

PRELIMINARY

UNEDITED

TRANSCRIPT

HOUSE OF ASSEMBLY

FOR THE PERIOD:

3:00 p.m. ~ 6:00 p.m.

MONDAY, MARCH 28, 1977

The House met at 3:00 p.m.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

STATEMENTS BY MINISTERS

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

MR. HICKMAN: Mr. Speaker, in the absence of my colleague the hon. the President of Treasury Board, I would like to inform the members of this hon. House of recent developments with respect to the strike at Waterford Hospital.

Since the commencement of the strike on February 17, 1977, almost six weeks ago, government has made repeated efforts to get the negotiations moving and to bring the strike to an end.

Despite the efforts made on behalf of the employer, the union remained firm in their demands that the pension issue be resolved on their terms prior to any discussions taking place on the other items in the proposed contract.

Last Wednesday, NAPE approached the hon. the President of the Treasury Board to present a new proposal, their first effort since the strike commenced and government, of course, agreed to consider it. The proposal was analyzed, and in order to ensure that it was fully understood, our negotiators met with the union's negotiating committee on Friday past.

At that meeting, it was confirmed that the union is still seeking a revised pension plan for all those current employees at the institution who receive the maximum patient contact allowance.

Mr. Speaker, the only change in the union's position was with respect to future employees. The union said that they would accept their proposed plan as a temporary plan applicable only to employees on staff now. They indicated that in future rounds of negotiations, they would seek coverage for future employees. In terms of the number of current employees for whom the union is seeking coverage and the actual pension benefits being sought

MR. HICKMAN:                   there is simply no change from the union's initial position. In addition, the NAPE negotiating committee has again refused to discuss any other contract items.

Mr. Speaker, while government is disappointed with the union's inflexibility on the matter, it is most important that every avenue available to us should be explored in an effort to bring this critical dispute to an end as soon as possible.

Accordingly, on Saturday afternoon, our negotiators proposed to NAPE that the pension issue be submitted to binding arbitration. We suggested that an arbitrator could conduct a detailed review of the facts, hear arguments from both sides and review the working conditions and benefit structure at Waterford Hospital in comparison with other psychiatric institutions across Canada. Such an arbitrator would visit these other institutions to enable him to deal with the Waterford situation in the appropriate perspective.

MR. HICKMAN: Mr. Speaker, the proposal of arbitration was rejected by NAPE outright at the bargaining table without consideration. I understand as well that the union has this morning confirmed to the Deputy Minister of Manpower and Industrial Relations that it is not prepared to submit the matter to arbitration. Mr. Speaker, I am sure that all the members of this hon. House are anxious to see this critical dispute resolved as soon as possible and I can assure this House that government is continuing to explore every reasonable option available to do so.

MR. SPEAKER: Hon. Leader of the Opposition.

MR. ROBERTS: Mr. Speaker, all the members of the House will have heard the minister's statement with regret at the news - and it is not particularly new - the news that the negotiations broke down and it is that that I regret. Because, of course, we had all hoped, based on the events and the reports which were current at the end of last week, that there might be a way of resolving this extremely protracted dispute, this very serious dispute.

Now, Sir, I am not allowed, of course, to debate the statement and so I shall not. But it is still unfortunate that the government choose to, in my view, choose to try to deal with only one issue, the pension item. Binding arbitration is never a very happy solution to a labour relations dispute because, of course, it is not part of the collective bargaining process itself. It is an aberration in the collective bargaining process. The imposition or the introduction of binding arbitration represents in a very real way the failure of the collective bargaining process. But given the governments commitment to binding arbitration in this case it is unfortunate that it was invoked only in respect of the pension issue because it is my understanding that all of the other issues which would normally be part of an agreement have not even been begun to be negotiated,

MR. ROBERTS: that when the teams representing on the one part the union and on the other part Waterford and the Treasury Board sat down to begin the process of collective bargaining in respect of a new wage and working agreement, item number one was pensions and item number two never arose. That item number one, the dispute was so fundamental and so serious that a strike ensued, a lawful strike, the one now under way.

Well that being so, Sir, whether it is right or wrong is irrelevant at this point, that being so the fact remains that to ask the union to call off their strike for - the strike weapon which they have used, doubtless at great inconvenience and cost to themselves and their members, to call that off in respect of only one item, when all of these other items have not been settled - and I am not saying it is the government's fault that they have not been settled, they have not been negotiated in my understanding-but that Sir, in my view, is not the way we should proceed at this time.

The real tragedy, Mr. Speaker, is that the strike goes on and what is more and more coming through to me and to members of the House, on this side in particular, is the utter futility of the situation where neither side, the union on one hand or the government on the other, seems to have any real way out of this dilemma. And I am more and more wondering and I want to ask, it is rhetorical I guess, if we were in debate I would ask it, Sir, with the expectation that we would get an answer, is the government just going to sit back and let something collapse, either let the strike collapse with all the residue of legacy that that would leave or are they going to sit back until the situation as the hospital becomes so very serious that further arbitrary measures must be taken? To me, Sir, the fact that this strike has gone on with so little effort being made, not by the Minister of Finance - I think he is within

MR. ROBERTS:

his terms of reference doing his job, but by the Minister of Health and by the Minister of Manpower, each of whom has different responsibilities, Sir, not connected with employers but connected with their ministerial responsibilities. That, Sir, is a failure of imagination, a failure of vision and a failure of policy. So we heard the minister's statement with regret, it is unfortunate that it has come to this impasse. May I express the hope, Sir, on behalf of us and, I believe of every member, that some way may be found out of this strike. Some way may be found out of it soon on a fair and equitable basis before we

Mr. Roberts:

— come to the day when hardship or hard feelings or something equally unfortunate comes instead of a resolution.

Mr. Speaker, the fact that the strike has gone on is an indictment of the entire system of the way in which the government carry out these collective bargaining negotiations. I urge the government, Sir, to make further and renewed efforts to get it settled on a fair and an equitable basis. I think the people of the Province have a right to that, Sir, and I think the people on strike have a right to it, and I know for certain that the people who are patients at Waterford they, Sir, not only have a right, they have a right to demand it, Sir.

SOME HON. MEMBERS: Hear, hear!

PRESENTING PETITIONS

MR. SPEAKER: The hon. member from LaPoile.

MR. NEARY: Mr. Speaker, I wish to present a petition on behalf of 226 residents in the communities of Fox Roost and Margaree. And I want to point out to the House, Sir, at the outset that the matter referred to in the petition is a federal matter, and the reason my constituents have asked me to table the petition in this hon. House is because we do have a minister responsible for Intergovernment Affairs, and they wish to have the support of the administration, especially the minister, in presenting their case to Ottawa for improved postal services.

I will just read the prayer of the petition, Sir, it says: 'Whereas the present rural route system of mail delivery to the communities of Margaree-Fox Roost is considered totally unsatisfactory; postal boxes do not protect the mail in wet weather; the residents are forced to stand in the rain or snow storms to transact business, sending and receiving parcels, obtaining postal money orders etc.; mail service for too short a period, twenty to thirty minutes daily; boxes unable to be opened during freezing weather; two day period required to obtain postal money orders; Be it resolved that we the undersigned residents of Margaree-Fox

Mr. Neary:

Roost hereby petition the postal department to discontinue the present rural route system and establish a post office to service these communities.

I support the prayer of the petition, Sir, and ask the minister responsible for Intergovernmental Affairs if the administration would consider giving it their support and relay the information to the Post Master General in Ottawa.

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, may I assure this House and the hon. gentleman from LaPoile (Mr. Neary) that that petition will be forwarded to the Post Master General in Ottawa with my strongest possible endorsement.

NOTICES OF MOTION

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

MR. E. MAYNARD: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill, "An Act Respecting The Timber Scalers."

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AN HON. MEMBER: Timber scales?

MR. MAYNARD: Timber scalers.

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

MR. A. B. PECKFORD: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill, "An Act To Amend The Mining And Mineral Rights Tax Act, 1975", and "An Act To Amend The Quarry Materials Act, 1976."

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ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

MR. SPEAKER: The hon. Minister of Health.

MR. H. COLLINS: Mr. Speaker, I gave an undertaking to the hon. member from LaPoile (Mr. Neary) Thursday or Friday of last week to get some information relating to the inclusion of the cause of death on the certificate of death which is issued by the Vital Statistics Division in the Department of Health. The purpose of the certificate issued by that division is simply to establish that a death that has



Mr. H. Collins:

been duly registered, and to give the date and other relevant registration facts. Our policy is consistent with that of other provinces except in the case of some provinces in Canada where provision is made for disclosure of the cause of death by a court order from a judge or a written order on the part of the Minister of Health.

In the case of persons requesting information re the cause of death, it has been our practice to refer that person to the doctor who certified the death. And I am told by the Vital Statistics Division that there has not been really any problem in that procedure. If there has been - if any hon. member might have some problems we would certainly be willing to look at them.

MR. NEARY: Yes, I had one from -

AN HON. MEMBER: What we need is a coroner.

MR. COLLINS: Well that would help.

ORAL QUESTIONS

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

MR. ROBERTS: Mr. Speaker, I will not ask a question about the Chief Medical - about the Medical Examiners Act, because the government should have done it two years ago, and it is in draft form. I have seen the draft, you know. All I want is to see it introduced.

But, Mr. Speaker, my question is for the Minister of Justice in his capacity as Acting Premier. I understand the Premier is in Ottawa. Would the minister tell us, with respect to Waterford, just where we go from here. Are things at an impasse now? Are the government contemplating some further move? Have they any indication from the union of any further move or do we just sit back and, you know, wait like dumb animals waiting to see what will happen and hoping something good will happen.

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: I am going to direct that question, if I may, to my colleague, the hon. Minister of Manpower and Industrial Relations, because I think he is in a position to give the House an up to date report on what has transpired up to this minute with respect to the efforts on the part of his deputy minister and himself.

MR. SPEAKER: The hon. Minister of Manpower and Industrial Relations.

MR. ROUSSEAU: This morning, Mr. Speaker, there was a meeting held with the executive and negotiating committee, and the government offer was talked about. And as a courtesy to myself and to the deputy minister, the negotiating committee considered the question of binding arbitration, but rejected it. There was a long discussion and it would be my intention now, on the return of my colleague, the President of Treasury Board tomorrow or late tonight or tomorrow, to fill him in on the details of the meeting and just see where we can go from there.

MR. SPEAKER: The hon. member for LaPoile.

<sup>Neary</sup>  
MR. SPEAKER: Mr. Speaker, my question is for the Minister of Justice, Sir. Would the minister bring the House up to date on the fishery

Mr. Neary.

gear replacement scandal; Just what is happening now in connection with these investigations, not the ones before the court, the ones that are being investigated or is there any investigation going on at the moment?

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: It is awfully difficult for me to answer that broad general question, and at the same time not deal with matters that are indeed before the court or may be before the courts. All I can say is that I have been advised by the Director of Public Prosecutions that for quite some time - in fact going back now for a year or more - a large number of police officers, and I did give the number to this House last Spring, but I forget it now - have been involved in these investigations. I cannot and should not refer to the charges that have been laid.

MR. ROBERTS: Will charges be laid against other individuals

MR. HICKMAN: The investigation is still ongoing, and in my opinion it would be most inappropriate for me to say that other charges will be laid. Now let me say this, Mr. Speaker, that as in the past if there is sufficient evidence to indicate that a crime may have been committed, and that we can discharge, the Crown can discharge its onus of proof of satisfying a court or jury beyond reasonable doubt, then there is no question that we will follow that same procedure.

MR. NEARY: But other charges may be laid?

MR. HICKMAN: Very much so. I should not have said, Very much so that other charges may be laid, may I rephrase that? The investigation is still ongoing.

MR. NOLAN: It is not just limited to companies is it?

MR. HICKMAN: Well anyway, Mr. Speaker, I think that is as far as I should go.

MR. NEARY: A supplementary.

MR. SPEAKER: A supplementary.

MR. NEARY: Would the minister tell the House just how many members of the CID and the Commercial and Fraud Squad of the RCMP are presently involved in the case, if any?

MR. SPEAKER: The hon. minister.

MR. HICKMAN: As I said earlier, Mr. Speaker, I will have to get the information as to the number of members of the Royal Canadian Mounted Police who are involved. It is my understanding that as most of the investigations that are taking place are outside the city of St. John's, consequently not within the area policed by the Newfoundland Constabulary, that during the past few months most, if not all, of the ongoing investigations are being carried out by the Royal Canadian Mounted Police, and there will be less and less involvement of the Newfoundland Constabulary from here on in. There were involved in investigating certain cases.

MR. NEARY: A supplementary question, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. NEARY: I am not quite sure if I understand the minister's answer, but I want to get this on the record, Sir. Could the minister confirm that there is now, at this moment, an investigation continuing, going on, being carried on by the Commercial and Squad Fraud of the RCMP or have they reached a dead end and the investigation has ceased, as far as they are concerned, and it is now in the hands of the minister's department?

MR. SPEAKER: The hon. minister of Justice.

MR. HICKMAN:

I cannot confirm it, Mr. Speaker, but I suspect, in fact I feel reasonably certain, that the RCMP are still continuing with their investigation. They most assuredly will continue to investigate until they are satisfied that they have in their possession all available evidence. The last I heard of it was they were still investigating and I am sure that if they had now reached a conclusion in their investigation that I would have heard of it and I would have been advised. And I feel quite certain that the RCMP, not necessarily the Fraud Squad - and that is not a good phrase anyway, there is no such thing as a Fraud squad, it is the commercial squad, the ones that investigate alleged commercial frauds, highly skilled men - and I would feel reasonably certain that they are still investigating. If such is not the case I will correct this on tomorrow, and I will make a note.

MR. NEARY: A supplementary.

MR. SPEAKER: I recognize the hon. member for one further supplementary and then the hon. member for Port au Port.

MR. NEARY: I cannot understand why the minister is so vague, Sir, in his answers about a serious matter. But could the minister tell the House if indeed he has on his desk or his Crown prosecutors have on their desks cases that are ready to be brought before the court? Is this a fact or are they not ready yet to proceed with further prosecutions?

MR. HICKMAN: I most assuredly do not have any files on my desk because these files do not come to my desk nor should they. What files are on the desk of the Director of Public Prosecutions I do not know. All I know is that he is an extremely busy and I think very much overworked gentleman.

MR. NOLAN: The hon. minister does not see any of his files?

MR. HICKMAN: No.

MR. NEARY: Then every fish merchant and every fisherman in Newfoundland has to.

MR. HICKMAN: As they come in he goes through them. If he needs additional evidence he asks for it. He then assigns cases to other

MR. HICKMAN:

Crown prosecutors who, bearing in mind their timetable - and it is not good practice to have too many major prosecutions on the burner at the same time - and to give it the kind of attention that it deserves he brings them on. And that is a discretion that I leave totally and absolutely -

MR. NEARY: That is a shabby and flimsy excuse.

