

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
3:00 p.m. - 6:00 p.m.
FRIDAY, DECEMBER 7, 1979

The house met at 10:00 A.M.

MR. SPEAKER in the Chair.

MR. SPEAKER: Order, please!

STATEMENTS BY MINISTERS

MR. SPEAKER: (SIMS) The hon. Minister of Lands and Forests.

MR. J. MORGAN: Mr. Speaker, I would like to inform the house of Assembly the developments that are now taking place in cable logging technology in this Province. The fact is that 11 per cent of the total merchantable timber in our Province is on slopes greater than 30 per cent. Over the past years it has been impossible to harvest this timber. It is being recognized now that an effective method of harvesting this wood is essential and if we are to realize all the benefits of our forest resource it must be harvested. My department has been carrying out a programme of steep slope logging to develop and introduce an efficient method of harvesting timber on these steep slopes.

Cable Logging has offered the best solution toward the harvesting of steep slopes. Field trials have proven it is an economic and environmentally viable method of harvesting. Cable logging machinery we have used to date has been manufactured in Europe, however, we are now in the process, as a result of our own initiatives in this Province and taking some leadership, even to be recognized, for example, at a recent meeting of this type, of harvesting timber, in Seattle, in the States, that we are now to the point where we are going to manufacture the cable logging machines required.

And as a result of that, I am pleased to announce to the house the awarding of a contract to a company in our own Province known as Acmus Equipment Limited, located at Pasadena in the western part of the Province. The contract value is \$42,000 for the manufacture of this cable logging machine. Now the cost of the machine in this case since it is the first one in our Province is being cost shared with the Federal Government under the existing forestry agreement.

MR. J. MCPHAIL: So, Mr. Speaker, in putting this information forward to the house, I would like to point out that what it means now when this new machine, the first one being manufactured as a result of this contract, it will mean that the timber in our Province where we could never before harvest will now be harvested and we will be using and utilizing most all of our resources we have in areas we could not normally harvest before. So I am pleased to announce this, Mr. Speaker, and it is a new development and showing new leadership in the forestry field in our Province.

MR. SPEAKER (SIMMS): The hon. member for Windsor - Bunnans.

MR. G. FLIGHT: Mr. Speaker, for this side, we welcome the statement but in view of the lack of courtesy of the minister to have a copy of the statement -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. G. FLIGHT: In view of the obvious lack of courtesy, I would even say decency, to have a statement made available, I will refuse comment on that particular statement.

SOME HON. MEMBERS: Hear, hear!

MR. G. FLIGHT: I withhold any comment until we get a chance to see the statement and pursue it, Sir.

MR. E. ROBERTS: The minister is not worthy of comment.

MR. SPEAKER: Any further statements?

ORAL QUESTIONS:

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

MR. JAMIESON: Thank you very much, Mr. Speaker. In the absence of the Minister of Mines and Energy (Mr. Barry), may I direct my question to the hon. the Premier? In view of two announcements yesterday with regard to the export of natural gas to the United States, plus the fact that the Minister of Energy, Mines and Resources of Canada, and the Prime Minister has indicated a very tight situation this coming Winter, especially in Eastern Canada, could the Premier indicate whether there are intergovernmental negotiations underway on this issue at this present time? Is there a committee or is there some group that is keeping us advised and do we have any definitive information at this time?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: I do not have any definitive information available right now. There are talks going on between Energy, Mines and Resources, people on the National Energy Board and with the Department of Mines and Energy. We were fortunate about a year or so ago to bring on staff one person who had come from the National Energy Board and who therefore is pretty well versed in the whole supply and demand situation in Canada - yes, in North America - and is recognized as such, Mr. Porter.

AN HON. MEMBER: Who is it?

PREMIER PECKFORD: Mr. Porter, the Assistant Deputy Minister, a native of Grand Falls originally. So he has got his finger on that situation and we are in almost daily touch with people, both in Energy, Mines and Resources and the National Energy Board, but I do not have anything definitive. As far as I understand it, from my last talks on it with the Minister of Energy, it will be a tight situation but it is felt that we will be able to get by without any shortage and the like. But in light of the announcement again

PREMIER PECKFORD: yesterday on the export of gas and so on and perhaps the slow down on the Q and M pipeline - I do not know what the position of the Maritime Provinces will be on it. Of course, the Q and M would not be of that significance to us even though in some of the proposals, I do not know if the Leader of the Opposition (Mr. Jamieson) saw them or not, they had this ship coming into Stephenville or Port aux Basques or Corner Brook and then starting a pipeline across the Province.

MR. ROBERTS: Back hauling, are they not?

PREMIER PECKFORD: Now, because of Sable, and because of Hibernia, Ernie Needleson and some of the boys from the Canadian Petroleum Association are saying, "Let us go slow for six months to see what kind of thing comes out of Sable Island or off Newfoundland."

But as I understand it to this moment, from our talks with the NEB and the Energy, Mines and Resources people, and our own analysis of it, it is tight but we can tide ourselves by.

We have spoken to and had fairly extensive talks with Ultramar, I did myself on one occasion about five and a half or six weeks ago now, and the Minister of Energy did follow up meetings two or three times on the whole supply situation as it related specifically then on how they perceive this bill for Newfoundland. And that is sort of the bottom line on that. I will see what information now the Minister of Energy has in the last week or so, because I have not been that close to it.

MR. SPEAKER: supplementary.

MR. SPEAKER (SIMMS): The hon. Leader of the Opposition.

MR. JAMIESON: I have a first supplementary with regard to the immediate future, that is, the coming winter. Since it was indicated yesterday that there is not in fact in place, first of all, a rationing plan, if you wish, or an apportionment plan nationally which would be ready to be executed in the event that there were some unexpected situation- and I think in the world situation we have today, we have to go on the assumption that the unexpected is what is to be expected- What I am wondering about, and I am wondering if the Premier has any indication or does the Government of Newfoundland, for instance, that is, within the Province of Newfoundland itself have a distribution or a control plan or something of the nature which would ensure (a) for example, that there was not hoarding; secondly, that all parts of the Province in the event of even a tight situation are treated fairly? How does this interrelate with any national plan that there might be? How far has progress been made, because, I think, the Premier would agree that given the kind of news we were hearing that unquestionably we ought to be in a position to know what we will do in the event that, let us say, the worst happens, while hoping that it will not?

MR. SPEAKER: The hon. Premier.

PREMIER PECKFORD: Yes. I can make two comments on that, Mr. Speaker. One is on the national sort of scene, I think the National Energy Board report is released today on the whole situation. So I have not been privy to what they are about to say, although speculation has it that it is supposed to be rather tight.

We have, I remember even a year or a year and a half ago in the Department of Energy, - identified and know. The distribution system in Newfoundland now is pretty good as it relates to heating oil and that kind of thing, because you have places like Port Saunders, or wherever, where they have their own tanks and so on, in Botwood and all around. So we know where the distribution system lies. And most of those places are filled for the winter now, because the smaller tankers from Irving, or whoever, move in there, unload

Premier Peckford:

and so on.

So the distribution system is pretty clear and we have a good idea of it, and know where all of the tanks are, and whether they are full or half full or empty or what. And it is on the basis of that that we can say with some degree of confidence that there is a fair amount, unless you get a real cold Winter and a whole bunch of other things happen, which are somewhat unlikely. So we know it from that point of view as it relates especially to heating oil and the distribution system that has been developed by the private sector over the period, and from our talks as they relate to the refinery, and on Ultramar we have a fair idea.

So we are in a position to be able to be to say at a very short notice what the story is anywhere in the Province.

SOME HON. MEMBERS:

Oh, oh!

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

MR. JAMIESON: Mr. Speaker, on the longer range, then, could I ask the Premier whether in view of the announcement yesterday and I must say I was a bit surprised that it would come when it did with regard to the gas exports but that is beside the point in the nature of my question, was that exclusively a federal government decision or was there interprovincial consultation on the merits or otherwise given all of the economic ramifications? I will leave aside whether they are good, bad or indifferent but was there in fact consultation with the provinces and if there was could the Premier indicate what the position of the Government of Newfoundland was with regard to this very substantial change in export policy on gas?

MR. SFAKER: The hon. the Premier.

PREMIER PECKFORD: I do not know if in the last couple of days Mr. Hnatyshyn has been talking to our own Minister of Mines and Energy, but we have over the past year or so put forward at National Energy Board hearings as well as in talks that we have had with Energy, Mines and Resources at the Deputy Minister and Assistant Deputy Minister level, our position as it relates to gas exports to the United States which were in the direction that the federal government has gone. But I think they have gone in a far more substantial way and I think that is perhaps where most of the argument is going to come in the coming days as to the question of the amount of the export. So we have been presenting our position both through IPACU, directly between the ministers and more specifically in hearings that we have attended in which we have put forward a position as it related to some export of natural gas. But I could just give my own personal comment in the sense that the amount and the length of time involved here, I would have to study very carefully what the NFB has said and what the federal government are saying. But from an initial glance and just listening to the radio this morning, it does seem to be more and longer

PREMIER PECKFORD: than the kind of way that I would preceive us going at our own point in time and have some checkoffs systems in place, after an eighteenth month period check it off and have the power to either increase or decrease.

MR. JAMIESON: And swap.

PREMIER PECKFORD: And swapping. Whilst now it seems that you are at a maximum or a minimum, whichever you want to call it, and the only way you can go from there is even further and not back, which perhaps is rather uncautious.

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

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

MR. NEARY: I am not quite clear, Mr. Speaker, in the Premier's answer as to whether or not this government agrees with a gas pipeline to Eastern Canada. It would seem to me from the Premier's remarks there a few moments ago that the government here is in a state of indecision. Although they approve the Government of Canada's policy of exporting more natural gas to the United States, the government here has not taken a position on the pipeline. I read the paper that was presented at the National Energy Board and it seems to me that the provincial government clouded the issue a bit by saying, Well, we are not particularly interested in the gas pipeline; we are more interested in developing hydro electricity in the Province. Now what I want to

MR. NEARY: ask the Premier, in view of his answer, Would not a pipeline in Eastern Canada work both ways? In the event that seven or eight or ten years down the road, we did discover gas offshore, could we not send it back the other way? So should not this Province come out in full support of a gas pipeline of which Newfoundlanders would get the advantage for the next seven or eight or ten years while we are waiting, if we ever discover natural gas offshore? They would have the advantage of cheap energy now and then later on, maybe, we could put our gas in the pipeline. I would like to ask the Premier to comment on that matter.

MR. SPEAKER: (Simms) The hon. the Minister of Mines and Energy.

MR. BARRY: Mr. Speaker, if I might, the Premier has indicated that if the hon. member wishes, I can respond to the question.

This Province does not oppose the extension of a natural gas pipeline to the Maritime Provinces provided it does not artificially distort the energy picture in Eastern Canada with respect to the pricing of energy. If a gas pipeline delivers gas to the Maritimes at a subsidized rate which would artificially bring energy costs in the Maritimes below what they might be in Newfoundland, then this could damage Newfoundland industry in its competitiveness, it could make it more difficult for Newfoundland to develop other energy sources such as, specifically, our hydro-electricity.

MR. NEARY: The consumers would get the advantage.

MR. BARRY: The consumers in the Maritime Provinces would get the advantage, but the extension of the gas pipeline, itself is not going to help Newfoundland. Although some of the projects have tacked on ideas for moving gas into Newfoundland through storage and salt caverns or something of that nature, that really appears to be an incomplete analysis, something tacked on after the fact, it is not essential. The essence of it is moving gas to the Maritime Provinces, and to bring Newfoundland onside, this added aspect has been put in there to show that they are thinking of Newfoundland as well.

MR. BARRY: Well, really, it does not appear to us to be a feasible proposition to bring gas in when we have our hydro-electricity in Labrador which really should be developed. So two things can happen, either gas will be brought in at competitive market rates - and that is well and good; then our hydro-electricity can be developed on a competitive basis, or if there is a subsidy for bringing in a gas pipeline to the Maritimes, there should be an equivalent subsidy provided to this Province.

MR. NEARY: Mr. Speaker, a final supplementary.

MR. SPEAKER: (Simms) A supplementary,

MR. L. THOMAS: If Mr. Folinsbee's allegations are found to be correct, will this rifle range be closed until it is made safe or until it is moved to another location?

MR. C. POWER: Mr. Speaker.

MR. SPEAKER: (SIMMS) The hon. Minister of Tourism.

MR. C. POWER: Mr. Speaker, the statement yesterday on CBC and also in this morning's Daily News relating to the RCMP shooting range down in the Pleasantville area has caused some concern by parents and by persons living in the area. However, I have to say that the concerns seems to be very much unfounded. The RCMP shooting range has been approved by the RCMP persons who are professionals in the field of not only rifle and firearm usage but also in hunter safety. It has been checked out by our Director of Hunter Safety, it has been checked out by our Director of Wildlife, it has been checked out by our Deputy Minister, and all persons say that it is a safe range, that there is no need for the concerns expressed. We are, of course, asking the RCMP to have it looked at again with the specific problems expressed of having it fenced and signs up and access from the other area. However, in our case being the Department of Tourism and being responsible for administering the Hunter Capability Test or shooting test is the fact that we have a range available to us. All we can do is go to the RCMP and if the RCMP in this Province decide that a range is safe then certainly we will accept that opinion.

MR. L. THOMAS: A supplementary, Mr. Speaker.

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

MR. THOMAS: I would like to ask the Minister of Tourism (Mr. Power) how he can stand in this house and say that an unfenced area that is used for target practice, a shooting range, can be safe? I mean, if it is unfenced - and there is no question about it! Children can wander in or adults can wander in on to this range - how could his authorities or people in his department - I mean, it just does not make any sense to me how they can say it is safe if it is unfenced and people can wander in there. It will be safe until somebody's child gets killed.

MR. SPEAKER: (SIMMS)

The hon. Minister of Tourism.

MR. C. POWLP:

The reason it does not make any sense to the member is because obviously he does not understand and appreciate what it takes place at a Hunter Capability testing. I doubt if the member has ever gone to a test, I doubt if he has ever used one of our hunting ranges or one of our shooting ranges to do his hunter capability testing. If the member were to go to do his test he would realize that when you go to do a test, simply because an area is unfenced does not make it unsafe, that all over the Province we use areas that are not fenced for we do not send persons out just to use guns and come back and say, 'Yes or no I did not pass my test'. We obviously have supervision there, we obviously have a number of very qualified persons who administer the Hunter Capability testing. And for the member to suggest simply because an area is not fenced makes it unsafe is absolutely ridiculous.

MR. STAGG:

The hon. member is unfenced.

AN HON. MEMBER:

The hon. member should be fenced.

MR. SPEAKER: Order, please! The hon. member for Windsor-Buchans.

MR. G. FLIGHT:

I have a couple of questions for the Minister of Lands and Forests (Mr. Morgan) arising out of his statement earlier today. I would like to ask the minister in the first instance: we have been experimenting with slope logging the past four or five years. Would the minister indicate to the House what has happened to the wood that has been actually cut during the experimental trials in the past four or five years? Where did that wood that has been cut during the trials eventually end up?

MR. SPEAKER: (Simms)

The hon. the Minister of Lands and Forests.

MR. MORGAN:

Mr. Speaker, obviously the hon. gentleman is a bit confused because I did not refer to the past experiments. I referred to the fact that there is a new machine being developed in this Province because of the fact that the steep slope logging machine used in the past has not been efficient. And with regard to the wood being cut -

MR. HODDER:

(Inaudible) answered the question.

MR. MORGAN:

Mr. Speaker, the hon. the member for Port au Port is really rowdy this morning.

Mr. Speaker, the hon. gentleman from Windsor - Buchans (Mr. Flight) asked a question and I am willing to give the answer.

The wood that is being cut by using this method, most of the wood has been going into the Price mill, because the experiments were carried out in conjunction with that company. And we now have a project ongoing in Bay d'Espoir using the cable logging experiment as well. That wood could be very well utilized, and we hope it will be utilized, in the local area by the sawmills.

