeared in other provinces, say Nova Scotia when they implemented a separate court of appeal, I believe that we will see a substantial increase in the number of appeals. That in itself should be proof positive of the wisdom of this legislation.

The position of some honourable members and the public from time to time seems to be not quite clear as to the procedure that is

followed in creating a new and separate court or indeed adding to the number of judges on a superior court or a district court in any province. It is within the exclusive jurisdiction of this legislature to pass the necessary legislation to create a court. This legislature and the government of this province, as in every other province, has absolutely no jurisdiction over the appointment or the payment of judges in the superior or district courts throughout Canada. This, Mr. Speaker, is as it should be.

When we look back at that dreadful hiatus from 1957 to 1963 when this act was not proclaimed, one can see how fortunate we are that this jurisdiction vests within the Governor-General-in-Council.

Mr. Speaker, this bill if it receive the approval of this legislature, will before it can be proclaimed require an amendment to The Judges Act in Ottawa by parliament. The practice that is followed in all of these cases is that both acts are proclaimed on the same day.

I read somewhere where someone was talking about setting up a separate court of appeal and said, "All the Minister of Justice has to do is bring a bill before the legislature, set up a new court of appeal and Ottawa will appoint." Well, nothing could be further from the truth. The fact is that Ottawa - this was an editorial that I read earlier this year. I want to correct that position and say that the simple enactment of legislation in a provincial legislature does not in any sense of the word guarantee the appointment nor the amending legislation in Ottawa to result in the appointment of any new restructured court.

This bill will have to come in on the same day because the act deals in great detail with the separation of the trial division and the court of appeal. So that if it were proclaimed prior to the passing and proclamation of the amendment to The Judges Act we would have a separate trial division and a separate court of appeal without the personnel to man them.

Now, Mr. Speaker, before I leave that, honourable gentlemen will recall that there have been some requests as well for a fifth

trial judge and two additional district court judges. Let me deal first with the situation on the district court judges, to indicate to the people of this province how this works and why there has to be unanimity between the two parliaments and governments. Under our District Court Act, which was passed in the early fifties, the provision is made for seven district court judges in the province of Newfoundland. I believe, Mr. Speaker, that with lawyers moving into rural Newfoundland and setting up practice, that with the expansion of legal-aid that the time has arrived for the appointment of the district court judges in the two remaining judicial districts that are still without judges, namely Gander - Twillingate and Burin - Burgeo.

Back in December of 1971 the honourable the member for White Bay South, when he was acting minister, asked the Government of Canada to amend their Judges Act to provide for the appointment of judges in these two districts. Mr. Speaker, I would hate to have the rules imposed on my loving friend over there. It was heart to heart with the honourable member for Bell Island going back to the days of where is that place?

MR. NEARY - Inaudible.

MR. HICKMAN Oh, beyond that.

MR. NEARY Why does the honourable minister not take his lawyer friends, put them in the House and settle this, and then we will carry on.

MR. HICKMAN May I say that even though that request went in in December of 1971, it was renewed by this administration in February of 1972; there has been no indication at all from the Government of Canada that it is prepared to amend The Judges Act. There is a case where we have the legislation on our books and to date, despite our asking, the necessary amendment has not been indicated or made to the Judges Act.

With respect to the other request, which was made in December of 1971 and again renewed by this administration in a similar letter to the Hon. John Turner in February of 1972 and subsequently further renewed again by me to the Hon. Otto Lang

later in the year, namely that there would be a fifth trial judge there has been no favourable disposition towards that on the part of the Government of Canada.

These negotiations that I have discovered have to be done very carefully and judiciously because no one wants to accuse a legislature of trying to dictate to the other legislature what its legislation should be.

The only comment that we received from the then Minister of Justice, the Hon. John Turner, was with respect to the request for a separate court of appeal. As for a fifth trial judge that he felt that this would be regarded as the doubling of the number of superior court judges and he felt that this would be regarded as a very substantial increase indeed. He suggested that officials of his department and mine negotiate what would prove to be satisfactory. It has been a lengthy negotiation and I do not think any good purpose would be served in reviewing it all. I may say that even up to February of this year there was a suggestion that we are not prepared to accept. I cannot say that it was a suggestion of the Government of Canada because they put it at the official level. But the last view expressed was that we should have a two man trial judge. Now how you could justify that was beyond my comprehension. I believe the theory was that one of the trial judges could move up to the court of appeals for the hearing, but this would destroy the total concept of a separate court of appeal.

Anyway after all of these negotiations there has now been an indication from the Federal Minister of Justice in Ottawa that he or his successor will at the next session of Parliament introduce a bill, "An Act To Amend The Judges Act To Provide For The Appointment And Payment Of Three Additional Judges Who Will Constitute The Court Of Appeal Of Newfoundland." I am not in a position to indicate to the House when that bill is likely to come before Parliament. The practice is to bring in an annual amendment to the Judges Act. With Parliament now being dissolved, I seriously doubt that we are going to see that amending legislation come before Parliament before the end of this year.

In any event, our bill as presently drafted has been perused very carefully by the legislation draftsmen in the Federal Department of Justice as well and this is the result of their perusal and the drafting by our legislative draftsmen.

Mr. Speaker, this bill also provides for the appointment of supernumerary judges. The amendments covering the appointment of supernumerary judges are in line with the existing amendments of the Judges Act of Canada and in particular, Section (20)(a) thereof. Most of the provinces already have brought in their supernumerary judges provisions. Under the provisions of their act and the provisions of the present bill when a judge attains the age of seventy years and having served as a judge for at least ten years or if he has served as a judge for fifteen years and has attained the age of sixty-five years the judge may retire from the Supreme Court, (This only applies to the Supreme Court, it does not apply to the District Courts,) on condition that he hold himself available to perform such special judicial duties as may be assigned to him from time to time by the Chief Justice of Newfoundland or the Chief Justice of the trial division.

The compulsory retirement age of a judge appointed before, I have forgotten now, but five years ago it was seventy-five. Anyone appointed since then is seventy. But this supernumerary judges provision does enable a judge to retire earlier, as I say, at age sixty-five if he served fifteen years, or at age seventy if he served for ten years on the Bench, but he must hold himself available to trial certain cases, say for instance if one of the judges of the appellate court or if he were ill and/or if there were a vacancy that had not been filled in the same in the trial division, one of the supernumerary judges could be asked to come back and take one of these cases.

There are supernumerary judges in many other provinces, I am not aware as to whether any have been called back to try a case.

AN HON. MEMBER: Do you have to be a lawyer to be one of them?

MR. W. N. ROWE: No.

MR. HICKMAN: The honourable gentleman for Bell Island I believe can get in. It is his -

AN HON. MEMBER: Inaudible.

MR. HICKMAN: No, he must have court experience.

MR. W. N. ROWE: He had lots of that.

MR. HICKMAN: The honourable gentleman must have court experience, and I will recommend him.

AN HON. MEMBER: Inaudible.

MR. NEARY: I will soon have my ticket then.

MR. HICKMAN: This bill; the present act also provides again, Mr. Speaker, for something that is new in a sense in principle and that is for the appointment of a district court judge as local judge of a trial division. Now there was an amendment honourable gentlemen will recall, in 1971, that was designed to do that but unfortunately the amendment provided for the appointment of all district court judges as local judges of the Supreme Court. The need obviously is not there to do that. Mr. Speaker, and again that appointment has to come from the Governor General-in-Council.

The local judge of the trial division in the beginning, if and when one of the district court judges be given that power and becomes a local trial judge of the Supreme Court, his work or his jurisdiction would be limited to granting letters of probate, in the first instance letters of administration and divorce cases.

Some of the provinces I know, in particular British Columbia has appointed several of their county court judges, we call them district court judges here, as local judges of the trial division. One or two other provinces have appointed some of theirs. We are getting varying degrees of approval from the provinces where they have done that. Their strong recommendation to us was that we not holus-bolus go in and provide for the appointment of district court judges as local judges of the trial division but that we first limit

their jurisdiction to divorce and granting letters of administration and letters of probate.

I can see, Mr. Speaker, if and when this act is passed and when we get the necessary personnel, say in the Corner Brook Area, that some very serious consideration should be given to appointing the district court judge in Corner Brook as a local judge of the trial division.

This act also, Mr. Speaker, provides for an additional fixed circuit of the trial division in Corner Brook, bringing it up to four per year. And from the figures that we have, this will more than adequately take care of any of the trials in that area.

Another provision which I would like to direct to the attention of honourable members is the provision which repeals the sections of the Judicature Act relating to the grand jury. When this act is proclaimed grand juries will be abolished in the Province of Newfoundland. The Provinces of New Brunswick, Quebec, Manitoba, Saskatchewan, Alberta and British Columbia have already abolished grand juries. Indeed, Alberta and Saskatchewan (Abolish! is not the word) Alberta and Saskatchewan never did implement or bring with them the grand jury system when they became a province of Canada.

Quite recently county court judge Peter O'Hearn, of Halifax, has submitted a report to the Nova Scotia Government recommending that the grand jury be abolished in that province. Ontario has before its legislature now or will be bringing before its legislature legislation to abolish the grand jury, and they have requested the federal government, as have we, to make the necessary amendment to the Criminal Code.

I should like to point out at this time, for the information of the press, Mr. Speaker, that when this act is passed it will not mean the immediate abolition of grand juries in Newfoundland. Before we can proclaim that particular section of the act, abolishing the grand jury, there is necessary an amendment to the Criminal Code of Canada. Again, it has been the practice in Ottawa to bring before Parliament

one bill each year amending the Criminal Code. We had the assurance of the Minister of Justice that the amendment to the Criminal Code abolishing grand juries in Newfoundland will be brought before the House whenever the next bill comes before it.