MR. HICKMAN: That is a discretion that I leave totally within the capable hands of a very able Director of Public Prosecutions.

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

MR. HODDER: Mr. Speaker, a question for the hon. Minister of Fisheries. Based on the minister's response last Friday about the Port au Port Peninsula and our talk about Allan Baker, the minister stated that only one company could have the right to operate in the area and I am not quite clear. Is that correct? Is this what the minister is saying?

MR. SPEAKER: The hon. Minister of Fisheries.

MR. W. CARTER: Mr. Speaker, what I did say was that proposals were requested from various fish processing companies in the area. National Sea accepted the challenge to move into the Port au Port area but only on a condition that they would be given some kind of a franchise at least for a period of, I believe, two years because the landings in the area, which in 1975 I think amounted to something like 3 million pounds, was insufficient to enable more than one plant to operate in that area. The fishermen were advised of that fact and concurred in it and subsequently National Sea have been given the right to operate in the Port au Port area.

MR. HODDER: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. HODDER: Is this criteria that was set for awarding processors licenses on the Port au Port Peninsula, is this same criteria being used in the awarding of processors licenses across the Province?

MR. SPEAKER: The hon. Minister of Fisheries.

MR. W. CARTER: Mr. Speaker, the Department of Fisheries has the right

MR. W. CARTER:

to refuse a license to anybody. If we feel that by issuing too many licenses in a certain area will jeopardize the existing plants, well then we have a duty to protect those plants and we have a right to refuse a license. That policy was enunciated by my predecessor, I think, about two years ago and has won acceptance as far as I know around the Province from most of the processors.

MR. STRACHAN: A supplementary.

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

MR. STPACHAN: The minister is stating - and I paraphrase here - that it is his department's policy then to issue exclusive licensing arrangements and that this is his firm department's policy, to issue these exclusive licensing arrangements all around the Province?

MR. SPEAKER: The hon. Minister of Fisheries.

MR. W. CARTER: I am not saying, Mr. Speaker, that that is the policy of the department. I am saying in areas where it is felt that two or three fish plants cannot possibly stay afloat, stay in existence then the department has the right, and I deem the duty, the responsibility to ensure that the fishermen are protected and that the existing plant owners are protected. But certainly it is not a matter of dishing out an exclusive franchise to any one company. For example, we have a lot of marginal operations in the Province, very marginal but because of the fact that there are too many fish plants vying for too little fish and consequently you end up with maybe ten plants that are bordering on bankruptcy where in fact you could have two or three that would be very viable and worthwhile operations.

MR. STRACHAN: A further supplementary.

MR. SPEAKER: A further supplementary, then the hon. member for Terra Nova.

MR. STRACHAN: Is not the minister essentially saying then that this exclusive licencing arrangement which he has gone into in one place, the Port au Port Peninsula, and which may take place in other parts of the Province, is he not essentially stating that he is cutting the coast up into chunks and awarding these to a certain processor to the exclusion of all else?

MR. SPEAKER: The hon. Minister of Fisheries.

MR. W. CARTER: No, Mr. Speaker, I am not saying that.

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

MR. LUSH: A question for the hon. Minister of Tourism.

I wonder if the minister is in a position to inform the House what is the present status of the proposed Terra Nova National Park golf course?

MR. SPEAKER: The hon. Minister of Tourism.

MR. HICKEY: Mr. Speaker, we have received a request from the Eastport Development Association, I believe, indicating that some



MR. HICKEY: seventy-five per cent of the landowners in the area where the golf course itself is proposed, to the effect that they are now desirable of having a second appraisal done on their properties.

I might say that the numbers involved do not apply to the people who would be affected by the road realignment but this just applies purely to the golf course area.

In view of this I have advised my staff to inform the committee, and I understand that this was done by telephone because of the strike during the last few days, to inform them that we are prepared to entertain the idea of a second appraisal to see what that will bring. The terms and conditions of the second appraisal will be as I outlined to them in a letter sometime ago, namely they will choose the appraiser, they will direct the appraiser, we will pay for it. And also I advised them that while I have given this concession I am not in a position to ask Parks Canada to withdraw from looking at alternate sites so that both things, I hope, will go on simultaneously thereby insuring that no time is lost.

MR. SPEAKER: A supplementary.

MR. LUSH: I wonder if the minister could indicate as to how soon this meeting will take place with the landowners for the second appraisal?

MR. SPEAKER: The hon. Minister of Tourism.

MR. HICKEY: I cannot say, Mr. Speaker. I can only inform my hon. friend that I have advised my staff to move as quickly as possible, I want to get the matter out of the way one way or the other. Either it is going to Sandringham or it is going to be another site. I do not think we can tolerate any procrastination on this particular project because a lot of time has been lost. I do not think through anybody's fault, but this is just one of those things about the project. Therefore

MR. HICKEY: I think that we should move with the greatest of haste. I have informed my staff to do just that.

MR. SPEAKER: One final supplementary, then the hon. member for Conception Bay South.

MR. LUSH: In the event that negotiations should fall through with Sandringham, is the minister in a position to assure the House that the golf course will go within the boundaries of Terra Nova National Park?

MR. SPEAKER: The hon. Minister of Tourism.

MR. HICKEY: No, Mr. Speaker, I am not in a position to assure my hon. friend that. I can only tell him that to my knowledge the policy of Parks Canada, and the spirit of the agreement under which the golf course is to be built, is that it be adjacent to a national park and Terra Nova being the park that was chosen. I could only assume that that is the park they are referring to in terms of that agreement. However, I cannot give him assurances because as he knows well, anything can happen and I am not going to give any assurances which might preclude another site. I cannot say anymore than that at this time.

MR. SPEAKER: The hon. member for Conception Bay South, followed by the hon. member for Bale Verte - White Bay.

MR. J. NOLAN: Mr. Speaker, a question for the Minister of Tourism, First of all, if I may, I might apologize to the minister because I would have liked to have asked him about this beforehand to give him notice so if he is not in a position to give any kind of a definitive answer today it can wait over until tomorrow. The question is that since the government committed itself a number of years ago, two or three years ago, to a park on Topsail Beach in Conception Bay South, I am wondering if the minister is in a position to bring us up to date on the situation regarding that proposed park, and if not perhaps he could let us have the information tomorrow?

MR. SPEAKER: The hon. Minister of Tourism.

MR. T. HICKEY: I cannot be too specific, as I am sure my hon. friend appreciates. I can only tell him that Topsail Beach is a recurring problem and has been such. We are anxious to do something meaningful out there. He is aware of some of the delays and drawbacks that we have had. I think the land situation is about cleared up, and I would hope that something meaningful will be done during the coming year.

MR. NOLAN: Thank you.

MR. SPEAKER: The hon. member from White Bay-Baie Verte.

MR. T. RIDEOUT: Mr. Speaker, my question is for the Minister of Health. I wonder could the minister tell the House what criteria was used by his department to appoint issuers of marriage licences in the Province under the Solemnization of Marriage Act?

MR. SPEAKER: The hon. Minister of Health.

MR. H. COLLINS: That is a pretty broad question, Mr. Speaker, because there is a number of people had input.

MR. SIMMONS: We all know the answer.

MR. H. COLLINS: If the hon. member wants to ask the member from Hermitage, or whatever constituency that member represents, if he wants to give the answer that is fine with me.

MR. SIMMONS: I just want to help 'Harold'.

MR. H. COLLINS: Advice was sought from magistrates, generally speaking, and a lot of other people around the Province clergymen in some cases, because after all of the other denominations are involved. Sometimes I do not mind saying that members views were sought, a whole host of people. And I believe, Mr. Speaker, that the results and the success of the many methods speak for themselves, because we had anticipated some minor difficulties at least, such a new concept, putting it in place for the first time. But I am happy to say that I have received very few complaints, and the system seems to be working remarkably well.

MR. RIDEOUT: Mr. Speaker, a supplementary.

MR. SPEAKER: A supplementary.

MR. RIDEOUT: Mr. Speaker, as the minister will realize that this Act was originally intended to be carried out by the Department of Provincial Affairs and the Environment, I believe. Could the minister tell the House whether or not all those people who were originally appointed by that department were asked to return their credentials when his department took over the responsibility for administering the Act or the Bill?

MR. SPEAKER: The hon. Minister of Health.

MR. H. COLLINS: Mr. Speaker, in the first place it was envisaged that the Department of Justice, I believe, would be the department which would administer the Act, and for a very good reason, I presume, that was changed to Consumer Affairs and the Environment. Subsequently that was changed again to the Department of Health. That possibly brought about some of the confusion which still exists, and there was some confusion, in that one of the former departments, I believe it was Consumer Affairs and the Environment did, in fact, undertake to appoint some marriage licence issuers about a year or a year-and-a-half before we finally got involved in it in the Department of Health were it is now. There was some confusion between the transfer and between the two departments.

MR. RIDEOUT: A supplementary.

MR. SPEAKER: A supplementary.

MR. RIDEOUT: Sir, my question still is, Mr. Speaker, were all those who were appointed by the Department of Provincial Affairs and the Environment asked to return their credentials when the minister's department took over the responsibility of administrating this Act?

MR. SPEAKER: The hon. Minister of Health.

MR. H. COLLINS: When the hon. members say all of the people, I would not like to say all, and I would not like to say what percentage. But it has been so long since I dealt with this, I do recall that some of the people who had received kits were subsequently notified by the Department of Health. I might have signed the letter, or it might have gone out from the Vital Statistics Division that a new list was in place. I believe that was brought about by the fact, as I said, that when the Department of Health started to work on coming up with a number of issuers in all of the regions of the Province this other work which had been done by the other department was not readily available to them in the first instance. I think that is what the hon. member is thinking about, is it?

MR. RIDEOUT: A supplementary.

MR. SPEAKER: A final supplementary?

MR. RIDEOUT: Mr. Speaker, it is my understanding that the original people who were appointed by the Department of Provincial Affairs and the Environment were all recommended by magistrates. If this is the case, could the minister tell the House why all those people who were originally appointed were not re-appointed when his department took over the responsibility for the Bill?

MR. SPEAKER: The hon. Minister of Health.

4 MR. COLLINS: Mr. Speaker, the magistrates were requested, as I recall it, to make recommendations. Other individuals and groups of people were also requested to make recommendations, and I think it is only fair for me to say that they were recommendations, and it is up to the department and the minister who is responsible for the administration of the act, whether he accepts the recommendations of any group or any individual.

X MR. RIDEOUT: Mr. Speaker, I give notice I am dissatisfied with the answer, and I would like to debate it on the Late Show.

MR. SPEAKER: The hon. member for Lewisporte.

1 MR. WHITE: Mr. Speaker, my question is for the Minister of Municipal Affairs and Housing, and it arises out of a fair amount of confusion on the part of people in communities and towns that have applied for water and sewer projects, I wonder if the minister could give some details on the circular or the questionnaire that is presently being circulated in areas where town and community councils have applied for water and sewer projects concerning the number of people who want to pay and so on?

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

X MR. DINN: Mr. Speaker, I will confirm that there was indeed a circular sent out. And if the hon. member would like to have a copy of that circular I would be only too happy to provide him with one.

MR. WHITE: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

X MR. WHITE: Mr. Speaker, I wonder if the minister could tell the House or confirm - I do not know if I am allowed to use that or not - but tell the House whether or not the water and sewer projects will not go ahead in towns and communities that do not agree - where eighty per cent of the people do not agree to go along with the water rate and with the connection fee that is being suggested?

MR. SPEAKER: The hon. minister.

MR. DINN: Mr. Speaker, there are something like, if I recall, sixteen items on the circular, and, you know, I have no idea if all or some of the communities that have a copy of the circular will agree to all of the items. I certainly cannot. And, for example, if I have 180 projects, and I can do twenty, and eighteen of them agree to fifteen and not to sixteen, and all the rest of them do not agree to any, those eighteen will have a better opportunity to get their water and sewer system than the others. So it is a matter of -

MR. SPEAKER: A supplementary.

MR. WHITE: Mr. Speaker, basically what I am asking the minister is whether or not his department will be flexible with regard to this questionnaire, flexible in the sense that they do not have to agree to everything on the questionnaire?

MR. SPEAKER: The hon. minister.

MR. DINN: Mr. Speaker, obviously there has to be some flexibility. But I would say that if there are communities that have requests in, that agree to all sixteen - if there are sixteen items - then they have a better opportunity to get the water and sewer system than the others. But there has to be flexibility.

MR. SPEAKER: The hon. member for Carbonear.

MR. R. MOORES: A question, Mr. Speaker, for the hon.

Minister of Municipal Affairs and Housing. Would the minister be kind enough to inform the House what the present status is with regard to the Carbonear water main and the Dart Construction fiasco and if the people of Carbonear can expect the water main to continue on schedule this year?

MR. SPEAKER: The hon. minister.

MR. DINN: Mr. Speaker, I understand that is before the courts or going before the courts, and I would not comment on it right now.

MR. R. MOORES: A supplementary.

MR. SPEAKER: A supplementary.

MR. R. MOORES: Would you comment, Mr. Speaker, and inform the House if the people of Carbonear can expect a restart of the water main this year regardless of the Dart Construction fiasco?

MR. SPEAKER: The hon. minister.

MR. DINN: Mr. Speaker, that is obviously dependent upon the outcome of the court case, and I can give no guarantees in that respect.

MR. R. MOORES: A supplementary.

MR. SPEAKER: A supplementary.

MR. R. MOORES: Is the minister saying then that Carbonear or that the town of Carbonear can expect that the water main will not restart this year?

MR. SPEAKER: Order, please!

I must point out to the hon. gentleman the requirement that a question may not multiply with slight variations to a similar question on the same point.

MR. R. MOORES: Give notice, Mr. Speaker, for Peter Gzowski.

MR. SPEAKER: Give notice of dissatisfaction, is it?

MR. R. MOORES: Yes.

MR. SPEAKER: Right. The hon. member for Bellevue, followed by the hon. gentlemen for LaPoile and Eagle River.

MR. CALLAN: Mr. Speaker, my question is also for the Minister of Municipal Affairs and Housing. In view of the fact that the \$600 gift to new homeowners will be finished as of the last of this month can the minister inform the House whether or not there will be a new arrangement to encourage new homeowners to build?

MR. SPEAKER: The hon. minister.

MR. DINN: Mr. Speaker, that is a subject for what will be in the budget and what will not be in the budget, and I can neither say whether it will be or not.



MR. SPEAKER: A supplementary.

MR. ROBERTS: Mr. Speaker, given the fact that the budget will not be presented before the end of the fiscal year, which is the expiry date of the programme, can the minister tell us then whether the programme will lapse on the 1st. of April?

MR. SPEAKER: The hon. minister.

MR. DINN: No, Mr. Speaker, it will expire on the 31st. of the month.