SOME HON. MEMBERS:

Hear, hear!

MR. MORGAN:

And if not, of course, the pulp would also go into Price (Wfld.) Ltd. or to Bowaters.

AN HON. MEMBER:

Hear, hear!

MR. FLIGHT:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Windsor - Buchans.

MR. FLIGHT:

Mr. Speaker, most of the 11 per cent of the gross merchantable wood on supply in this Province is located on the two major paper companies' limits. I am wondering if the paper companies, even if the trials are successful, have indicated a decision to use cable logging for their own wood supplies, knowing that it will be more costly than the type of logging they are doing right now. Number one, will they? And number two, have they contributed to the cost of the manufacture of this machine?

MR. SPEAKER: (Simms): The hon. the Minister of Lands and Forests.

MR. MORGAN: Mr. Speaker, I mentioned that the cost of the contract I announced this morning has been cost shared between the two levels of government, not by industry and government. It has been cost shared by the federal department of DREE and the Newfoundland Department of Forestry.

In connection with the companies using this machine, yes, they will be using this machine because they are looking forward to this type of machine being manufactured; because the one that is now being used is not efficient in the eyes of the companies. And only two weeks ago, in meeting with Abitibi Price, we outlined to them in allocating wood supplies that a fair amount of that wood supply will be on steep slopes - in other words, greater than 30 per cent slope - and they will have to be involved in harvesting timber on these slopes. Now, this machine will be the answer to the companies' problem of cable logging on these slopes, and we look forward to, in fact, more machines of this nature being manufactured in our Province for use elsewhere in Canada even.

MR. HANCOCK: Mr. Speaker.

MR. SPEAKER: The hon. the member for St. Mary's - The Capes.

MR. HANCOCK: I have a question for the hon. the Premier, who is the Minister responsible for Intergovernmental Affairs. It pertains to the wharf in St. Bride's. Every year they have a large amount of damage done to the wharf. None of us can control what happens to the wharf, it is just an act of God. In the past,

MR. HANCOCK: the funds have been made available to repair the wharf but they have been made available during the peak fishing season and the fishermen in that area would like to know if the funds can be made available a little earlier so the wharf can be repaired so it would not interfere with their fishing. With people repairing the wharf, and the fishermen trying to get from the wharf to the fish plant, it creates a problem for them.

AN HON. MEMBER: Hear, hear! A good question. A good question.

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

PREMIER PECKFORD: I do not know, Mr. Speaker, I will have to check the problem that the hon. member brings out, and see under whose jurisdiction it is or which department is involved in providing the funds and then see whether in fact the kind of request that the hon. member makes can be accommodated.

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

MR. LUSH: Mr. Speaker, I want to direct a question either to the Minister of Health or the Minister of Social Services. It is respecting the senior citizens' apartment complex in Eastport, and both ministers are quite familiar with the situation. For the benefit of hon. members, this was a senior citizens' complex built through funding by the CMHC and it is a senior citizens' apartment complex as opposed, of course, to an ambulatory or a nursing care centre. And it was meant to be a low rental apartment complex and due to escalation in the original cost and increasing interest rates it is anything but a low rental apartment. So I am just wondering if either minister can indicate what is the status of that senior citizens apartment right now?

MR. SPEAKER: The hon. Minister of Social Services.

MR. HICKEY: Mr. Speaker, as far as I know, the situation is that CMHC is stuck with a building for which they cannot find any use. The whole project was ill advised, certainly not developed based on any real need, an imaginary need, from what I am told by the CMHC officials. The senior citizens were asked if they agreed with the - or if they thought that it was a good idea to have

MR. HICKEY: such a facility there, but not necessarily asked directly would they live there.

MR. MORGAN: Right.

MR. HICKEY: Of course, they thought it was a good idea to have it there, but living there -

MR. MORGAN: They would not live there.

MR. HICKEY: - packing up and leaving their own home and moving into an establishment such as that building was an altogether different situation.

The current situation is now that CMHC would like this Province to take it over and use it as a nursing home. And I have - in fact, some time ago, the hon. member will recall, I am sure, we had some discussion with CMHC. We indicated to them then that before we would agree to get involved in this, and even to identify it as a nursing home, we would have to make sure that it could be utilized to the fullest extent. Also we would want to see just what dollars it would cost. We have given

Mr. Hickey: CMHC for the most part a similar answer right now. I am not sure, for example, that we would be able to place senior citizens in that area if, in fact, the building were made available to us. I am sure we would not be able to put nursing care patients there without extensive renovation. I would want to see whether CMHC is prepared to bear that cost, and also what kind of a cost the Province would be involved in before we were to agree to take over the building.

SOME HON. MEMBERS: Hear, hear!

MR. HICKEY: So there are a whole lot of questions.

MR. SPEAKER (SIMMS): A supplementary, the hon. member for Terra Nova.

MR. MORGAN: (Inaudible) is what it is.

MR. LUSH: In view of the tremendous need for a senior citizens care centre in the Province, I wonder if the minister would indicate just what action his government or his department has taken to see if every possible avenue is explored to ensure that the home is used for the intended purpose, mainly, for senior citizens?

MR. SPEAKER: The hon. member for Social Services.

MR. HICKEY: Mr. Speaker, the only response I can give the hon. gentleman on that is to -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. HICKEY: - repeat a couple of facts. Fact number one, it is a federal building. There was no consultation with this Province.

MR. MORGAN: Hear, hear. None whatsoever. No consultation whatsoever -

MR. HICKEY: Indeed, as I said earlier, and I repeat what I said earlier -

MR. MORGAN: - and it was built in my district.

MR. HICKEY: - the whole thing was ill-conceived.

AN HON. MEMBER: Ill-executed.

MR. HICKEY: Two, I believe that the Province has no direct responsibility in taking initiatives to take over a federal building which CMHC and the federal government are stuck with.

MR. MORGAN: That is right.

MR. HICKEY: Now we have, you know, very glaring needs, very real needs for senior citizens accommodations of one kind and another, but certainly we are not going to show our hand to CMHC and say, you know, we are right ready to take over this building, "unless we know what their cards are like and until they put their cards on the table and say what the cost is going to be, Maybe they would like us to take over the building; maybe they would like to renovate the building and give it to us to take over and then maybe we might be able to utilize it. But until such time as they do that we are not moving.

MR. MORGAN: Very poorly conceived.

MR. LUSH: A supplementary, Mr. Speaker.

MR. SPEAKER (SIMMS): A final supplementary, the hon. member for Terra Nova.

MR. LUSH: Mr. Speaker, I can appreciate what the minister is saying, but the minister is quite aware that in order for that senior citizens' apartment to be changed into either an ambulatory or a nursing care centre, that it is necessary that the Province agree to issue the proper licencing, that it just cannot be turned into an ambulatory or a nursing care centre without the approval of the Province. So has the minister indicated to CMHC or to the Inter-faith Denominational Committee of Eastport that he is willing to go along with this procedure? In other words, that it would be converted into an ambulatory or a nursing care centre?

MR. SPEAKER: The hon. Minister for Social Services.

MR. HICKEY: Mr. Speaker, you know, I guess it depends on where you sit now you see this question. Having some responsibility for senior citizens and their accommodations, to me that is putting the cart before the horse. I do not feel that I should

December 7, 1979

Tape 1692

PK - 3

Mr. Hickey: indicate to CMHC and/or anybody else that
this government's agency are going to issue a licence for either
ambulatory and/or nursing care,

MR. T. HICKEY:

and then when we get into the negotiations of cost we may find that it is not a very good deal. So I am simply saying let CMHC put its cards on the table, say what the building would cost us if we were to take it over, tell us if they are prepared to renovate it and so on, and then we will determine whether we are able to utilize the building or not. I do not think we are being difficult in this situation. Indeed, I might tell my hon. friend, I have had no direct proposal as Minister of Social Services with regards to this project and I would suggest to my hon. friend that he should get in touch with Mr. Ryan, who has this white elephant, and tell him that if he wishes to come and talk to us we will certainly talk to him provided the cost is not going to be exorbitant and provided, you know, he does not expect us to take him off the hook for a very bad mistake.

MR. SPEAKER: (Mr. Simms)

Order, please! Time for Oral Questions

has expired.

ORDERS OF THE DAY

MR. W. MARSHALL:

Order 2 - Committee of the Whole.

MR. SPEAKER:

Order 2 - Committee of the Whole on a

Bill, "An Act To Amend, Revise And Consolidate The Law Relating To The Establishment And Administration Of Municipal Government In The Province". (No. 53).

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

COMMITTEE OF THE WHOLE ON SAID BILLS

MR. CHAIRMAN: (Mr. Butt)

Order, please!

We are discussing the amendment made by the hon. member for Grand Bank (Mr. J. Thoms) under Clause 131.

The hon. member for LaPoile.

MR. S. NEARY:

Mr. Chairman, I want to congratulate my colleague for bringing in this amendment. We had some difficulty, as the Chair knows, in trying to arrive at the proper procedure for amending this particular section of the act. And there have been some valid points made and a very strong case made, Mr. Chairman, by the member for Carbonear (Mr. R. Moores) using actual cases and experiences that he has had. Well, I am sure that we have all been faced with similar situations where the act gives the town council a great deal of power in imposing on people's property and disconnecting water in the event that people should fail to pay their taxes.

Now, this is rather cruel and as my hon. friend says, "Well, not because it was in previous acts it is right." I can see now the Government House Leader, the President of the Council, would get up and say, "Oh, the members were sitting there for the last five or six or seven or eight or ten or fifteen or twenty or fifty or one hundred or one hundred and fifty years, it was in the Local Government Act." Well, I say, so what? There are all kinds of things, clauses in acts that we do not agree with. The Minister of Municipal Affairs and Housing (Mr. M. Windsor) told us that this was going to be a major reform, this was going to be one of the - and the Premier, before the House opened, when presenting his legislative programme, said the people of this Province that "...in the history of ... the ... of ... will ... be ... legislative ... going to ... into this ... of ...". and ... of ... of all ... and ... to ... and ... of ... of ...

Mr. S. HIND: sneak in a regional government and a compulsory property tax and to include the municipalities in the Tendering Act. These things were sneaked in but these were the only really new things in the act, so they were not really major reforms at all. If the minister and the Premier and the government were sincere, they would remove all of these offensive clauses in the Local Government Act and the various other acts that

MR. NEAFY:

are being consolidated now under one bill called, "An Act To Amend And Revise And Consolidate The Law Relating To The Establishment And Administration Of Local Government." There is no doubt about it, Sir, that senior citizens, veterans, people on unemployment insurance, people in low income brackets, have been the victims of - especially when you get a very aggressive council, especially as my hon. friend pointed out yesterday, when politics creep into it and local jealousies and differences of opinion in communities arise and somebody on the council is out to get somebody else in the community, that this could be abused, this clause. It could be abused and has been abused. I spent twelve years myself on a town council. I was once Deputy Mayor but I was a councillor for about twelve years and when I used to go through the act and see the powers that we had it often frightened me. I know the minister will get up and argue that the council must have some lever, it must have some recourse in the event that people do not pay their taxes. What can they do? Somebody took the line of least resistance in the beginning and said, "Well the thing to do is to shut off their water." But I believe, Sir, that that philosophy is wrong because it removes the legal responsibility and the legal rights. The council can send their storm troopers any time they feel like it to shut off the water. So my hon. friend, the member for Grand Bank (Mr. Thors), has made a very worthwhile amendment and that is that nothing can be done in the way of shutting off water or sending the storm troopers in on people's property until six months have expired. And I hope that the Minister of Municipal Affairs (Mr. Windsor) will look on this favourably. It is a very good amendment, very worthwhile.

MR. HON. MEMBERS:

Maybe we will have a division on it.

MR. NEAFY:

Well, we will have a vote on it.

Maybe we will have division. I do not know. But it will take a little going on the part of the council to collect their taxes but at least they will not go straight in threatening people and sending the water

MR. NEARY: works people around to shut off people's water.

MR. HON. MEMBER: Without notice.

MR. NEARY: That is right. Without notice. And the hon. minister will get up and argue, "Well, people who never paid their taxes for twelve months, for two years, for three years." And he could say, "Well, they have had notice. They have had two years notice or they have had three years notice." But, so what!

MR. THOMS: They may not have had any notice.

MR. NEARY: That is right. Mr. Chairman, I would like to hear the minister get up and expound his ideology and his philosophy and the philosophy of his government. Tell us just what happens in the cases of old age pensioners, in the case of veterans, in the case of people on social assistance, in the case of people on unemployment insurance and people on fixed incomes who may have sickness in the family, some of them may be hardship cases. Now what happens when the town council moves in and shuts off their water? They then become a burden to the state. Nine chances out of ten that is what happens. They become a burden to the state. They just give up. They say, "well, I am going to give up. Now go out and find a place for me to live." I have seen it happen, Mr. Chairman, on numerous occasions, when government moved in and created problems for itself with this kind of legislation. They will all end up back to the Minister of Social Services (Mr. Wickey) - not all of them but a good many of them will. They will just say, "Okay, people on social assistance can get the government to provide them with a house, with water in it and electricity in it, so I am just going to give up. I am not going to work because the moment I go to work the council will be after me for my taxes so I am going to fling myself over, throw myself over on the rolls of the Minister of Social Services (Mr. Wickey)". That happens in a good many cases and it is a shame

MR. S. NEARY:

Because many a good Newfoundlander, Sir, has had to give up because he could not cope. And believe me, when a town council gets on the rampage, on the warpath look out! Usually a hard line develops between the customer and the council and once the tug of war starts, then look out, they will come down on the poor individual like a ton of brick. I was fairly soft-hearted myself when I was in the council, I believed in the diplomatic approach. You try to make people feel that they are a part of a community, that they should pay their taxes. If they do not carry their share of the load then they are being slackers. As we used to say, 'You are a slacker'.

AN HON. MEMBER: (Inaudible).

MR. S. NEARY: I wish somebody would resettlement the hon. gentleman. And so, Mr. Chairman, this is a good amendment.

AN HON. MEMBER: (Inaudible).

MR. S. NEARY: Yes, I know. The minister will get up and say, 'Listen to them now, they are over there now. I mean, everything should be changed, why did they not change it? Well, my hon. friend was still in high school when the Acts were brought, I was over on Bell Island working for DOSCO.

MR. J. MORGAN: (Inaudible).

MR. S. NEARY: The hon. gentleman should go out and pluck the legs off his little spruce budworms and start counting his little spruce budworms. He comes in this morning with a grandiose announcement. The poor old Premier was embarrassed! He did not say anything about the spruce budworm damaged timber.

So, Mr. Chairman, I do hope that the Minister of Municipal Affairs and Housing (Mr. Windsor) will have a little bit of humanitarian substance in his views, that he will have a little conscience over this and get up and support the amendment, say it is a good amendment, that no council should have the right to march the storm troopers in on anybody's property and shut the water off unless they have been given six months notice. I am not talking about sending out a bill not sent out a bill and say, 'Look, get just go down to the tail and

MR. S. NEARY: you pick up your mail and there are all kinds of bills in there including a bill for water services. Call the person and say, 'Look, boy, we know you are up against it, we know you have sickness in the family, we know you have been unemployed. Give us a dollar a week, or a dollar a month or a couple of dollars a month.' Or write them a letter and explain to them, "Come on in. We think we can resolve this matter," and not just full speed ahead shut off the water and leave little children - not only water do they shut off in this Province, they also shut off electricity and that is the government, too. The minister can laugh, he joked yesterday about that. It is the government that gives the Public Utilities Board the authority to deal with these utility companies. Just imagine! I doubt if there is any other Province of Canada where a public utility like the Newfoundland Light and Power can walk in and chop the wires off and leave people in the dark. They will shut their water off, shut off people's water. And so it may have been in the old Act, but it is time now if the minister, as he tells us about this great reform and the Premier billing it as one of the greatest legislative reforms in the greatest legislative programmes since Confederation, well, then if that is how he feels about it then make it that. Just do not try to bluff the people of this Province with phony propaganda. I know the house will close now and the Premier will take to the airwaves again and he will say, "Oh, boy, what a session this was, my God, the legislation we put through! What a magnificent legislative programme we have had!" What have we put through? We have put through the Minister of Education's Bill on the matrimonial property that will cause chaos in this Province. And this is a re-hash of a lot of old bills.

