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TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD
3:00 p.m. - 6:00 p.m.
THURSDAY, DECEMBER 11, 1980

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

May I welcome on behalf of all hon. members a delegation in the Gallery today representing various councils and the Development Association from the district of Fortune-Hermitage.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Also I would like to refer hon. members to the point of order raised yesterday by the hon. the member for Stephenville (F. Stagg) related to comments made during debate by the hon. the Leader of the Opposition. I reserved my ruling at that time to review what was said and I have now reviewed Hansard and quote the remarks that were used. "If we were outside the House I would say that he misrepresented, but I cannot use that expression in the House. If I were outside the House, I could say that he had distorted what was said. But in the House I cannot say that; therefore I will not say that." Both terms have, of course, been ruled unparliamentary in the past. The inference to be drawn from any expression depends on the circumstances, tone and context in which it is used. In this case, the hon. the Leader of the Opposition acknowledged that he would not be permitted to use the expression complained of in the House. He was plainly using a conditional, 'if,' to convey an imputation which would, by his own admission, be out of order if done directly. And Beauchesne, paragraph 326 (2), page 115 deals specifically with this type of situation, under the section dealing with unparliamentary language, and I quote, "Words may not be used hypothetically or conditionally, if they are plainly intended to convey a direct imputation. Putting a hypothetical case," and I believe this is the important sentence, "putting a hypothetical case is not the way to evade what would be in itself disorderly."

MR. SPEAKER (Simms): And therefore I rule that there is a valid point of order and request the hon. the Leader of the Opposition to withdraw those remarks.

The hon. the Leader of the Opposition.

MR. STIRLING: Thank you very much, Mr. Speaker. I believe in some jurisdictions the truth of the matter sometimes is sufficient proof, but I understand that in the House, regardless of whether something is true or not true, you have to withdraw expressions which are considered to be, by the Speaker, unparliamentary. And so, therefore - well, for example in the debate yesterday -

MR. SPEAKER: The hon. the Leader of the Opposition is debating the ruling now, I asked him to withdraw the remarks.

MR. STIRLING: No, I do not have any wish to debate the ruling. I was just giving it in the context, for example, yesterday. I withdraw any remarks that the Speaker indicates are unparliamentary.

MR. SPEAKER: Thank you.

MR. STIRLING: And outside the House, I will have something further to say about it and I presume that will settle the subject.

MR. SPEAKER: I thank the hon. Leader of the Opposition. I understand a withdrawal has been made.

STATEMENTS BY MINISTERS

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

DR. J. COLLINS: Mr. Speaker, I have a statement in regard to the strike at the Trades College. I apologize for my voice, it is a little bit hoarse.

Mr. Speaker, I would like to take this opportunity to briefly inform the House of the status of negotiations with the striking support staff workers at the College of Trades and Technology, as well as to inform the House of government's position in this matter.

The College of Trades support staff group is comprised of approximately 77 clerical and trades-maintenance personnel. Before the current collective agreement came into force, the majority of the employees belonged to either the General Service or the Maintenance and Operational Services groups. They have since been certified as a separate bargaining unit.

The first collective agreement for this group ran from April 1st, 1978 to March 31st, 1980, a two year contract, and negotiations for a revised agreement began in early March of this year. Very little progress was made during these preliminary meetings and bargaining reached a standstill as a result. The union subsequently applied for the services of a Conciliation Board but the Minister of Labour and Manpower (Mr. Dinn) chose to deny this request and appointed a conciliation officer instead. Meetings between the two sides resumed in late October and, after arriving at another apparent stalemate, government requested the assistance of the conciliation officer involved. A meeting was held late Wednesday, October 29th, at which time the officer explored the possibility of further progress being made. No further progress was made, and the meeting ended after government had placed its final position on the table including a salary package identical to that accepted by the General Service group and certain other groups within the provincial Public Service,

DR. J. COLLINS: that is, the Memorial University clerical staff, Public Libraries Board library support staff, Newfoundland and Labrador Housing Corporation, and Harmon Corporation, Stephenville, and the St. John's Housing Corporation. All these groups plus the General Service had accepted the proposal put forward by government and as all hon. members know that agreement has since been signed with the General Service bargaining group.