MR. ROBERTS: In other words, after that there is no more programme?

MR. DINN: That is right.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: I wonder if the Minister of Justice would tell the House, Sir, whether or not the minister is moving the Prosecutions Branch of his department to an office building downtown?

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: I would hope so, Mr. Speaker, but as of today I have not been advised by my colleague, the Minister of Public Works and Services that he has found accommodation, not for all of the prosecutorial staff but for some. We have, I think it is, seven Crown Prosecutors now and two more coming on stream, I believe, within the next month and we just do not have the space in this building to accommodate them and we are anxious to find some space downtown. There is no room in the courthouse and no room in the building occupied by the Court of Appeal and Legal Aid and no room in the old Daily News building. So obviously -

AN HON. MEMBER: Where is the minister's office located?

MR. HICKMAN: Well you can have my office any time at all.

MR. NEARY: A supplementary.

MR. SPEAKER: A supplementary.

MR. NEARY: Mr. Speaker, would the Minister of Public Works and Services care to tell the House whether or not he has been successful in finding space for the minister's staff downtown?

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

MR. ROUSSEAU: The hon. minister was just now made aware that the hon. minister's colleague is looking for space and I have people down in the department who I presume are looking into that. Tenders will be called or whatever. And when the decision is made it will come into my office, I presume, for approval. But it depends on how much space. You have to call tenders on it. So, you know, when the tenders come in it will be put before me for approval.

MR. NEARY: A supplementary.

MR. SPEAKER: A supplementary.

MR. ROUSSEAU: I will undertake to check it for you if you want.

MR. NEARY: No, I hope the hon. minister does not think I am a mind reader. I just got the information now. But, Sir, would the minister care to tell the House if the task force that is looking into this whole matter of office space has yet completed its work and has submitted a report to the minister?

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

MR. ROUSSEAU: No, Mr. Speaker, the last date that I was told was May. We hope to have it by May. So I will say May or June. That is the update of the study was done a few years ago by the federal Department of Supply and Services, the division in there that we are using. So the last date I heard is May. So I will say May or June I anticipate having it.

MR. NEARY: One final supplementary.

MR. SPEAKER: One final supplementary followed by the hon. member for Eagle River.

MR. NEARY: Can the minister assure the House then that in the interim period, while the minister is waiting for this report, that if office space is required, such as the Minister of Justice, that public tenders will be called for such office space and that the award will go to the lowest bidder? Can the minister assure the House that that will be the procedure?

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

MR. ROUSSEAU: Yes the minister can assure the hon. member.

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

MR. STRACHAN: A question for the Minister of Mines and Energy.

This is a delicate and complex question but the minister did state on last week that the Danish Regime imposed in Greenland on the oil and gas regulations was far stricter, far more severe, than the regime, I imagine, he is imposing on the oil and gas regulations of this Province. Could the minister tell us whether he has considered toughening up the regulations in this Province to much the same as the Danish ones? I have not seen them so I cannot measure them. And I am referring here not to the environmental aspects of it, I am referring here to the economic returns from the development of the oil and gas industry.

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

MR. PECKFORD: It is not our intention to use the Danish Regime on the economic and financial aspects of it as a model for this Province. My statement simply said that our regime as we interpret it is not as strict as the one that the Danes have off Greenland and it is not our

MR. PECKFORD:

intention to try to make our fiscal or economic regime the same as that that the Danes have off Greenland.

MR. SPEAKER: The hon. member for Conception Bay South.

MR. NOLAN: Mr. Speaker, a question for the Minister of Manpower and Public Works. Since the Premier in this House last session stated that he would consider the possibility of setting up a committee to investigate the need for additional office space for the civil service, is the minister now in a position to tell us if the committee will be set up comprised of members of this House and when? It is in Hansard.

MR. SPEAKER: The hon. Minister of Manpower.

MR. ROUSSEAU: I will have to take that under advisement and check with the Premier when he gets back.

MR. ROBERTS: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. ROBERTS: Could the minister tell us whether the government are any closer to a decision as to what is going to be done to provide, in the long range, the additional office space which will be needed? And if the ministry are closer to a decision, can the minister tell us - he will not tell us the decision I am sure - but can he tell us when a decision will be announced?

MR. SPEAKER: The hon. Minister of Manpower.

MR. ROUSSEAU: No, Mr. Speaker. Right now it is resting on the study, the updating of the study because it is a couple of years old, of course, and costs have increased since that time and we want to find out what the cost would be. When we get that and we study that document, I presume a decision will be made then. To the best of my knowledge no decision has been made in respect to immediately now, or until the report is in, just what way we will go to the best of my knowledge. And I would assume that on the basis of the report when we have it, as I said, in May or June that this will form the basis for the decision we come to.

ORDERS OF THE DAY:

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

COMMITTEE OF THE WHOLE:

MR. CHAIRMAN: Order, please! Bill No. 33.

A bill, "An Act To Wind Up The Permanent Marine Disasters Fund." (Bill No. 33)

On motion clauses one through five, carried.

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

MR. HICKMAN: Order 5, Bill No. 32.

A bill, "An Act To Amend The Fishing Industry Advisory Board Act, 1975." (Bill No. 32)

On motion clauses one and two, carried.

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

MR. HICKMAN: Order 4, Bill No. 20.

A bill, "An Act To Amend The Fish Inspection Act." (Bill No. 20)

On motion clause one, carried.

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

MR. HICKMAN: Order 3, Bill No. 14.

A bill, "An Act Respecting The Establishment And Operation Of The Polytechnical Institute of Newfoundland."

On motion clauses one through three, carried.

MR. HICKMAN: Clause 4 has a small amendment, Mr. Chairman.

4 (1) (a) reads "fisheries, navigation, marine science and marine technology:" that should be instead of "marine technology," "engineering technology", and I move therefore the words "marine technology" be stricken out and there be substituted therefore the words "engineering technology."

How does that grab you?

MR. CHAIRMAN: It is moved that the words "marine technology" be stricken and the words "engineering technology" be substituted. Is it your pleasure to adopt the said amendment?  
Carried.

On motion clauses five through eleven, carried.

MR. CHAIRMAN: Hon. member for Trinity-Bay De Verde.

MR. ROWE: Mr. Chairman, I wonder if the Minister of Education could indicate here exactly what clause 12 means. Does this mean, for example, that a student or parent of a student, or for that matter a teacher in a college, who feels that he or she has been done a grave injustice cannot, in fact, take any legal action or get the services of a lawyer? Take any legal action what-so-ever without the prior written consent of the Minister of Justice? Is that what that means? Well okay I will listen to the minister.

MR. HICKMAN: No. That came up during debate. Mr. Chairman, so I asked for advice on it. The position is that that does not refer nor in any way preclude any action against the board. What it simply does is preclude an action against an individual member of the board without the consent of the Attorney General. In other words, if there is something happens at the college arising out of the negligence of an employee in the course of his duties, or any act of negligence on the part of the board, there is no question at all that an action lies against the board. This is simply that if I am a member of the board, that you do not sue me you sue the board instead. Which is you know.-

MR. MURPHY: The same as the Board of Regents?

MR. ROWE: Mr. Chairman, could I ask the Minister of Justice why the distinction? Why the distinction between an individual and the board itself?

MR. HICKMAN: Because the board is incorporated.

MR. ROWE: I realize that.

MR. HICKMAN: Yes, almost the same as a corporation. You do not have an action against the board of directors of the corporation. You take the action against John Jones Limited and this is the same here. And as I say, I asked for an interpretation of that

MR. HICKMAN: section and the section is simply to protect the individual members of the board which is a protection afforded to any of these boards where people serve upon them free of charge. But I suppose it is conceivable that there might be some case where a board member should be sued. But, you know, again that is so unlikely because you have got to show that that board member exceeded the responsibilities and the protection and that he was not indeed acting as a member of the board. Because if he was acting as a member of the board then the board, the corporate body is responsible.

MR. ROWE: That is right.

MR. NOLAN: No the question simply arises, very briefly, that - I mean we are leaving it in the hands of one individual to decide whether a citizen can take action or not. I mean why is it left in the hands of the Minister of Justice? I mean one of these days we may not have a fair minded and capable man such as we have now. So I am very nervous of this situation. I mean why are we leaving - Is it really a political decision?

MR. HICKMAN: No it is not a political decision.

MR. NOLAN: It is not a political decision. Well what is it? A judicial decision?

MR. HICKMAN: Yes, Well -

MR. NOLAN: How is it a judicial decision?

MR. HICKMAN: It is not a political decision. It surely is a decision taken by the Attorney General in his capacity as first law officer of the Crown. which is not a political decision by any stretch of the imagination. You know, I have not the slightest objection to it coming out- striking out the words, "without the prior written consent of the Minister of Justice". No problem. In fact I will move it.



MR. NOLAN: I will second it.

MR. ROWE: That would be worse.

MR. PECKFORD: No it would not.

MR. NOLAN: You better get together over there, you know.

MR. PECKFORD: Get together?

MR. SIMMONS: You better decide on what you want.

MR. ROWE: Mr. Chairman, what really concerns me here is that, I mean that would make it worse. If you took out the minister altogether then you have no recourse what-so-ever. What concerns me is that an individual not serving on the board could conceivably do a great injustice to some party, or parties, and no action may be brought against any member of that board without the prior written consent of the Minister of Justice. By removing that phrase it would make that particular clause even worse. All I am saying is that I feel very strongly that any individual should be able to take legal action against an individual on the board and let the due course of law take care of itself.

MR. HICKMAN: I can only repeat what I said before. And may I read the section again. "Without the prior written consent of the Minister of Justice, no action may be brought against any member of the board for anything done or admitted by him in the execution of his duty as a member." Now

MR. HICKMAN: the responsibility is a corporate one namely, the responsibility of the board. And surely members of the board acting in their capacity as board members should not be subject, indeed I would guess if they really knew that they were to be subjected to personal liability they would never go on a board. And I see no difference, and I am sure the hon. the Leader of the Opposition agrees with this interpretation of any other kind of corporate body, the responsibility vests with the corporate body rather than with the individual members.

MR. ROBERTS: Well, incorporating in company law is, of course, making individual directors.

MR. HICKMAN: With respect to, say, income tax and that sort of thing, you know. But quasi criminal acts yes, but not liability.

AN HON. MEMBER: I still think it is wrong.

On motion clause twelve, carried.

MR. CHAIRMAN: The hon. member for St. John's East.

MR. MARSHALL: Perhaps the Committee will remember in the House I had certain observations to make with respect to this clause, in particular, pertaining to the provision that the board shall submit to the minister a budget each year but there is no provision in the section that this budget must be tabled in the House.

Now I know the minister indicates that it can be, he has no objection to tabling it in the House, but I feel that it ought to be madatory, that the minister should table it in the House and I am just wondering whether the government has any plans to make the necessary amendment or whether it will entertain, indeed, an amendment to this section requiring this budget to be tabled prior to the voting of the estimates which will appropriate money to the polytechnical institute?

MR. CHAIRMAN: The hon. member for Trinity - Bay de Verde.

MR. ROWE: Mr. Chairman, I, in fact, was going to say precisely the same as the member for St. John's East (Mr. Marshall) but I was going to bring it up under another clause, so I will speak to it now.

MR. ROWE: I feel very strongly, Sir, that any institution of learning that is by and large financed almost wholly and solely by the taxpayers of the Province, provincially, and in some cases with federal funds, should, or the equivalent with Crown Corporation, that the detailed estimates of that institution should be brought before the House of Assembly and debated in the proper Committee. And I, like the member for St. John's East, and I am sure I am speaking for my colleagues on this side of the House, as we felt very strongly about the university budget the same way.

Is the minister prepared, or has the minister or the government entertained the idea of amending that particular clause so that the detailed estimates of the polytechnical would be brought before the House of Assembly, in the appropriate Committee, similarly to the estimates of the other departments of government?

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

MR. STRACHAN: I feel similarly as the member for Trinity - Bay de Verde (Mr. Rowe), and the member for St. John's East (Mr. Marshall). I think we are back into the same old question of public accountability and as I stated before, any corporations or companies who obtain large funds from government, be they private corporations or be they institutes of education, should have a public accountability and that accountability should be to present here in the House their budget, their expenditures so we can examine that. And I think the same goes for the College of Fisheries as it does for the University, as it does for Fishery Products, or any of the other companies who are obtaining large sums of money, and I mean large sums, not in the form of assitant grants or something to get started or various other things, but large sums of money which are expended by the Province. They must have an accountability

MR. CHAIRMAN: The hon. member for St. John's East.

MR. MARSHALL: Mr. Chairman, if I could just make by way of

MR. MARSHALL: suggestion - It is just as well to propose an amendment now and see what happens to it because I do not think that the government intends for these particular institutions to operate in a state of limbo without responsibility to the legislature. So I therefore move, Mr. Chairman, that there be added to the end of subsection 1 of clause 13 the following words, "And such budget shall be tabled in the legislature before the estimates appropriating monies

Mr. Marshall.

to meet that budget is tabled." Now, Mr. Chairman, you know, I know it is the intention of this government to do this, and I know they would prefer to have it apply to all of these institutions as well they should. I think they should have a complete revamp of all of the legislation that exists, but there has to be a starting point some time. And there is no point really in going back now and saying that, Well, we will review all the legislation; we will bring it in. I know they will. But I think we should start right at the beginning when any legislation like this comes up, that it should be a requirement that the estimates be tabled in the House of that institution before we vote on it in Committee.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: The hon. member for Trinity - Bay de Verde.

MR. ROWE: Mr. Chairman, I would love to support that amendment if I knew exactly what it meant. You know, does this mean that we will have a detailed breakdown of the estimates of the polytechnical institute - of course, what is left of it. -

MR. RIDEOUT: A first step in the right direction.

MR. ROWE: A first step in the right direction.

- an actual detailed breakdown, headings, sub-headings, identical to what we see broken down by the various departments and presumably this would come under the Department of Education's budget, under that particular heading? I just want the assurance of the Government House Leader that the estimates that the hon. member is referring to will be as detailed as the estimates that we see in the other divisions of the Department of Education? Are we given that assurance?

MR. HICKMAN: I have no idea about the budget, but I assume that any budget that is prepared by any board is a pretty detailed budget, you know. I hope they do not bring in and say, Mary Smith gets \$2,200 and Mary Jones gets \$2,222.50.