The other provision in this act, Mr. Speaker, which I hope will commend itself to honourable members and to this House, is the provision for a second deputy registrar of the Supreme Court of Newfoundland who will reside in Corner Brook. Our plan is, when this act becomes law, to appoint a deputy registrar who will reside in Corner Brook and through whom Corner Brook's solicitors can issue writs, post notices of letters of probate and letters of administration without coming to St. John's. We shall have to work out, and it will be obligatory to do this, a system, probably a telecommunications system between the registry office in Corner Brook and in St. John's so that as soon as a writ is issued in Corner Brook out of the Supreme Court of Newfoundland it will also be recorded in the registry of the Supreme Court in St. John's, to prevent two writs being issued out of the Supreme Court of Newfoundland for the same cause of action.

The other amendments, Mr. Speaker, to this bill are consequential amendments dealing with procedure matters and changes of name and applying the appellate jurisdiction to appeals under certain acts that have been passed in Newfoundland over the years.

The Chief Justice of Newfoundland will be the head of the court of appeal. His title will be Chief Justice of Newfoundland. There will also be a Chief Justice of the trial division.

MR. W. N. ROWE: Is he going to recommend Chief Justice Furlong for that post?

MR. HICKMAN: The honourable gentleman is still practicing before his court. I commend him for his courage.

MR. W. N. ROWE: Well I am asking him if he is going to recommend him, you know, assuming -

MR. HICKMAN: I pointed out very clearly that there is no right of consultation between the province, which is a matter that was a subject of a very heated debate in Toronto on Monday.

The order of seniority be set forth in the act, the senior judge will be the Chief Justice of Newfoundland and the next Chief Justice of the trial division and the other judges will rank in seniority in accordance with the seniority of appointment to the Bench.

I cannot think of any other provisions in this bill which I need refer to on second reading of the debate because as I say most of the other provisions are technical and consequential to the principles of the main act.

So, Mr. Speaker, in moving second reading I do not think we should lose sight of the fact that this bill does constitute a major reform, a major restructuring of the superior courts of the Province of Newfoundland. The fact that we have survived since 1824 under the present system, with one comparatively small amendment in 1957, I think indicates that Newfoundlanders have been very fortunate over the years in having very strong, highly intelligent, learned in the law judges of our superior courts.

AN HON. MEMBER: Hear! Hear!

MR. HICKMAN: Because the judgements of the Superior Court of the Supreme Court of Newfoundland, both, judgements of trial judges in the Court of Appeal have over the years laid down a body of law which indicates to me that our Supreme Court is strong, that we have been getting as Newfoundlanders good decisions, good judgements from that court. Now, as I say, we move on to the restructuring and to the separating of the superior court into two divisions, namely; the court of appeal and the trial division. I consider myself rather fortunate to be occupying the portfolio of Minister of Justice at a time that gives me the distinct honour to be able to bring this bill before the House and to move second reading thereof.

MR. W. N. ROWE: Hear! Hear!

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

MR. ROWE, W.N. Mr. Speaker, when the minister said that our original act was passed in 1824, I ask the minister what party he belonged to at that particular time.

MR. HICKMAN: Inaudible.

MR. W. N. ROWE: He should check back and see who he was supporting in those days.

Sir, I am not going to get involved in the tedious, rather boring, for even the lawyers I would suspect, details of this particular bill, suffice it to say that at long last we now have legislation which establishes, in conjunction with the federal legislation establishes something which as a matter of principle always should have existed namely: an independent and separate court of appeal for people to carry their cases to should they feel aggrieved by a decision given in the Supreme Court or a lower court for that matter.

Mr. Speaker, the Minister of Justice I commend him for bringing this bill before the House. He may have proven in 1969 that he did not appeal to the people of the province as a great leader but, Sir, he certainly proved that he can be a good follower. In December of 1971, bear this in mind, Sir, which was some years after the present minister, a good Minister of Justice the present minister is, but some years after the present minister had been the Minister of Justice for some three or four years, in the previous administration, I was appointed as Acting Minister of Justice. At that time, Sir, I walked down into the Department of Justice, had a chat with one or two of the officials there and the number of glaring gaps and voids that existed in the administration of law in this province sprang up, Sir, and smacked you in the face. One of them was this court of appeal.

So within a couple of weeks after being appointed Minister of Justice, Acting, I had one or two preliminary things to deal with—two or three blatant attacks on my colleague, the Member for Bell Island, one in connection with the Thompson affair and another vicious, unwarranted attack by the present Member for Bonavista South on my colleague. Two

attacks on him had to be the subject of independent enquiries by the police and by the officials of the department. I am glad to say, Sir, that in both cases my colleague was exonerated, exculpated and given a clap on the back by all concerned for his courage and the manner in which he conducted himself.

But aside from that, Sir, bearing in mind that over the two or three weeks that I was Minister of Justice, it might have been a month or so, although I was sidetracked by that kind of an operation I did manage to send off to the Department of Justice in Ottawa, the Minister of Justice, Mr. Turner at the time, certain requests and certain statements as to what we were going to do and what we wanted to do in this province in the administration of justice. One of them was that we wanted an independent and separate court of appeal. That was two and a-half years ago. By the way, Sir, I have had preliminary verbal discussions with the minister at some point in Ottawa, at one of the Dominion provincial conferences, at which I discussed each and every one of these points that I raised in the letter and got from him what I took to be a tentative if not complete assent and affirmation for the stand we were taking. The court of appeal was one. The fifth judge in Corner Brook was another. The fact that we were going to set up a board of recommendations to try and take

the appointment of judges and judicial officers out of the realm of politics if possible and have them recommended to the federal government in Ottawa through the provincial government. The fact that we wanted two more district court judges in the province, not because they were so greatly needed by hundreds and thousands of people in the areas concerned but because as a matter of principle again there was a necessity in order to attract lawyers into more rural areas, and to make sure that those who did need access to courts, could have easy, cheap access to courts, would be in a position to do so. These were some of the things that we sent off to the Minister of Justice in Ottawa.

Two and a half years later we are finally getting some results of that, some results. I do not know why the present Minister of Justice delayed so long. I have had one or two private discussions with him on it and I am not going to divulge the contents of those discussions but suffice it to say I have never been satisfied by any reason, private or public, that the Minister of Justice has given, on why this delay has gone on. As I mentioned publicly and I do not mind mentioning here now, there was some feeling among P.C.'s with whom I spoke but not necessarily the Minister of Justice but some of his colleagues wanted to delay it until after the 1972, October Federal Election, in the hope that a Tory Government would be in office in Ottawa. But unfortunately the best laid plans of mice and men went slightly awry from both points of view, Liberal and P.C.

AN HON. MEMBER: Inaudible.

MR. WM. ROWE: And, Mr. Speaker, the Minister of Justice had to proceed anyway.

In passing, Sir, I might mention that I am heartened as a Liberal to hear that the Minister of Justice is as sure of the outcome of the federal election as we are over on this side. Not only have we had the Premier conferring at great length, a week or so, with the Prime Minister in Ottawa, on the Lower Churchill Development, giving every indication that

Mr. Trudeau and his colleagues are going back in power, but the Minister of Justice here tonight has said time and time again that he has been assured by the present Minister of Justice in Ottawa that such and such a bill will be introduced into the House. I am heartened to know that this Minister of Justice -

MR. HICKMAN: He or his successor.

MR. WM. ROWE: Well the stress was on him ' rather than a successor, Mr. Speaker, I am glad to know that the Minister of Justice is as sure of the outcome as we are over here, and that is very heartening.

Anyway, Sir, we are glad to see this. The minister has given no indication as to when the federal legislation may be passed; perhaps next year. We are glad to see this coming through the House now and then of course when the federal legislation is passed we will have the Supreme Court set up in the way the bill points out, a trial division and an appeal division.

I am disappointed that the Minister of Justice and the government generally here have not seen fit to press upon Ottawa the great necessity for this fifth Supreme Court Judge in Corner Brook. Although it had a very difficult time being passed by the Law Society, it was turned down on one or two occasions that I remember. I believe in the final analysis the Law Society of Newfoundland unanimously agreed that they would ask the Minister of Justice to ask Ottawa to have a fifth Supreme Court Judge in Corner Brook. If it were not unanimous at least there was a majority and the Law Society officers passed it on to the Minister of Justice.

I am sorry that the minister has not seen fit to press Ottawa a little harder on this issue. A couple of letters have been written, the minister says. I am sorry that he has not sat down at some length with the minister and made sure that this request, a reasonable request - bearing in mind that the capital of the province is in the most remote area of the province in nearly every respect, as far as a great number of our population is concerned. I am also sorry that he did not press the

necessity for the two district court judges a little harder on the Minister of Justice. If the Minister of Justice in Ottawa came back and said something to the effect, "Well this is a more than doubling of our judges in Newfoundland in one fell swoop," then the answer to that Mr. Speaker, is "So what?" If it be a doubling, if they be needed, if the present Minister of Justice had been doing his job when he was Minister of Justice before, perhaps we could have had some progress made then and additional progress made now. But in any event, I do hope that he presses a little harder to get the fifth judge of the Supreme Court for Corner Brook and to get these other two district court judges set up.

It is a happy day for me, Sir. I have practised a little before courts as a solicitor and a barrister, a barrister before our courts and a solicitor downtown dealing with clients. I have not had the experience some members of the House have had but I have always felt strongly on this matter, that we should have a Court of Appeals and we should have adequate judges throughout the province because we have to realize for the people we have this judicial setup, it is not for the convenience of the judges nor the government nor anyone else but for people who are unfortunate enough to find themselves before court either on a criminal matter, God forbid, or on a civil matter. Nobody wants to go to court. Everybody I would say hates the thought of going before a court as a plaintiff, a defendant, a prosecutor or in any other capacity, with the exception perhaps of lawyers. I am sure many lawyers like to go before court. They have an enjoyable time there.

Certainly if people have to go before court, they should do it at the most convenience to themselves and we should make sure not only that justice is done as I say, but it appears to be done thereby this separation of judicial powers between a Court of Appeal and a trial division.