At a subsequent meeting of the membership, government's officer was rejected and the union succeeded in securing a strike mandate. Another series of separate meetings was held the following week between both parties and the conciliation officer in an effort to reach agreement. During these meetings we succeeded in reaching tentative agreement on all outstanding items, with the exception

DR. COLLINS: of salaries. The two main contentious matters, aside from salaries, were: 1) the provision of a Christmas break, and 2) the use of a recently instituted sick leave form, and these issues were resolved to the satisfaction of the union.

The union commenced a legal strike on the morning of Friday, November 7th. Salaries is the only issue in dispute between the parties, and the details of the government's offer are as follows:

1) effective April 1, 1980, a general salary increase of 8 per cent or \$1,000, whichever is greater, 2) effective January 1, 1981, a general increase of \$100 on the salary scales; in addition, automatic step progression continues with employees not eligible for step progression receiving lump sum cash payments, 3) effective April 1, 1981, a general salary increase of 8 per cent and 4) effective January 1, 1982, a general increase of \$100 on the salary scales; in addition, automatic step progression continues with employees not eligible for step progression receiving lump sum cash payments.

Through the combination of the general salary increases and step increments, the average increase in annual salaries for the employees in this group over the two year agreement will be approximately 22.4 per cent. In addition, over the term of the agreement, employees on average will receive approximately \$220 in cash payments. The extra dollars to be received by employees over the life of the agreement as a result of the present offer averages \$3,623. That is the average amount of money that an employee will receive, or the average of the amount that will be received by employees over the life of the two year agreement is \$3,623.

Government's offer is structured so as to provide proportionately larger increases to the

DR. COLLINS: lower paid workers.

For example, over two years, the lowest paid worker will receive a total salary increase resulting from both the general increases as well as step movements of 29.5 per cent. Putting all the increases, all the items in the salary package together, the lowest paid worker over the two year period of the agreement will receive a salary increase of 29.5 per cent.

In public sector collective bargaining, government has a responsibility to maintain equity among different bargaining groups. The College of Trades support staff group consists mainly of workers who were previously part of the General Service and Maintenance and Operational Services bargaining units.

Government is unable to rationalize larger increases to employees in the College of Trades unit than those already agreed to or being voted on by similar categories of employees in other bargaining units. We have been successful in reaching agreement with the union

MR. COLLINS: on all other issues, including several local issues of significance to this group, including the provision of a Christmas break. No further progress was made as a result of yesterday's meetings with the conciliation officers. Government's position from the onset has been to provide what we feel is a reasonable and just salary increase, taking into account government's ability to pay and our responsibilities to all public sector employees. If it is not anticipated that any further meetings will be held on this matter in the near future. Thank you, Mr. Speaker.

MR. SPEAKER (Simms): The hon. member for Terra Nova.

SOME HON. MEMBERS: Hear, hear!

MR. T. LUSH: Mr. Speaker, it disappoints us on this side of the House that the government negotiating effort was not successful in bringing this strike to a settlement. The first question, Mr. Speaker, that one has to raise in relation to the government's negotiations with people in the public service is the length of time it takes to negotiate. For example, in the first part of the minister's statement, the minister indicated that the contract they are now referring to expired on the 31st March, 1980. That means that these people now are nine months without a contract - nine months, Mr. Speaker - and one wonders what the reasons are for these long delays. Is it related to insufficient numbers of conciliators or mediators or insufficient numbers of people related to this overall collective bargaining? Does the government have enough people? And one wonders how far we are behind with other groups, for example, the teachers, and I know their contract ended as of the end of August, I believe, of this year. So one wonders how far we are behind in these negotiations and I think this is something that needs a looking in to to find out why it is we are so long, because I

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MR. T. LUSH: think the lengthiness, the undue length of time it takes to get these negotiations settled with respect to collective bargaining is in itself frustrating and I am sure brings a lot of anxiety to the workers concerned when they realize that they are

MR. T. LUSH: working for so long without their contract being negotiated for the particular year in which they are working.

So, Mr. Speaker, that is something I would think that the government should address themselves to and to see and to ensure that certainly we have enough people, skilled people, the expertise that is required in these collective bargaining negotiations. Of course, in order to comment upon the proposals, the last proposals and the series of proposals made by the government, one has to be familiar with all the details of the collective bargaining. One has to be familiar with the salary scale, the salaries that people in the bargaining unit are now getting, one has to be familiar with the step increments to appreciate what it is the government offered these particular people.