MR. NEARY: Mr. Chairman, if I was the hon. Minister of Municipal Affairs and Housing (Mr. Windsor), I would stop taking my advice from the Minister of Labour and Manpower (Mr. Dinn), or Industrial Relations, whatever he calls himself, who has a tendency, when he wants to be, to be one of the nastiest pieces of business in this House. He is very nasty. He can be very nasty indeed. So the hon. gentleman should stop taking advice and agree. I mean, if we are going to - what is the point of Committee of the Whole? What is the point if you cannot make amendments, if you cannot have debate back and forth? I mean, the government has dug in, obviously. The government does not intend to make any changes in the amendments. They pretend, "Oh yes, this is democracy, Committee of the Whole. Yes." The Premier will say, "Oh, yes, sure. Put up some amendments, we will take a look at them." I do not believe we have had one yet, have we? Not one, I do not believe one of our amendments have been accepted yet.

MR. MOORES: They have always said we were negative.

MR. THOMS: no matter how reasonable we are.

MR. NEARY: Yes, we are always negative. The government is so partisan that the Opposition is always negative. We are quite sincere, Mr. Chairman. We are quite sincere.

MR. MOORES: We offered seventeen amendments to the Matrimonial Bill.

MR. NEARY: That is right, seventeen amendments to the Matrimonial Bill, not one - the government did not accept one. They just dug in, took the hard line, and thought we were playing politics over here. You would not know but we were - we are a part of the legislative process.

MR. MOORES: That is right.

MR. NEARY: We have as much right to have input into legislation as the Legislative - we have more as a matter of fact, because we approve these laws, and we make the laws. All they do is draft them down in the Department of Justice. And when they are brought into the House I have just as much right to have input into that

MR. NEARY: legislation as the member for St. John's North (Mr. J. Carter) who is supporting the government, or a minister, the member for Gander (Mrs. Newhook), just as much right, and should be heard and listened to just as much.

AN HON. MEMBER: Inaudible.

MR. NEARY: And not just bring legislation in and expect every member of the House to rubber stamp it. Is that the way the Premier is going to develop a major legislative programme in this Province? Well, I hope he does not take to the airwaves now before Christmas and say, "Well, boy - "

AN HON. MEMBER: He will.

MR. NEARY: He will I know, and he will have his picture taken. He has allocated so much time a day to have his picture taken. But now he has a new strategy. One time if you did not talk about oil, well then you could not get the ear of the Premier, you could not get his attention. But now if you do not attack Ottawa, if you do not declare war on Ottawa, you cannot get his attention. He shifted from one crisis now to the other. He lurches from confrontation to ultimatums, from one to the other. And so I have no doubt at all, Mr. Chairman, that when the House closes you will turn on your television some night and you will see the hon. the Premier on there saying, "Well, we would have passed more legislation, you know, but the Opposition slowed us down. They were filibustering and they were obstructing and delaying the proceedings of the House." And all we are doing, Mr. Chairman, is asking the government, we are begging and pleading with the government to change some of the old legislation, some of the old laws of this Province that were regressive, to say the least. That is all we are asking. So I hope that somebody on the government benches will have pangs of conscience and come out and say, "Well, yes, yes we brought in a couple of major bills all right. They were major reforms but they were an intrusion into people's lives. They went further to intrude in people's personal lives and married lives than anything else that has ever been done in the history of mankind."

MR. NEARY:

I know the Minister of Education will smile and not say that is so, but it is so. When you are trying to get at a problem, Mr. Chairman, when you are trying to get at a problem you do not punish everybody in Newfoundland, and here we are here trying to get at a problem. We are trying to get at the problem where people for one reason or another go in arrears with their water tax so we bring in a law to punish everybody.

If somebody has an argument with the council, say, for instance, my hon. friend from Grand Bank has an argument with the city council and he says, "I am not paying my water taxes until you do this." And he is quite justified. He is within his legal right and he cannot get any action out of the council. By and by you will see him coming down with the storm troopers, all the trucks will pull up, and my hon. friend will go home some evening and there is not a drop of water in the house. And that could happen, Sir, and it has happened. That is right? Is Your Honour agreeing with me or is my time up?

Your Honour is agreeing with me. I

have the Chairman

MR. NEARY: converted. Now, if only I could convert the Minister of Municipal Affairs (Mr. N. Windsor), if only he would stop taking his advice from Mr. Nasty to his right, then we might be able to get somewhere in this Province. And if only the Premier would put out instructions to his ministers that when the Opposition - when a member of the House, it does not make any difference where he sits, when he has a good contribution to make, when he has a good amendment to a section of a bill or to a bill, well, let us look at it, let us talk about it - or are we going to be all one-sided in this House and everything is going to be developed along the line of partisan politics? I would like to hear what my hon. friend from St. Mary's - The Capes (Mr. Hancock) thinks about this. Should councils down in his area have the authority without as much as giving one day's notice to come in and shut off people's water? My hon. friend should get up and have a few words to members on the government benches. Because, as I say, Sir, it does not make any difference to me whether it was in a bill for twenty-five years or thirty years or a hundred years; if it needs to be changed then let us change it.

MR. R. MOORES: Hear, hear!

MR. CHAIRMAN: (Butt) The hon. the member for Grand Bank.

MR. THOMS: Mr. Chairman, just a few more words about this particular amendment.

I believe the amendment is reasonable. I think the President of the Council (Mr. Marshall) would agree with me, the Minister of Education (Ms Verge), the Minister of Mines and Energy (Mr. Barry) if he were here, that there are very few, if any, actions such as this that can be taken without giving notice. I could not sue the minister tomorrow without giving notice.

MR. NEARY: Hear, hear!

MR. THOMS: I could not sue for possession as a landlord against a tenant without giving notice. I could not foreclose under a mortgage without giving notice. It goes against all my training, everything that I believe in, the laws of natural justice. The Minister of Education is a compassionate person. I believe, I certainly hope

MR. THOMS: the compassion during the debate on the matrimonial law. I wonder does she believe that councils should be given the authority, the absolute right, to go in and cut off the water? I mean, this act gives them the permission to walk right into the man's bedroom, if necessary, to do that, without giving notice. It seems to me that it is a very reasonable thing to have in a section of this sort.

AN HON. MEMBER: They do not have the shut-off valves in a bedroom.

MR. THOMS: I do not know where they shut off valves, you know, I am not a plumber. But with me it is the principle of the thing. I mean, I cannot stand here and believe that the Minister of Education (Ms Verge) agrees that a section - I mean, somebody who fought so hard for the rights of the downtrodden -

MR. NEARY: A lot of them are widows, by the way.

MR. THOMS: - you know, when we debated the matrimonial act, fought so hard for this type of person, and now, here she is, by her silence, condoning an authority such as this. No wonder she hangs her head in shame. A lot of people on the other side of this House should hang their heads in shame. Because I do not believe for one minute that she can stand up and defend - and I am not talking about principle of this particular section, I am not talking about giving the council the authority to cut off the water, what should be an ultimate authority - my own personal belief is that they should have to sue, they should have to take whatever other remedies that are available under the act before they do this, go through our judicial system. This should be a last resort in any event, but it is not.

AN HON. MEMBER: (Inaudible).

MR. THOMS: It is not. Show me where it says this is a last resort.

AN HON. MEMBER: (Inaudible).

MR. THOMS: All it says is 'in addition', it does not say 'after all other remedies have failed'. I mean, what council is going to go through the process of suing for the arrears of taxes when they have a section like this? The ironic thing about it is if it is in arrears of

December 7, 1979

Tape 1697

LC - 3

MR. THOMS:

my rent, in order for the council to
sue me, they have to give me notice. They must give me notice.

Mr. Thoms:

They must issue a writ. They must issue a statement of claim. And I then have a right to go in and file a defense -

MR. NEARY: Get legal aid.

MR. THOMS: - or a set off, or a counter claim.

Under this section all my rights as a person are taken away from me. The Council has the absolute right to enforce the payment whether it is owing or not, by cutting off the water, and what is even worse without even giving notice.

Now I know the minister is going to stand up and say, "But no council would ever do that".

AN HON. MEMBER: Because they would send you a bill.

MR. THOMS: No council will ever shut off your water without giving you notice that they are going to cut it off. That is a lot of tommyrot. Because I know what petty jealousies and animosities can arise in small towns in our Province. I know how a mayor of a town or a council or anybody else can create an animosity between a taxpayer and the council. And I can see, very easily see the - the city of St. John's is doing it now. This is a Christmas gift to a few people who were in arrears of taxes in St. John's, they are cutting off their water.

AN HON. MEMBER: (Inaudible).

MR. THOMS: Well, probably a third of the businessmen in St. John's owe the councils thousands, and thousands, and thousands, and thousands of dollars.

MR. NEARY: Aided and abetted by this government, which gives them the authority to do it.

MR. THOMS: Mr. Chairman, you know, to me it is a reasonable amendment to ask for. Maybe it is useless for me to get up here and request amendments to the Act, reasonable or not. If the minister or anybody on the other side of the House can show me that this is not a reasonable amendment, can convince me it is not a reasonable amendment then, fine. But if it is a reasonable amendment, why would you not accept it? Why would you not accept it? But maybe we are going to get the

Mr. Thoms: same thing as we got when we dicussed the Matrimonial Act, when the Minister of Justice (Mr. Ottenheimer) kept coming out and saying, you know, I mean practically coming out and saying "Yes, boy, you are right. You know, this section should be amended. But it is the policy of this government once we make a decision not to accept reasonable amendments." That is what the Minister of Justice was saying when we discussed the Matrimonial Act. - No matter how reasonable you are, no matter if the amendment is needed or not -

MR. NEARY: Arrogant and dictatorial.

MR. THOMS: - it is the policy of this government not to accept the amendments.

MR. NEARY: Sir, arrogant and dictatorial.

MR. THOMS: Now to me it goes against, you know, all my sense of what natural justice is all about, when had given the council the authority to go in without notice. And, you know, I would challenge, I really would I would challenge a number over there to stand up on the floor of this House and say that they believe that town councils, community councils in this Province should have the right to go in cut off the water supply, deprive a family, deprive children without even giving notice. They do not have to give twenty-four hours notice, six hours notice. If you do not want to accept my amendment, my reasonable amendment well, you know, let us agree on a month's notice, let us agree on a month's notice, three weeks notice, something that is reasonable, six months, if you think six months is too long. But they should have some notice.

And I believe the Minister of Education (Ms. Verge) if she could stand on her feet and did not have to -

MR. NEARY: She is not allowed.

MR. THOMS: - follow the party line on this -

MR. NEARY: Right.

MR. THOMS: - and I really do not see any reasons why somebody should have to follow party - I mean, all they are doing is getting up and saying to the minister, "Look, this is a reasonable amendment

December 7, 1979

Tape 1698

PK - 3

Mr. Thoms: let us go along with it". If not, then
we are just wasting our time and this whole procedure is a farce.
I would like to believe it is not

MR. L. THOMS: a farce, that when we ask for reasonable amendments then consideration should be given to them.

MR. CHAIRMAN: (Butt) The hon. member for Placentia.

MR. W. PATTERSON: I think the fears being expressed by the hon. member are totally imaginary.

MR. L. THOMS: Imaginary!

MR. W. PATTERSON: Imaginary, because these powers are already in existence.

MR. L. THOMS: But that is the argument I got from the Minister of Consumer Affairs (Mrs. H. Newhook) the other day, that it the one that makes me so made, it is not because the law is there -

MR. J. MORGAN: Oh, oh!

MR. L. THOMS: That is right.

MR. J. MORGAN: Nonsense!

MR. W. PATTERSON: I have had considerable experience -

MR. L. THOMS: They are so stupid! Tell me what makes the Minister of Lands and Forests (Mr. J. Morgan) (inaudible)

MR. S. NEARY: (Inaudible) playing with his budworm. Go home and play with your budworm..

MR. W. PATTERSON: I have had considerable experience with local governmet, we have had thirty-nine years of it in Placentia. I served on the town council for a number of years, I was President of the Joint Councils up there when the hon. member's late brother was there; he and I got along real well and and one thing we really clicked on was that the towns should be amalgamated or consolidated. I believe in that and I will continue to pursue that. But to get back to councils having a right to collect for services, that is only normal, that is only right.

MR. L. THOMS: That is not the argument.

MR. W. PATTERSON: The argument as I gather it from listening to the hon. member was that they could be given notice.

MR. S. NEARY: Right, right on.

MR. W. PATTERSON: Okay. I am all for that. Now, just let me go a step further, that councillors are elected and we are not voting on

MR. W. PATTERSON: to do anything as elected councillors that is going to in any way interfere with us being re-elected again.

Now, let us realize that you are not going - there are hundreds and hundreds of unpopular things being done in your district at the present moment and I will defy you to bring them up here in the House of Assembly. You are looking down the road to four years the same as all other men here. As for -

SOME HON. MEMBERS: Oh, oh!

MR. W. PATTERSON: The councils must have that authority. If they are going to provide services, they certainly must have the right to collect. Now, they are not going -

MR. D. THOMS: Yes, through the courts.

MR. W. PATTERSON: Not necessarily through the courts. And I do not think you will find, I never did find in the thirty-nine years we have had local government up there where councils belligerently went in on people's property and turned off water; they would not do that. They will send bills upon bills and bills, the court would be the last resort. So I think that -

MR. THOMS: You have no objections to the amendment (inaudible).

MR. W. PATTERSON: There is no need of the amendment. An RCMP officer could go out and pull 80 per cent of the cars on the road off if they wanted to. They can stop you with a taillight out and stay there, but these are the discretionary things where they use good judgement. I really do not think there is a -

MR. L. THOMS: You can not take me into court without giving me notice.

MR. W. PATTERSON: Yes, to take you to court it requires civil debts?

MR. L. THOMS: Not without giving me notice you can not.

MR. W. PATTERSON: But they would give notice. Councils do give notice.

MR. L. THOMS: But here they do not have to.

MR. W. PATTERSON: They do not have to, but that does not

MR. W. PATTERSON: necessarily mean they will not do it.

MR. L. THOMS: Oh, no, I agree with that.

AN HON. MEMBER: (Inaudible).

MR. W. PATTERSON: I see, I do not think there is a councillor in the Province who would -

MR. L. THOMS: What is that again?

DR. J. COLLINS: (Inaudible) to a lawyer he wants to resort to a collection agency.

AN HON. MEMBER: Say that again?

MR. J. COLLINS: You want every bill that is in arrears to go to the courts. You know, that is not what the courts are for. As a lawyer you should know that.

MR. L. THOMS: If I am owed a debt, I have got to go to court.

MR. W. PATTERSON: I really do not know what is happening in other districts, but I do know what has been happening in Dunville and Freshwater and Jerseyside and Placentia and, as I said before, I was President of the Joint Councils there and I served on the town council up there and in very, very rare cases did we have to take people to court. Most people want to pay their way, not all people want to do it, but they may get into a bit of trouble getting out of work and get back a little bit but I guarantee you that is the last resort when you cut the water off to a person's home.

Now, the houses that you speak of, properties in St. John's, I notice quite a number have absentee landlords and they are in the business for making money. Now, if you have a fellow renting property and is not paying his way, yes, drag him by the scruff of the neck squealing into the court and put the clamps to him and get your money.

MR. CHAIRMAN: (Butt) The hon. member for Grand Bank.