Now, Sir, there is one other matter before I sit down, I am not going to belabour the point, suffice it to say that I am extremely delighted that the present Minister of Justice has seen fit to follow upon the

overtures that we made, I made and we made when we were in office, prior to our leaving office in January of 1972.

Now I would ask the minister when he clues up this debate, when he winds up the debate, I would ask the minister to give us an assurance here. We would not want the minister to lose the great integrity which he has built up over the years,

As the Minister of Industrial Development well knows, there have been one or two examples where political figures have created certain posts and have by coincidence thereafter fill those posts themselves. There have been one or two of those examples.

Now perhaps the Minister of Justice can give us the assurance, to preserve his own credibility and integrity, that he will not under any circumstances accept an appointment to the Supreme Court of Newfoundland, either the trial division or the Court of Appeal. I ask him to give us that assurance because otherwise the suspicion arises that perhaps the minister has been casting a longing eye on one of those exalted positions, judicial positions. Now I would be the first to admit that he would make a great judge but in this case as well, not only must the Minister of Justice do justice but he must give every appearance of doing justice, and we would not want him to give the appearance or impression that a Court of Appeal is at long last being set up two and a half years, maybe three years after we made our overtures to Ottawa, and that perhaps he himself might be the beneficiary of this legislation.

Now after three or four years go by, after the minister has resigned from office and has retired from politics and has shown himself to be nonpartisan and growing in wisdom and all that sort of thing, Mr. Speaker, then I would be the first to support him for appointment to the Supreme Court of Newfoundland but not at this particular moment. He should not deprive his party of his services in the next provincial election. He should run -

AN HON. MEMBER: Inaudible.

MR. WM. ROWE: Oh yes, the Minister of Justice, my mentor, Mr. Speaker. The reason I am so brazen-faced today is because of the training I had.

I articulated to the Minister of Justice and practiced under him for a couple of years. I would like to see him on the Court of Appeal one of these days, Chief Justice of Newfoundland, Chief Justice of the Court of Appeal, but I do think, Sir, that he should really run in the next provincial election. If he should be defeated in that election, well then after two or three years, when an opening occurs, then he can be appointed to the Supreme Court. Or he may if he should wish, run in the next election, practice law for two or three more years and then when he is mature in years and has gotten rid of the partisan political taint, although what taint and what party I am not quite sure yet because he has had a taste of both. Perhaps, Sir, what he should do is run for the N.D.P. next election, then of course nobody can accuse him of being a partisan.

MR. HICKMAN: Inaudible.

MR. WM. ROWE: Right, good fellow too. He would then be outside of any criticism for being a partisan because then he would have run and worked for all major parties and then he would be an admiral candidate for another appointment to the Supreme Court. I do hope he will give us that assurance that he will not, at least for a reasonable time, a reasonable time being say five years from now, he will not, although the federal government may beseech him to do so, he will not accept an appointment to the Supreme Court of Newfoundland or the Court of Appeal. Five years from now, Sir, I would be one of the first clamouring for his appointment.

AN HON. MEMBER: Who is that?

MR. WM. ROWE: The Minister of Justice, five years from now; not now but five years from now.

MR. HICKMAN: How about himself?

MR. WM. ROWE: No, Mr. Speaker, I am not even at the Bar long enough.

MR. DOODY: How about a magistrate?

MR. WM. ROWE: No, Mr. Speaker, I would not do that.

MR. EVANS: How about your honourable colleague there when he talks about the Bar?

MR. WM. ROWE: Oh yes, he would be a great candidate. I would like to see the Burgeo burp appearing before the Leader of the Opposition, Mr. Speaker,

on some particular heinous charge. I would go down, I think, Sir, I would go down as a public defender and say that the Leader of the Opposition should disqualify himself; conflict of interest.

AN HON. MEMBER: The Leader of the Opposition would probably hang both of you.

MR. WM. ROWE: Yes probably so. Anyway, Sir, the Minister of Justice has covered admirably all the details of the bill. I am glad to see that he has followed the precedent, the example set by us when we were in office, I am glad to see that finally we are going to have a system of justice in the province that lives up to the name of justice and that the great principle of separation of powers vertically within the hierarchy of justice is maintained as well, so that, as I said, justice is not only done but appears to be done. So I have great pleasure in supporting this bill.

MR. SPEAKER: The honourable member for Port au Port.

MR. STAGG: Mr. Speaker, I am one of the immediate recipients of the bounty of this bill. The extending of the jurisdiction of the district courts is a matter that is of particular interest to those of us who are in practise in the more rural parts of the province, although Stephenville is not exactly as rural as some other parts of it. The extension of the jurisdiction of the district courts to take in probate and administration and divorce will certainly test the need for a permanent Supreme Court judge on the West Coast. I have not been particularly vocal on this subject, not having practised for any extended period of time, indeed my term of practice has been interrupted by tenure in this House. However, I sometimes felt that the desire for a Supreme Court judge on the West Coast, some of the inspiration could have been for the prestige of having the judge rather than the functions that he might perform.

So I think that the experiment, although it is in legislation, it certainly could be changed. I call it an experiment at this time to see just what the jurisdiction of the district court will do. I also would like to bring to the attention of honourable members that we have an extremely competent district court judge in Corner Brook at the present time, Judge Soper, who is going on circuit on the West Coast. To those of us

from Stephenville to Port aux Basques, the district court was for years as foreign as the Supreme Court because it was centered in Corner Brook and for many of us Corner Brook is as far away as St. John's, because you drive to Corner Brook and you fly to St. John's and the time is about the same. So the fact is that Judge Soper is now going on circuit, as a matter of fact he just finished a circuit in Stephenville last week and it is bringing the court to the people and I am certainly looking forward to further circuits with Mr. Justice Soper.

The setting up of a Court of Appeal is again a very worthwhile step, a step in the right direction. I think Newfoundland law students have suffered somewhat among their peers on the Mainland but in the precedents that are cited, there are precedents for good law and bad law and on some occasions the bad law they have cited were decisions of the Supreme Court of Newfoundland, of many years ago of course.

I think with the setting up of this Court of Appeal that it will give rise to a body of law which will be well respected throughout the country and I can look forward to our Newfoundland and Prince Edward Island reports being some of the most sought after journals in the country. So I too support this bill and with particular emphasis as it applies to the district court and as it applies to the West Coast in general. Thank you.

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

MR. HICKMAN: Just a couple of comments, Mr. Speaker, the honourable member for White Bay South asked why the delay. I can only say what I said in opening the bill that we have been negotiating and as we have negotiated I have had some sympathy with those who negotiated the Treaty of Versailles, trying to get approval - not approval because the federal people are very careful not to do anything or say anything which might be interpreted as dictating to a provincial legislature what they shall pass but they do insist on seeing the draft bill and seeing what is in it and indicating whether or not under the provisions of that bill they would feel they could make the necessary appointments thereunder. I repeat, as late as February of this year they were still holding out for a two

man Court of Appeal but finally, because that was not acceptable, we had the position where they will introduce the bill for a separate three man Court of Appeal.

On the fifth Supreme Court judge in Corner Brook: It will be interesting to see what happens if and when it is decided to make a district court judge a local judge of the Supreme Court, to see how many cases they have. Now in 1973, in Grand Falls and Corner Brook combined, there were a total, excluding divorce cases there were a total of sixteen civil trials and two criminal trials, eighteen trials all told in these two areas before the Supreme Court. There were seventy-two divorces as well. I have inquired as to how much time a divorce case takes and I am advised by a gentleman who had many years experience in that position that the average divorce case, uncontested, as most of them are, takes about fifteen minutes. So that in looking at the workload of the Court, one can almost direct his attention, but not entirely, to the civil and criminal trials, excluding divorce. That was the number we had in Grand Falls and Corner Brook last year.

In Labrador City, where the Supreme Court must visit once a year, there were one civil trial and twenty-five divorces. Since the last ten years, the total number of appeals to the Supreme Court is 120, that is about twelve a year, excluding criminal fields. Now I have not got a breakdown (I thought I did) of the criminal appeals that came before the court but may I direct the House's attention to the fact that many provinces refused as a matter of principle to separate the judges of their trial division.

In the Province of Ontario, where you have large cities such as Hamilton, London, Ottawa, with populations of anywhere from 250,000 to 500,000, with probably 500 lawyers, I would think, or thereabout practicing, there is no sitting Supreme Court judge, sitting in the sense of living there, and only quite recently, Mr. Speaker, the Ontario

Reform Commission brought out the report on the administration of the Ontario courts and they again have come down against having trial judges permanently reside anywhere but in Toronto. What they have recommended is that when a trial judge goes on circuit, to Hamilton, Ontario, say, that he will not leave that city until all the cases have been heard or if he is suppose to be on to, say London, Ontario, he will not leave until another judge comes to pick up the work from him.

In Nova Scotia, the Nova Scotia bar and bench rejected the idea of having a sitting Supreme Court judge in Sydney. What they ask for and what has always worked in that city is where you have a prothonotary who is equivalent to our registrar, their deputy prothonotary, he issues the process. They have fixed circuits there, I think about six a year. They know that a judge will walk out on the bench on the second Monday, say in February. The pleadings are closed, the trial is ready to go.

The only provinces I know where they have a division of the judges is in Quebec where you do have trial judges living in Montreal. In New Brunswick there is one living in Moncton but not in St. John which has a population of 125,000 people. There may be in Calgary and Edmonton, I do not know, but I do know from conversations with lawyers practicing in New Brunswick that they do not approve of the idea, that the idea of having a judge living in Moncton has not been satisfactory.

So apart altogether from the work load, which is not that great, there is a real question of principle where I know that the judiciary across Canada oppose the idea of splitting up their courts.

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

Motion, second reading of a bill, "An Act Further To Amend The District Courts Act:"

MR. SPEAKER: The honourable Minister of Justice.

MR. A. HICKMAN: Mr. Speaker, this bill is consequential upon the passing

of the bill that was just debated. I move second reading.

On motion a bill, "An Act Further To Amend The District Courts 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 Interpretation Act."