But to talk in terms of percentages, Mr. Speaker, does not mean very much. For example, the first offer of April 1st., 1980 says, 'A general salary increase of 8 per cent or \$1,000, whichever is greater'. So to be able to appreciate the meaning and the significance of that particular offer, as I have said before, one has to know the salaries in question. Because if we are talking about, let us say for example, an average of \$10,000, what we are talking about, of course, is just a \$200 increase above what they would get over a percentage increase. And then again, if we are going down lower than that, a percentage increase does not matter very much. If a person is making \$6,000 then 8 per cent does not mean very much which was their third offer.

MR. T. LUSH: So, Mr. Speaker, in order to be able to comment, to give an intelligent comment on this, there would have to be a lot more details provided. Suffice it to say that it is very difficult to understand the position of a government that, one, supports the fact that medical doctors in this Province should gain parity with their counterparts on the mainland of Canada when, as I understand it, this group here is merely looking for parity with workers in their own Province.

SOME HON. MEMBERS: Hear, hear!

MR. T. LUSH: And, as I said, Mr. Speaker, when you are talking about a percentage increase to people below \$10,000 you are really not talking about very much, and I understand that that is the hub of the matter. It is the percentage increase that is not satisfying these particular employees. But, Mr. Speaker, what we are interested in on this side is to see that there is an early settlement to these negotiations so that these people can get back to work, that there is a fair and reasonable settlement. And, we believe, that the government have a responsibility

MR. LUSH:

to see that these workers are treated fairly, that they are treated justly in relationship with people engaged in similar work in the Province, and we understand that they are not getting that. And that is the problem, Mr. Speaker, that they are not getting parity with workers in the Province. workers in private industry, workers in other sectors doing the same type

of work, Mr. Speaker.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Simms):

Order, please!

MR. LUSH:

So in conclusion, let us say, Mr.

Speaker, that we are disappointed that this strike is allowed to drag on and we would like to see the government come through and get both sides back to the table. Let us get a fair and just settlement for these workers.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

I am sure hon. members would like to join me in welcoming to the Galleries today seven library prefects from Grade VI, VII and VIII from Newtown, Mount Pearl, St. Peters School, accompanied by their teacher, Mr. Pat Walsh. We hope they enjoy their visit.

SOME HON. MEMBERS:

Hear, hear!

MR. OTTENHEIMER:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, I am pleased to announce the appointment of Miss Margaret M. Cameron as Associate Deputy Minister of Justice, effective January 2, 1981. Miss Cameron is a native of Carbonear, the daughter of the late Duncan and Mrs. Isabelle Cameron of Carbonear. She received her early education there and received here Bachelor of Arts from Memorial University of Newfoundland in 1967 and here LL.B. from Dalhousie Law School 1971. Miss Cameron was admitted to the Bar of Newfoundland in 1972, entered private practice with the firm of Thoms, Fowler, Rowe and Barry.

MR. OTTENHEIMER: She left her private practice to join the department in June, 1975 and has been with the department since that time. During her service with the Department of Justice she has been involved with advising the Departments of Mines and Energy, Petroleum Directorate and other departments of government. Miss Cameron's role, as Associate Deputy Minister of Justice, will be mainly to supervise the civil division of the department. That division provides a variety of legal services to government. As members are aware, the Department of Justice has become increasingly involved in a number of matters of great concern to the Province with respect to the Constitution, the Law of the Sea and resource matters in general.

I am confident that the appointment of Miss Cameron to replace Mr. Keith Mercer, who is leaving government for private practice, will serve to ensure continuity and the high quality of advice offered by the civil division to government.

SOME HON. MEMBERS Hear, hear!

MR. SPEAKER (Simms): The hon. the member for Grand Bank.

MR. THOMS: Mr. Speaker, I guess in all modesty I should respond to the Minister of Justice's announcement right now. For once, the minister and myself are in complete agreement. Miss Cameron, of course, not only articulated to the law firm of Thoms, Fowler, Rowe and Barry but was personally articulated to myself.

MR. ROBERTS: She overcame that handicap, did she?