- MR. ROWE: No, but you have salary estimates.
- MR. HICKMAN: Yes, without naming people.
- MR. ROWE: Without naming.
- MR. HICKMAN: Sure! Sure! That is no problem.
- MR. CHAIRMAN: The hon. member for Eagle River.
- MR. STRACHAN: Would the minister agree that this may be the first stage? Maybe we can see other educational institutes along the same lines and maybe other companies.
- MR. HICKMAN: Oh, yes. I am trying to get the message across to you, and you fellows are not biting.
- MR. MURPHY: Let us deal with this one now, and then we can talk about the others.
- MR. HICKMAN: That is right. This is a brand new principle.
- MR. MURPHY: So do not talk it out now.
- SOME HON. MEMBERS: Carried, carried.
- MR. CHAIRMAN: The hon. Minister of Education.
- MR. HOUSE: Mr. Chairman, I just want to clarify that-- I am in agreement with this -but I just want to clarify that. For the purposes, say, of the polytechnic institute it would not be different from what the Fisheries College is now or the College of Trades and Technology. And both their budgets come to me as detailed as any other division of government, and it is only a matter of just passing that same information on so this will insist that we do that. So they are not against giving detailed budgets. They give them now.
- MR. CHAIRMAN: It is moved that an addition to Subsection (1) of Section 13 be added, "And such budgets shall be tabled in the Legislature before the estimates appropriated to meet that budget are tabled. Is it the pleasure of the Committee to adopted the amendment? Those in favour "aye." Contrary "nay." Carried.
- MR. MURPHY: Can you just read it again?
- MR. CHAIRMAN: An addition as follows: "And such budget shall be tabled in the Legislature before the estimates appropriated to meet the budget are tabled. Those in favour "aye." Contrary "nay." Carried.
- SOME HON. MEMBERS: Hear, hear!

On motion Clause 13 as amended, carried.

On motion Clause 14 through to Clause 29 carried.

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

A bill, "An Act To Establish The Newfoundland Statistics Agency." (Bill No. 9)

MR. CHAIRMAN: Bill No. 9, the Committee is considering an amendment to delete subsection 2 of clause 4. The hon. member for Lewisporte.

MR. WHITE: Mr. Chairman, I moved this amendment in that session we had there a week or so ago and I was pretty strong on this. I have talked to the Minister of Justice about this and I understand that he is going to go along with the amendment. So that is fine with me.

On motion amendment carried.

On motion Clause 5 through to Clause 21 carried.

Motion that the Committee reports having passed the bill with some amendment carried.

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

MR. CHAIRMAN: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report bills No. 14 and 9 with amendment and ask leave to sit again.

MR. SPEAKER: The Chairman of the Committee of the Whole reports that they have considered the matters to them referred and have directed him to report bills No. 14 and 9 with amendment.

On motion report received and adopted.

On motion amendments read a first and second time, bills ordered read a third time presently, by leave.

MR. SPEAKER: The hon. Chairman.

MR. CHAIRMAN: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bills No. 33, 32 and 20 without amendment.

MR. SPEAKER: The Chairman of the Committee of the Whole reports that they have considered the matters to them referred and have directed him to report Bills no. 33, 32 and 20 without amendment.

On motion report received and adopted, bills ordered read a third time presently, by leave.



On motion a bill, "An Act To Establish The Newfoundland Statistics Agency," read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 9)

On motion a bill, "An Act Respecting The Establishment And Operation Of The Polytechnical Institute of Newfoundland," read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 14)

MR. HICKMAN: Order 4, Bill No. 20

On motion a bill, "An Act To Amend The Fish Inspection Act, read a third time, ordered passed and title be as on the Order Paper.

MR. HICKMAN: Order 5, Bill No. 32.

On motion a bill, "An Act To Amend The Fishing Industry Advisory Board Act, 1975", read a third time, ordered passed and title be as on the Order Paper.

MR. HICKMAN: Order 6, Bill No. 33.

On motion a bill, "An Act To Wind Up The Permanent Marine Disasters Fund", read a third time, ordered passed and title be as on the Order Paper.

MR. HICKMAN: Order 11, Bill No. 26.

Motion, second reading, a bill "An Act To Amend The Local Government (Elections) Act."

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

MR. J. DINN: Mr. Speaker, this is another one of our housekeeping bills. As in the explanatory note "The Bill would repeal and replace subsection (1) of section 62 of The Local Government (Elections) Act and would have the jurisdiction to hear petitions transferred from the Supreme Court to the District Court.

There is not much to be said about this bill, Mr. Speaker, and I will let hon. members ask if there are any?

SOME HON. MEMBER: Oh,oh!

MR. LUNDRIGAN: What are we supposed to do?

MR. RIDEOUT: Cut out the legal jargon?

MR. J. DINN: Well Section 62 of the Act as it exists, it is all exactly the same as it sits there now. The only difference being that when there is a petition complaining about undue return or an election of a councillor etc. that these petitions be presented and the hearing be heard in the District Court rather than the Supreme Court. There is just nothing to explain there as I can see.

MR. SPEAKER: The hon. member from Lewisporte.

MR. F. WHITE: Mr. Speaker, I am glad the minister gave some explanation of the Bill because I read it a number of times and I thought that it meant exactly what the minister said it meant. Mr. Speaker, I am not going to say very much on this particular piece of legislation because as the minister says it is a housekeeping bill, or a housekeeping amendment. What I would like to know from the minister when he speaks to close the debate is when he will bring in an amendment to do away with a law that was made in this House a couple of years ago, I think it was called Bill No. 64, which gave a minister authority, I think, a minister already had the authority to remove a councillor from office -

MR. SPEAKER: Order, please! I must point out to the hon. gentleman that on second reading of a bill it is the principle. And the principle of this bill is very clearly defined, and that is to move the jurisdiction for the hearing of petitions from the Supreme Court to the District Court. And if I did not interject there I would have acquiesced in a quite radical change of our procedures. It is not a bill of very broad principle of Municipal Affairs in general, so I think I was required to interpret there.

MR. WHITE: Well, Mr. Speaker, I was going to touch on this because it deals with the legalities of the Local Government Act but since I cannot bring it up here then I will bring it up at another time when I have a chance to debate it in the proper form.

MR. SPEAKER: The hon. member from LaPoile.

MR. NEARY: Mr. Speaker, I do not wish to debate this particular piece of legislation, except to say to the minister, and some of the ministers who keep referring to these bills as housekeeping legislation. Sir, this is not a piece of housekeeping legislation,

MR. NEARY: this is a Bill to update the legislation because we now have district courts in this province. That is why it is, it is not a piece of - housekeeping is to dress up a piece of legislation because of something internal in the minister's department. This is outside of the minister's department. Now that we have district courts in this province there is no need now to limit the appeals to the Supreme Court, you now appeal to the district courts. That does not make it a piece of housekeeping legislation. It makes a little more than that. I think the Minister of Justice will agree with me.

MR. HICKMAN: We have District Courts.

MR. NEARY: That is right. But we are only now updating our thinking and our legislation so that it will not be narrowed down to the Supreme Court that you can now appeal to the district court. I approve of it but I wish the ministers would stop referring to this as a piece of housekeeping legislation, because this is more than a piece of housekeeping legislation, Sir, it goes far beyond that.

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

MR. DINN: Mr. Speaker, I guess there is not too much to be said about this piece of legislation. I referred to housekeeping just for the hon. member's edification. The last piece of housekeeping legislation we had for the House took a couple of days so - I did not see how this could take that long. Anyway I move the second reading of the Bill.

On Motion, A Bill, "An Act To Amend The Local Government (Elections) Act," read a second time, ordered referred to a Committee of the Whole House, presently by leave. (Bill No. 26)

On Motion, A Bill, "An Act To Amend The Hospital Insurance (Agreement) Act", read a second time. (Bill No. 29)

MR. SPEAKER: The hon. Minister of Health.

MR. COLLINS: Mr. Speaker, this bill arises from a decision of the Supreme Court of Canada, on a case in Ontario where it was found that the third party liability insurance was insufficient to cover the hospital costs of the injured party. As hon. members know, in the event of an injury, if the injured person goes to a hospital, incurs any medical cost then the amount of the hospital cost is included in the claim on the insurance company.

We have not had too much difficulty with that in this province because generally speaking insurance coverage has been adequate. But it was found in Ontario that where the total amount of insurance was not adequate to cover the cost of insurance, the hospital costs, that the Supreme Court ruled that the province had no right at all to recover any part. Our advisers in Justice tell us that we should amend our legislation because it is similar to the Ontario legislation to permit the minister of Health to rank proportionately in terms of recovering hospital costs. For instance, if the total liability coverage covered 75% of the total cost of the accident then we would be able to rank proportionately. That is the way I understand it.

AN. HON. MEMBER: Do not forget the tortfeasor.

MR. COLLINS: I am going to leave the tortfeasor bit to the minister of Justice because it is a legal term and I am sure that he is more qualified to explain what tortfeasor means. You want to make sure that the "t" is in the right place and the "f" is in the right place. That just about covers it Mr. Speaker.

MR. SPEAKER: Member for LaPoile.

MR. NEARY: The minister of Health has just introduced a new word into the House, Sir. "Tortfeasor". I had a chat with the Minister of Justice about this a few days ago. The Minister said, Of course you will not be speaking on this Bill because you do not know what a tortfeasor is. I made it a point, Sir, to make a few enquiries. I looked up the dictionary and I discussed it with a few academics and a couple of lawyers who

MR. NEARY: did not really seem to know very much about it. But I am told that it is an individual or a group who decide, for instance, in the case where there is insufficient funds under MCP, hospital insurance rather, to cover an accident, then this tortfeasor could, if there is a settlement by an insurance company, could decide how much goes to the hospital, to the doctors, and how much goes to the individual.

Mr. Neary.

That is about the closest explanation that I can give. For instance if the tortfeasor happened to be the Minister of Health, the minister could decide on a fifty/fifty basis, you know, that the amount, say, coming from a third party could be divided fifty/fifty or seventy-five/twenty-five. I do not know who the tortfeasor will be in this particular case. I have a feeling, Sir, that it would be the Minister of Justice. And the Minister of Justice has been called a lot of names in his day, but it is the first time I have heard him called a tortfeasor. I believe if you changed a couple of letters in there, Sir, you might get the right description of the minister. However, for all practical purposes, Sir, under this bill, we will have to stick with tortfeasor. I would certainly like to hear the Minister of Justice just tell us how this is going to work. It seems to me to be an awfully long - it could be a complicated - it could be a very complicated thing. And probably nobody knows anything about it only the lawyers. It certainly puts a very heavy burden, and a very heavy responsibility on the tortfeasor, in this case, the Minister of Justice. The minister will have to make a decision. Then I wonder, Sir, is there any recourse to appeal? If the individual is not satisfied with a fifty/fifty or a sixty/forty or a seventy-five/twenty-five settlement, is there any recourse? Is this final? I would assume that it is, Sir, that the decision of the tortfeasor would be final in this case. So it puts a very heavy responsibility on the minister's shoulders.

I would hope that the minister would not lean towards, for instance, if it was a government agency that the other fifty per cent or twenty-five per cent or whatever it is went to, that the minister <sup>would</sup> ~~will~~ be fair and make a fair decision, and not lean towards a government agency trying to recover money for MCP or for the hospitals

Mr. Neary.

or for the doctors. So having made these few remarks, Mr. Speaker, I still must confess that I am not really clear on the whole thing. I see my hon. friend there from Kilbride (Mr. Wells) looking at me, and I must say in this particular matter I am completely ignorant. I have to concede that, Sir. And I do not blame the member for looking at me. Perhaps the member himself is familiar with this because this is obviously a high legal term. And I would like to have so more clarification of it, Mr. Speaker.

MR. SPEAKER: The hon. member for Kilbride.

MR. WELLS: Mr. Speaker, I will explain this. As it happens, I think, this idea was instituted when I was Minister of Health to change this. Now the tortfeasor - to know what a tortfeasor is you got to know what a tort is. A tort is simply what is called an actionable wrong. In other words if I run into the hon. member with my car, that is a tort. In other words, it gives him a right of action against me. That is all a tort is. And a tortfeasor is the person who does it. So in this case if you get a person injured in a motor car accident, and the tortfeasor is simply the person who ran into the other fellow. That is all.

Now what happened - when this arose and was more serious when there was a \$35,000 limit on liability - and you can remember I made a speech in the House three or four years ago saying it should be raised, and it was raised eventually to \$75,000 and that has largely cured the problem. What used to happen all the time was that if for argument's sake under the old \$35,000 rule there was a case, and it went to court and judgement was given for, say, \$50,000 and the hospital bill was \$10,000 it always used to be prorated. In other words the individual would not get as much and the hospital would not get its full amount either. But then the Supreme Court of Canada made a decision and



Mr. Wells.

said that the individual must get all of his before the hospital gets anything. So what was happening, you would get a \$35,000 limit on liability or judgement recovery, you would get a judgement of \$50,000 and now the person would get the \$35,000, the tortfeasor or, you know, one of those involved, the claimant would get the \$35,000 and the hospital would not get anything.

MR. NOLAN: Would the hon. member permit a question?

MR. WELLS: Yes.

MR. NOLAN: Mr. Speaker, I am wondering if the hon. member is familiar with, I believe, the new proposed bill, I think, in Saskatchewan where there is a limit to how much one can sue for, for example, if he and I were involved in an accident. And they are looking very actively at something out there where there is a limit that one can sue for, I am wondering if he is familiar?

MR. WELLS: Yes, I think that would be a disaster. I will tell the hon. member why. If, for instance, he or I or anybody else were injured and supposing you were struck from behind and your spinal cord severed and you ended up a paraplegic or quadriplegic, you should be able to sue for as much as you can get if you are going to spend the rest of your life in a wheelchair. So that to put a limit on what a man who is seriously injured or any injury in a motor accident, for example, could sue for to my mind would be a dreadful thing, because you should sue for whatever the judge awards you, and then you can get it from the insurance company however much the coverage is on it.

Mr. Wells:

And at the moment our low limit is \$75,000.

So what I was getting at, when the Supreme Court of Canada made this decision it meant that the individual got all of the money and the hospital got none, where there was not enough money to go around. But when the limit was put up to a minimum of \$75,000 usually there was enough money to go around. But what this amendment would do is put us back to the old position which obtained-when the money would now again be prorated so that the Department of Health would get some of its money back as well as the individual getting some. It would not make any difference to the doctors whatsoever because they simply put in their bill into MCP and they get paid. But MCP then takes their bill and the hospital bill which runs around \$120 a day, say to be in a general hospital, and they add it together, the doctors, the hospital and the ambulance and all that, and they submit it and it is included on behalf of the claimant's claim. So this way the hospital, in other words, the Province would prorate in the amount as it used to before the Supreme Court of Canada decision.

MR. NEARY: That would be the Minister of Justice's job?

MR. WELLS: Actually the Minister of Justice really would not be involved that much in it because the claimants are sent a letter by the Minister of Health or some of his officials saying, Whenever you make a claim you must include our hospital bill as well. So the claim is always as a matter of course included and remitted in due course to the Department of Health.

MR. NOLAN: Is the citizen going to lose by that?

MR. WELLS: No, I do not think. No. Because now you have got a \$75,000 limit. It is conceivable that really at the upper end the citizen would get the majority, and a great chunk of the money. There would be a small amount prorated to reimburse the government for its expenditures on that.