MR. HICKMAN: That has been around for months.

Mr. Speaker, this act also is consequential upon the enactment of the Act to amend the Judicature Act, bill 31 which has been just past. I move second reading.

On motion a bill, "An Act To Amend The Interpretation 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 Public Service (Collective Bargaining) Act, 1973:"

MR. J. ROUSSEAU: This is a very straightforward amendment, Mr. Speaker. Section (9) of the bill in the original instance provided that the term be recognized under the Labour Relations Act whereas we know from section (68) of the Labour Relations Act that the Labour Relations Act does not apply to Her Majesty in right of Newfoundland or employees of Her Majesty in right of Newfoundland.

What we have done here is kind of an anomaly in that we cannot have the civil servants, who are not under the Labour Relations Act as part, of the Public Service Collective Bargaining Act. What we are asking is merely to drop the term, the reference to the Labour Relations Act, so that we will be able to cover all the unions that are covered under the Labour Relations Act as well as those that have not previously, which are the Public Service Collective Bargaining people in the Province.

On motion a bill, "An Act To Amend The Public Service (Collective Bargaining) Act, 1973," 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 Quieting Of Titles Act:"

MR. W. MARSHALL: Mr. Speaker, this is a bill to extend the jurisdiction with respect to the quieting of titles, to hear quieting of titles

applications to the district courts of the Province coincidental with the Supreme Courts, to allow the operation of the act to operate more effectively.

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

Motion, second reading of a bill, "An Act Further To Amend The Local Government Act, 1972."

MR. V. EARLE: Mr. Speaker, there is quite a lengthy explanatory note here concerning this particular bill in which are some lengthy amendments to the Local Government Act of 1972. I think that these were brought around by the problems we have had recently in connection with Stephenville in particular and other councils that have expanded their areas and sufficient time has not been given under the act to get them properly organized.

I think the explanatory notes quite clear to the House. "This Bill would transfer to the Minister from the Lieutenant-Governor in Council the power to fill the vacancies in councils occurring immediately after an election, and to appoint sufficient councillors to constitute a quorum for a meeting of council. Well that is certainly plain enough. To order an election or by-election: to appoint an auditor to audit the accounts of a council and to approve the expropriation of land by a council.

Now the next section here is a bit which applies to giving council sufficient time. The bill would empower the Minister to defer the first election of a council to a date not later than one year, instead of six months, after the municipality has been established, and subsequent elections for one year, instead of nine months, after the date set out in the Act (That is, the second Tuesday in November in every fourth year after 1973) and to order, at the request of a council and after due enquiry, that in any election the mayor be elected separately from the councillors. The bill would also require of a person seeking election as a councillor residence for a year immediately before an election in the area incorporated in the municipality or the ward for which he seeks election, as the case may be.

The bill would provide that appeals from certain council resolutions affecting a councillor, and from the Zoning Appeal Board be in the first instance to a District Court rather than to the Supreme Court.

We do not feel that it is necessary for such a thing of relatively minor nature to have to go to Supreme Court and it is much more convenient if it is channelled through the District Court. The bill would also provide for the imposition of a tax of two cents a gallon on propane gas; and authorize a court to send collected fines direct to the council concerned rather than through the Department of Justice."

The opportunity has been taken following correspondence between the Attorney General of Canada and the Attorney General of Newfoundland, to delete from the principal Act the control exercised by councils in certain matters relating to airports. These matters are within the legislative jurisdiction of the Parliament of Canada and have no place in a provincial statute. The provisions of the bill relating to elections and allied matters will have effect from January 1, 1974.

Each of these clauses, Mr. Speaker, is self-explanatory. I do not think I need to enlarge on them in any way. It is somewhat urgent that this particular piece of legislation be amended now as it will enable the Stephenville Council election on the 28th of May to take place within the time provided. I move the second reading of this bill.

MR. F. STAGG: Mr. Speaker, it is very unusual for me to have the opportunity to speak twice in one evening in my capacity as the member for Port au Port. However this particular amendment is of very great importance to the election that is going to take place in the Town of Stephenville. The particular item which it will cure is the resolving of a possible ambiguity in the Local Government Act which says that a person must reside within the municipality for a period of at least one year in order to be eligible to be nominated for election.

Well the word municipality appears in the existing Local Government Act and this has been pounced upon, I suppose, by some of our sea lawyers in the Stephenville Area who have quite rightly pointed out the possible ambiguity; so that the amendment will make it possible for people who have lived within the area for at least a year to be eligible for election.

It gives me a great deal of pleasure to support this amendment, particularly because I get about five or six telephone calls a day asking

me when it is going to be passed. Thank you!

On motion a bill, "An Act Further To Amend The Local Government Act, 1972," 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 St. John's Memorial Stadium."

MR. SPEAKER: The honourable Minister of Municipal Affairs and Housing.

MR. V. EARLE: Mr. Speaker, these amendments were requested by the St. John's City Council who of course control the St. John's Memorial Stadium Commission. It is merely some amendments to consolidate the law respecting the St. John's Memorial Stadium, to bring together in one form some previous amendments. It would also reduce the size of the St. John's Memorial Stadium Commission from twelve members to eight members as they feel that twelve members is rather cumbersome in number and quite unnecessary.

The bill, which simply changes the financial year of the commission, would give the commission powers to make rules to regulate and use and manage the Stadium and the surrounding lands. I say, at the request of the City Council in consultation of course with the stadium committee, we see no objection to these amendments. Therefore I have much pleasure in moving their adoption.

On motion a bill, "An Act To Amend, Revise and Consolidate The Law Respecting The St. John's Memorial Stadium," 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 Agreements Ratified By The Avalon Telephone Company Act, 1938."

MR. EARLE: Mr. Speaker, this amendment has one purpose only and that is to permit the Telephone Company to charge a tax of one dollar per telephone on extension phones. As it is at present phones pay only on the trunk line. If there are fifty phones in a building it pays only on the trunk line. This amendment will permit them to charge one dollar per year on any extension phone. It will give the City Council a revenue

of approximately \$60,000 a year.

On motion a bill, "An Act Further To Amend The Agreements Ratified By The Avalon Telephone Company Act, 1938." 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 Judicature Act."

MR. A. HICKMAN: Mr. Speaker, this is the second bill amending the Judicature Act coming before the House tonight. Well the obvious question is "Why were these amendments not included in the first bill?". but as I indicated earlier the previous bill did need some approval, etc. from Ottawa for the drafting form. It was felt that it would be better to bring it in by way of a separate bill.

This piece of legislation, Mr. Speaker, is indeed a new law reform and one that this Province can take some pride in being the first to bring in this kind of legislation. Under this bill to amend the Judicature Act it will require employers to pay wages to employees while they are serving on criminal jury duty and while they are attending in court as witnesses in criminal cases.

We know of many instances in Newfoundland where citizens have been called upon to serve as jurors or as crown witnesses and under the existing fees, which are very low, they have suffered a loss in income. Now the old argument, which we believe is now becoming somewhat archaic, is that a person should be so delighted to serve his country and the citizenry therein that he should be very happy and consider it a privilege and an honour to accept this loss of income and serve for the rather modest fees that have been paid to them as jurors.

This act will provide that an employer cannot deduct from his employee the wages that he would have earned if he had been on his job, simply because he has been required to do jury duty or to attend as a witness in a criminal case. I move second reading.

MR. W. ROWE: In addition to their ordinary pay they get a certain fee as well, which is certainly reasonable enough. The only question that

I would ask, Sir, the minister might have some immediate answer to this: Why restrict this to criminal cases? If I am walking down the road and see an accident and somebody subpoenaed me and I go to court on a civil case, I am as much out of pocket if my employer docks my wages as if I saw a murder taking place before my eyes. So why restrict it?

"In all cases where anyone serves on a jury," now that would normally be criminal cases. Very seldom do we see a civil jury these days. In all cases where a person is a witness before the court or obliged to be a witness before the court by subpoena, civil or criminal, he should be recompensed by his employer and also be paid the relevant fees. So I just do not see the logic of separating it and having this particular act restricted to criminal cases. Perhaps the minister has some reason for that, I do not know. I would like to see it in all cases.

MR. SPEAKER: The honourable minister who speaks now closes the debate.

MR. HICKMAN: I say this with some diffidence, surrounded by many learned gentlemen. I understand that the Rules Committee have either already increased the witness fees in civil cases, both for expert witnesses and otherwise and these fees are payable once the matter is adjudicated by the unsuccessful litigant. I understand and as I say this somewhat unguardedly but the cost of the jury is cost in a cause.

If so, obviously it is in a different category from doing your public duty to serve your state.

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

Motion, second reading of a bill, "An Act Further To Amend The Highway Traffic Act."

MR. ROUSSEAU: Here are a few amendments. For the first two courses; the suggestion that we have had considered by government for quite some time now and also requested by the City of St. John's, the authority to turn right on an amber or red light when there is no traffic approaching and when one has completely stopped. So that if one should now stop, when this bill becomes law, at a red light or an amber light and there is no traffic coming, one shall be permitted to turn right on a red light.

Also the 1973 amendment, where we raise the insurance coverage from \$35,000 to \$75,000 annual insurance coverage, this will now come into force with this bill on July 1, 1974 and clause (3) of the bill will give effect to that amendment.

The second clause in the bill has to do with the axles. As I understand it right now, the dual axle - one can take about 18,000 pounds on a single axle and about 32,000 pounds on a dual axle. What we have introduced here in this bill is the concept of a triple axle which I understand, if one space it at the right spacing, one could bring it in from 18,000 to 36,000 pounds gross weight on the truck. So, what it is doing is actually bringing the laws of this province in line with the laws of other provinces in Canada.

There is also the motorcycle - one is not allowed to ride on a motorcycle except one person only, unless of course the motorcycle is built for more than one, that they have an added seat or added foot rest. Also that one must not operate without wearing a helmet or, where there is no windshield, one must also wear a face shield, safety glasses or goggles. It would not be allowed to ride two abreast on a motorcycle on the highway. If two people are riding motorcycles together, one must ride behind the other. No longer

would they be permitted to ride side by side. The term used here is that they shall drive directly in line behind or in front of the other motorcycle.