SOME HON. MEMBERS: Oh, oh!

MR. THOMS: In other words, Mr. Speaker, I taught her all she knows.

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MR. HANCOCK:

ropes then.

I guarantee you she knows the

SOME HON. MEMBERS:

Oh, oh!

MR. S. NEARY:

cope with if she articulated with you.

There is nothing she cannot

MR. SPEAKER (Simms):

Order, please!

MR. L. THOMS:

Mr. Speaker, in case anybody on either side of the House might consider this a token appointment within the Department of Justice, I can certainly vouch for, and I think most lawyers in this city who have had any dealings with Miss Cameron in the practice of law can vouch for her competency. There is no doubt about it but she deserves this particular promotion and appointment within the Department of Justice. She is very capable and a very competent lawyer.

Mr. Speaker, I just hope that in line with most people's thinking that there should be equal pay for equal work, that Miss Cameron will be receiving a just recompense for her position within the Department of Justice as Mr. Mercer made and should receive pay that is commensurate with Mr. Mercer's salary.

Mr. Speaker, I am very pleased to support the minister's announcement this afternoon and the appointment of Miss Cameron, and I wish her well in her new position. Thank you, very much.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Justice.

The hon. Minister of

MR. G. OTTENHEIMER: Just to clarify for the hon. gentleman, within the Department of Justice there is no discrimination. Male or female, in all categories there is equal pay for equal work applicable right across the board.

MR. SPEAKER (Simms): Any further statements?

ORAL QUESTIONS

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

MR. L. STIRLING: Thank you, Mr. Speaker.
Realizing that you have to be very careful and that the Minister of Mines and Energy (Mr. Barry) is not in the House, although if he dashes he can get into his seat in time to answer the question, he yesterday suggested that I quote from Hansard, suggested in his daring manner that I quote from Hansard and in quoting from Hansard he says, 'Mr. Barry', identified in Hansard, 'the problem is with the wet concentrate freezing and this is the reason why they cannot just continue to stockpile and have the Wabush Mines continue operation. Now we kept going for two days and the company has now decided to stockpile and continue the operation'. And I would ask the hon. minister what has changed in two days? Is it now not wet or is it now not freezing in Wabush?

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

MR. L. BARRY: Mr. Speaker, I know the Leader of the Opposition (Mr. Stirling) is going to be disappointed to hear this, what the situation now is, that the contractors are making such good time on the line that it looks like the line will be repaired on the 16th., which is the day after the shut-down was supposed to commence, so they have decided there

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MR. L. BARRY:

is no need for the shut-down

at all.

SOME HON. MEMBERS:

Hear, hear!

MR. STIRLING: Supplementary, Mr. Speaker.

MR. SPEAKER (Simms): Supplementary, the hon. Leader of the Opposition.

MR. STIRLING: The last time that on this side of the House we tried to get across to the other side of the House, to the minister, that there was a serious problem when there was going to be a layoff, they said they were completely in touch and then some one week later there was a complete shut-down. Now let me ask the minister if he is aware that there has been some information provided by the union in Wabush which suggests a very serious situation in that at the same time that there has been a slow down in iron ore production and markets as it relates to the Wabush area, the union apparently has been advised that there has been a considerable increase in the imports of iron ore into Canada. Is the minister aware of that and has he investigated it?

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

MR. BARRY: Mr. Speaker, the Leader of the Opposition is trying desperately to find an issue, any issue, and he has been since he was elected as leader, to provoke mischief and disorder in Labrador and other parts of the Province.

SOME HON. MEMBERS: Shame, shame!

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

MR. BARRY: Now, Mr. Speaker, he has lost the issue -

MR. SPEAKER: Order, please! A point of order has been raised.

MR. BARRY: Oh, a point of order. Touching, Mr. Speaker, touching.

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

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. STIRLING: Mr. Speaker, by whatever set of rules I had to withdraw the remark that I was supposed to have made yesterday, the same remark which the minister now makes that I have been trying to create mischief throughout the Province and look for an issue, any issue, certainly whatever connotation is in that should be the same set of rules applying to both sides of the House, and if the Speaker would like to take it under advisement I would be quite prepared to have the Speaker look at that -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. STIRLING: - and ask the minister if instead of the abuse that he normally gets on with, would he just simply answer the question - he has a right to either answer it or not answer it - but answer the question.