MR. L. THOMS: No, Mr. Chairman.

MR. CHAIRMAN: (Butt) The hon. the Minister of Consumer Affairs and Environment.

MRS. NEWHOOK: Mr. Chairman, I have to get up to speak. I have been listening here and I am very, very distressed. I do not know if I can even express what I would like to say. I am distressed to hear from the Opposition the opinion they have of our councillors all across this country.

SOME HON. MEMBERS: Hear, hear!

MRS. NEWHOOK: They are painting them as villains, as being unconscionable, and I know - and I am sure everybody in this House knows - that the councillors in this Province are the finest people we have.

SOME HON. MEMBERS: Hear, hear!

MRS. NEWHOOK: I am very, very sorry, indeed, to hear this. I do not know how the members of the Opposition can go back to their districts and face all these councillors after what I have been hearing in this House during the past week.

SOME HON. MEMBERS: Oh, oh!

MRS. NEWHOOK: They have been painting them as militant as trying to gouge the people of their towns. Honestly and truly, I have never heard such a thing in my life. These are people who offer their services voluntarily, they are elected by the people to represent them, and I am very, very sure that every councillor does the best he can for his community.

Now, with regard to this amendment, I know that to cut off somebody's water is a very, very last resource that any council will take.

AN HON. MEMBER: Hear, hear!

MRS. NEWHOOK: And I have never known a council, really, to do and do that without giving a proper notice. Now, some councils might do it and I am not saying they have not, but I know that during the time I was councillor in Gander, we never did do that without writing and letting a person know and giving the time that our man would be there, and I would

MRS. NEWHOOK: say in 99 per cent of the cases, our man did not have to go and do that because that person would come in. Not only that - when you talk about a six months' notice - these people are given a year's notice, two years' notice, some of them are four and five years old before a council really goes to this extreme.

SOME HON. MEMBERS: Hear, hear!

MRS. NEWHOOK: Another thing that we are forgetting, too, is that council has now the power where it can exempt this tax if it wants. It can defer it, it can reduce it, and not only that, for the people who cannot pay, the Social Services then will come across and pay it for them. So really and truly, I cannot understand all the debate on this particular amendment.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: (Butt) The hon. the member for Grand Bank.

SOME HON. MEMBERS: Oh, oh!

MR. THOMS: Would the Minister of Lands and Forests (Mr. Morgan) like to have a few comments on this bill? I would concede my seat to him if he wants to have a few words to say, something intelligent, something we can all understand if that is possible.

Mr. Chairman, you have to respond to the comments that were just made by the Minister of Consumer Affairs and Environment (Mrs. Newhook). I do not think I have heard such tommyrot in all my life as I just heard. For anybody on the other side of the House to get up on this floor and suggest that we have been in any way, shape or form, attacking the town councils or the town councillors of this Province is a lot of tommyrot - absolute tommyrot! I have made my position quite clear in this House that I am against the principle -

MR. MORGAN: Against the councillors.

MR. THOMS: No, that is what you want the people of this Province to believe, that we are against the councillors. But we are not. I have made my position quite clear and I object to the minister standing in this house and saying that I, in any way, shape or form, said that. I do not have words.

MP. THOMS:

councillors. Now, I will tell the Minister of Consumer Affairs (Mrs Newhook) that we have some good councillors, we have some mediocre councillors and we have some bad councillors. Now we probably have all bad ministers. That is the difference. That is the difference between councillors. They are all bad ministers.

MR. MORGAN:

Are you going to judge all the councillors now?

MP. THOMS:

I am not judging all the councillors. I said we have some good ones, some mediocre ones and we have some bad ones. They are not all good. They are not all perfect like the Minister of Lands and Forests (Mr. Morgan).

MR. DINN:

The majority of them are.

MP. THOMS:

The majority of them could well be, I do not know. I cannot speak for all the councillors. I know most of the councillors in my own district. Most of them are presidents of the PC party. They are all on the PC party executive, that is where they are.

SOME HON. MEMBERS:

Hear, hear!

MP. THOMS:

For somebody to get up in this House and to twist and turn our words into saying that we are saying that we have had councillors, unscrupulous councillors, cannot go unchallenged. Now, I guess, the minister is obviously learning from the President of the Council who has that knack of being able to twist what you say and turn it around and make it sound as if it were something else. Whenever I have spoken on this particular amendment, I have said that I am against the principle that gives a town council the absolute authority to go in -

MRS. NEWHOOK:

They have that now.

MR. THOMS:

They have it now! They have it now! One time it was illegal to pickpocket so you hung them. Do you want us to go back to that? It is bad law.

MRS. NEWHOOK:

(Inaudible)

MR. THOMS: I do not care who brought it in or who did not bring it in. That is irrelevant. It is a bad piece of law. That is your only argument against it and you have been arguing that all through this debate - we have to leave it there because it has been there before. But do not forget that this is an act to amend and revise. What you are saying is that we cannot amend, we cannot revise because it has been there before. I am against the principle that gives the absolute authority to a town council, without notice, to shut off water. That is what I am against. I am not against the town councillors. I am not saying they are all bad. I am not saying they are all good. We have some excellent - some are better than others, there is no question about that. But the minister gets up and in a very emotional - I expected to see tears come streaming from her eyes, you know, almost crying because we were making a vicious attack. We are not; we are viciously attacking a repressive piece of legislation. That is what we are viciously attacking and it deserves to be attacked and I will attack any other legislation that you try to ram down our throats such as this. But to get up, to have the audacity to get up and twist - get Hansard, You show me anywhere, anywhere in this debate that I have said at any time that our town councillors are anything but the best. Show me, anywhere. I have never mentioned it. I have never mentioned town councillors as such. What I am attacking and what I do not like is this particular section of the act. And all I am asking for is that before a town council cuts off a person's water that that person be given a notice.

MR. POW. HUNTER:

(Inaudible)

MR. THOMS:

I am not saying it does not happen but I am against. In principle, I am against any piece of legislation which gives that absolute authority, and this is what it is doing. But for the minister to get up, ready to burst into tears over the fact that we are here before our job - I will challenge the

MR. THOMS: minister. I will challenge her to get Hansard and see anywhere, in anything that I said, which indicates in any way, shape or form, that I said anything derogatory about our town councillors. They are a great bunch of volunteer people, except in some circumstances.

SOME HON. MEMBERS: Hear, hear!

MR. THOMS: - like Gander, where the mayor ceased to be a fully volunteer person, as I noticed in the paper this morning. And do not stand up and tell me that town councils will not cut off water. I worked in the minister's home town for the Newfoundland Light and Power in this Province. I worked there during the Summers as a student. It was my job to cut off people who had not paid their electricity bill. And I did it, day after day after day. And you tell me that people will not do it! Of course town councils will do it. Of course they will use what is in the act.

You should try reading some of the other acts in this Province. If some of the people knew what unbridled authority they have they could make life pretty miserable. Read some of our wildlife acts, see the authority that is given to game wardens who can go on the rivers without any warrant, without anything, can bash in the door and take a look around. You know, there is authority given to the game wardens that is not given to the RCMP, or the Royal Newfoundland Constabulary. Pieces of legislation that went through this House, and pieces of legislation that I am going to speak out on as long as I am a member.

MR. CHAIRMAN (Butt): The hon. Minister of Municipal Affairs and Housing.

MR. WINDSOR: Mr. Chairman, we could talk on this particular article, I suppose for two or three days if the hon. gentleman wanted to, and I am quite happy to. But I would like to clarify a few points and I thank my hon. colleague, the Minister of Consumer Affairs and the Environment (Mrs. Newhook) for the very pertinent remarks she made. The hon. gentleman who just spoke, I have to admit, perhaps did not

MR. WINDSOR: clearly indicate that he had any fears that councils would act in an irresponsible manner. The hon. member for LaPoile (Mr. Neary), however, stated a different case, he talked all about the poor little children who were going to be without water and all of these things. Other than that he said very little, although he took quite some time in doing so.

Mr. Chairman, I would like to point out a few things. The hon. gentleman from Grand Bank (Mr. Thoms) made some very pertinent points and I thank him for bringing up these points. They are concerns that many individuals have expressed to me and to the department over the years. However, you know, you have to look at some of the facts I think. First of all, what is the difference between a water and sewer utility system, which it is, or a light and power utility system, or a telephone system? If you do not pay your bills for electricity your electricity is turned off. If you do not pay your phone bill your phone is turned off. If you do not pay your oil bill they do not bring you any more oil. If you do not pay your grocery bill you are not going to get any groceries. It has to be looked at in context. Now a council here is operating a utility. It has a responsibility to all the other users of that utility to ensure that everybody who receives benefit from it indeed says a fair share.

Now, there is adequate provision against hardship in this particular piece of legislation, in the existing piece of legislation, because there is no change. First of all, as my colleague quite correctly pointed out, persons receiving social assistance benefits, their water and sewer rates will be paid by the department, so there is no burden on these people. And as my colleague also pointed out, persons who for other reasons, perhaps, find not only the water and sewer tax, but municipal taxes in general as a hardship, indeed have the opportunity under this act to appeal to their council. I am not about to stand here and

MR. WINDSOR: suggest that our councils are not responsible enough they are, and they have used this, responsible enough to suggest remission of taxes. And I have signed hundreds and hundreds of them. The only change in this particular piece of legislation is now the minister will no longer be required to sign them. We are giving the council the authority.

SOME HON. MEMBERS: Hear, hear!

MR. WINDSOR: And I have never refused to sign one, let me make that very clear, at any point in time, and my predecessors, I am sure, at any time that any municipality, any council in this Province wrote to the Minister of Municipal Affairs and suggested that a person's taxes should be either written off or reduced, then I am sure I have never refused one.

It has always been there and municipalities have been using it. The only change now is that they have the

Mr. Windsor: right to do it without reference to the minister. And so they should because we think that they are very responsible. We think that councils in this Province are coming of age. We think that this particular piece of legislation is a very forward piece of legislation which will foster that. Because we have been living under a system since 1949 that was fine for the day, but it is outmoded now and we need to have more forward legislation, as this particular piece is, which allows municipalities to grow further.

Now, Mr. Chairman, as it relates to notice, the hon. gentleman's amendment is certainly a very rational amendment, and I cannot disagree with the principle that he is putting forward here, that a person should indeed have some notice. And I submit, as my hon. colleague did, that they do indeed have notice, that they have received bill after bill, after bill, and very, very few water services are cut off when taxes are less than a year in arrears. And I would submit that a year's billings for tax arrears is due notice.

Nevertheless, Mr. Chairman, the hon. gentleman suggested six months. That is not a bad thought. However, I would like, just for the record, to clarify a point, that municipalities in this Province have water and sewerage regulations. And I have here a copy of the water and sewerage regulations for the Town of Carbonear, for the hon. gentleman's benefit, and let me read Section (7). It says: "The Council shall have the right to refuse or suspend service from the system to customers whose bills for water rates, sewerage rates or service charges remain unpaid for more than ninety days after the date rendered. In other words, they must be in arrears by ninety days. They have three months notice at least before water is turned off."

SOME HON. MEMBERS: Hear, hear!

MR. WINDSOR: So the hon. gentleman's point is a valid one. Yes, indeed they should have notice. I agree wholeheartedly. I submit, however, they do indeed have notice. As a matter of course no council in this Province walks in on a day that a bill is due and payable or becomes overdue and cuts off water, it is always at

Mr. Windsor: least, a year in arrears. And nevertheless the regulations require that they must at least be ninety days and I submit, Mr. Chairman, it is eminently reasonable. Thank you.

MR. CHAIRMAN (BUTT): The hon. member for LaPoile.

MR. NEARY: Mr. Chairman, I will deal with the hon. minister shortly but I want to come back to another minister speaking on behalf of the government who got up and said that she was distressed, very distressed over the arguments and the proposition that was being put forward by the Opposition. Well, Mr. Chairman, we could not care less if ministers or government backbenchers are distressed or not. Whether they are shocked, whether they are on the brink of breaking down and weeping, we could not care less. The hon. minister, trying to draw attention to her argument, trying to make it sound forceful, tells the House she is distressed.

Well, now I say, that is too bad. I am sorry. I am sorry the hon. minister is distressed. That is rather unfortunate. I feel sorry for her. The hon. minister might have felt distressed when she was Mayor of the Town of Gander. She might feel distressed, Mr. Chairman, about demonstrations out in front of Confederation Building. But there is nobody, but nobody in this Province who says to the hon. minister that she has to sit in this House. And if she feels distressed or distraught, then I would suggest there are remedies that the hon. minister can take.

Mr. Chairman, it is not very often, Sir, that a lot of the members on the government benches say anything at all. They are all sitting over there mute, they seem to have been silenced. They are not allowed to speak on amendments or on bills or in debate in this House. They are not allowed! They have been silenced!

You do not have to bow to me, Your Honour, when you are going out.

Mr. Neary: And so, Mr. Chairman, I would put the hon. Minister of Consumer Affairs (Mrs. Newhook) in that category. And for the hon. Minister of Consumer Affairs, above any other minister in this House, to get up and make the foolish, silly statements that the minister made, The Minister of Consumer Affairs, Mr. Chairman, twists - well, the remarks could only be the work of a convoluted, twisted mind or either that, Mr. Chairman, the hon. minister is stupid.

AN HON. MEMBER: Shame!

MR. NEARY: You can excuse people in this House and outside the House, for that matter, for anything. You could almost excuse them from anything except stupidity. Nobody can be excused for being that stupid, for arguing the principle of a clause of this bill.

MR. NEARY: and the minister gave her colleague an out, got up telling us how distressed she is and says, 'Oh, we are attacking councillors'. I punched in more time on a council before breakfast than the minister did when she was mayor of Gander.

I went out and I drove a truck and a front-end loader to try to build roads on Bell Island when we had no money in the treasury. And the hon. lady gets up and tells us she is distressed

MR. YOUNG: (inaudible).

MR. NEARY: No, Mr. Chairman, on weekends and on holidays, when the hon. the member for Harbour Grace (Mr. Young) was over living it up, sponging off us - we were over there fairly well off - coming over - we were offering him our hospitality he did not seem to appreciate or enjoy, holidays and weekends. And then the hon. minister gets up and tells us she is distressed. As I say, Sir, there is a remedy for that and if the hon. minister feels like she is going to break down and cry or weep, then I would submit that Southern climes may look awfully tempting this time of the year.

MR. CHAIRMAN (Baird): Are we on the amendment now?

MR. NEARY: Yes, we are on the amendment, Mr. Chairman.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: It is nice to see you back, Sir. I am sorry you found yourself in an embarrassing position and I hope the Speaker will straighten that matter out in due course.

MR. THOMS: History will be kind.

MR. NEARY: Oh, history will be kind to the Chairman, I am sure.

But, Mr. Chairman, then the hon. Minister of Municipal Affairs taking consolation,

MR. NEARY: taking a cue from the warped and twisted remarks of the Minister of Consumer Affairs, who is supposed to be protecting the consumers of this Province, whether it be electricity, whether it be water and sewerage - we know now where the minister stands on matters of consumer affairs - the Minister of Municipal Affairs gets up and quotes from regulations of the town council in Carbonear to try to embarrass my friend the member for Carbonear (Mr. R. Moores) for the points that he made yesterday. And again, Mr. Chairman, I have to say that the minister tried to twist and turn the regulations in the town of Carbonear, because all these regulations say, and I made enough of them in my time, all these regulations say is that the town council cannot act to cut the water off for ninety days. But that does not necessarily mean that they have to give the notice.

MR. WINDSOR: Do not be so foolish. Do not be so patronizing. (Inaudible).

MR. NEARY: All it says, Mr. Chairman - the arrogant Minister of Municipal Affairs got up quoting from the regulations saying, "The town council in Carbonear cannot act for ninety days".

MR. YOUNG: Fifteen months.

MR. NEARY: They cannot act but that does not mean that they give the individual notice. During that ninety days it may be just a bill gone out.