So, these concern, of course, the motorcycles: In both instances where two people are not allowed to ride unless a motorcycle provides for them and where they are not allowed to ride together in tandem but they have to ride in single file and where persons shall not operate a motorcycle unless they either have helmets which comply with the regulations or, where there is no shield on the motorcycle, where they have a face shield, safety glasses or goggles.

Also, section (6) of the bill refers to the fact that in the City of St. John's during the winter season the schools and churches and hospitals and so on permit parking on their lots. What this does is allow the city to prosecute in the name of the city or in the name of the hospital or in the name of the school where somebody takes advantage of the situation and abuses the privileges afforded by these churches, schools and hospitals who allow overnight and off-street parking in the city.

Also there is a section (7) of the bill which provides for that ability to have the seizure of license plates made legal where a fine is not paid under the Motor Vehicle Act. The person if a fine is not paid within a specified time - fifteen days I believe it is there - that they must comply with it or will have their licenses or license plates removed so that they will not be permitted to drive until such time as the fine has been paid where they have been in violation of the Highway Traffic Act.

So, this in essence is what the bill is all about. As I say, it is an amendment to the existing Highway Traffic Act.

MR. NEARY: Mr. Speaker: I understand that when this bill comes into force, that anybody who has not complied with the new amendments, who refuse to comply with the act can have their license plates suspended. I would suggest, Sir, that in the absence of the honourable the Premier that one of his colleagues better come to his rescue because I understand he was clocked at 120 miles per hour between Deer Lake and

Stephenville last week, headed for Corner Brook, I believe.

AN HONOURABLE MEMBER: Between Deer Lake and Stephenville?

MR. NEARY: Between Deer Lake and Corner Brook.

AN HONOURABLE MEMBER: In a helicopter.

MR. NEARY: No, he was not in a helicopter, Sir. He thought he was. He thought he was in that executive jet. So, they had better get out there and pay his fine or he is likely to have the license plates taken off his car and he will not be allowed to drive.

MR. W. ROWE: The member for Bonavista South was clocked the other day doing seventy in a thirty mile zone.

MR. NEARY: Seventy is not too bad but 120 is a bit much going from Deer Lake to Corner Brook.

Sir, the part about this bill that I am rather interested in is the part on page four there. 'A pedestrian on the roadway or on a crosswalk in the vicinity of the yellow or amber light, when the light is shown after entering the roadway or crosswalk, shall proceed across the roadway.'

Now, Sir, I never cease to be amazed myself at how people escape especially here in this City of St. John's on these crosswalks and trying to get across the roads. One needs a suit of armor on. It is a wonder they are not all mowed down because people just do not seem to recognize the crosswalks. I get frightened to death sometimes when I go down by the schools here and see the kids trying to get across the road, Sir. I think what we need with the amendments that are proposed here, some kind of an educational programme to tell people what these crosswalks are all about.

This is a serious matter, Sir, because I am surprised that more people have not been killed. Most drivers that I see have no regard at all for the crosswalks or people trying to get across the road. We see sometimes senior citizens trying to get across the street. They are lucky they are not mowed down. We are getting almost like the taxi drivers down in New York. As soon as one steps off the curb, he is fair game. The drivers seem to race after them. I have seen it happen hundreds and hundreds of times, Sir, in

this city. It is no good making the law unless we do something to educate the people into how to use the law.

Now, it is good to have it there but if it be not enforced, it is not going to do any good. I am really convinced myself, Mr. Speaker, that people do not understand what the lines are all about, what the crosswalks are all about. I think that there should be some kind of an education programme undertaken because, believe it or not, Sir, we do have new drivers coming into this city for the first time. I have seen them myself; they have been in front of me going through lights and so forth. They have no idea what lights are about. They are out on the Trans Canada Highway and they do not know what the double lines and what the broken lines are all about.

AN HONOURABLE MEMBER: Does he mean somebody from outside of town does not know what the lights are all about?

MR. NEARY: They do not understand it. Half the time, especially in the winter time -

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: No, Sir, this is a fact. A lot of drivers are ignorant of the rules of the road. I do not care where they are from. The honourable minister does not believe that, does he?

MR. CROSBIE: It is insulting to say that a person does not know that red means stop and that green means go.

MR. NEARY: No, that is not what I said, Sir.

AN HONOURABLE MEMBER: The honourable member said they do not know what the lights are all about.

MR. NEARY: No, they do not. In some cases they do not even know lights are there. They just drive on as if they were out on the open highway. I have seen it happen.

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: The honourable member does not believe it

MR. DOODY: Inaudible.

MR. NEARY: Sir, I am merely trying to protect the poor old pedestrian who cannot afford to buy a car. It is a fact, Sir, that a lot of people are ignorant of the rules of the road. Half the time, especially

in the winter time, when they are sanding the roads and so forth, one cannot see these crosswalks or these lines. Drivers think that is a permit then for them just to go on. They do not have to recognize them because they are not there. They may be there and one cannot see them. That is true. They are covered over with salt and sand.

Sir, maybe members think it is a joke but I think it is quite serious. Would the honourable member care to get up and say a few words about it? I will send him back his kisses if he keeps that up.

So, Sir, I think myself and the old minister over there are after getting good results. We are going to get a new ferry. We are going to get a new ferry now.

I think something needs to be done about this, Sir. I just throw it out as a suggestion to the minister; if they are going to bring in this kind of legislation, if they are going to make these kinds of laws, then they are going to have to be enforced and there is going to have to be an education programme to let people know what they are all about. I think it would cut down on the number of accidents in the city.

MR. SPEAKER: Should the honourable minister speak now, he closes the debate.

MR. ROUSSEAU: I accept the wise words of the honourable member. I know there are other provinces. When we drive down from Labrador we always love to get into Quebec and get out of there just as fast as possible. I would like to allay the honourable member's fears, that we on this side of the House have no problems on crosswalks. Nobody is gunning for us. We feel rather sorry that somebody is gunning for honourable members across, but I assure them we have no problems.

It is a matter again of the educational aspect. I think it is a matter more of courtesy of individuals that they allow people to walk across crosswalks. I think they are well aware of the courtesies of the road. If the people involved just adhered to these courtesies and allow people to walk across these crosswalks or walk across the

road where there are no crosswalks, that they merely extend the courtesy to them as one driver would extend the courtesy to another to let them come out of a jam and so on and so forth.

So, while education may well be important, I think the aspect of courtesy of the drivers towards other drivers and to pedestrians is much more important than the educational programme.

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

Motion, second reading of a bill, "An Act Further To Amend The Constabulary (Pensions) Act."

MR. HICKMAN: Mr. Speaker, this bill is simply a requirement to tidy up the bills required by those administering the pension fund. I move second reading.

On motion a bill, "An Act Further To Amend The Constabulary (Pensions) Act." read a second time, ordered referred to a Committee of the Whole House presently, by leave.

Motion second reading of a bill, "An Act Respecting The Designation Of Beneficiaries Under Retirement Savings Plans."

MR. HICKMAN: Mr. Speaker, the explanatory note in this bill is very clear. This bill provides that beneficiaries designated under retirement savings plans or trust companies would be entitled to the benefits upon the death of the holder of the plan without the necessity of such holder making a will. I always thought that this was the law but apparently it is not.

AN HONOURABLE MEMBER: Inaudible.

MR. HICKMAN: Oh, with trust funds as opposed to insurance. Under policies of life insurance regardless of what is in the will, the named beneficiary takes but this did not apply in retirement savings plans. I move second reading.

On motion a bill, "An Act Respecting The Designation Of Beneficiaries Under Retirement Savings Plans," 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. MARSHALL: The explanatory note is in the nature of a technical, not a routine but a technical amendment to the Civil Service Act, Mr. Speaker, with respect to Canada Pension Plans reductions which would allow a rate to be deducted from the pension calculated under section (20) of the bill.

The bill would also authorize the accounting for pensionable purposes period of leave of absence in respect of which these contributions are paid and also authorize the Lieutenant Governor-in-Council to prescribe by regulation the manner and times of payment of salaries of civil servants and pensions of retired civil servants.

That is it exactly. I mean, I cannot make it really any more simple. Mr. Speaker, than the explanatory note. It seems to me to be admirably simple here.

MR. NEARY: Because the minister did not do his homework, he does not know what it is all about.

MR. MARSHALL: I do know what it is all about but I cannot explain it any more simple than the written word, 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 Further To Amend The Grand Falls Hospital (Management) Act, 1961.

MR. MARSHALL: This is a bill, Mr. Speaker, allowing the Deputy Minister of Health to designate a person to attend meetings of the Grand Falls Hospital Management Committee of the corporation.

MR. NEARY: Could the minister tell us why this is necessary?

MR. MARSHALL: It is necessary, Mr. Speaker, because it is not always convenient and possible for the deputy minister to be present. For example, this year the deputy minister, Dr. Cant, was ill I believe before his retirement, and we wish to be assured that an authorized and responsible official of the department will be in attendance.

AN HONOURABLE MEMBER: Inaudible.

MR. MARSHALL: Well, the deputy minister is. This is the way it is here

now, that the deputy minister is a designated person, a representative on the board.

On motion a bill, 'An Act Further To Amend The Grand Falls Hospital (Management) Act, 1961,' 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 Newfoundland Medical Care Insurance Act."

MR. MARSHALL: This bill Mr. Speaker, would permit the Deputy Minister of Health to designate an officer of the Department of Health to attend commission meetings in the same way as the other bill allowed another officer of the department to attend instead of the deputy minister for exactly the same reasons and would oblige the government to pay out of the monies voted by the legislature the balance of all funds necessary for the proper operation of the medical care scheme. Apparently there was some question as to the validity of certain actions taken in this area of the payment of the government into the medical care scheme. We wish to have it regularized.