MR. SPEAKER: Order, please! I perhaps should make it clear to the hon. Leader of the Opposition that the point of order he refers to earlier had nothing to do with this type of situation. The point of order referred to earlier was using hypothetical words. I understand the Leader of the Opposition's point of order here is that the hon. Minister of Mines and Energy (Mr. Barry) has used unparliamentary language.

MR. ROBERTS: That is only part of it. Imputing motives - you are not allowed to do that.

MR. SPEAKER: Well, I do apologize then because I did not hear that point made during the Leader of the Opposition's point of order. I will take it under advisement and ask the Minister of Mines and Energy to continue.

MR. BARRY: Could I finish my answer, Mr. Speaker?

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

MR. BARRY: Now, Mr. Speaker, the Leader of the Opposition, as I said, obviously is flailing around desperately to try and find another issue.

MR. BARRY: And he refers to, I guess, the comment contained in a telex from the president of the Wabush Mines union, which refers to iron ore imports into Canada having increased three-fold since 1977.

Now, I guess the first point that should be made, Mr. Speaker, is that it is not this provincial government which controls iron ore imports, but the Liberal friends of the Leader of the Opposition opposite now in the government in Ottawa. That is point number one.

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: Point number two, Mr. Speaker -

MR. SPEAKER (Simms): Order, please!

MR. BARRY: Point number two is that this issue came up and was thrashed out thoroughly at the time of the shut-downs last Summer, and the point is, Mr. Speaker, that there are different grades and types of iron ore, and you find that in fact there are swaps which go on across the Canadian/U.S. border, that in some cases the iron ore of the Missabi Range in the U.S. is better for the blast furnaces in some of the steel mills in Canada than is local iron ore and vice versa in the U.S.; it is better for the U.S. to import Canadian ore than to use some of their own because of the type of steel mill operation and because of the efficiency and the quality which might be obtained by using a particular type of iron ore.

So, Mr. Speaker, number one is that the Leader of the Opposition should direct his question to the federal government, and number two is that this matter has been looked into. Our people in the Department of Mines and Energy had earlier requested the federal government last Summer to look into this very point, and the information that has gotten back and which I have not seen refuted is that these are swaps of different types of iron ore.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): The hon. the member for Windsor -
Buchans.

MR. FLIGHT: Mr. Speaker, my question is for the Minister of Mines and Energy (Mr. Barry) as well. As the minister knows, we passed, in principle anyway, a piece of legislation through this House a few days ago, the Upper Churchill bill, and that the minimum benefits to this Province, the very minimum under that legislation, would be recall rights. There are all sorts of benefits, but the recall rights would be the minimum benefit. And in the first instance, that recall was set at 800 megawatts, to justify the recall.

Would the minister indicate now to the House, assuming that minimum benefit accrues to the Province - and the Premier has indicated that the legislation itself will be proclaimed in less than two years. But since it takes five years to complete a cable crossing to bring the power into the Island, what is the minister proposing with regard to transmission of the Upper Churchill power to the Island?

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

MR. BARRY: Mr. Speaker, again. I thought I had the opportunity of responding to this point after the Leader of the Opposition called his press conference, I think it was last Friday, to announce, 'Eureka!' He has had an idea that the Province should start building a transmission line.

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: I had the opportunity of pointing out in the media at that time, Mr. Speaker -

MR. SPEAKER: Order, please!

MR. BARRY: - that the Leader of the Opposition seemed to be overlooking a minor point, which was the

MR. BARRY: \$1.6 billion which that line would cost and the fact that anybody who lent money, put up money for the financing of that line, would appreciate knowing where the electricity was coming from that would go over the line -

MR. MORGAN: And who would use it.

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: - so that it could be shown how that amount would be repaid.

Now, Mr. Speaker, there are three possibilities of where electricity could come from over that transmission line.

MR. BARRY: The Upper Churchill recall we hope and expect we will have for use within this Province. There is also, however, the potential of Muskrat Falls, the potential of Gull Island and we want to see the Gull Island site started in this coming year and we have ongoing discussions going with the Federal Government, as the Leader of the Opposition and the member for Windsor-Buchans (G. Flight) know, and we hope to see a start on Gull Island. And in the expectation that once our right to clearly - a clear right is established to obtain the power, the less expensive power from the Upper Churchill, we will recall that and Gull Island will be available for export again once the Federal Government permits us to exercise our constitutional right of transmitting electricity across Quebec.