MR. NOLAN: Would the member permit a question?

MR. WELLS: Yes.

MR. NOLAN: No I am just wondering, I am trying to get at the nuts and bolts of it, we are assuming a number of things here. I mean if there is \$100,000 is there a percentage figure? What I am trying to determine is, if the hon. member were unfortunate enough to be in such a situation, what is the breakdown? I mean what protection does the hon. member have? I mean is there an 90-10 arrangement? Is it a 75-25 arrangement? Is it a 50-50 arrangement? What is it?

MR. WELLS: Oh, the hon. member is talking about liability which is a different thing altogether. I am taking the case and explaining it as if there was 100 per cent liability. If for argument sake it is a 50-50 thing, then the judge would decide that and say that half was my fault and half was the hon. member's, so I would only get half what was due me anyway, and the government would only get half.

AN HON. MEMBER: Only half?

MR. WELLS: Yes, the hospital would only get half then just as I would only get half. If the judge said 75-25, then I would get 75 and the hospital would get 25.

MR. NOLAN: Well at the moment the citizen is getting 100 per cent.

MR. WELLS: At the moment the citizen is getting the 100 per cent up to the insurance limit or Judgment Recovery limit which is \$75,000. Actually then the real problem occurred when the bills started to go up and damages started to go up and the limit was down at \$35,000. But now that insurance is compulsory and the low limit is \$75,000, ninety-five, ninety-eight per cent of accidents are taken care of by the \$75,000 when it is available. So this just gives the opportunity for the department to prorate in the amount. I think by and large it is a good thing. It has been done in other provinces. And I think that sooner or later that \$75,000 is going to have to be increased

MR. WELLS:

to \$100,000 and beyond.

MR. HICKMAN: I think we have the highest limit now in Canada.

MR. WELLS: I think we have the highest limit. This is once where we did do a good thing because I myself -

MR. NOLAN: About \$65,000?

MR. WELLS: Yes.

MR. MIRPHY: We averaged about \$50,000.

MR. NOLAN: \$65,000?

AN HON. MEMBER: They average about \$50,000.

MR. NOLAN: You should be insured for about \$100,000.

MR. WELLS: Yes, but I remember a lot of cases where people were seriously injured and made complete invalids and when there was only \$35,000, from Judgement Recovery or insurance, there was not enough money to pay them anything like the compensation they needed. So this I think is a good thing and would support the bill, Mr. Speaker,

MR. SPEAKER: The hon. member for Baie Verte.

MR. RIDEOUT: Mr. Speaker, not being a lawyer, I am still going to try to have a couple of cracks at this. I was probably thrown off by the word "tortfeasor", but so was everybody else.

In the first clause, subsection (3), the minister may recover costs, I think that clause gives the minister the right to take out a suit against any person relative to this bill. It says, "The minister may bring an action in his name or in the name of the insured person for the recovery of the cost of the insured services." Now

MR. RIDEOUT:

I would like to ask the minister what happens - it is okay if the case is won and some sort of settlement is given by the court to the minister for suing on behalf of his department or the individual - but what happens if the case is thrown out or if the case is lost? Who then pays the cost of the suing?

MR. WELLS: The government.

MR. RIDEOUT: The government.

MR. WELLS: The government, yes so they may get their money back.

MR. RIDEOUT: The government, okay. But it may be suing on behalf of itself or on behalf of an individual. So if it is suing on behalf of the individual does the government still pay the shot and it does not go after the individual to share the court costs?

MR. WELLS: No, no.

MR. HICKMAN: I will wait to give my answer.

MR. RIDEOUT: Well you can answer it now if you want because what I have to say next will be relevant to that.

MR. HICKMAN: In most instances, Mr. Speaker, if I may, in most instances the action is taken by the individual. I would say in all. You know when I was in practice I can say without fail all the actions were taken by the person, the victim, for want of a better word, and he or she issues a writ, say, claiming \$20,000 damages. Included in that writ would be special damages, namely, the hospital expenses. If judgement is recovered then the legal fees are apportioned between the victim and the government depending on the amount recovered, the proportionate. If on the other hand the action is lost and the action was initiated by the individual then the cost would have to be apportioned. If on the other hand the minister, which I am sure he would never do and has never done in the past, but if you had a situation where a victim says, "I do not want to recover any money. I am not interested in recovering", and the Minister of Health decided that he wanted to recover anyway or you might have a situation where the victim says, "Well I was totally to blame so I am not going to go after the third party", and the minister says I am going anyway and so the minister

MR. HICKMAN:

goes in his own name or in the name of the insured and loses, then the total cost of that action would have to be borne by the minister.

Okay?

MR. RIDEOUT: Okay. Mr. Speaker, I thank the Minister of Justice for his explanation. I think it is relatively clear now.

Now I understood when the hon. member for Kilbride (Mr. Wells) was speaking that the judge, the court would decide what proportion of anything gained or any settlement is shared between the minister and the individual. Is that correct? The court will decide the proportion?

MR. WELLS: Well if it went to trial, the judge would decide, you know, if either one is wholly to blame. If the defendant is wholly to blame, well then the plaintiff recovers fully. If the plaintiff was wholly to blame well then he recovers nothing and the minister recovers nothing. But if it is in between, half my fault and half your fault or twenty-five-seventy-five, then the judge would decide that in the normal course of his judgement.

MR. RIDEOUT: Yes, that is what I wanted to find out because it says in such a case the minister's claim would rank proportionately. Now I would like to know who decides what proportion the minister gets of that claim. That is the question that I want answered.

MR. HICKMAN: The judge.

MR. RIDEOUT: The judge again?

MR. HICKMAN: Of course, yes.

MR. RIDEOUT: That is all I wanted to know. Now also our present liability claim now I believe is up to \$75,000. So if a person was suing now up to that amount he could, before this comes into law, he could get the whole \$75,000 for himself if he was suing for that amount. Anything, I understood from the member for Kilbride (Mr. Wells) again, anything over and above that amount may be shared. Do I understand correctly, may be shared?

MR. WELLS: Correct.

MR. RIDEOUT: So then when this bill or this law comes into effect

MR. RIDEOUT:

anything in between will have to be shared. So the individual actually could end up losing, I suppose, if you want to look at it that way. Is that a proper assessment? I am asking those questions because I am green as far as the legal implications are concerned.

MR. WELLS: If the total amount was over \$75,000 that was awarded, then - see if it was under \$75,000 it would not matter because the minister would get his and the claimant would get his, they would both get paid in full if it was under \$75,000 - if it was over \$75,000 then that amount would be prorated so that the taxpayer would get back a bit of the money that he outlaid anyway.

MR. RIDEOUT: Okay, that is reasonable, Sir. One other question for the Minister of Health when he speaks to close the debate. I would like to know if there is an appeal draws out of this bill as was referred to by the hon. member for LaPoile, you know, what is the appeal procedure against anything relative to the clauses in this bill?

DR. COLLINS: Mr. Speaker, if I may just say a short word on this. I wonder when the minister replies, if he would care to expand a little, that is if he has the information available, on how the

DR. COLLINS: hospital costs are arrived at. Specifically are these usually just the average per diem costs or is it an actual aggregate of the various expenditures on behalf of the patient concerned? Because if it was the per diem cost this could be either considerably less or considerably more than the actual expenditures on the behalf of the patient. It is quite conceivable that a patient may be in hospital, say the per diem cost in a hospital say \$150.00 a day he may in actual fact have expenditures on his behalf of the order of say \$80.00 or \$90.00 a day. On the other hand it is conceivable that his cost could work out at hundreds of dollars a day in which case the province or the hospital would actually be in a loss position in regard to what it does recover from the insurance companies because usually these are insurance companies.

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

The hon. Minister of Health.

MR. COLLINS: Mr. Speaker, there is another very important point to mention here and draw to hon. members attention and that is that this amendment gives the minister the right to participate on a ranking basis. That was not properly explained I do not believe. And what we mean by participating on a ranking basis is in the event that there is not enough insurance to cover the total claim, we have a right then to go for part of the hospital costs. On the other hand that is the right of the minister. The minister might or might not, depending upon any specific circumstances, the minister might or might not want to do that but it does give the minister the right to do it.

I move second reading, Mr. Speaker, to that and the tortfeasor.

On motion, a bill, "An Act To Amend The Hospital Insurance (Agreement Act)," read a second time, ordered referred to a Committee of the Whole House, presently, by leave. (Bill No. 29)

MR. HICKMAN: Order 10 - Bill No. 22.

Motion, second reading of a bill, "An Act To Amend The Land Development Act." (Bill No. 22)



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

MR. MAYNARD: Mr. Speaker, under the present provisions of the Land Development Act which has been used and could possibly be used in the future to develop a certain area for agriculture, and grants are issued under that act, it is impossible to subdivide any portion of the land unless permission is given to subdivide the whole of the land. What happens here is that assuming a person has a farm developed under the Land Development Act and wishes to subdivide a small portion, what is known as a small portion, for a son or a daughter or whatever close to their own home and people who are involved in the operation with them I cannot under the present act give permission for that small parcel of land to be cut out of the larger parcel which maybe significant. I can only give permission for subdividing the whole parcel.

This amendment will allow the minister responsible for the act to give permission to subdivide a small portion of the land for purposes such as that which I mentioned, and will make it much easier to deal with in future. The Land Development Act applies to certain specific areas in the province one of which could be taken as an example, the Cormack Development Area.

MR. SPEAKER: The hon. member for Conception Bay South.

MR. NOLAN: Well, first of all on the basis of what the minister says - I assume by the way that the Land Development Act is under his administration. So therefore I have heard many, many complaints as I am sure the minister has, where people have a substantial amount of property or even maybe a small amount of property - five acres, ten acres, fifteen acres, and they are told that they might have a son and by the way if a son oftentimes does not farm the land - I do not know where you go out and hire someone anymore because according to the people that talked to me at least it is not the easiest thing in the world - so if you have people who get married

MR. NOLAN: and want to build a property or a house on their own piece of land that the father wants to give them I think it is criminal what has happened in the past, that they have not been permitted to do so, on their own land. They might have a hundred acres and are not

MR. NOLAN:

permitted as the minister, I think, probably would agree to build a home for the son or daughter who in some cases, not necessarily, may very well want to follow in the footsteps of the father to continue to work the land. Now God knows it is difficult enough to get people to do that work nowadays. And there are many people that I know in farming who say that once they are gone it is gone. There is no one there who wants to follow it up and so on. So on that basis I could certainly agree with it. I do not know to what extent incidentally this will go. Say if there are ten children, does that mean ten houses. I do not know if the minister is in a position - Pardon?

MR. MAYNARD: I think that will depend -

MR. NOLAN: Yes. Now, of course, that also leads into the other situation and that is the whole land freeze situation that the government is involved in and that is, there are many people who have arbitrarily been penalized by the government. And that is where they want to--they cannot sell their land, they cannot develop their land and I think it is absolutely wrong to have a widow, for example, with a house living in near poverty, perhaps on an old age pension, that she has been left--and have people come and offer her money if they could develop the land. Now if the government says well we want to retain it as agricultural property, well that is fine. But I mean is that good enough reason not to compensate the person concerned? I mean is the minister going to go on like this? I mean there are people going to go to their graves as paupers because of these laws presently being enforced, initiated and enforced by the present minister and the present government. And this to me is pretty sad.

One case that I think of is the lady, who is an elderly lady, with a home and sixteen or twenty acres of property left to her by her

MR. NOLAN:

husband, and her family. And she has been offered, I think, a substantial amount of money for it provided, of course, you can develop the land. Now this changes the land use. I am aware of that. And, of course, she is told no. Now the question arises, I mean is this the philosophy of the government to let someone live in near poverty for the rest of their lives sitting on a nice chunk of land - I mean do you want some widow to go out and start toiling and getting down and ploughing and so on? I mean is that the idea? And the government has hinted in the past that they were prepared to buy the land from the people. Now it is time for them, Mr. Speaker, to put up or shut up. Is that their policy? Are they going to buy the land that they have frozen? If so, how much are they going to pay an acre? When are they going to do it? When are we going to have a public announcement here in this House or on the airways and in the press? But it is time that this particular thing is put off no longer. I would like to ask the minister what applications he has had from people in this regard? What compensation, if any, he has already provided if at all through this government? But this is something that cannot - now I know the minister has had petitions and everything on this sort of thing and to the best of my knowledge it has been ignored. Now if it has not been ignored here is the time for the minister to lay it on the line.

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

The hon. minister.

MR. MAYNARD: Just a few short comments about the land freeze. Mr. Speaker, first of all, over the past two or three months I have been trying to develop a revised policy with regard to the agricultural land freeze in the St. John's area, for the restrictions on development on agricultural land in the St. John's area. I would hope that within the not too distant future, the next three or four weeks, we will be able to make an announcement on what action government is going to

MR. MAYNARD:

take regarding the retention of agricultural land. I think it is very important that it should be retained.

MR. NOLAN: Will the minister permit a question. It is a very brief question. I do not mean to interrupt the minister's line of thought. I meant to mention and I failed to do so - this has probably been brought to the minister's attention - is he aware that some of the land that has been frozen, you will grow more turnips on that floor right there or potatoes or anything else, it is just not farmland.


MR. MAYNARD: Yes, Mr. Speaker. One of the problems that we faced back in 1973, I think it was, when the certain lands were put under the Land Development Act and retained for agriculture was that we were basing it on the Canada Land Inventory Soil Analysis. Since that time, and I realize there have been many frustrations by certain people throughout the ensuing four years, since that time we have done a more detailed analysis of the soil capabilities on the whole Northeast Avalon area. We believe now that we have the land identified as to its capability, whether it is root crop

MR. MAYNARD:

as to its capability, whether it is root crop farming or whether it is beef or sheep farming or whatever, and we think that we can make a very rational decision as to what is agricultural land and what can be used for various types of agriculture. The policy decision is now in the hands of government, and the department has done its work on it, and hopefully within the next two or three weeks we will be able to make a definitive statement in that regard. As to the number of applications that have been submitted since the land freeze was applied a few years ago, I am not sure. I would have to check that out. One thing I might point out, Mr. Speaker, is that a land freeze application is a system of regulations, a system of zoning. I think zoning, although it may not be palatable it is desirable, whether you are in a municipality or whether it is along a highway or whatever. Unfortunately, some zoning regulations at times tend to hurt some people more than others. And in some cases they benefit some people. It is pretty difficult to get the happy medium, if you will.

However this particular bill, Mr. Speaker, even though it is very simple in its application, it is a very important one, because we have had a great deal of problem in the past in having to refuse an application by a son or a daughter or even a person who wanted to go in partnership with the farmer in question, but we could not allow them to build on the land and in this case with any land that comes under the Land Development Act we will be able to allow that.

I move second reading.