MR. WINDSOR: (inaudible)notice.

MR. NEARY: I spent more time on the town council, I would say, than all the members on that side of the House put together. I got a good foundation and a good background when I was with the municipal movement. I was, twice, President of the Federation of Mayors and Municipalities, in case the

MR. NEARY: Hon. gentleman does not know it.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: That is right. And did a good job and built up the organization -

MR. MORGAN: Nobody else did so, we will believe you.

MR. NEARY: I got elected twice and nobody attacked me about starving cattle down in Bonavista. And nobody could accuse me of sitting by in a criminal way and watching the forest of this Province be devastated by the spruce budworm and doing nothing about it.

MR. MORGAN: You opposed the spray programme.

MR. NEARY: Nobody could accuse me of that.

MR. MORGAN: (inaudible) opposed the spray, the hon. gentleman did and all his colleagues.

MR. THOMS: Is the minister going to speak in this or is he just going to sit there and yap all day?

MR. NEARY: Mr. Chairman, I would submit to your Honour that if the member for Bonavista South (Mr. Morgan) who be - the member for Bonavista South, Sir, is like a little cracky in a sausage factory, he does so much yapping.

MR. THOMS: His tongue is going to get sunburned.

MR. MORGAN: You have been yapping for the last three days and you keep making a fool of yourself.

MR. THOMS: If the sun comes out his tongue is going to get sunburned.

MR. NEARY: He should go out and play with his spruce budworm, start plucking off their legs

MR. NEARY: saying, 'He loves me,
he loves me not. He loves me, he loves me not'.

MR. MORGAN: You have been yapping
for the last seven years and still in opposition.

MR. S. NEARY: Should we do something about the spruce budworm, should we not? Should we do something about it, should we not?

MR. CHAIRMAN: (DAIRD) Order, please!

I would remind the hon. member of the rule of relevancy.

MR. S. NEARY: So, Mr. Chairman, the Minister of Municipal Affairs and Housing (Mr. Windsor) did not counter the powerful argument that has come from this side of the House, that this amendment should be approved by this Legislature. Somehow or other, Mr. Chairman, this crowd seems to think that democracy is all one-sided. They will get and say, 'Oh, boy, we have brought democracy to Newfoundland, we have brought democracy to this house', but it seems to be all one-sided.

MR. THOMS: Yes, it is all on this side.

MR. S. NEARY: Well, that may be true.

SOME HON. MEMBERS: Oh, oh!

MR. S. NEARY: who brought it in?

MR. THOMS: It is the only argument they have got.

MR. S. NEARY: Democracy, Mr. Chairman -

SOME HON. MEMBERS: Oh, oh!

MR. S. NEARY: Oh, there is the spruce budworm here.

MR. J. ROBERTS: (Inaudible) leader (inaudible)

MR. S. NEARY: Oh, listen to the little crack. He is tapping like the little crack in the sausage factory.

Mr. Chairman, democracy is input from both sides of this House, not just one side. That is not democracy! A dictatorial, arrogant government ramming legislation through the House and not prepared to listen to reason or argument or accept amendment! That is not democracy. That is one-sided democracy. That is what Moscow is doing over in Iran. The ultimate power! The next thing they will be wringing in the red and blue ballots or the red and green ballots, that will be the next thing. And the hon. gentlemen just shouts across at me, 'who brought in the legislation'. I do not know, it may have been someone as far as I know, because it sounds like the kind of legislation

MR. S. NEARY: that he would approve of. If we keep going with this sort of thing we will have the red and green ballots next. We just saw an example of where a member got elected who was not a resident of this Province, and did not quit his job until he got elected. He took leave of absence to run and then went and quit his job after. What is the Minister of Justice doing about that?

MR. W. MARSHALL: A point of order, Mr. Chairman.

MR. CHAIRMAN: (BAIRD) A point of order has come up, the hon. President of the Council.

MR. W. MARSHALL: The hon. member is being irrelevant. He can cry his crocodile tears but he can cry them at another point in time. And the fact of the matter is, we are talking about an amendment to the Municipalities Bill.

MR. CHAIRMAN: (BAIRD) On the point of order, I would remind the hon. member for LaFolle (Mr. Neary) that we are discussing the amendment and to keep his comment to that.

MR. HON. MEMBER: (Inaudible)

MR. S. NEARY: There is little junior Abomeini. We still can manage to get a few words in despite the fact that the government have tried to muzzle the Opposition in this session of the house by moving everything out of legislature into the dungeons and into the back rooms of Confederation Buildings and other buildings around St. John's.

Now, Mr. Chairman, the Minister of Municipal Affairs (Mr. Windsor) has done a very poor job of supporting this particular clause of the Municipal Act. My hon. friend for Grand Bank (Mr. Thomas) moved an amendment that people be given, six months notice, in writing before their water is cut off. The Minister of Municipal Affairs can see that there is merit in that argument and yet the Minister will not stand his own legislation. The government are taking the hard line, they have dug in, they are not listening to reason, they have become arrogant. And if they are not issuing an ultimatum to somebody or attacking Ottawa or talking about offshore oil, they do not want to hear about anything. Little things count and are very important in this Province, too. This amendment

MR. S. NEARY: is very worthwhile and something that the House should consider. The Minister of Education (Ms. Verge), the woman's liber who thinks that injustices in our society should be eliminated who is the old freedom fighter herself, I did not hear the minister get up and express a view on this section of the Act, where if a municipality wanted to they could send the storm troopers in, as the city of St. John's is doing now, and cut off people's water without giving them notice. And that is not good enough, Mr. Chairman, I do not care how long

MR. NEARY: is on the statutes of this Province. There are all kinds of laws on the statutes that I disagree with, but the only way we can get a crack at them, get a chance to debate them and get them changed is when the government introduces bills and legislation in this House. And that is the only way we can get a crack at this particular clause of the agreement. It is not - and I repeat - not an attack on volunteers, on town councillors or mayors in this Province. And if the member for Gander, the Minister of Consumer Affairs (Mrs. Newhook) feels distressed, then the hon. minister who spoke in a convoluted fashion, twisted and distorted what was said on this side of the House, then the hon. minister may need a little holiday. Maybe the strain in the House is too great for the minister. Maybe the minister should step down and let the member for Bay of Islands (Mr. Woodrow) - oh, he is not in his seat; he would be very happy to know that I am recommending him for a Cabinet position. He has been by-passed now too long.

So, Mr. Chairman, is very worthwhile just to take a few minutes on this - and the Minister of Lands and Forests (Mr. Morgan) who has destroyed the Province with the spruce budworm, now is bucking for Minister of Fisheries. He wants to become Minister of Fisheries. Well, I tell you, it will be a sorry day for the fishery and for Newfoundland if the Premier ever made that minister the Minister of Fisheries. He goes out to the news media and he says, 'Look, I am silenced by the Premier; I cannot volunteer any statements, but ask me this and I will have to give you the answer.'

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: That is the technique he uses. He got up and tried to suck in with the press the other day.

MR. CHAIRMAN: (Bald) Order, please!

MR. NEARY: - Mr. Chairman, we are supporting this amendment. We think it is very worthwhile; we think it is a step in the right direction even though it only gives six months' notice.

MR. MORGAN: We are going to send tapes of your debates to every councillor in the Province to show you are attacking all the councils.

MR. JAMIESON:

A point of order, Mr. Chairman.

MR. CHAIRMAN: (Baird)

of the Opposition.

A point of order, the hon. the Leader

SOME HON. MEMBERS:

Oh, oh!

MR. JAMIESON:

I have no quarrel if the hon. gentlemen want to talk back and forth across the House, but the fact of the matter is that we are trying to make progress on this bill and it serves no useful purpose to have the hon. the member for Bonavista South (Mr. Morgan) interjecting constantly all along the line.

SOME HON. MEMBERS:

Hear, hear!

MR. MORGAN:

Mr. Chairman, to that point of order.

MR. CHAIRMAN:

The hon. the member for Bonavista South.

MR. MORGAN:

Mr. Chairman, I was sitting here doing my work and minding my own business when the hon. gentleman involved in debate was asking for interaction - begging for it, begging for interaction. If the hon. gentleman, being involved in debate, were relevant to what the subject is, I would not be interacting across the House. There is no point of order, Mr. Chairman.

MR. CHAIRMAN:

Order, please! On the point of order, I would like to remind all hon. gentlemen that we are discussing the amendment and I would like them to keep their comments to the amendment.

MR. NEARY:

Thank you, Mr. Chairman.

Sir, in conclusion, I would again like to say how much I appreciate the remarks made by the hon. the member for Gander (Mrs. Newhook). I am awfully sorry to hear that she is so distressed about the comments from this side of the House. I mean, what should we do, Mr. Chairman? We are in your hands. Should we not debate? Should we just sit here mute, silenced, like all the government backbenchers and ministers on the government side of the House and not say anything? And every time we say something, some minister over there is going to get distressed?

I would like to hear from the Minister of Education (Ms Verge) on this particular matter. The hon. minister has gone out of her way to try to make her mark in championing the causes of the downtrodden and the oppressed and here you have a situation where, without

MR. NEARY:

any notice -

MR. THOMS:

She cannot speak for it and she is not allowed to speak against it.

MR. NEARY:

No, she is not allowed to speak against it. And, I mean, you cannot pick and choose the causes you want to crusade. Is that what the hon. the Minister of Education (Ms Verge) is doing, picking and choosing the causes she wants to crusade? Well, Mr. Chairman, I would say that is being very, very intellectually hypocritical.

I hope the minister will get up and make a contribution to this debate and support our amendment, the amendment being - What is the amendment? The amendment, Mr. Chairman, is that no council be given the authority, whether they are all saints on that council - they may be all saints - that they not be given the authority to cut off people's water without giving them six months' notice.

MR. NEARY: You cannot evict people, you cannot put people out of a house without giving them notice, you cannot do anything in society today.

MR. JAMIESON: Under the Matrimonial Property Act you will be only able to cut off half of it.

MR. NEARY: That is right. I wonder what happens, Mr. Speaker, under the Matrimonial Property Bill, where fifty per cent of the home is owned by either party, do you cut off half the water?

MR. ROBERTS: The amendment should carry.

MR. NEARY: The amendment should carry. The minister has seen merit in it. I am awfully sorry that the member for Gander is distressed. I wish the hon. minister was in her seat so I could give her a little bit of fatherly advice. The hon. minister is not there and it is a shame. The hon. minister made a very poor contribution to this debate. There is an excuse for anything in this world except stupidity. You can almost forgive a minister for anything. You could forgive a minister for bankrupting the Province but you could not forgive him for stupidity. I hope the hon. minister will realize -

MR. CHAIRMAN: (Baird) Order, please! For the third time I would like to remind the member to keep his comments to the amendment to 131.

MR. NEARY: The third time is always lucky, Sir.

MR. CHAIRMAN: It could be the last time.

MR. NEARY: Talk about relevant, Sir, talk about relevant. The member for Gander (Mrs Newhook), the Minister of Consumer Affairs who should be protecting the consumers in this Province, was not very relevant when the minister got up and made a vicious onslaught and a vicious attack on the Opposition and accused us of condemning all the mayors and councillors in Newfoundland. I used to be one myself in case the hon. minister did not hear us

MR. NEARY: when she was outside. For twelve years I served on a town council and I contributed more to that town with my little finger than the hon. minister did. So how dare the hon. minister get up and tell us we are against town councillors, to give a little encouragement and a little ammunition to her colleague? He got up then and he capitalized on it. The Minister of Lands and Forests (Mr. Morgan) will be up shortly saying the same thing what you are doing, because only a twisted mind could do that, only a twisted mind. We are not attacking the mayors and councillors, we are attacking the principle of sending in the storm troopers without notice to cut off water. I was on a council - I believe it was five councils I was on - there were not always the same members - and we had members on that council who would ride roughshod over anything and everybody only there were a few of us there to restrain them. No doubt, probably, they were sitting on the council in Gander where the hon. member was. Everybody is not the same. Human nature is not alike, Mr. Chairman. The hon. minister should have better sense and stand up for the consumers in this Province and not condemn them, not leave them wide open for abuse as the hon. minister did. So, Mr. Chairman, we hope that the government in its wisdom, Sir, will see that this amendment makes a great deal of common sense. My friend is to be congratulated for introducing the amendment and we hope that some of the ministers over there, who have been silent in this debate so far, will get up and give us a bit of support and show the people of this Province that democracy is really working in this House.

MR. CHAIRMAN: (Chair): Shall the amendment carry?
Those in favour "ye", Contrary "nay". In my opinion the "Yays" have it.

On motion, clauses 131 through 260, carried.
Clause 261-270.

MR. W. SPILL: Mr. Chairman, this is just a technical amendment

Mr. Marshall:

replacing the word "community" wherever it occurs, and it is struck out and replaced by the word "municipality". And that amendment will be to Section 257 (2), so that particular Subsection will now read, "Where a notice of intent is to be published by the Minister under subsection (1) that directly affects a municipality, the Minister shall give prior notification of his intent to so publish it to the council of that municipality." You will note that the word "municipality" replaces "community" it is a technical amendment.

MR. CHAIRMAN (BAIRD):

Shall the amendment carry?

On motion amendment carried.

MR. CHAIRMAN:

Clauses 261 to 270.

The hon. member for Carbonear.

MR. R. MOORES:

Mr. Chairman, I wish to speak on this because there is a community in my district that is directly involved in trying to establish a community council at this time. And I am going to be positive in making this suggestion to the minister, that is what happened now in this day and age with communities being, as they are, with extra curricular activities being as they are, it is very, very difficult to organize and establish a community council by the process of a public meeting.

I know of instances where well-intentioned residents of a community in my district want to establish a community council to benefit and better the community in which they live. However, because most of the labour force in that community is transient, it is a most difficult situation to try to establish or try to organize a public meeting that will involve these transient workers, many of them who work in St. John's or other parts of the Island and cannot get home to a mid-week public meeting or if that meeting is held on the weekend I am sure have other priorities and other things to do.

My suggestion to the minister, and it is a positive one, is that he take a second look at this particular clause, the clause that says "That the community council shall be organized by a public meeting, and include in that clause," or by circulating a petition

Mr. R. Moores: in the community." A petition, as far as I am concerned, and it is enshrined if you like, the principle of petitioning, in this very House. We have a procedure on our Order Paper that has been recognized, I would dare say, since 1855, that our residents have the right to petition us and to bring to our attention by that process any principle or problem or concept that they feel we should resolve or pay attention to.

Now I would like the minister to merely include that in addition to - I am not asking him to delete or take away the option of a public meeting - but in addition to that if the organizers who want to establish the council wish to they can call a public meeting whereby 50 per cent plus one of the residents of that community must sign the petition and present it to the minister for his decision. I do not think it is at all unreasonable. And I assure the minister that it is not my intention to be negative in this matter, to be critical just for the sake of being critical. As I said before, I have a community, the community of Freshwater in my district, which is now confronted to this very difficult problem. They cannot have a public meeting. They have had one already, and about 20 per cent of the population turned out, and the real reason for that was because there very rarely is more than 60 per cent of the population in the community, except on a weekend when the men, and in some cases, some women come home

MR. MOORES: with their families. I think, Mr. Minister, you should seriously look at that. I have always respected, myself, the idea of a petition far more than a public meeting. I have seen public meetings and I have had them myself where they have been nothing but counter productive and not at all representative of the real interests and concerns of the community. Whereas I believe, when a man is given ten or fifteen minutes with a petition, and he reads it, and fair play is given him, I think he can make a satisfactory decision, if not more than he would at a public meeting where he is being prodded by his neighbour, or forced to publicly convey a thought that he may not want to do if he were given the opportunity privately. I suggest, Mr. Minister, that you take a serious look at this.

Thank you, very much.

MR. CHAIRMAN (Baird): The hon. Leader of the Opposition.