MR. W. ROWE: I used to wonder, Mr. Speaker, why the reputation of the House; since this Progressive Conservative Party got into power, why the reputation of the House had been sort of on the skids, going steadily downward. It suddenly occurred to me, Sir, as I was reading over this bill, this is a typical bill now of this government. Permit the deputy minister to designate an officer of the department to attend meetings of the commission. This is (a). What other epoch making decisions will this government be coming up with to solve the problems in Newfoundland? Well, they rectified an error then Sir, to oblige the government to pay out of monies voted by the legislature the balance of funds necessary for the proper operation of medical care schemes.

To oblige the government to pay out money to the medical care scheme, money voted by the legislature for the government to pay to the medical care scheme. I mean, what kind of nonsense do we have to put up with from this government? Now, this may be highly necessary for all I know. The problem is that this bill No. (65) in

a session of the House with the lowest number of bills on record, I suppose, since 1949 probably, well, nearly the lowest if not the lowest and the lowest quality of legislation, this is a typical bill, bill No. (65). This is a government, Sir, of narrow, goggle-eyed,

blinkered, tunnel-visioned, bureaucrats; searching through the legislation of Newfoundland to try to come up with every little technical error they can find in the law and then bring it in as a great revolutionary step forward by the government of this province. There it is, Sir, a typical bill.

AN HON. MEMBER: (Inaudible).

MR. W. N. ROWE: That is why if this House has suffered any loss of reputation or repute in the past three or four years, aside from one or two Yahoo's sitting on the other side, who interrupt everyone when they are speaking. (We are listening to one now, a Yahoo on the other side) it is the low, miserable, measly quality of legislation that this administration have insisted in bringing into this House. That is why this House has suffered in reputation; a defect, Sir, that will be remedied after the next provincial election.

SOME HON. MEMBERS: Hear! Hear!

MR. MARSHALL: This should hardly need to be said and it should not be replied to. It was said once before. The thing was that it seemed to capture the imagination of certain people in the press and it seemed to impress them. The fact of the matter is that this is a very necessary bill. This party is not in the habit of voting funds for certain departments and allow them to be handled in any manner other than as directed by the Legislature. With respect to the amount of bills; this year I think the second highest number of bills will be passed by this House. There are already more bills on the Order Paper than were passed by the Province of Quebec in its recent session. There are 100 on the Order Paper right now. Some of the bills that have gone through, like the amendment of the Judicature Act, the Court of Appeal, the BRINCO legislation which will come up, the Forestry Bill, the amendments to the Highway Traffic Act, etc., will be too much for the honourable people on the other side to grapple with.

Mr. Speaker, I move second reading. I have much pleasure in moving second of this bill and all of the bills.

On motion, a bill, "An Act Further To Amend The Newfoundland Medical Care Insurance Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow.

Motion second reading of a bill, "An Act Further To Amend The Companies Act."

MR. HICKMAN: Mr. Speaker, the explanatory notes say as well as I can what this bill is all about.

Some years ago the Companies Act was amended to require domestic and foreign companies to register under the act. They were given some time in which to register. Now we assume that all foreign companies carrying on business in Newfoundland have long since registered. The recommendation of the Registrar of Companies is, which I certainly concur with, that it now be required that a company be registered under this part before it commences business in Newfoundland.

I move second reading.

MR. NEARY: Mr. Speaker, I do not know if this is the time and the place to get my shot away under this particular bill Sir. I have been doing a little research on the Companies Act, Sir, over the past few months. I discovered, Mr. Speaker, that nowhere in the Companies Act is there any protection for the consumer. There is none whatsoever.

If anyone wish to set up a company in this province, Sir, whether it be a foreign company that the minister just spoke about or whether it be a local company, the first step (Just listen to this, Mr. Speaker. The members will be interested in this. A lot of dishonest people can hide behind the Companies Act and they do) to get organized, to get incorporated in this province is to get in touch with a lawyer. That is step number one.

AN HON. MEMBER: (Inaudible).

MR. NEARY: Under the Companies Act, only a lawyer, Mr. Speaker, can file the application. The application, Sir, sometimes is referred to as articles or a memorandum of association.

The Registry Office, Sir, I am told (perhaps the minister can confirm this) has no official application form. Articles or memorandum are typed on ordinary stationery and are acceptable as long as they stay within the Companies Act. That is fantastic, Sir.

No wonder the lawyers get such a rip-off.

AN HON. MEMBER: (Inaudible)

MR. NEARY: Prior to submitting an application, it is customary for the lawyer to ask approval of the name of the company. This can either be done by telephone, in writing or in person. Following this request, a check is then made at the Registry Office to determine if there is another company registered in the same name or even close to the name suggested. If Newfoundland or Labrador is included in the name, then it has to be submitted to the cabinet for approval.

AN HON. MEMBER: (Inaudible).

MR. NEARY: I went down in the Registry Office and got it done myself, with the help of the registrar.

Under the heading of capital requirements (Just listen to this, Mr. Speaker) there is no set amount. No wonder the poor, old consumer got no protection. There is no set amount under capital requirements. There must be a minimum of 5,000 shares and not necessarily in cash. Three people are necessary to incorporate the company. There must be at least three shares in the company. It could be a man and wife and a lawyer and so on. It could be a combination of anybody. It could be the lawyer's secretary or his clerks who work down in his office. There are three shares in the company. It could be a man, wife and a lawyer. Three people, with one share each. It could be any combination.

The fee required for setting up the company under the Companies Act, excluding legal fees, ranges from a low of fifty dollars for a company with capital requirements of a minimum of \$5,000, following which the formula is based on a sliding scale, it is used with the fee increasing with the capital requirements of the company. Mr. Speaker, the fee required to register a company with a capital requirement of \$25,000 would be \$90.00, plus a \$15.00 fee for making certain that all requirements of articles are statutory requirements and are met. The cost of setting up a company worth \$25,000 which is not in cash, only on paper, Sir, would be \$105.00. That is what the registrar told me. I went down and I spent a few hours downstairs. It is \$105.00. When all the requirements are met, the registrar will then issue a certificate.

Mr. Speaker, just listen to this: One of the chief reasons, so I am told, for incorporation is that it protects the owners of the company from claims against their personal estates or from being sued for damages or getting at their personal bank accounts.

AN HON. MEMBER: (Inaudible).

MR. NEARY: No, Sir, the people of Newfoundland do not know it. They do not, Sir.

AN HON. MEMBER: (Inaudible).

MR. NEARY: The minister knows how to operate his little construction company and his little land company.

MR. SPEAKER: Order please!

MR. NEARY: Unless, Mr. Speaker, so I am told, there is suspicion of fraud or a breach of trust or some other evidence of improper wrongdoing, an individual with a grievance or a claim can only go after the assets of the company. The owner could be down in Florida with a big bank account and a big estate down there -

AN HON. MEMBER: (Inaudible).

MR. NEARY: One would not be able to get at him.

Mr. Speaker, we have had a number of examples in this province in recent weeks when certain furniture companies -

I think it was about one year and one-half ago that there was a company that promoted stock.

AN HON. MEMBER: (Inaudible).

MR. NEARY: Mr. Speaker, does the honourable gentlemen think that this is a joke.

AN HON. MEMBER: (Inaudible).

MR. NEARY: No, Sir, they are not. We had one operating here in Newfoundland that brought around a letter, I think, or a picture of some cardinal. They took a picture of some bishop or cardinal into the Roman Catholic parts of Newfoundland and said, "Look, this honourable gentleman has bought our shares." The people fell for it.

AN HON. MEMBER: (Inaudible).

MR. NEARY: No, it was not one Ambrose Peddle uncovered. This one only happened, Sir, about one year and one-half or two years ago. Mr. Speaker, what I am trying to get at here is that the Companies Act gives a lot of dishonest people an opportunity to use the law for their own protection. I think, Sir, that there should be some protection put into the Companies Act for the Consumers. I had a call recently from a number of mothers who were heartbroken because their sons who were getting married had gone out and made a substantial down payment on furniture.

Do the members think that this is funny?

One gentleman who was getting married, spent \$2,000.

He paid it down on his furniture. The next thing the company went bankrupt. He does not have his furniture yet. He probably never will get it. He will not get his money back. How is he going to get his money back?

AN HON. MEMBER: (Inaudible).

MR. NEARY: That does not make any difference, Sir, the name of the -

AN HON. MEMBER: (Inaudible).

MR. NEARY: Sir, this happens fairly often in this province. In 1972, I am told that there were nine bankruptcies, which were reported in this province. In 1973, there were fifteen who declared insolvency. This year, I think there are probably six or eight applications received by the courts so far in 1974.

Now I do not know what the answer to this is, Sir. I know it is difficult to come up with the answer because I have heard all the arguments. I sat down and I discussed this with the people who are in the know and they tell me that people will not take a gamble, they will not risk, if we tighten up the regulations. They are not risking anything in the first place, Sir. It is all done on paper. There is no money involved. If one can afford to get a lawyer, one can go down and get a company registered worth \$25,000 on paper for \$105.00.

Mr. Speaker, I think that it is about time that we took a good, hard look at the Companies Act in this province to see if we cannot get some protection for the consumer. I do not know, Sir, if it be possible to have a fund created to compel these companies to build up a fund, to submit an annual report showing the assets of the company, showing their bank accounts and so forth, so that the registrar can see that in the event of anything going wrong, of going bankrupt that they would be able to meet their commitments. How many people have been stuck in this province, Mr. Speaker? How many small businesses have been forced out of business because some company went bankrupt and stuck them and could not pay them their bills? There was no way to get at them. They could go to any part of the world, Sir, they could have an estate in any part of the world, they could have a bank account big enough to choke a horse and there is no way one can get at them. One can only get at the assets of the company.

AN HON. MEMBER: (Inaudible).

MR. NEARY: Do members mean to tell me that that is right and proper?

AN HON. MEMBER: (Inaudible).

MR. SPEAKER: Order please!