On motion, a bill, "An Act To Amend The Land Development Act," read a second time, ordered referred to a Committee of the whole House now by leave. (Bill No.22). 

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

COMMITTEE OF THE WHOLE:

MR. CHAIRMAN: Order, please!

A bill, "An Act To Amend The Land Development Act." (Bill No. 22).

MR. CHAIRMAN: Shall Clause 1, carry?

MR. NOLAN: Mr. Chairman, if I may? Is it all right, Mr. Chairman? I am only again getting back to the main point I mentioned to the minister earlier and that is regarding the land freeze again, and that is the hon. member for Kilbride (Mr. Wells) has stated publicly with me on a radio programme that he was against this and felt that the people whose land was frozen should be paid whatever the going rate is. And, Mr. Speaker, he would like to know if he has changed his mind or does he still stick to that position which he held a couple of years ago?

MR. CHAIRMAN: The hon. member for Kilbride.

MR. WELLS: I do not know if this has anything to do particularly with this bill but still I certainly speak to the point. The government has frozen land around the St. John's area, so far so good, but I said, and I think the programme that the hon. member is talking about - I said then, and I still feel there is only one way really to operate a land freeze. You see, if you freeze land, that is agricultural land, such as in Kilbride, a lot of that land that is frozen, a lot of it is bog, or wood or whatever it is, that is fine. That should be culled out and let go back, because there is no point in keeping under the freeze land that cannot be used for agriculture. And I think the department is in the process of culling out that land and

MR. WELLS:

getting rid of it, getting it outside the freeze. That is all right. But the real problem arises in the case of good agricultural land which is not being farmed and which the people who own it would prefer to sell if they could. But the sad fact of life is that in Kilbride and in other areas, I suppose, near St. John's the going rate for a piece of land that a developer would pay may be up around \$8,000 and \$9,000 even \$10,000 an acre and the going rate for agricultural land would be \$500 an acre. There is where the injustice comes in because there is no way - and I have talked to many farmers many times and most farms on the Avalon Peninsula area and I dare say elsewhere in Newfoundland are barely staggering along. And the man who is farming he can only do it if his sons work with him. He certainly cannot pay the going rates for labour and hope to run a farm and make any money or even keep food on his table except what he grows himself. I mean you just cannot do it the economics of farming and dairy production are so bad in this area.

So you can see the dilemma a landowner is put in. He can get an immense capital gain from a good piece of land if he can sell it to a developer. If he is forced to keep on farming it he is close to starvation. That is the truth of it.

MR. NOLAN: Would the hon. member permit a question?

MR. WELLS: Yes.

MR. NOLAN: Does the hon. member remember that he said to me publicly -

MR. WELLS: Oh yes, I am coming to that.

MR. NOLAN: - at that time that the government, if they are going to freeze it, should pay the landowner what any developer was prepared to pay? That is what the member said.

MR. WELLS: Oh yes, I am coming to that point. The way I think this should be gone about - I think it is most unfair if an individual landowner is subsidizing an agricultural policy, and I have always taken that view right from day one. So I think that what should happen is - and I know the government is trapped for funds and it is difficult to get money for



MR. WELLS:

any purpose - but I think it should be on a programme that is done over perhaps even a ten year basis, where even if there is only \$100,000 a year to be allocated for land that it should be allocated and so much of this agricultural land bought up at fair market value. Because to do otherwise is to say to people who own the land, "Well, we are sorry chum, but you have got to subsidize the agriculture that we want." Now we all want agriculture and we all want every bit of arable land that is available, but an individual should not be made to subsidize it for the rest of the people.

So I would ask the minister to consider - and the Attorney General tells me this is all out of order but still we can be forgiven for a moment - what I would like to ask the minister and the government to consider is allocating what it can afford, even though it may be only a relatively small amount each year, for a five, six, seven or ten year period, and whatever it is starting with the land that was most necessary to put into agriculture, put back into agriculture, buy it and pay for it. Then lease it to farmers on a fairly long term basis at a rent that they can afford to pay, not necessary an economic rent. I think that is the only satisfactory solution to this business. I am really saying we should start the land bank business and start paying for the land. I think that is the only way it would work. But I certainly heartily endorse such a policy.

SOME HON. MEMBERS: Hear, hear!

On motion Clause 1 carried.

~~Motion that the Committee reports having passed the bill without amendment carried.~~

A bill, "An Act To Amend The Local Government (Elections) Act." (Bill No. 26)

On motion Clause 1 carried.

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

X  
A bill, "An Act To Amend The Hospital Insurance  
(Agreement) Act." (Bill No. 29)

On motion, Clause 1 carried.

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

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

MR. CHAIRMAN: The Committee of the Whole have considered the matters to them referred and have directed me to report Bills No. 22, 26 and 29 without amendments and ask leave to sit again.

MR. SPEAKER: The Chairman of the Committee of the Whole reports that they have considered the matters to them referred and have directed him to report Bills No. 22, 26 and 29 without amendments.

On motion, report received and adopted.

On motion, bills ordered read a third time now, by leave.

On motion, a bill, "An Act To Amend The Land Development Act," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 22.) ✓

On motion, a bill, "An Act To Amend The Local Government (Elections) Act," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 26). ✓

On motion, a bill, "An Act To Amend The Hospital Insurance (Agreement) Act," read a third time, ordered passed and title be as on the Order Paper. (Bill No. 29). ✓

MR. HICKMAN: Order 8 - Bill No. 19.

~~Motion, second reading of a bill,~~ "An Act To Establish The Bay St. George Community College." (Bill No. 19).

MR. SPEAKER: The hon. Minister of Education.

MR. HOUSE: Mr. Speaker, we have for a number of years been talking about the concept of a community college and of course the hon. member for Stephenville mentioned the other day it was an idea, and I say it was an idea for a long time and I think it was a good idea. As I said, it is a thing that has been talked about a number of years and I remember serving on a panel a few years ago, perhaps as many as six years ago, when the topic was discussed. And, of course, a lot of educators in the province have been putting some input into this kind of concept and some hon. members of this House have had some input into it also. So the community college concept is in my estimation a good one, but we have to talk a little bit about it in terms of what we are doing because there are so many different kinds

MR. HOUSE: of community colleges across the United States and in Canada.

The main emphasis I might say, Mr. Speaker, is on programmes both the -

MR. SMALLWOOD: On what?

MR. HOUSE: On programmes rather than buildings. The programmes both long-term and short-term and, as I said, they can range from a glorified technical college down to a loose structure of evening classes. One of the things we have of course in one province in Canada in Saskatchewan is just a co-ordination of adult and continuing education. Now in 1975

MR. HOUSE:

the government initiated a pilot based on the ideas that we had gotten from a number of educators, and during the Summer of 1975 they appointed a director of community colleges to establish a pilot project in the Bay St. George area. As we said, it was a pilot project. And he was given the mandate to recommend to the department the kind of structure that would best suit the needs in that area, that best suit the needs of education in that area. So he set about with the information that we had garnered from people in the Province, from meetings that were set up a number of years ago, and he and a staff accumulated this material. They also visited other provinces and came back and made a recommendation to government. So after looking at the information they had, they thought that the best plan for the Province or for the Bay St. George area, at least, was something of the Saskatchewan model which was basically the co-ordination of the programmes that already exist plus the addition - and this is a little different from, say, Saskatchewan - the addition of making the vocational schools in the area a nucleus around which the college would be set up.

So that is the difference between what is in Saskatchewan and what we are hoping to put into effect here. So in essence, the community college then will include the existing technical schools in the area and the co-ordination of the adult and continuing education programmes and the delivery system, perhaps, for other programmes that may be gotten outside. For instance, the Fishery College may put on programmes and the college there would be the delivery system.

Now the goals of the college were set up to promote formal and informal adult learning in a regional area - defined, I do not exactly know the boundaries, but it is around the Bay St. George area. It was to assist a community in community development by offering programmes

MR. HOUSE:

of community education and service, and in this connection they would work with groups such as the regional development groups, or the rural development groups, town councils and business groups. There was set up also guidance group and individual guidance and counselling for the people in the area. And the other thing is the fact that it would be operated under a local board of trustees. All of this, of course, is embodied in the particular act. After the study was carried out, it was noted that we had a lot of things going on in the Bay St. George area, a lot of education. And, as I said, it has been going on now since 1975 and there is a lot of progress that has been made.

The important principle here is to bear in mind that primary and elementary education is set up under local boards. Memorial University is set up under a board of governors. The College of Trades and Technology and the Fisheries College, they are set up under separate boards and operate that way. Vocational education and adult and continuing education, both are still administered from the department. And we see that as a major weakness because what we are doing essentially is handing out to people educational programmes. And what we think, the most important step in any area, developing an education programme is for them to be able to identify their needs and be able to relay these needs to government and in this case to a board so that their needs will be met. And when you get people identifying their needs and their problems in education, half your battle is won.

Now the first step, of course, again in setting up something new like this is the fact that you are going to need a lot of public relations. And I think the big job that the director had in the beginning was to sell the people on the idea of education being programme and not building, and I think that is very important. So the first step we did in the pilot was to take the programmes and the upgrading school,

Mr. House.

the regional adult programmes, the vocational school programmes, the logging school, the heavy equipment school, and place it under a director for administrative purposes. And that is about as far as they could go with, of course, the organization until legislation was passed to formalize the college.

Now, Mr. Speaker, you can talk about education, you can talk about it for days, and that was noted a few days ago in another bill. But one thing we have got to bear in mind is that we are hoping that this kind of education can respond to the need. I can use a case in point a couple of years ago, where in the Stephenville area, for instance, there was a shortage of home appliance repairmen. Well, of course, in order to get repairmen to suit all the needs, they would perhaps have to go to Ryerson College somewhere and get them. But the community college responded in that particular case - that is the pilot community college - they responded in that particular case, and put on a course for home appliance repairmen. And this course was - of course, there were about twenty people, and they received a diploma after six or seven weeks. I do not know how long the programme was in detail, but six or seven weeks and they got this diploma. And everyone of these are gainfully employed either in the Stephenville area or other areas of the Province or the nation. I just use that one as an example of the kind of things that can go on. And, of course, also the people in the area will be also instrumental in getting the kind of programmes that they want to go on at the vocational school and the upgrading centre as well.

A fellow said to me a few days ago, he said, "We are getting a lot of LIP programmes going in the Province." He said, "In most cases we have got a job to get people to handle them, because a lot of the people are people who have not been employed for some time, and they need some training for even the very simplest kind of programmes." So again the college should be able to respond to all of these kind of needs.

MR. HOUSE.

Now the legislation, which is fairly compact - I do not know how many pages; it gives ten pages, I think - formalizes the college, sets it under a Board of Directors, called a Board of Trustees. It has a director, who is already appointed. It will have a financial administration officer, and I think that is in the mechanism now to get that done. It is before Treasury Board. And they will operate with a grant-in-aid just like the Trades College or the Fisheries College. The programme, of course, will be so developed that there will be lots of flexibility and the utilization of all buildings in the area can be attained.

One other point I want to point out. In the legislation we are giving a new slant on a board. And I think this is for the first time an education board is set up in this way, and I think it is right and proper that it should be since it is a new project, and we can start with a little different slant on a board. So the board can have up to twelve members and one of these members will be a full-time student. One of the members will be a full-time instructional staff member, and for liaison purposes there will be one member from the Department of Education. Both existing boards now will have members from the Department of Education on them. That is the College of Trades and the College of Fisheries.

Mr. Speaker, I am excited about presenting this bill, because I think it is an important step. And the thing that I am enthused about is the local input in the development, in getting people to identify their needs, because you can go out and push education at pupils in the day school, because it is compulsory that they attend. But the important part of this is that the communities will get together and decide on what they need in adult and continuing education, and that is becoming much more needed every day, and as I said I am excited about it. It may take it awhile to mature.



Mr. House.

And the reason we are going with this area, and this area alone now is to see if it can work well. We have all indications that it can. And perhaps it will be the pattern for all adult and continuing and vocational education in the Province. I am not conversant totally with all the details, but I am in fairly close contact with Mr. Fowlow, who is the director there.

MR. HOUSE:

But I would appreciate, I am going to hope that everybody is as excited as I am about this and any questions that will be put forward. I hope I will be able to answer them at the end.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I am sure that the people, Sir, in the Bay St. George area will thank the minister for absolutely nothing. Mr. Speaker, I read through the bill, I presume the same as other hon. members of the House have done, and I could not really detect anything new or different in the bill. Well, I suppose there were a couple of new innovations. I will mention them in a few minutes but I, like most other members, I suppose, had to wait for the minister to get up to give us an explanation of this bill, just to find out just what was involved. And I have come to the conclusion, Sir, after listening to the hon. the minister that there is absolutely nothing new in this bill, nothing new for the people in the Bay St. George area who were promised a community college at the meeting that my hon. friend, the member for Humber East (Dr. Farrell) attended in Corner Brook when the people in the Bay St. George area were promised a regional college.

The minister tells us, goes to great pains to tell us that the concentration here or the emphasis is on utilizing what you already have in the community and not on physical buildings.

MR. HOUSE: They have a dozen buildings there now.

MR. NEARY: They have a dozen buildings there, so the minister tells us. Well, Sir, somehow or other I got the impression from the original announcement that was made by the Premier in Corner Brook that these people were expecting to see a bright, shiny, brand new regional college built down in the Bay St. George area in some undetermined location. It just has not happened, Sir. Now to leave the appearance, to try to leave the appearance that the government is fulfilling its promise, they have brought in Bill No. 19, "An Act To Establish The Bay St. George Community College."

Well, Mr. Speaker, let us see what the minister said about it. The minister said it was a good idea, that they have consulted with a

MR. NEARY:

lot of educators who approve of this kind of a concept. It is a good one. He says, "What are we doing?" The minister asked the question and gave the answer himself. The main emphasis, he says, is on programmes, long term and short term, and it will be more or less a co-ordination of adult education and development, co-ordination of adult education in the area. And the pilot project was carried on during the Summer of 1975 in the Bay St. George area. The committee was given a mandate to recommend the best suitable needs of the area. They accumulated material. They visited other provinces. Probably, Sir, that is about the most they got out of it, was their jetting around to other provinces. They accumulated material and they are going to pattern it after the Saskatchewan model partly so the minister tells us.

They are going to co-ordinate the programmes already in existence. They are going to use the vocational schools and build the Bay St. George regional college around the vocational schools and the adult upgrading center, I presume, in that area. And as the minister told us, the goals will be more or less concentrated on adult learning and upgrading and on community development based on the needs of the area.