MR. JAMIESON: In the same spirit in which the hon. member has just spoken, I would like to support him in this. From experience again, the problem in the village in which I live, for instance, is virtually the same as the one outlined by the member for Carbonear (Mr. Moores), except that it is even worse in the sense that I would think that perhaps at this moment, although they may be coming home for Christmas now, that perhaps fifty per cent of the adult males, for instance, the householders, in the community are away sometimes for as long as five and six months.

I could, and I do not think I need to, remind the hon. minister of the many efforts-I have been known, I guess, for longer than I have had any other title, as the unofficial Mayor of Swift Current, and the reason for that is that it is for the reasons that the hon. member for Carbonear has mentioned, that it is exceedingly difficult to get a representation and a cross section in that kind of way.

MR. JAMIESON: Now the petition seems to me to be some kind of an in between position. I do not know whether - it is probably too much to go much beyond that. But it certainly would be a very good, I think, it seems to me, alternative to our option, whichever you want to call it, to the public meeting. In fact, I support also the idea of the petition over a public meeting. Here I am not speaking about my own community. But I do know also that when it is a public meeting that there are, and have been cases, and I am sure the hon. minister and his predecessors - and I sympathize, by the way, with them on this particular issue - but where in fact there has been a campaign, if you like, and where people are very reluctant to, at a public meeting, in a sense, show what their true feelings are. So I commend this suggestion of my hon. colleague and I do not know why it cannot be included as an alternative to the method proposed.

MR. CHAIRMAN (Butt): The hon. Minister of Municipal Affairs and Housing.

MR. WINDSOR: First of all, I would like to just ask a brief question of the hon. Leader of the Opposition. You are talking about establishing of community councils, I think, in your remarks. The hon. member for Carbonear (Mr. Moores) was talking more about the election of councils, as I understood him.

MR. MOORES: No. No, establishing.

MR. WINDSOR: You were talking about establishing as well.

First of all the establishment, under section 359 does not require a petition, or a public meeting at all for community councils. You are looking at now the feasibility study and the whole system, same as for the town council. I think you are confusing the public meeting for the purpose of an election, for electing the council, and that is there because there are a number of small communities that want it. And I appreciate your comments. We are very aware of the problems that have been in the past, in

MR. WINDSOR: certain community councils, particularly as it relates to the fishing villages, as the hon. Leader of the Opposition (Mr. Jamieson) pointed out, where historically a great number - particularly the men in the community - are out of town for a long period of time.

That problem we have tried to address in the section under towns where we have inserted here the provision for proxy voting which accommodates that problem. Okay? What I point out is the only difference in a town and community council is the method of election and the fact that a community council stands only for two years. And in many of our smaller communities this is very desirable, that the people change, they move, whatever, and they find that if the council stands for longer than two years they are continuously having by-elections or whatever. So it has worked in some of these small communities and the public meeting has

MR. H. WINDSOR: worked very well as well for these small communities, the public meeting, the election is by a secret ballot, as was pointed out in the debate on the second reading. So your fear here that a community such as Swift Current might be tied up in that problem, it is a very simple matter to ask to become a town. And I would suspect, quite frankly, that we will have a very small number of community councils and most of them will, in fact, be towns and so that they will be done by the normal procedures with proxy votes and with, again for the first time, advance polls and so forth. So, these are new provisions that, hopefully, will alleviate some of the problems that the hon. gentleman quite correctly pointed out.

MR. CHAIRMAN: (Mr. Butt) The hon. Leader of the Opposition.

MR. D. JAMIESON: Seeking information, and it is conceivable I do not understand it properly, I pose a hypothetical question, that in a small community where there is no organization at the present time, am I correct in saying that the only way in which they can start the process in motion to get a community council is a public meeting? Am I right in that? Or if I am wrong then I will be glad to be clarified.

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

MR. H. WINDSOR: Now, Mr. Chairman, there is no requirement for a public meeting whatsoever. The established procedure here starting in Section 251 clearly outlines the procedures that the Lieutenant-Governor in Council may establish that community, and that may be done on the basis of a representation from three people who say, "There is a real good town in our area," from the member of the House of Assembly, who represents the district, who says, "There is the community of Swift Current that we really care as a head one there is a desire in that community to have it designated as a town council or a community council, whichever." Government then has the authority to say, "The minister may say, well, that is the way we will do it."

MR. WINDSOR: a need for local government, then the Minister can initiate a feasibility study on the basis of the fact that I can settle that.

MR. CHAIRMAN: (Butt) The Hon. the Leader of the Opposition.

MR. JAMESON: I do not wish to prolong it, but I think it is an important, small perhaps, but important point. A half dozen people can, in a sense, get the feasibility study under way. What I find is the gap here is that the feasibility study goes ahead, but in the process of it there is an assessment made that a lot of people in the community are opposed, perhaps because they do not understand. I think in many instances this is the problem. So what happens is that perhaps even without a public meeting or in any other way, there tend to be factions develop within the community and the whole thing sort of goes by the wayside. It hangs up indefinitely.

MR. WINDSOR: Yes. This has been traditionally one of our problems with establishing these sorts of things, and this is why this particular piece of legislature hopefully reverses that. As part of the feasibility study there were mandatory public hearings, so that the commissioner, who is set up with full powers to conduct a public hearing, can hear representations from anybody and everybody who wishes to have something to say - individuals, organizations, groups, whatever, can come in and make their presentations. Part of his feasibility report will be obviously a report on the desire of the persons in the community to be incorporated as a town or as a community council or whatever. So that that is the - It is not a public meeting, but there are public hearings. So that the people, and the commissioner obviously, has to assess. And the minister then may not accept the commissioner's assessment. The member for the district may come in and say 'No!' and there may be petitions coming in from the district. There is nothing wrong, there is nothing stopping a community from submitting a petition to the minister. On the basis of that

MR. WINDSOR: petition the minister may say, 'Well ninety-five per cent of the people in this area want to be incorporated. I will do a feasibility study.' The petition then can be presented to the commissioner and perhaps will form part of the basis for his recommendation to the minister. But there is no requirement to have a public meeting and to try and get a majority of people there, and to have a vote. But there is certainly nothing stopping it either. There is no reason the commissioner -

AN HON. MEMBER: Not obligatory?

MR. WINDSOR: It is not obligatory. There is no reason that the minister cannot go down there and spend ten days in public session explaining the problems.

MR. CHAIRMAN: (Butt) The hon. member for Carleton Place.

MR. R. MOORES: Just one question, Mr. Chairman, to the minister. I would like to get it on record for future reference on my part because I am going to be confronted with this matter directly within the next few weeks. If I understand the minister correctly, that as it now stands under these present regulations, even if a community circulates a petition, and/or has a public meeting, and a majority

MR. R. MOOFES:

of those citizens want a community council, the minister may, this "feasibility study" may not accept that recommendation.

MR. J. WINDSOR:

Government is not bound to incorporate a community. If we have a petition now from 98 per cent of the community saying that we want to be incorporated under the present legislation or under new legislation, government is not bound. But obviously they are going to be guided by it if there is that kind of a need, if there is that much interest in local government in a particular area, it is in the interest of both the Province and the community to have them incorporate and let them handle their own affairs. Does that answer your question?

MR. CHAIRMAN: (BUTT)

The hon. Leader of the Opposition.

MR. D. JAMIESON:

I would just like to ask, however, and I do so with the greatest of sympathy for any minister who has to make this kind of decision. It is not the 98 per cent -

MR. WINDSOR:

It is the 51 per cent.

MR. DINN:

And the 29 per cent.

MR. D. JAMIESON:

- and you find that 49 per cent are coming and they may be more influential or they may be more vocal. As I say, I do not know how you can resolve it other than by sort of the democratic process, as I guess my friend has said, and say, "Look, if there is clear evidence that a majority wishes to have this, then the discretionary power in a sense takes second place," that is, the ministerial discretionary power, to the fact that the evidence that a majority of them, maybe fifty percent plus one, I do not know what, but something of that order. In other words, I think that if I may, perhaps to use an old expression, "Telling my grandmother how to suck eggs." I am not arguing this. What I am saying, however, is it is exceedingly difficult, I would think, to make these kinds of judgements because - again I can fall back on experience - you ask the question, "What happened?" Well, Municipal Affairs is not sure, sort of thing. I wonder if it would not be more advisable, if not in legislation then in ground rules or whatever to say if it is a fifty percent plus one, then that is the governing factor, all other things being equal. I am just trying to find a formula here that will work.

MR. CHAIRMAN:

The hon. Minister for Municipal Affairs

and speaking.

MR. N. WINDSOR:

The hon. gentleman's point is

very valuable. Obviously if there is an overwhelming desire in the community and the commissioner sees that and reports that, then the minister obviously will be guided by it. And he quite clearly points out the difficulties when it is almost a fifty - fifty split. And we have a case in hand where we have two petitions from one community each with sixty percent of the voters on it.

SOME HON. MEMBERS:

Oh, oh!

MR. N. WINDSOR:

That is a very difficult decision then for

the minister to make. He has valid petition with sixty percent of the voters saying yes, he also has valid one saying no -

AN HON. MEMBER:

That is not my district,

MR. N. WINDSOR:

- until you compare the names. And you

find that some of the names are on the same one, and you ask them why.

He was my cousin and this guy was my brother, I had to sign both of them."

So that is the weakness with the petition system. Nevertheless, in that case the Department of Municipal Affairs and Housing Act does provide that the minister may call a referendum or a plebiscite on any issue in the community where he feels there is a need. And there is nothing stopping the minister when there is that kind of a balance from saying "Look, I am not sure, the commissioner was not sure; he indicated in his report that there was a slight majority appeared, but it is not conclusive." Nothing in the world stops the minister from ordering a plebiscite.

SOME HON. MEMBERS:

Hear, hear!

MR. CHAIRMAN:

The hon. member for Trinity -

Lay De Verde.

MR. S. BOWEN:

Mr. Chairman, getting back to

clause 263 - 1, "the first council shall be elected by a community meeting held on a date fixed by the minister." I think the same argumentation put forth by my colleagues with respect to getting a public meeting together to establish a community council can be used in terms of voting for that particular community council. Presumably if there is a public meeting held for the purpose of electing a community council, it would have to be held within certain time

MR. F. ROWE: constraints and I do not know what opportunities people would have to nominate and speak for or against a particular person, because I have seen a number of cases where the majority of people have wanted a council, a community council in a particular community, and the vociferous minority, so to speak, have come out and put the blocks to it. And the poor old officials from the Department of Municipal Affairs and housing come home late at night are completely shaken, because they had a petition or something beforehand, have gone out to a public meeting and then you had a vociferous minority taking over the meeting, and would not this kind of thing apply

MR. F. ROWE: in terms of an election? And what I am basically getting at is, Why not have the equivalent of a ballot box put in some public hall in a community from 8:00 A.M. to, say, 8:00 P.M., instead of this meeting for the purpose of electing the community council. I might have missed the point somewhere here, but I would submit that if people are working in St. John's - and we have many communities, particularly on the Avalon, where people are gone for most of the day - they might get the opportunity to vote early in the morning or late at night and you would not have say a vociferous minority, or what have you, establishing or electing a community council which may not be in the best interests or the greatest desire of the particular community in question.

I do not know if I can move an amendment, but probably the minister could take it under advisement and indicate why we do not, in fact, have the equivalent of a ballot box placed there for a twelve hour period to give the maximum number of people the maximum opportunity to vote for the persons of their choice.

MR. CHAIRMAN: (Butt) The hon. the Minister of Municipal Affairs and Housing.

MR. N. WINDSOR: Mr. Chairman, you know, we could debate these things. These are problems that we have been wrestling with for a number of years. The problem with that is then you have to prepare a voter's list and say who is eligible, whereas at a public meeting, the people are there and you go vote only once and you can control it in that manner. It can be done, but the system of a public meeting is to simplify it. It is a simple ballot box - it is done by a ballot box. And the meetings, in my experience, are normally held on a Sunday evening, right after church so that most people are in the community. If they are going to be in the community that week they are going to be there. We can never eliminate all the problems. You know, the hon. gentlemen's points are valid. I do not think you could ever eliminate all the problems, but if in a particular community that is a problem, then the community could very well be asked to become a town and eliminate it entirely and go through the full procedure.

MR. JAMIESON:

Mr. Chairman.

MR. CHAIRMAN: (Sutt)

The hon. the Leader of the Opposition.

MR. JAMIESON:

Here, once again, I just want to have a few words. I do not profess to be the world's greatest living expert on small community life, but I suppose my federal constituency for years, and the fact that I have lived in a small community, I can honestly say that there is probably less politics in electing the Prime Minister of Canada than there is in getting a chairman of a community council sometimes.

I do suggest that there is validity in what has been said, in terms of making the thing not only democratic but successful. For instance, the hon. minister has commented that if you have a public meeting you can dispense with it and you do not need a voter's list, but eligibility is just as big a problem at a public meeting as it is if you have a ballot box, and in fact, it is probably a bigger problem.

Again, I understand the complexity of the matter, but I do suggest that there ought to be some way through which a lot of people who - I have had the experiences; I suppose every member of this House has had who has had anything to do with small communities, of having people get up to you privately and say, 'I would like to go in a particular direction, but I do not say anything about that kind of thing.' Now those people, at a public meeting, in an election, they are not likely to, in a sense, demonstrate what is their basic feelings about the matter. I do not know if a middle ground of some kind might be that the election at a public meeting shall be by secret ballot. They have to actually conduct the election even, What? - if there is just a minimum number of candidates? I suppose if there is only the exact number then presumably there is no problem. But no matter how small a community is under this, they will have to have a ballot box at the meeting. But the only problem is the people will have to go to the meeting and there is no time - what I am trying to figure out is, What is the difference between having a public meeting that lasts two hours and which may have the problems the hon. member has referred to, and having, in effect,

MR. JAMIESON: a public meeting in which the ballot box constitutes the public meeting? Is there any good reason why we cannot have an either/or or something of that nature?

MR. CHAIRMAN: (Butt) The hon. the Minister of Municipal Affairs and Housing.

MR. N. WINDSOR: Yes, I suppose, if you really want to interpret this section of the act very liberally and use every flexibility in it -

AN HON. MEMBER: (Inaudible).

MR. N. WINDSOR: - small 'l', I do not want to be blasphemous - then, you know, you could interpret this as saying,

MR. WINDSOR: Well, the meeting will last eight hours. There shall be a meeting held from nine a.m. to seven p.m., or whatever, and we shall vote and here is the list of people. I suppose you could do that but that is not normal procedure. Normally you walk in and you nominate people, there is a ballot box there and you vote by secret ballot. But I will take it under advisement.

MR. FLIGHT: Mr. Chairman.

MR. CHAIRMAN: (Baird) The hon. member for Windsor-Buchans.

MR. FLIGHT: Mr. Chairman, if we are finished the debate on Clause 263, I would like to raise a point on 266, section 3, item (a). I have some concerns about this particular clause and I would want to hear the minister explain, to justify that particular clause without an amendment. It says a person is not qualified to be elected as a councillor if he was a member of a council that was dismissed. And then it goes on to say, or, (b) he was individually dismissed as a member of the council. Now I can understand that a member of a council was individually dismissed there must be a reason and I would assume the reason would have to be valid so there is no argument. The minister has got to protect his department and the Province and the town from the irresponsible acts by an individual councillor. But what concerns me is that the minister is saying here, and this is the legislation that will be binding after this legislation is passed if this is not amended, - and I am not too sure I would want to see it amended by way of regulations. I want to see it right in the act to protect an individual councillor - it is conceivable that you could have a situation where a council was about to do something that would warrant their dismissal, either by financial irresponsibility or the breaking of budgetary regulations or anything that the minister would perceive as being grounds for dismissal. It is conceivable to me that you could have a member of council or two members of council deeply opposed to that kind of action by

MR. FLIGHT: council and the record would show that they were opposed, the record of the meeting would show that they were opposed. But any council governs by the majority vote, and whether I am opposed or not opposed matters little after the vote is taken and I am on the losing side. There is no way that a member of council who opposed the reason that the council was dismissed in the first place should be subject to this regulation. The minister indicates to me across the House, he says, now that is it, the record of council will show that he was opposed to the action that brought about the dismissal of council. Well, Sir, that is not good enough. I understand what the minister is saying. But that individual has got the right to be protected under this act and that clause should be extended to indicate that if the reason for dismissal, if an individual member of council was proven by record of vote or record of contribution to debate, that he was opposed to that particular action that brought about the dismissal, that this clause would not apply to him and he would indeed be free to run when the minister saw fit to have another council elected. I believe, Sir, that if we are going to stick with the democratic process and protect the rights of individuals in this Province and protect the rights of individuals who would want to run for council then that clause should be amended to protect that individual's rights in this case.