MR. NEARY: Under our present law, all this is legal. Any three people, Sir, stupid or dishonest as they may be, can get together and incorporate a company and the public have no protection. I think, Sir, it is time that the government did something about this cancer on our free enterprise system and not treat it as a joke.

MR. MORGAN: When was the law passed?

MR. NEARY: The Companies Act has been there for a long time.

Mr. Speaker, another answer may be to compel the company that is incorporating to make provision for posting some kind of fidelity bond to guarantee that their customers and their suppliers will not suffer either through their mismanagement or through deliberate dishonesty. That might be the answer, Mr. Speaker, I do not know. Sir, as I said a few moments ago, another possibility worthy of consideration is that since the government down here in the Registry Office issues the provincial charters permitting the foolish or the dishonest to operate a business, government should assume, Mr. Speaker, some responsibility for periodic audits of the books. After all the company is a creature of the government, whether they care to admit it or not. If this be not feasible, then, Mr. Speaker, at least compel the companies to submit a financial statement annually in order to keep a watch on the financial affairs of the various companies that are incorporated, Sir, especially, if these so-called dummy companies which we hear so much about are set up for the purpose of income tax evasion.

I think, Sir, it is about time we did something about this so that a lot of our people will not be left high and dry as they have been in the past. I think this is something, Sir, that I would like to see done. I know this amendment is just a foolish amendment, Sir. I certainly throw out these few suggestions for the minister to think about in future when he is bringing in amendments to the Companies Act.

MR. AYLWARD: Before the minister speaks, I appreciate the honourable gentleman's lecture on companies but there is one point which I think does have merit. I have had occasion recently to have people consult me with respect to innocent individuals who have paid deposits on such things as household furnishings and it has worked out to be a terrific hardship. I know myself of a young couple who had savings of probably \$800, which was practically every cent they had, paid down to a certain company on household furnishings in anticipation of marriage and when the company went bankrupt, of course, that was wiped out. I do not know really what the answer is. I think the submission is typical.

Perhaps the Attorney General might consider something, that companies who accept deposits from individuals have some type of bond or something before they are able to accept down-payments of that type without providing the goods. If they were required to provide some bond or some security with the registrar, then innocent individuals certainly would not suffer. There is that situation which prevails. I do not know, I suppose one cannot legislate on it. There are circumstances. We have had them here recently where this type of thing happened. I do not know how it really could be done. If some legislation or if something were brought in to impose upon these companies or individuals who accept retainers to either place it in trust or have bonds, then we might go to some extent to protect these innocent individuals.

MR. W. N. ROWE: I would just like to add a very brief word to what has been said. The Member for Bell Island in his inimitable fashion, Mr. Speaker, has brought something to the attention of the House. Many of us are already aware of it, of course, but it is always worthwhile to have these things aired.

If anybody is going to go into business today and is going to become involved in a risk situation, then there has to be, obviously, legislation whereby he is able to separate the companies operation from his own personal assets. There is no doubt about that.

Of course, there are bankruptcy laws, fraudulent preference laws and all kinds of laws to govern the operation of that situation in case the person goes bankrupt or winds up or goes insolvent and everything else.

I do not think there is much that can be done about that. That is an unfortunate situation from the point of view of a creditor. The point that the Member for Placentia East has brought up and the point brought up by the Member for Bell Island and commented on by the honourable member opposite is really a different point and one which something can be done about.

There must be situations, where somebody, a householder, is buying furniture or other basic elements of necessity whereby downpayments are made and goods are not delivered that the monies paid can be considered trust funds or something until such time as deliveries are actually made so that the business concern cannot take that money and mix it up with its own general operating account. Then if that business should go insolvent the money of course becomes part of the assets, if there should be any money, and it is distributed around on a very reduced basis to any creditors, or there may not be any money at all left. But I do not think it is beyond the wit of man for the Department of Justice in conjunction with the Minister of Provincial Affairs and consumer legislation to come up with something whereby certain types of payments are considered trust funds or if they are not considered trust funds some compulsory bonding has to be entered into to protect the ordinary consumer.

There will be some difficult cases where, you know, a difficult case between ordinary lines of credit between two or three business concerns, whether that should be considered trust funds in certain situations or not but I am sure it is not beyond the wit of man for some protection to be accorded to the ordinary person. We are not talking about those necessarily in business who might make payments without the goods being delivered, that sort of thing. That would be in the nature of a business risk but there should be no risk at all on the shoulders of an ordinary consumer who pays money in anticipation of goods or services and loses that money on account of the fact that the company either goes bankrupt or insolvent or the company is defrauded by certain officers or the company is milked dry of its assets and its resources and somebody absconds with say that money. In that kind of a situation there should be no risk at all on the shoulders of the ordinary consumer. It should be possible, as my honourable colleague has mentioned and as my friend across the House has said, it should be possible for consumer legislation to be brought in to have that money treated as trust funds or to have some kind of bonding, compulsory bonding

established whereby a consumer who is caught in that kind of a situation is assured of having his money refunded.

I think a very worthwhile contribution has been made in the late hours, the declining hours of this House of Assembly, and that perhaps the Minister of Justice and the other ministers concerned can work on that now over the summer and the fall and in the next session of the House bring in some legislation to protect a consumer. I know in the Law Society, for example, certain monies that come in to a law office are treated as trust funds. If a law firm, a very unlikely eventually I must admit, I do not think there is one in the history of Newfoundland but if a law firm or an accounting firm for that matter in certain cases were to go bankrupt or wind up or a lawyer or an accountant ran off with monies that were the operating monies of the law firm, then the trust funds, in most cases, unless there is outright fraud, in most cases the trust funds are inviolate and the monies are there. You know, they would not be affected by a bankruptcy or an insolvency.

The same thing can be extended as a matter of principle to all businesses, to protect the consumer. There is a need for ordinary businesses as well who give and receive credit, but you cannot go too far in that kind of protection because you destroy initiative and you would have situations where no risk capital would be put up. But when you are talking about the ordinary consumer buying the basic necessities of life, there should be no risk whatsoever on that person. Any risk that there is, that risk should be transferred in some way to a third party by way of bonding or the risk element should be removed altogether by establishing some sort of a trust fund situation whereby the money cannot be touched by the ordinary creditors in case of insolvency or bankruptcy, the money is in a trust fund and remains there until the goods and services are delivered. I think that is possible, Sir, for the government to come up with before too long.

AN HON. MEMBER: Hear! Hear!

MR. SPEAKER: The honourable Member for St. John's South.

MR. R. WELLS: One or two of these comments tonight I think have been very worthwhile. I have always felt that there should be a little more control on companies, three people getting together to form a company. If you go down in the registry and look, all you see are names which may or may not be the real principals of the company. The information that you are given really is the names, addresses, the amount of the authorized capital and the amount of shares issued.

Now this is quite apart from what the two learned gentlemen have said on protection of funds paid and we have seen examples recently for furniture or for anything being held. I think that either the bonding or the trusting are well worth looking at there. But also on the broader aspect, of the company and the registry of companies, itself, I have often felt that it would be desirable, in addition to the sort of information that is given on the annual return, if a little more additional information as to the financial status of the company could be given also.

Now it is true not everybody who does business with a company is going to come to the Confederation Building and look up the annual report but still there would be the provision where people doing business could write at least. I would like to see on the annual return and in addition to the things my learned colleagues and the Member for Bell Island were talking about tonight, in addition to that I would like to see something filed with the annual returns that gave some indication of the investment that the shareholders had made in the company concerned or something to show something of its financial status.

I do not think it is enough to go down year after year, as you can with certain companies, and just see three shares, Mr. Jones, Mr. Smith and Miss X or whatever. That is not very much. It does not tell anybody very much who is dealing with the company.

Now on the other hand you have to be aware that people dealing

with companies who have access to this sort of, you know, to information about them, can get it through the credit reporting agencies, you know, so that there are ways of finding out who they are and what their assets are. I agree that there are many people who do not know the ropes and may find it difficult to get this sort of information. So I think if the Minister of Justice were going to look at these things which the Member for Placentia East, the Member for White Bay South and the Member for Bell Island talked about, I think he ought well to look at the annual return also to see if a little more information could not be included in it which would give a further measure of knowledge, it is knowledge that is protection in these sort of cases.

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

MR. HICKMAN: I thank honourable gentlemen for their comments, whilst they were not related to the bill before the House. I am not sure how much of this related to the Companies Act, as to what protection the Companies Act can afford. For instance, we have now, on tomorrow there will be debated a bill, "An Act Respecting The Licencings of Trust Companies And Loan Companies," which will give the province the right to impose regulations governing adequate insurance coverage to cover monies that are trust monies that are left in the hands of loan companies. Most of this comes under the federal government and it may be supplemental legislation.

That same principle can possibly be extended to the type of deposits on furnishings that has been referred to by the honourable Member for Bell Island but not under the Companies Act. I do not think it is a provision for the Companies Act.

AN HON. MEMBER: Inaudible.

MR. HICKMAN: No, but the same thing would apply to an individual. An individual does not have to be incorporated. Tomorrow the honourable gentleman for Bell Island could hang out "Stephen Neary & Son, Furniture, Suppliers and Upholsters," and could get into business, I know he would not, and ask for deposits on furnishings. Then he suddenly find himself in financial difficulties. He could go bankrupt

and his affairs would come under the federal bankruptcy act the same as any company.

MR. NEARY: Then they could take my house or my car.

MR. HICKMAN: They could. Of course, they could. They could take the honourable gentleman's house.

MR. NEARY: Inaudible.

MR. HICKMAN: But when you incorporate -

MR. NEARY: Inaudible.

MR. HICKMAN: Well that is partly - there is no question about it that commerce could not survive without the protection that is afforded under the Companies Act insofar as incorporation companies are concerned.

AN HON. MEMBER: Inaudible.

MR. HICKMAN: I would like -

AN HON. MEMBER: Inaudible.