Now all this sounds wonderful. It sounds great. Not a thing in the world wrong with it. Probably we should be getting out more into the communities. But I cannot see for the life of me, Sir, how we can just place the vocational school in Stephenville under a Board of Trustees, or the adult upgrading center under a Board of Trustees and not do the same with all the other vocational schools in the Province. You just cannot isolate that particular area, that particular community, because if you do they are going to be left out in the cold as far as

MR. NEARY:

Canada Manpower and all the other - the minister says no. Well, Sir, you either, Mr. Speaker, you either put all the vocational schools in the Province under a board of trustees, or none. If you are going to do one you do them all, and you do them all at the same time.

Otherwise, Sir, they would be riding off in a thousand different directions. One will not know what the other is doing. The right hand will not know what the left hand is doing. You will have nothing but confusion and turmoil and chaos. That is what you will have, Sir. If the minister is going to come in with a programme of placing the vocational schools under boards of management or boards of trustees, well let it be that. But do not call it, do not call it a community college which it is not and will never be, unless the minister wants to cut himself off from all the federal aid and federal grants. My understanding, Sir, and I do not know if the minister checked into this or not, my understanding of these vocational schools are seventy-five per cent or fifty/fifty. I believe they are funded, paid, financed, some of the programmes, the maintenance and operating costs financed fifty/fifty - fifty/fifty by the Government of Canada, Canada Manpower. Well, how are they going to feel by changing the name of this and calling it a community college? Will that assistance still be forthcoming or will it be exclusively a provincial responsibility? Has the minister checked it out to make sure because the Social Assistance Programme does not work that way. In the case, for instance, of the correctional institutes, the correctional homes that are under the care of the Minister of Social Services, the only way that they can be cost-shared is if they are called training homes and not correctional institutions, really, and that is what they are correctional institutions. Well, will this, will a rose by any other name - will it change the status as far as Canada Manpower and the assistance from the Government of Canada is

MR. NEARY:

concerned, or will it continue on in the same old way? Because if it does there is no change, is there? Except the only difference is that you have a board operating it rather than it being operated directly from the minister's department. I have nothing against a board operating it, Sir, if you do it for all the vocational schools. But if you just do it for one just to leave the appearance that you are fulfilling an election promise, then you are likely to throw the whole thing into turmoil. And that could very easily happen, Sir, in this particular case. And then we are told recently by the minister also that, I believe, ten per cent of the adult upgrading students in Stephenville are going to be -

MR. HOUSE: Not Stephenville.

MR. NEARY: Not in Stephenville - where?

MR. HOUSE: Five per cent -

MR. NEARY: Five per cent. I thought I understood the minister saying the other day that five per cent, the number would be reduced in the adult upgrading centre in Stephenville by five per cent.

MR. HOUSE: That is in the Province.

MR. NEARY: Be reduced throughout the whole Province. Well what about the adult upgrading centre in Stephenville? The government started to phase it down a few years ago, and I presume that is still being done. So there is really not very much in this piece of legislation, Mr. Speaker, that is going to cause any dancing in the streets, cause jubilation in the Bay St. George area tonight, because the minister has come in the House and told us that we should all be very excited about this concept. I doubt if there will be any dancing down in St. George's in the streets tonight or out in the streets of Stephenville, in the highways and the byways. They will all be out celebrating and the minister's announcement and he is telling us

MR. NEARY:

that we should all be excited about this.

Mr. Speaker, there is nothing here that is not already being done under the minister's department in co-operation with Canada Manpower and other federal and provincial agencies. It may be a little bit of consolidation, as the minister said. And I suppose to a small degree it might very well involve

MR. NEARY: some more community, input from the community, from the region. That in itself is not a bad thing. Perhaps the Bay St. George Area may be a good area to experiment with this type of thing. I do not know what - I cannot for the life of me figure out what the minister has in the back of his mind. I do not know if the minister is thinking along the lines of having eventually a college of applied arts in the area. Whether the minister can visualize down in the Codroy Valley, for instance, that you may have a bunch of artists go in there and set up an institution for painting and that sort of thing, landscaping and that sort of thing. I do not know if that is what the minister has in mind. That may be a good thing. I have seen it myself in Saskatchewan and in Alberta, in Banff, I think it was, in the Banff and in Jasper they have that sort of thing. But that is all well and good. That is all a little bit of a luxury. Mr. Speaker, that is all well and good in a province where you have everything, where you are prosperous, you do not need anything else, you could have a school of applied arts.

I once stayed myself at a residence, I think it was in Banff where they had a - what is it they call it there? A College of Fine Arts, is it? Where they have a College of Fine Arts. I stayed there. I must say that I found it most enjoyable. The atmosphere was very friendly. It was good to hobnob around with the students and watch the artists at work and I went in and there was a bunch of old biddies on that particular parliamentary conference that I happened to be on and they -

MR. NOLAN: Who were they, your colleagues?

MR. NEARY: No, no, not my colleagues. I am not talking about the male. I am talking about the old biddies, the wives of some of the old codgers that were with us. Down in this school of fine arts, there in Banff, the art students were in there working away with a nude model and they almost keeled over. They almost had a stroke the half of them. The big discussion at lunch that day was, Oh, did

MR. NEARY: you go in and see the nude? You know, you would not know but there was something dirty about it. I think that was probably the only bit of pleasure they got out of that trip. It was probably how they got their jollies on that trip was going down looking at the nude.

But I do not know. This is the sort of thing that I think the minister is talking about. That maybe all well and good. It is like you go over to Memorial University and they tell you over there, "Oh, a lot of the things we are teaching are irrelevant to the needs of the students. What we teach them here is completely irrelevant to what they do when they go out in the world, but it broadens their education." Well, I would say fine, that is great. If we had everything we need in this province, if we were able to find all the technicians and all the trained people that we need to fill the highly skilled jobs that we have to import people into this province to fill, that would be fine. I presume down in the area that the minister is also thinking about, well this is the, I would say, the area probably with the highest unemployment in the province. It is an area - I know when I was Minister of Social Services the Port au Port Peninsula had the reputation of being on top of the list for social services, followed closely by the North Shore of Conception Bay, followed by Bell Island. Maybe the top six have changed a little bit, juggled back and forth, but I would think that Port au Port is still at the top of the list. And I have a feeling that the people down in the Bay St. George Area were expecting a big institution to be put up, and



MR. NEARY: they were expecting a big housing programme to go along with this institution, a residence or two. They were expecting jobs in cleaning probably the institution, and security in the institution. They were probably expecting teachers and instructors to emigrate into the area. That goods and services would be provided by people in business in the area. I would say probably this is their concept of the Bay St. George Community College. I could be completely wrong, Sir. I could be wrong. Perhaps when my hon. friend from Stephenville and Port au Port and from St. George's speak in the debate they may tell me that the minister is 100 per cent correct in his philosophy. They may say the minister is right, and the member for LaPoile is wrong.

And this is not what they were expecting at all, they were expecting just a little bit of philosophical marlarkey from the minister. This is what they - this was the government's answer to the community college in the Bay St. George was a little bit of academic jargon, philosophical malarkey. That was going to satisfy everybody - smooth over the waters - and everybody down in the Bay St. George area are going to be pleased about the minister's announcement.

Now, then, Sir, let us see what is in the Bill, what is in the Bill that is new. You may be able to turn a disaster into a little bit of an advantage for the minister. Well, first of all we have the constitution of the Board of Trustees. I believe that in itself is a complete innovation. Does it include the vocational school under a board? Well, the minister nods and says yes. What is going to happen here, Mr. Speaker, in case the hon. members of the House are not aware, that the vocational school in Stephenville Crossing is going to be put under a Board of Trustees. That will be the first time in this province, in the history of this province, that a vocational school will be placed under a board.

MR. NEARY: I remember the first time it happened in the case of a hospital. There was a little bit of scepticism at the time and everybody thought it would not work. I am quite prepared to withhold my judgment on this particular matter, Sir, to see how it will work. It could, it could very well be a good move. It could turn out to be a good idea. It could, Sir, involve the community, I think as the minister is striving to do, it could involve the community into having more input into the kind of training that will go on in that particular area.

But I do not think you can isolate it. I do not think that you can just confine - this is probably where I am concerned and perhaps the minister when winding up this debate can allay any fears that I may have in my mind about just placing one vocational school under a board and letting the rest go on under the minister's department as they are now. It may turn out that the one under the board may do a much better job than the ones that are directly operated by the Department of Education.

I can see how it could, I can see how it could with the right people on the board. You would get rid of that academic influence that I have talked so much about, where the academics are foisting their ideas onto the vocational schools by involving business and community leaders, trade union movement into the vocational school. Perhaps, Sir, you may get a little more realistic thinking, realistic training, carried on in the vocational school in the adult upgrading centre in the Stephenville Crossing area. It could very easily work out that way. I hope it does. It could be a good thing. It is a pilot project,

MR. NEARY:

I presume. It is a forerunner. It is a forerunner of what is going to happen with all of these vocational schools. They are going to be put under a board the same as the College of Trades and Technology and the same as the university is under a Board of Regents. All the vocational schools will be under a board of trustees. This will be a good thing, I believe, if they all get the direction that they require. But if they all go off in a thousand different directions, you could have nothing but chaos and turmoil. And that is the only warning, the only danger that I can see there, and the only warning that I can give the minister that this could very easily happen.

And then the tenure of office is only two years.

I am not quite sure if that is long enough. I presume that that these would not be political appointments, that any appointments of this nature would be far above partisan politics. If you just had people there to hold office for two years, they would be eligible for reappointment, I realize that, Sir, but for only two years, and then they all went off the board of trustees; that in itself could create a bit of a problem.

So I would like to see a sort of a board of trustees where you drop one after two years, and this one could be reappointed or a new person reappointed. But the term of office, the tenure of appointments could go on, say, for as long as five years. So that you would not have everybody going off.

MR. COLLINS: Stagger the retirements.

MR. NEARY: That is right. That is the word I was trying to think of. Stagger the retirements so that they all would not retire at the same time, because obviously this is a kind of a field, Mr. Speaker, where you have to know what you are doing. I do not think it would be right to have everybody go off at the same time.

MR. NEARY.

Chairman, and vice-chairman, remuneration and expenses, duties of the board, powers of the board, is all straightforward. Director of the college, financial, gifts to the college - the minister obviously is expecting gifts to be granted to the community college.

MR. HOUSE: Just in case.

MR. NEARY: Just in case. I would say it is probably wishful thinking on the minister's part. The minister is being very optimistic.

Annual budget: Well I would say this is one case where the budget has to be submitted in detail, so we do not have to worry about the same kind of situation we have at Memorial University or that we were about to have with the polytechnical institute, that the budget has to be submitted to the minister in detail and approved by the minister.

So, Sir, in trying to sum up now what the minister said, and what I think he said, it would seem to me that what we are getting is not a community college as such, we are just getting a little broadening of the vocational training in this Province. We are getting it under a different name. And we are getting a board of trustees to run the vocational school and the adult upgrading centre as a pilot project. And if it works then no doubt we will see boards of trustees appointed for all the vocational schools in this Province. And, Mr. Speaker, you may see a little more emphasis placed on community development in the area, which may or may not be a bad thing, because as far as showing films and bringing people together to try to stimulate community interests and to show them how to operate a town council, how parliamentary procedure works and that sort of thing, there may be all kinds of buildings in the area, schools and halls that can be utilized for that sort of thing, so that in itself may not be a bad thing.

MR. NEARY.

I am trying to pick out, Mr. Speaker, some of the good aspects of this concept that the minister outlined. I am trying to put my finger on some of the things that could be good and at the same time I am very conscious of the fact that the people in the area are going to be awfully disappointed that they did not get their community college as such.

MR. NEARY:

Maybe we should be doing more of what the minister is talking about, having more involvement from the community. We should be doing more of this. But let us not, Sir, try to hoodwink the people. Let us not try to bluff the people into thinking that they are getting a great community college, when in actual fact they are not, as they were promised. They are?

MR. HOUSE: They have one.

MR. NEARY: They have one. They have a good concept probably. They have, maybe, a good philosophy. I have no doubt about that, Sir. You know I am not questioning the minister's motives or the minister's intentions but obviously the administration are trying to cover up for a promise that they made that they have no intention of keeping. The philosophy behind it is probably good, getting the whole area - which probably by the way would reach into my district and that is why I am so interested in this sort of thing because I am speaking from my own personal experience with some of the communities in LaPoile district and I am sure LaPoile district is no different than any other community in Newfoundland, that one of the things that we lack in some of the communities is community leadership. And you can talk all you like about putting a local improvement district in there, about putting a town council in a community, about putting a community council in and when you put it there, Mr. Speaker, whether you appoint people or whether they get elected, they have not got the foggiest notion on how to run a municipality. They do not know anything about parliamentary procedure. They do not know anything about running a town. I think myself that before a local improvement board or a community council or a town council is established that there should be a training programme.

Mr. Speaker, what I would like to ask the minister now is what happens to the extension service over at Memorial University that have been going around with little video tapes and little cameras taking pictures and getting in the hair, sometimes, of the administration and of the ministers and of the members of the House, going around almost taking

MR. NEARY:

the place of the MHA's? And I say, Sir, to the minister that if this crowd continue that over at the extension department, trying to be the members of the House, that they give us one of these cameras give me a video tape and a camera and I will go around and take pictures of the meetings and I will bring the pictures in and show them to the Minister of Health and the Minister of Industrial Development and the Minister of Manpower and the Minister of Municipal Affairs.

MR. HICKEY: Are you going to include me?

MR. NEARY: Yes and the Minister of Tourism if it happens to be trying to promote tourism in the area. But, Sir, if that crowd want to become involved in politics I would suggest they give up their jobs and get into politics the same as we have done. But if they do not want to get into politics and they just want to keep playing their little game, then give us a camera and a video tape and let us go out and take some pictures. They are already doing it and I think they could serve a good purpose inasmuch as they could through showing films, bringing people together, bringing in resource people. They could bring out leaders in the community. They could bring about community development. But my advice to them is to stay out of politics. They have been quite active, I would presume, down in the Bay St. George area and no doubt on many an occasion they have probably gotten under the skin of the member or gotten in the hair of the member for St. George's (Mrs. MacIsaac). I know I had a run in with one in my district and that particular gentleman had only been there for a short time who thinks he is a politician, who raked the Minister of Municipal Affairs over the coals to no end on one occasion with one of the minister's officials, said we were all a bunch of clowns and we did not know what we were doing, we were stunned and we were this and we were that. That is in connection with the town council in Burnt Islands, and the minister knows to what I am referring.

But where will this crowd now - will there be duplications of services? You will have this crowd going around doing the same thing as the crowd that will be doing it under the community college.

MR. HOUSE: The college will initiate the programme and deliver it. These people may be invited in to do a specific programme after it has been identified.

MR. NEARY: Yes but they do not have to be invited, Mr. Speaker, they bulldoze their way in. They will horn their way in and they will stick their nose in where they are not wanted.



MR. NEARY:

And they are the original now shaggers up, I think, that crowd. If there is anybody can louse up the situation they will. I would suggest to the minister if his community college idea is going to be a success that they be banished out of the area because all they will do is just come in and stir up trouble for the minister. Does the Minister of Industrial Development have something to say?