MR. CHAPMAN: (Baird)

The hon. the minister.

MR. WINDSOR:

I appreciate the hon. gentleman's concerns. The second section of that clause, part (b) is there for that very specific purpose. If we just had section (a), which gave the minister the authority to dismiss a council, without the second section saying that a minister can dismiss individuals then that person would not be protected and that is there for that particular reason. Normally a councillor voting against a motion in a council meeting, his vote would not be recorded. The motion would be recorded as carried or defeated. But in an issue such as this, the onus is on that individual.

MR. WINDSOR: If the council is making a decision which he knows is illegal or highly improper, which he wants to vote against and be recorded, then he has the right to have his negative vote recorded in the minutes of the council meeting. Government is not going to dismiss a councillor who took the trouble to have his name recorded as voting against a council decision, one that obviously he knew, and he expressed his concerns at the time, that this is something for which severe action can be taken. If he has his vote recorded then there is no way in the world that government will dismiss him.

MR. CHAIRMAN: (Baird)
Opposition.

The hon. the Leader of the

MR. JAMIESON: Does, however, that wording give that flexibility? It seems to me that it - I do not read it that way but it says that if he was a member of the council that was dismissed. It does not say-

AN HON. MEMBER: (Inaudible) conditions.

MR. JAMIESON: There is no stipulation as to it. If the council goes, this man may have voted consistently against some of the majorities actions but as far as I can see from that,

MR. JAMIESON: and again I am just asking for information.

MR. CHAIRMAN (Butt): The hon. Minister of Municipal Affairs and Housing.

MR. WINDSOR: Actually we have to refer to the section on this particular one. I am just quickly trying to find the section that gives the Lieutenant-Governor in Council the right to dismiss council. But that is in fact what the whole procedure is. You know the government has the right to dismiss either one or two or five or all seven councillors if the situation so warrants. We had a rather lengthy debate on this particular issue in second reading, and we pointed out very clearly at that time that this is not something that is done lightly. You know, a minister would cause a very thorough investigation and I think tradition and past experience will indicate that, that the minister would do a very thorough investigation and try to find out exactly why this was done. Was it just an error in judgement? Was it done knowingly? Did everybody participate? Obviously, if a councillor objected to the point where he had his vote recorded, then a minister would obviously consider that, and if it were three or four people in a council who clearly voted for it, then they must bear the brunt of their actions. But a person who can clearly show that they were not liable for that action, and had it recorded that they objected to it, obviously would not be dismissed. There is no question about that.

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

MR. LUSH: Mr. Chairman, just very briefly, and I can appreciate the hon. minister's response, but if I were a person living in a small community in Newfoundland and I had been a member of a council that was dismissed, I would get the clear impression from this particular clause that I would not be allowed to run for re-election. That is the impression that I would get.

MR. WINDSOR: If you were part of a council dismissed.

MR. LUSH: Yes, if I were part of a council that -

MR. WINDSOR: (Inaudible) yourself.

MR. LUSH: Well, this is the impression that I get because it says a person is not qualified to be elected as a councillor if (a) he was a member of a council that was dismissed. Right. That disqualified me. I cannot run. Or if he were individually dismissed. So there are two conditions really under which I cannot run - right? - to be re-elected: I cannot run if I were part of a council that was dismissed, right, one. Secondly, I cannot run if I was individually dismissed. That is the impression of it. Now what other clauses come before that would negate that I am not sure, but here, as I say, it gives two conditions. If I were part of a council that was dismissed I cannot run, or if I were personally were dismissed. In both instances I cannot run.

MR. WINDSOR: The first section is almost redundant because you can dismiss a whole council or you can dismiss seven individuals. It has the same effect. All we are saying here is that if a council in its entirety is dismissed -

MR. LUSH: Yes, then nobody can run.

MR. WINDSOR: - then nobody can run.

MR. LUSH: Right. That is the point.

MR. WINDSOR: The second aspect of it just covers the area where only one or two councillors are dismissed.

MR. LUSH: That is sensible. That is sensible.

MR. WINDSOR: The first one is almost redundant.

MR. FLIGHT: Mr. Chairman, the first clause is not redundant. The minister is arguing here - what we are arguing is to have this first clause amended to protect the rights of an individual who got caught into a situation over which he had no control. And I can even see here, Mr. Chairman, that assuming that council was dismissed, and assuming any given member of that council was not party to the action that brought about the dismissal, I can see any person in that community, when a new council is being elected

MR. FLIGHT: using this clause and saying, "Oh, no, buddy, the three or four guys that were guilty, that brought about the dismissal, were saying, "Under this act you cannot run." Cut. Dried. And finished. And that is an abuse, Mr. Chairman. This clause should either be taken out or amended to protect the rights of a councillor who is not guilty in a given situation. Because there is nothing - I mean this is the legislation. The minister can say, "Well, under given situations we would look at and we would ask for an enquiry and we would this and we would that." But, you know, under this legislation an individual councillor can actually resign from a council, resign altogether in protest of what was happening, what he perceived to be happening, and under this legislation, having shown his concern and being opposed to it, and showing his being totally against the action that brought about the dismissal, if he had publicly resigned he would not under this legislation be permitted to run again within two years. And that is a gross injustice, Mr. Chairman, and there is no need for that legislation to be there. The individual rights of a member on council should be better protected than that. There should be an amending clause there, amending words, whatever the minister wants to put in to indicate that in the event of a total dismissal of a councillor the individual members on that council can run again, assuming they were not party to the action that brought about a dismissal.

MR. WINDSOR: The point the hon. gentleman is missing that if individual councillors were not party to it then the whole council would not be dismissed, only those that were party to it would be dismissed. Only the whole council would be dismissed if the whole council were party to it, if they were all liable and guilty for whatever action the council was being dismissed.

The Department of Municipal Affairs and Housing Act gives the government the authority to dismiss the municipal authority or any member of the municipal authority. Now if there were three people guilty then, three people would be dismissed.

MR. FLIGHT: How does the minister know who is guilty? There is no recorded vote like he said.

MR. WINDSOR: Obviously, you know, -

MR. FLIGHT: How does he know?

MR. WINDSOR: - all I can say to you is that, as we have in the past, we have done, you know, thorough investigations to see who was responsible. And there have been cases where individuals have been dismissed, two or three or one or there may be a case where a whole council has been dismissed.

SOME HON. MEMBERS: Oh, oh!

MR. THOMS: Mr. Chairman, in connection with this particular subsection, you know, I disagree again with the principle of the subsection, but I think we have already recorded our disagreement on that and why.

But after listening to the minister it seems to me that subsection (a) really need not be there. It can be left out altogether, and it would not in any way, shape or form affect - all it means that if you wanted to dismiss all councillors, you could dismiss them severally instead of jointly. So why not just leave out that altogether?

MR. WINDSOR: It could be done that way, because it is almost redundant.

MR. THOMS: Yes, it is.

MR. WINDSOR: But in order to do that we also have to amend the Department of Municipal Affairs and Housing Act, which gives the government the authority to dismiss the council - okay? - in which case then we need this clause here to cover. It is just making it consistent.

MR. CHAIRMAN: Shall the amendment carry?

MR. MARSHALL: Mr. Chairman, before we do, there is an amendment. It is only a minor amendment to Section 265 with respect to eligibility of people to vote at the community council. We are going to change thirty days to six months so that "every Canadian citizen of eighteen years of age or over is qualified to vote in a community meeting if he has been ordinarily a resident in the community for six months immediately

Mr. Marshall: preceding the date." Now that is in conformity with the normal criteria for voting in the Province. I believe, I am pretty sure it is the same under the Election Act, the Provincial Election Act, and it certainly is consistent with the other areas.

MR. WINDSOR: Mr. Chairman, I do not wish to prolong it. As my colleague has indicated, it is fairly straightforward. I do want to indicate however, but this was one of the concerns that was brought to our attention by the Federation of Municipalities and suggested to us. And we did agree at that time that it was eminently sensible. They had some concerns that, particularly, in this point in time, and perhaps very pertinent right now, where perhaps an oil company could come in, go into a community thirty days in advance to an election and really take over the town. The municipalities had some concern about that. And so we are going along with the wishes of the Federation.

MR. CHAIRMAN (BUTT): Shall Clauses 261 to 270 carry?

On motion Clauses 261 to 270 carried.

On motion Clauses 271 to 280 carried.

On motion Clauses 281 to 290 carried.

On motion Clauses 291 to 300 carried.

MR. LUSH: No we are not.

MR. CHAIRMAN (BUTT): Oh, I am sorry.

The hon. member for Terra Nova.

MR. LUSH: Mr. Chairman, I lost the - I think we are into - are we into regional government here?

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: One moment.

MR. MOORES: Yes, we are.

MR. LUSH: I have lost where we are.

MR. CHAIRMAN: We are in Clauses from 291 to 300, which takes in regional government.

MR. LUSH: Okay.

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

MR. LUSH: Mr. Speaker, I want to have some remarks about regional government, and let it be known from the beginning that

Mr. Lush: I am not against regional government nor any of my colleagues. We have some real concerns, though, about this particular bill that establishes regional governments, concerns related to three items, really, and that is the process for setting up regional government and also the structure of regional government, the shape that it will take, and the regulations. These are the three concerns that I have and I want to address my remarks to these three areas.

I believe, Mr. Chairman, that these regulations really hit at the core of the tradition and culture of Newfoundland, particularly our rural committees. Now the government have

MR. LUSH: gone on record so many times stating that they want to maintain the traditions and the customs and the culture of Newfoundland. And I would suggest that many of these regulations and certainly the process and the procedure and the structure go against maintaining that balance of having a regional government, having some type of organization and yet maintaining the flexibility and maintaining the freedom that is enjoyed by rural Newfoundland in particular.

The process, Mr. Chairman, again, is one of coercion. The process is not a democratic one. The process is unconstitutional, it is undemocratic inasmuch as that the people have no decision in the matter, as I understand it. If through the feasibility study it is determined that areas should come under a regional government, then it is done, without taking into concern the wishes of the people. Mr. Chairman, this is the point that I am against. I believe that there should be a plebiscite, a democratic plebiscite where people decide if they want regional government. Certainly, the option should be there - people must be able to decide whether they want regional government or whether they do not. But it is certainly the duty of the government, the duty of the governors of this Province, to make that an option, to allow people to have themselves governed, to have some sort of a structure that will administer the affairs of an area, of a region. But certainly, it must be kept democratic, that the people should be able to decide whether or not they want regional government. That is the offensive part about this particular legislation, that it does not give that democratic right, that it does not give people the option of choosing for themselves whether or not they want regional government, but it is imposed upon them, it is forced upon them, and I believe that is what is wrong about this particular bill.

Regional government is an important matter, and certainly we have areas in this Province - probably all of the areas need some form of regional administration and they should

MR. LUSH: be allowed that option, but again, it should not be forced or coerced upon them in any way. I think it should be optional and they should have the right to conduct the plebiscite so they can let their wishes be known whether or not they want regional government.

Secondly, I am concerned about its structure. I am worried about what communities will come under what region. I think this is very, very important. I do not think this should be allowed to happen haphazardly or in a higgledy-piggledy fashion. I think, for example, that we have to bring about communities with commonality, communities with common interest. For example, I would not want to see communities in the Terra Nova district coming under a regional government administered, let us say, from Gander. I would not want to see that because the two areas are so different. We cannot group together an urban and a rural area.

AN HON. MEMBER: (Inaudible).

MR. LUSH: Yes, and I think it is an ideal situation, an ideal area in the - of Port Blandford, Musgravetown, Canning's Cove, all of these communities around the Goose Bay area, as they refer to it locally, that is an excellent area for a regional government. But by the same token, I would not want to see that area come under Gander - come under Grand Falls; maybe that is too far removed, but to make the point - but I think it must be rural areas all grouped together, areas with common needs, common interests, common concerns.

MR. MARSHALL: Well, how would you define that in the act?

MR. LUSH: Well, that I do not know, Mr. Chairman, I am just pointing out a concern. I do not know how that can be decided in the act, but I am just making a point of the concern that in its structure, I think we have to have communities grouped together with common interests, common concerns, common needs, and what I am really saying is that we cannot group urban and rural together, we have to keep them separate. We have to keep communities together that are bound

MR. LUSH: together because of their common interests, because of their common concerns, so that their interests do not get sacrificed to the larger centres. And that is what is happening, Mr. Chairman, in this Province. It is happening with school boards, the way school boards are set up. We find the larger areas getting all of,

MR. GUSK: or getting the bulk of the government dollars because, of course, they are organized in a way that they can go after it. So I think we have got to keep the smaller communities together. Enough said on that particular issue, Mr. Chairman.

Thirdly, I am concerned about the regulations. I think the regulations are too stringent. They are not flexible enough. I believe we are regulating away the freedom and the flexibility that exists in rural Newfoundland by these regulations. But, you know, we are not learning any lessons at all from what is happening in other parts of Canada. And I would not be surprised that with all of the regulations that we are passing in this House, even in this session, that within a year or so it is going to be necessary to set up a Department of Deregulations as we have done in other parts of Canada. The Matrimonial Property Act, and now this particular act, and other acts that will come before this House are just so restrictive that it is taking away the tradition, the customs, that existed in rural Newfoundland. And, Mr. Chairman, on that issue I want, again, to ask the minister what is going to happen to those water committees that we set up in rural Newfoundland, these incorporated water committees in unincorporated areas and waste disposal committees? What is going to happen to these now? Because we have got a real mess in this Province, a real mess created with the kinds of programmes that we have come out for unincorporated areas, and it has really militated against and made life very difficult for incorporated areas. What we have is unincorporated areas getting water for little or no service fees at all, and I can illustrate the example in

MR. GUSK: Green Bay

MR. GUSK: - the area that the hon. Minister of Forest and Lands, I am sure, is very -

MR. GUSK: The Province is very familiar with this example.

MR. LUSH: familiar with, and the Gocsa Bay area again where we have one council surrounded by about eleven or so unincorporated communities. Imagine the problem faced by that particular community when they think of getting a water and sewer system and agreeing to pay ten, twelve dollars a month, whatever it is, with the dozen or so communities around them getting their water for little or nothing, because it was done under the old programme of five families or more applying for an artesian well system and getting it, as I say, for little or nothing. How can you expect the residents of Musgravetown to agree to pay ten or twelve dollars when their sisters and their cousins are living in adjacent communities getting these services for nothing? Now, how is that going to be rectified, how is it going to be rectified? We further complicated the situation, I would suggest, by setting up these incorporated water committees, and I would hazard a guess that the main reason for setting up these incorporated water committees was to have them to qualify for Canada Works Projects to get water into their community. And that they got for nothing, absolutely nothing. So great discrimination between the unincorporated areas and the incorporated areas, where the unincorporated areas have been getting the breaks and the incorporated areas just being bound by the restrictions of the government. And, as the minister knows, they did not qualify for Canada Works projects. But these smaller communities did.

How many of these do we have now throughout the Province with water supplies?

MR. N. WINDSOR: A lot of towns qualify for Capital Works.