MR. HICKMAN: Last year, for instance, I asked this House to vote some money to take a look at the new Companies Act and I tried to get a professor at Dalhousie to do it. The Law Society came out against the new Companies Act saying that the present one with some amendments would be far better and I was not inclined to be overly impressed with that until I met with the Attorney General of British Columbia but they brought it up and it was suppose to be the finest Companies Act in Canada and they are now going to repeal it and bring back the old act because the other one is so complicated. Sometimes we lose sight that simple acts may give the same protection.

But I would like to see in the Companies Act when we get some major amendments underway something which forces disclosure of shareholders. That to me is far more important than almost any, you know, that is one of the big loopholes in the Companies Act as I see it, that today a company can be incorporated and you can have three nominees as shareholders and this does not give any indication as to who the true shareholders are and there is no way under the law of forcing disclosure. That, Mr. Speaker,

is what I would like to see in the Companies Act.

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

On motion that the House resolve itself into Committee of The Whole to consider certain bills, Mr. Speaker left the Chair.

COMMITTEE OF THE WHOLE

MR. CHAIRMAN: STAGG:

A bill, "An Act Further To Amend The District Courts Act."

Motion that the Committee reports having passed the bill without amendment, carried.

A bill, "An Act To Amend The Interpretation Act."

Motion that the Committee reports having passed the bill without amendment, carried.

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

Motion that the Committee reports having passed the bill without amendment, carried.

A bill, "An Act To Amend The Public Service Collective Bargaining Act, 1973."

Motion that the Committee reports having passed the bill without amendment, carried.

A bill, "An Act To Amend The Quieting Of Titles Act."

Motion that the Committee reports having passed the bill without amendment, carried.

A bill, "An Act Further To Amend The Constabulary (Pensions) Act."

Motion that the Committee reports having passed the bill without amendment, carried.

A bill, "An Act Further To Amend The Highway Traffic Act."

Motion that the Committee reports having passed the bill without amendment, carried.

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

On motion Clause (1) carried.

MR. W. W. MARSHALL: Clause (2), Mr. Chairman, there is an amendment

that (35) becomes (38) both in the word and in the numbers in the second last line. I move that it change to (35) to (38).

On motion Clause (2) as amended carried.

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

A bill, "An Act Respecting The Designation Of Beneficiaries Under Retirement Savings Plans."

Motion that the Committee reports having passed the bill without amendment, carried.

A bill, "An Act Further To Amend The Local Government Act, 1972."

Motion, that the Committee reports having passed the bill without amendment, carried.

A bill, "An Act To Amend, Revise And Consolidate The Law Respecting The St. John's Memorial Stadium."

Motion, that the Committee reports having passed the bill without amendment, carried.

A bill, "An Act Further To Amend The Agreements Ratified By The Avalon Telephone Company Act, 1938."

Motion, that the Committee reports having passed the bill without amendment, carried.

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

Motion, that the Committee reports having passed the bill without amendment, carried.

A bill, "An Act Further To Amend The Grand Falls Hospital (Management) Act, 1961."

Motion, that the Committee reports having passed the bill without amendment, carried.

A bill, "An Act Further To Amend The Newfoundland Medical Care Insurance Act."

Motion, that the Committee reports having passed the bill without amendment, carried.

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

Motion, that the Committee reports having passed the bill without amendment, carried.

On motion that the Committee rise and report having passed bills Nos. 5, 30, 31, 61, 60, 63, 62, 72, 69, 74, 76, 80, 66, 65 and 84 without amendment and Bill No. 64 with amendment and asked leave to sit again, Mr. Speaker returned to the Chair.

MR. SPEAKER: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and directed me to report having passed bills Nos. 5, 30, 31, 61, 60, 63, 62, 72, 69, 74, 76, 80, 66, 65 and 84 without amendment and bill No. 64 without amendment.

On motion report received and adopted.

On motion committee ordered to sit again on tomorrow.

On motion amendments read a first and second time.

On motion bills ordered read a third time on tomorrow.

Motion, second reading of a bill, "An Act Further To Amend The Summary Jurisdiction Act."

MR. HICKMAN: Mr. Speaker, the purpose of this amendment is to increase the cost of serving civil writs, in matter under fifty dollars, one dollars and in matters where the amount involved exceeds fifty dollars, five dollars. That corresponds with the scale of serving writs approved under the rules of the Supreme Court. I move second reading.

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

Motion, second reading of a bill, "An Act Further To Amend The Mechanics Lien Act."

MR. HICKMAN: Mr. Speaker, this bill simply provides that any action to be commenced under the Mechanics Lien Act to realize a claim for a lien shall be commenced within ninety days after the work has been done or ninety days after the materials furnished rather than ninety days after the expiry of the period of credit, if indeed such credit is mentioned in the lien. This would force the conclusion of the institution of a writ which most people already institute within ninety days in all mechanical lien actions.

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

Motion, second reading of a bill, "An Act To Amend Certain Statutes Of The Province."

MR. HICKMAN: Mr. Speaker, I simply move second reading of that bill.

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

Motion, second reading of a bill, "An Act Further To Amend The St. John's Housing Corporation Act."

MR. H. R. V. EARLE: Mr. Speaker, this amendment here would give the St. John's Housing Corporation until March 1974, the period to give statistical report dating from January 1973 to March 1974, as required under the act which was enacted in 1973. The corporation can also dispose of land whereas is heretofore it could only lease land. Certain properties which belong to the City of St. John's which they no longer require can be turned over to the St. John's Housing Corporation. This particular action was necessary because on the properties of the St. John's Housing Corporation there are some dead ends and streets which need to be constructed but the land actually belonged to the City of St. John's and in order for them to complete the development they had to acquire the land from the city, which this act of course will enable them to do.

It is also felt that because of the controls now imposed by the City Council that the leasing restriction is not so important and therefore the St. John's Housing Corporation should be permitted to sell its land. I have much pleasure in proposing this bill for second reading.

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

Motion, second reading of a bill, "An Act To Amend The Farm Development Loan Act."

MR. SPEAKER: The Hon. Minister of Forestry and Agriculture.

HON. E. MAYNARD (MINISTER OF FORESTRY AND AGRICULTURE): This is merely an act to have the farm development loan administered by the Department of Forestry and Agriculture go to the Department of Finance, Mr. Speaker. I would like to move second reading.

MR. SPEAKER: The honourable Member for Bell Island.

MR. NEARY: I wonder could the minister tell us why this is necessary? What is the reason behind it? There must be some legitimate reason for doing this?

MR. MAYNARD: For streamlining that is all, because it is administered by us now anyway, but it is technically under the Department of Finance.

AN HON. MEMBER: Inaudible.

MR. MAYNARD: Does the honourable member want me to answer it now?

AN HON. MEMBER: Yes.

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

MR. MAYNARD: It is simply, Mr. Speaker, the farm development loan act is for all intents and purposes administered by our department now because for some reason or another when the act was introduced it was brought within the ambit of the Minister of Finance. It is merely an administrative procedure.

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

Motion, second reading of a bill, "An Act Further To Amend The Crown Lands Act.

MR. SPEAKER: The Hon. Minister of Forestry and Agriculture.

MR. E. MAYNARD: Mr. Speaker, this is a bill designed to streamline some of the procedures in the present Crown Lands Act for the granting of leases and grants for various purposes. At the present time the Crown Lands Act spells out in great detail how leases and grants are to be issued. In many cases the details spelled out in the act prevents us from granting or leasing land under certain conditions that are necessary for the person who is making the application or who is acquiring the land. It is quite inflexible and the amendments would make it much more flexible. They would allow the minister to makes leases or grants not exceeding fifty acres subject to various terms and conditions whatever is appropriate at the time, over fifty acres it would be referred to the Lieutenant Governor-in-Council.

The other part of the amendment is one which would enable the minister to authorize officials of the department to issue permits and also amend the act to permit the minister to issue permits up to one million cubic feet of timber as opposed to the present one hundred

ords, I think, it is. It is merely a streamlining procedure of the Crown Lands Act.

One other thing that is in the amendment is that it would enable us to grant easements for power line right-of-ways and this sort of thing. Whereas the only procedure that can be used at the present time is a commercial lease, for instance, if the Power Commission want to construct a power line we have to give them a commercial lease for the whole power line right-of-way which is not really necessary, and we will be able to grant easements as opposed to the lease.

MR. SPEAKER: The honourable Member for Bell Island.

MR. NEARY: Mr. Speaker, I assume from the minister's explanation that the real change here is that the authority is now being removed from the Lieutenant Governor-in-Council and given exclusively to the minister.

AN HON. MEMBER: Inaudible.

MR. NEARY: Yes, that is right, up to or to enable the Lieutenant Governor to issue leases or grants in excess of fifty acres. The minister can now issue permits below fifty acres and if above fifty acres it still has to go to the Lieutenant Governor-in-Council.

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

Motion, second reading of a bill, "An Act To Amend The Fisheries Loan Act.

MR. SPEAKER: The Hon. Minister of Fisheries.

HON. H. COLLINS (MINISTER OF FISHERIES): Mr. Speaker, there is a minor change to loans, to make the Minister of Fisheries responsible for the administration of the act as opposed to the Minister of Finance which is now stated in the existing act.

MR. SPEAKER: The honourable Member for Bell Island.

MR. NEARY: Mr. Speaker, when the minister closes the debate on this could he tell us what happens? What happens now is that the Fisheries Loan

Board will make the decision but the cheque is issued from the Department of Finance. Is that the way it works now?

AN HON. MEMBER: Inaudible.

MR. NEARY: And so now the cheque will be issued from the Department of Fisheries. Is this the change that is being made?

MR. COLLINS: No, it is not the case of who issues the cheques.

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

MR. COLLINS: It is not the case of who issues the cheques, Mr. Speaker, it is a matter of who is responsible for the administration of the act and who is responsible for the decisions and so on.

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

MR. SPEAKER: It now being 11:00 P.M. I do leave the Chair until 3:00 P.M. tomorrow, Tuesday, May 21, 1974