MR. LUNDRIGAN: Whom did the minister say we should banish? I heard his preliminary comments.

MR. NEARY: I am talking about that crowd of pseudo self-style politicians over at the extension department at Memorial University going around with their movie cameras and projectors and video tapes that are costing the taxpayers of this Province and of Canada a small fortune. They have what they call field workers out in the field, they are pseudo politicians. All they do -

AN HON. MEMBER: Tiff?

MR. NEARY: No, my hon. friend had better sense. My hon. friend got out of that.

MR. MURPHY: He graduated.

MR. NEARY: He graduated from - but my hon. friend knows what I am talking about. They are - incidentally they are probably against the party in power. They are not for anything. The great weakness, and the minister should watch out for this, the great weakness in their programme is this, and the minister may find the same thing with his community college idea, is that they identify the problems. They will go in and they will put the camera on a group of people and they will leave the camera on them until they start talking, if they are too shy to talk, and they can edit out what they want to edit out of the film if they want to show it to a minister and they will identify the problems. They do a pretty good job on that. But they never offer any solution to the problems. And therein lies the difficulty. Mr. Speaker, they

MR. NEARY:

whoop the people up, they work them up into a frenzy, get them all upset, upset the whole community. And they never offer any solutions. And then poor, old fellows like ourselves have to try to work out the solutions.

MR. MURPHY: Is that the same group that measured the noses?

MR. NEARY: Measured the noses.

MR. MURPHY: The hon. member was telling us.

MR. NEARY: Well if they measured the hon. member's nose they would have a ski slope. And they would probably try to look for a grant to put a lift on it.

MR. LUNDRIGAN: Oh my, oh my! He picked that one up from Walter Crowbar. Is that correct?

MR. NEARY: No, I could never outwit the crowd from Upper Island Cove.

Mr. Speaker, I must say that this has turned out to be a flop. It turned out to be a great disappointment. The minister may be able to salvage something out of it however. But do not - Mr. Speaker, that minister knows full well that he is trying to pull the wool over the people in the Bay St. George area. Why does the minister not get up and tell it as it is; say, "Look, the government is welching on its promise to build a community college."

MR. NOLAN: A polytechnical institute first.

MR. NEARY: Yes, it was going to be a polytech first. Now they have got it down to a community college. But really what they have got it down to is an extension of the vocational training programmes in the area and with the vocational school being put under a board of directors. That is what it amounts to. And why does the minister not say so and level with the people and never mind playing the old con game, the game of politics where you welch on a promise and then

MR. NEARY:

you try to leave the impression that you are fulfilling a promise when in actual fact you are not. The hon. minister is not the Premier. The Premier can get up and tell us things on television and in this House and we believe him when we know we should not be believing him. And I hope the minister is not adopting that policy because it is not going to fool anybody, Mr. Speaker.

The only thing that I hope, Sir, is that some good will come out of the minister's concept, that some benefits will accrue to the area. I think I saw an item in today's paper where the people in the Bay St. George area are becoming self-reliant.

Well I would say that they have to become self-reliant, otherwise they will not survive. And probably this is a good way to do it, by utilizing the schools and the auditoriums and the halls and the vocational schools and the travelling fishery college programme. It might be a good way to do it, Sir. But certainly, Mr. Speaker, there is going to be great disappointment expressed over this.

And I would be very surprised if my hon. friend from Stephenville and the hon. member for St. Georges (Mrs. McIsaac) do not get up, Sir, and agree with me, I would be very

MR. NEARY: surprised if they do not.

MR. LUNDRIGAN: You are up to your old tricks again.

MR. NEARY: No, I am not up to my old tricks, Sir, and not only that I would be surprised if the hon. member for Hermitage who was an educator and the -

MR. HOUSE: (Inaudible) - his kind of input.

MR. NEARY: Did I hear the hon. the Minister of Education right, that the hon. the member for Hermitage is one of the ones who had input?

MR. J. WINSOR: Not the member for Hermitage, Burgeo.

MR. NEARY: Burgeo. That the hon. member for Burgeo -

MR. LUNDRIGAN: A point of order!

MR. NEARY: Mr. Speaker, look I just want to get this straight. Do I understand the Minister of Education correctly that this concept for the Bay St. George Community College that my friend from Burgeo-Bay d'Espoir had input into this type of thing?

MR. LUNDRIGAN: He does not have enough savvy for that.

MR. NEARY: Well, Mr. Speaker, then I will have to take back what I just said.

MR. LUNDRIGAN: You are misleading the House.

MR. NEARY: I have to take back what I just said, Sir, that the member for - I can never think of that.

MR. SIMMONS: Burgeo-Bay d'Espoir.

MR. NEARY: Burgeo-Bay d'Espoir. The minister may get up and approve of it. There may be dissension in the ranks that the member would approve of this. His colleagues, and I am sure my hon. friend here will disapprove of it, and my hon. friend from Eagle River. I would be very surprised, Sir, very surprised indeed.

MR. PECKFORD: Do you want to take a spell?

MR. NEARY: No, Sir, I do not need a spell.

MR. SIMMONS: Mr. Speaker, on a point of privilege.

MR. SPEAKER (Dr. Collins): A point of privilege.

MR. LUNDRIGAN: They are giving you credit that you do not deserve.

MR. SIMMONS: On a point of privilege, Mr. Speaker. But I am sure the minister was not wanting to mislead the House a moment ago. I had in no capacity anything to do with this bill or the thinking behind this bill.

MR. LUNDRIGAN: Hear,hear!

MR. SIMMONS: I have some -

MR. LUNDRIGAN: I am delighted about that.

MR. SIMMONS: I had some firm opinions about the positive side of the community college concept but I do not think he meant to leave the impression that I was particularly associated with the Bay St. George proposal.

AN HON. MEMBER: (Inaudible).

MR. SIMMONS: Yes, okay.

MR. LUNDRIGAN: Thank you for that, Mr. Speaker.

MR. SPEAKER: I believe a point of privilege does not exist but the hon. member gave some explanation.

The hon. member for LaPoile.

MR. NEARY: Well, Sir, I would say that, Mr. Speaker, I will be very surprised indeed if all hon. members on this side of the House do not follow my leadership and vote against this bill, Sir, vote against it because I am going to vote against it.

MR. LUNDRIGAN: That is a bad mistake.

MR. NEARY: No, Sir, it is not a bad mistake. The reason I am going to vote against it is on a matter of principle. I am going to vote against it in protest. I am going to vote against it because I think that the people of the Bay St. George Area deserve something better. Better, Sir. They deserve what they were promised. They deserve what they were promised by the administration. They deserve a polytechnical, or a branch of the polytechnical, or a community college as they were promised - full-fledged, no strings attached, no holes barred. They deserve that, Sir, and anything else would

MR. NEARY: be a letdown. Although voting against this bill I know the majority will put it through. If the minister were to bring in another bill outlining the concept of the outline when the minister introduced this bill and told us about some of the ideas, brought in a bill to set up a board of trustees for all the vocational schools in the province and so forth, then I would certainly go along with that. I think that is probably a good concept and that in itself deserves some attention by this hon. House. But do not try to camouflage it. Do not try to pull the wool over the good people of the Bay St. George Area. Do not play the con game. As I say, Mr. Speaker, I am sure that every member of this hon. side of the House will either speak against the governments action in this particular case or vote against it, whatever the case may be. I hate to vote against the bill. If there was another title on the bill. If I could move an amendment to change the title of this bill

MR. NEARY:

and to change some of the wording inside that referred to a community college, I would probably vote for it, because there are some good things in the bill itself especially getting community involvement. I am all for that.

MR. HOUSE: We are building a college. The college is not a building.

MR. NEARY: Mr. Speaker, I realize that.

Mr. Speaker, I only have five minutes left, Sir, so I am going to terminate my few remarks by again condemning the administration for letting the people of the Bay St. George area down badly. My hon. friend from Humber East (Dr. Farrell) was a witness to that statement. My hon. friend was there at the meeting when the statement was made that the people in the Bay St. George area would get a polytechnical institute.

DR. FARRELL: Mr. Speaker, to a point of order.

MR. SPEAKER (Dr. Collins): A point of order.

DR. FARRELL: I was not, and I did not hear the remark, 'polytechnic.' At that time there was quite a controversy regarding the completion of the regional college for the West Coast which became quite public at that time, and the remark, as I remember it, was that the regional college would go to the city of Corner Brook, and the emphasis would be academic, and a community college, with emphasis on technical education, would be developed in the Bay St. George area, and that is as I understand it. The word 'polytechnic' to my memory was never used at that time, Sir.

MR. HODDER: To that point of order, Sir.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Dr. Collins): Order, please!

I think this sort of subject has come up on previous occasions where one hon. member will make a statement of fact, possibly speaking from memory, and another hon. member will take exception to that, and this comes up as a point of order.

Mr. Speaker (Dr. Collins):

Strictly speaking it is not really a point of order before the House. It is a difference of opinion between two hon. members, and it is in order to make the point if the hon. member speaking so allows, but I do not think the Chair is required to rule on it in terms of a point of order.

The hon. member.

MR. NEARY: Mr. Speaker, I am sure that it is a matter of public record. They can go to The Western Star, to The Evening Telegram, to the CFCB, CBC news, and in their libraries you can find the reference that was made.

MR. HODDER: I will tell the story about that afterwards.

MR. NEARY: Yes, the member will tell us, and I am going to take my seat now and give the hon. gentleman a chance to get at least five minutes in on this debate.

Mr. Speaker, the point is that the people in the Bay St. George area have been let down badly by this administration.-

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: - that a promise was made that they would get something over and above what is already there in the form of a vocational school or that old upgrading centre. They have not gotten it and it is just another example, Sir, of a non-kept promise of this administration.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Dr. Collins): The hon. member for Port au Port.

MR. HODDER: Mr. Speaker, since there are only a few minutes left of the clock, I just want to clear up one thing, and this is not really getting into the comments that I have to make about the community college or the Bay St. George Community College. But I do want to refer to what the hon. minister across the way raised as a point of order which I was not allowed to reply to and which now I can.



Mr. Hodder.

I do not think there is anybody in Bay St. George who has been more involved in the community college, regional college, polytechnical institute than I have myself, and I am not bragging. I just happened to be there. I was chairman of the Chamber of Commerce, and I was there at the time when we decided that we would go after the regional college for Stephenville, because we felt that we had the buildings, we had the dining facilities, we had the large buildings, and we felt that the logical, natural place for a regional college would be Stephenville. And, of course, as the minister explained a little while ago, it was quite public. As a matter of fact at that particular time Dr. Noel Murphy was mayor of Corner Brook and every time I issued a press release regarding Stephenville he took five minutes on his - he used to take special time on his own radio station to come back and fight the Corner Brook side, and he did it very well. I have had political battles with friends. The fact was that the college went to Corner Brook. It became a political football. There were about two provincial elections involved about that time. There was a federal and a provincial. But the polytechnical institute thing - it is a very strange thing. The minister is right. It is not printed

MR. HODDER:

that the Premier promised a polytechnical institute to Stephenville. It is not in print. It is not in The Evening Telegram. It is not in the Western Star. As a matter of fact at that rotary meeting the Western Star did not cover it. They did not carry it the next day. They did say 'community college'. The funny thing was that obviously the Premier was speaking off the cuff because I know newsmen who are willing to swear. You see what happened was that the Premier said it. I listened to the rotary meeting. It is a live broadcast. I have been too involved in this. I sat at the rotary meeting or I sat and listened to the live broadcast of the rotary meeting. I heard the comments. The newsmen, who I could name but I will not, then afterwards interviewed the Premier about the polytechnical institute and for two days the people of Stephenville heard clips, for two full days, of the Premier saying the polytechnical institute will come to Stephenville. The words were, "Stephenville is a better place for a polytechnical institute." And one phrase he made which I think is almost exact is that in the long run the polytechnical institute may do more for Stephenville than the regional college will do for Corner Brook. Those were the exact words.

SOME HON. MEMBERS: Hear, hear!

MR. HODDER: But the strange thing, Mr. Speaker, about this particular issue is that obviously - now what happened here was that the Premier left there mad because he had had an argument with the then member for Port au Port. He went over to the West Coast. He sat in at a rotary meeting. He was sitting next to the mayor of the town at that particular time and suddenly he made a surprise announcement and at that particular time he mentioned the polytechnical institute. And anybody in Bay St. George if anybody wants to deny it here, deny it in Bay St. George publicly over the radio and I think you will lose credibility.

But anyhow, Mr. Speaker -

SOME HON. MEMBERS: Hear, hear!

MR. HODDER:

- that is just the point I wanted to make. In order to get into my comments on the community college I just wanted to put that at rest. But in order to get into those comments I do not necessarily agree with my colleague in all he said but I would prefer to start on tomorrow and get into that particular aspect of it. So I would move the adjournment of the debate.

SOME HON. MEMBERS: Hear,hear!

MR. HICKMAN: Thank you. Mr. Speaker, I move that the remaining Orders of the Day do stand deferred and that this House on its rising do adjourn until tomorrow at three of the clock and the House do now adjourn.

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

MR. ROBERTS: Can the House Leader for the government, the Minister of Justice, indicate to us whether tomorrow we will be carrying on with the bill that was before the House, the Bay St. George College Bill or whether we will be doing the interim supply? I notice interim supply, the bill has now been distributed and the end of the year is only two or three days away and although you do not need interim supply by the first of April, there is a great belief you do. But what will we be doing tomorrow because Wednesday is Private Member's Day and Thursday is the last day of this current fiscal year?

MR. HICKMAN: Mr. Speaker, on the assumption that my colleague, the hon. Minister of Finance, will be in his place tomorrow - he is planning to be back tonight - we will proceed with interim supply.

MR. ROBERTS: If he is not back?

MR. HICKMAN: If he is not back, we will have a problem but I am gambling -

MR. ROBERTS: Any minister may move it.

MR. HICKMAN: I realize that but I would suspect, Mr. Speaker, he will be back and assuming that the interim supply bill will only take about a half an hour, then we will get right back on the community college at Bay St. George.

MR. ROBERTS: That kind of assumption got the hon. gentleman in trouble last year.

MR. HICKMAN: There is a division of legal opinion as to whether or not you can pay when the House is in session as opposed to 1972 when the House was not.

MR. ROBERTS: I was not thinking of warrants. The point is that really until the paychecks fall due there are no bills to be paid. It cannot be avoided.

MR. HICKMAN: That is right but I do not think you could meet the payroll.

MR. SPEAKER: It is moved that the House do adjourn until tomorrow, Tuesday at 3:00 P.M. Those in favour "Aye". Contrary "Nay".  
Carried.

This House stands adjourned until tomorrow, Tuesday,  
at 3:00 P.M.