MR. LUSH: For water services? Well, depending, depending, certain circumstances. If there was an industry in the area and that industry needed water services, fine. But outside of that, if there was no industry in the area they could not apply. They could apply, certainly, only to have their application washed down the drain. But they had to have an industry in the area. So what we have right now is a tremendous discrepancy between the incorporated areas and the unincorporated areas. Certainly one would think that the Department of Municipal Affairs, their

MR. LUSH: chief job would be to look after municipalities. But what has been happening is that we have been getting some very favourable programmes for the unincorporated areas, and I am not against that, but I am against the tremendous worry, and the tremendous awkward position that it puts councils in trying to do something, trying to administer the affairs of their town, trying to levy certain service fees, certain taxes, for water services, what have you, and finding out that adjacent communities around them are getting off scot-free.

Now, Mr. Chairman, the questions:
What is this bill going to do to that sort of an arrangement?

MR. LUSH:

What is regional government going to do when it brings in a certain area that is unincorporated but that had these incorporated committees, water committees and waste disposal committees or what have you? And I suppose they will be called - what? - local service centers? Then they would come in and would be called local service centers. All right. What are the obligations under these communities as they come in to regional government now? Do they come in the same as councils? In other words, will they now be assessed a property tax and a water service tax and all the other taxes? Will they? If not, how are we going to bridge the gap again between councils and between the unincorporated areas? Certainly there must be some middle of the road course that bridges the gap between these areas so that life for councillors is made easier. Something has to be done. So again the question is, what is going to happen to these communities, these unincorporated communities with these incorporated committees? All right? Are they going to become almost as entities like councils where, as I say, they are going to be levied the various taxes that councils and regional governments will be allowed to assess, will be allowed to impose upon people? Mr. Chairman, these are very real concerns. As I have said, I am concerned about the process by which we bring in regional government, by the process allowed by this bill, and concerned about its structure in terms of what communities will be grouped under a regional government. And I am concerned about the regulations, about the powers that it gives officials in the Department of Municipal Affairs, concerned about these powers, wondering whether or not we are not regulating away the freedom and the flexibility of rural Newfoundland, regulating away these traditions, these customs that make rural Newfoundland what it is and make it attractive to our people. It is why we want to live there.

So, Mr. Chairman, I raise these concerns and hope that the minister will address himself to the points that I have raised and certainly clarify the situation with respect to these incorporated committees in unincorporated areas.

MR. CHAIRMAN (BAIRD): The hon. Minister of Municipal Affairs and Housing.

MR. WINDSOR: Mr. Chairman, I would like to thank the hon. gentleman for his comments, the very rational, very valid points that he has made. I would like to, first of all, very generally talk about the setting up which was his first question, the establishment of a regional council, and I would like to refer him just for information's sake, not to say that this is written in gold or anything else, but again I would like to refer to some recommendations of the Whalen Commission and a few other documents that I have here with me. First of all, as it relates to the Whalen Royal Commission Report dealing with the establishment of regional government, page 537, if the hon. gentleman wants to follow. I will not read all of these but I will read a few of the pertinent ones. There is a list here of ten recommendations made by the Whalen Commission as it relates to the establishment of regional government.

Number one, that the detailed design specifications for regional government authorities in Newfoundland be provided in a separate part of the proposed Municipalities Act. Hon. gentlemen have questioned why do we have regional government here. It was clearly recommended by the Whalen Royal Commission that there should be enabling legislation provided in the proposed new Municipalities Act which we are now debating.

The second key point I would like to point out was recommendation number six, that the decision to incorporate a regional authority be taken by the Lieutenant-Governor in Council, which answers the hon. gentleman's question as it relates to being undemocratic and so forth. There is a whole story here in the report as it relates to regional government, as it relates to the research that the Commission did into regional governments in other parts of Canada and the conclusions that they arrived at, not only as to now regional governments are established or should be established but the style and the format and the type of

MR. WINDSOR:

regional government that may indeed be appropriate to Newfoundland. So they have done a fairly exhaustive study on that sort of thing. The recommendations are all contained here and I commend them to the hon. gentleman. Actually it is very interesting. It is somewhat dry in detail at times but it is indeed very interesting reading.

The third one that I would like to read is recommendation number seven, that the part of the Municipalities Act dealing with regional authorities contained no

MR. WINDSOR:

provision requiring that a plebiscite or a referendum be held. Okay?
So that again was a recommendation of the Whalen Royal Commission.

And the fourth important one, that the actual establishment of regional authorities be undertaken no more rapidly than at the rate of one every second or third year and that every decision to consider a region suitable for incorporation should require the preparation well in advance of all the needed technical reports, plans and studies. So in other words we are not going to jump into this head over heels. I suspect it will be a long time - it may not be - before, for instance, Glovertown and that area is incorporated into a regional government, but there may indeed be a need there now. The hon. gentleman said very correctly that there is an area there, but that is the sort of thing that the feasibility study would look at. And I tend to agree, without looking at it in detail, that Gander and Glovertown probably have very little in common as it would relate to the provision of regional services. And I doubt very much if Glovertown and Gander would come under one regional authority. I do not entirely agree with the hon. gentleman when he says that there should not be urban areas and rural areas combined -

AN HON. MEMBER: As a general rule.

MR. WINDSOR: As a general rule. You know, his point is valid as he relates it. I looked at the Great Humber region, for instance, where the City of Corner Brook and any number, I think there are sixteen or seventeen municipalities, that already have formed together in the Humber Joint Councils, which is a rudimentary form of regional government. They are not formally structured, but they meet on a regular basis. They do not have any regional services, but it is coming close to that, I would suggest. But they do meet on a regular basis and discuss regional problems and how they may be approached, basically an exchange of information. And they found it extremely useful and I have met with them, and I have enjoyed their meeting, and in fact I met with them just three weeks ago, I think, and went through this proposed bill in detail.

MR. WINDSOR:

spent a whole Saturday afternoon, I think we were sitting there about four hours at a luncheon meeting. Quite a large number of people came. My colleague from Humber West (Mr. Baird) was there and I am not sure if any of my other colleagues from the Humber area were there or not. But we spent the whole afternoon with them going through it in detail and they served a function in that it was an exchange of ideas and that is a very rudimentary form. And I would recommend that the hon. gentlemen read all of the recommendations related to regional government made by the Whalen Royal Commission Report. And, again I say that that is not gospel but it is, as I point out, an impartial suggestion as to how this thing could be proceeded. And there is a great deal of backup and rationale as to why this particular system should be adopted.

I would like to read just for the record, and for the information of the hon. gentleman from Terra Nova (Mr. Lush), Mr. Chairman, the resolutions from the past four years for the Federation of Mayor and Municipalities as they relate to regional government. And each of those years there has indeed been a resolution. I will read from 1976 and I quote:

"WHEREAS the Whalen Royal Commission recommends that regional government be established in Newfoundland; and

"WHEREAS the Commission further recommends that regional government be initiated in one region of the Province; and

"WHEREAS much involvement in the form of information seminars, workshops, etc. is necessary in order to get local input; and

"WHEREAS the Royal Commission recommends the St. John's urban region be considered as a separate case;

"BE IT RESOLVED that government take immediate steps to establish local regional government in one area of the Province." That was 1976 from the Federation. In 1977 there were indeed two resolutions of the Federation. The first one:

MR. WINDSOR:

BE IT RESOLVED that the Federation ask the provincial government to provide enabling legislation for the establishment of regional government in Newfoundland. And this is exactly, of course, what we are discussing and debating here in this hon. House today.

The second resolution from again 1977:

BE IT RESOLVED that the Federation take part in recommending appropriate potential appointees to government. And this was dealing with appointees to regional councils by the Province. At that time there was great discussion that indeed a certain number of the regional councillors should be appointed by the Province since the Province would have a great financial input into any regional authority. I would like to point out here that we have changed that philosophy, that we are now saying that there shall not be any appointees other than appointees from the elected councils who will be nominated to us by the councils in the region. So that this act is written that if there are five or six councils in a region those councils would recommend persons from among the councillors already elected to those councils who would be appointed. Otherwise all other persons would be elected from within the region.

I would like to quote the resolution from 1978 annual meeting of the Federation and I quote:

WHEREAS such enabling legislation should among other things set forth the manner by which public hearings on the matter may be initiated and carried out, a listing of the variety of responsibilities and functions available to a regional council from which an appropriate

MR. WINDSOR:

selection may be made to be applicable within a particular proposed region and (c) the manner by which the boundaries of a region may be defined; (d) a listing of taxation authority and other funding arrangements available to a regional council; (e) the manner by which regional representatives may be placed in office.

THEREFORE BE IT RESOLVED that the Government of Newfoundland be requested to prepare such enabling legislation in consultation with the Federation of Municipalities for enactment as an additional part of the new Municipal Act or as an addition to the present Local Government Act.

And there was a second resolution in accordance with the recommendation of the Whalen Report, that a pilot project study relating to regional government be undertaken, the first instance on the Burin Peninsula which lends itself very nicely to regional government and has in fact for some time had a joint council down there although they are not extremely active at the moment.

And the final one I read is the one from this year's annual meeting, 1979 in Gander:

BE IT RESOLVED that the Department of Municipal Affairs proceed immediately with the planning and implementation of regional government in those areas where there is local interest in being involved. So all I am pointing out - and I thank hon. gentlemen for bearing with me in reading these - is that there is a desire for regional government. All of these resolutions from the Federation, I think, are accommodated by the particular provisions of this bill and indeed so are the provisions of the Whalen Royal Commission Report. So if you want a basis and some justification you simply need to refer to these documents and you get a great deal of information as to why we are proceeding in this particular manner.

I would also like to say also, by the way, that although this is enabling legislation, although it does, based on

MR. WINDSOR:

a plebiscite which requires again a mandatory public hearing, a similar process to the establishment of municipalities, that government is not about to impose any regional government anywhere in this Province that is obviously not desired by the elected representatives of that region. In other words, if the councils in a particular region make it very clear that regional government or the form that we are proposing is not desirable, I am sure I speak on behalf of my colleagues, then we are not about to impose regional government on any area.

The hon. gentleman talked about the haphazard method of bringing in regional government. I think I will address that partially, that we would not bring in a regional council that obviously would not work because the feasibility study would deal with all of this. And the concerns the hon. gentleman expressed relating to Gander and the Glovertown-Traytown area, obviously the feasibility study and the public hearings as part of that study - and that is a very important point, that those public hearings are mandatory, there must be public hearings, that the people from your area in Glovertown and Traytown and so forth would have every opportunity to make representations to the commissioner holding that public hearing pointing out their concerns, giving him their ideas on perhaps what the boundaries should be, what structure it should take, where the elected representatives should come from and what the representation should be and so forth. So there will be every opportunity for concerns of that nature to be aired to the commissioner and through him of course to government.

The hon. gentleman had concerns relating to water committees. First of all, let me say that in relation to his comments that incorporated areas are being treated unfairly, I do not accept that. The original cost of the system, of course, is fairly generous in relation, we think, to our programme of providing rudimentary systems, a simple water and sewage system in unincorporated areas. But I submit to you that these people have the right to a clean drinking water

MR. WINDSOR:

supply and a safe source of disposing of sewage as well as people living in incorporated areas. So I think this programme, in fact I am sure it is, as a result of the fact that it is very well received and very highly utilized around this Province, is an extremely good programme and one that is working extremely well.

I point out to the hon. gentleman that larger municipalities obviously would have more sophisticated water and sewerage systems. And you say that, well, the person living in this unincorporated area has water, the one living in an incorporated area has water and he may be paying more. He may well. But the quality of his water supply may be better. The dependability of the supply undoubtedly would be better. He may well have fire protection which is a very important factor and the provision of fire flows in providing a water and sewerage system is a very important factor in determining the ultimate cost of that system and therefore the operation and the capital cost of the system as a whole.

So you cannot compare. You are comparing apples and oranges when you say that the person living down in Noggin Cove or wherever has a water supply from a water committee, it is an unincorporated area and that he is really getting a break. He is not. He is fully responsible. Those committees must bear the full cost of operation and maintenance and eventual replacement of those systems whereas the communities such as Gander or Grand Falls or wherever are receiving certain grants from the Province do not forget which assist with the provision, not only with the capital cost but also with, in some cases, the operational maintenance costs. So they are not the same.

Now as it relates to regional government, how does this affect

MR. WINDSOR:

these committees? These committees, in accordance with the provisions of the regional government section here, basically disappear as incorporated committees. When a regional council is put in place, then the regional council is the authority in all unincorporated areas. The committees will stay as advisory committees to the regional council. The regional council will accept the responsibility for providing the service and collecting the fees and looking after operation and maintenance. But the committee that was established as a water committee would remain as an advisory committee to deal at the local level with the regional council.

MR. CHAIRMAN (BAIRD):

The hon. member for Terra Nova.

MR. LUSH:

Just one other question. I understand the structure but then does the regional government not have the authority to change whatever fee structures are in existence in these areas, these areas that have incorporated water committees, does the regional government then have the authority to change whatever existing fees there are?

MR. WINDSOR:

Yes, they could, Mr. Chairman. However, the intent of the regional councils is to provide fees for service rendered based on a cost recovery basis. So if the fee schedule that was in place was providing for the operation and maintenance of the system then there probably would not be any need for the regional council to change the fee schedule. Now they may, it is possible. I must be very clear, it is possible because there may be four committees there each with a different rate level and there may be two or three incorporated communities that have a regional water supply system. The regional council may look at this as an overall supplying of water within the region and supply water to all people, hopefully to those with at least an equal level of service then perhaps would pay an equal rate throughout the region. It is based on a concept that is very widely accepted, that water is a resource that belongs to the Province and not to the people who happen to be living next door to it so that

MR. WINDSOR:

it would be shared on a regional basis and the cost would be shared on a regional basis. But I do not think there is any fear that if a regional council were put in place that a three dollar per month water fee would increase to a twenty dollar a month water fee or anything like that. I do not think the hon. gentleman is suggesting that.

AN HON. MEMBER:

(Inaudible).

MR. WINDSOR:

Yes, they could change it. It could be looked at as part of an overall regional system providing water to incorporated areas, unincorporated areas or whatever.

MR. LUSH:

Mr. Chairman.

MR. ROBERTS:

"Tom," let us rise the Committee.

MR. LUSH:

Just one last question.

I thank the minister for his answers and the point I want to make abundantly clear, Mr. Chairman, is that I am certainly not against unincorporated areas getting water. I have more unincorporated communities in my district than incorporated, but I was pointing out the difficulty it puts councils in and the apparent discrimination. But a question that the minister did not address was again with respect to property taxes. Again an unincorporated area with an incorporated water committee coming under a regional government, where does that place that unincorporated area with respect to property taxes?

AN HON. MEMBER:

Rise the Committee.

MR. WINDSOR:

I will rise the Committee momentarily. First of all these water committees do not have the right to impose property taxes. Regional councils do where they provide the level of service that is comparable to other communities. Perhaps we will address this the next day, Mr. Chairman. I move the Committee rise.

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

MR. SPEAKER (SIMMS):

The hon. member for Conception Bay South.

MR. BUTT: Mr. Speaker, the Committee of the Whole have considered the matters to it referred, has made some progress and ask leave to sit again.

On motion report received and adopted.

Committee ordered to sit again on tomorrow.

MR. SPEAKER: The hon. President of the Council.

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

MR. SPEAKER: Before putting the motion, if I might, I would like to welcome to the gallery the members of Theatre Newfoundland and Labrador with its company director Maxim Mazumdar and the four actors, Boyd Norman, Jeff Pitcher, Terri Snelgrove and Madeline Williams. And I would also like to remind hon. members that the company will give a special one half hour performance at one fifteen in the main lobby of Confederation Building, which all hon. members are invited to attend as well as all staff in the building. They are also invited.

On motion the House at its rising stands adjourned until tomorrow, Monday, at three of the clock.