So, Mr. Speaker, again part of this, I guess, question also relates to what I believe is a misinterpretation that has appeared in the media, that there has been a six month delay in a decision with respect to the Lower Churchill. There has been no six month delay. The time schedule we have been operating towards all along has been to have a decision as to our next generating source by late Spring, early Summer of 1981. That is still on schedule, Mr. Speaker, discussions with the Federal Government are ongoing and we expect to have a further statement to make on it before too long.

MR. FLIGHT: A supplementary, Mr. Speaker.

MR. SPEAKER (Simms): A supplementary, the hon. member for Windsor-Buchans.

MR. FLIGHT: Mr. Speaker, the minister has indicated in the House on a few occasions, and the Premier, that the cost of - the most expensive electricity being generated in this Province right is Holyrood, around 40 mills per kilowatt hour, in the minister's own acknowledgement.

AN HON. MEMBER: With subsidized oil.

MR. FLIGHT: That is with subsidized - that is right, that point should be made, with subsidized oil, around \$14.00 a barrel. Would the minister indicate what Upper Churchill, what the power from Upper Churchill, delivered to this Province today, if it could be delivered today, based on today's kilowatt hour rates would cost delivered to the Island. - Upper Churchill power delivered to Newfoundland?

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

MR. BARRY: Yes, Mr. Speaker, you can count on approximately 45 mils for the cost of the transmission line, of paying off the \$1.6 billion transmission line, and then you add on three and a half to four mils on to that so you have less than 50 mil power accessible from the Upper Churchill.

MR. FLIGHT: A final supplementary, Mr. Speaker.

MR. SPEAKER: A final supplementary, the hon. member for Windsor-Buchans.

MR. FLIGHT: Would the Minister indicate - he just admitted that Churchill power delivered to the Island by Newfoundland Hydro will be 50 mil power - would he indicate what that would mean to the consumers? When Hydro adds its profit and the Newfoundland Light and Power adds its profit, what would the consumer be expecting to pay for Upper Churchill power based on today's new rates?

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

MR. BARRY: Mr. Speaker, is the member basing that on a hypothetical - that somehow

MR. L. BARRY: you wave a magic wand
and get that power here right now, right now today?

MR. G. FLIGHT: Based on today's rates, what
will it cost? tell us that.

MR. L. BARRY: Mr. Speaker,
I would have to get the exact figures for the hon. member.
All I can tell him is that without any shadow of a doubt
whatsoever it is going to be the cheapest power available
not only to this Province but to any part of North America,
and I would submit to any part of the world; that the four
mil power from the Upper Churchill delivered to the Island
with a \$1.6 billion transmission line is going to be, as far
as this Province is concerned, like having money in the bank.
And I can get the exact mil rates so there would have to be
some calculations done. I can say that once that power is
accessed, the transmission line built, and we have a recall
of the Upper Churchill power, that you will then see a stable
mil rate for probably the next fifteen or twenty years in
this Province.

MR. FLIGHT: A final supplementary.

MR. SPEAKER: (Simms): The hon. member for LaPoile.

MR. NEARY: I yield, Mr. Speaker.

MR. SPEAKER: The hon. member yields? The hon. member for Windsor-
Buchans.

MR. FLIGHT: A final supplementary.

Would the minister indicate whether or not he supports the
President of Newfoundland Hydro, Mr. Vic Young and his
announcement this morning that by 1987 electrical cost in
this Province will double in cost to the consumer?
He was saying the cost to the consumer will double by
1987.

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

MR. L. BARRY: Let me see now, Mr. Speaker. If we use the going inflation rate in Canada, again inflicted upon us by friends of the members opposite who are now in government in Ottawa, I think the inflation rate is at least 10 per cent a year. And again I think the member for the Strait of Belle Isle will confirm our little rule of thumb - he is not listening - the little rule of thumb, that 10 per cent inflation a year it is 7.2 years that a cost would double. So if you are talking at the 10 per cent inflation rate, Mr. Speaker, you are talking about that, about double, and I think that everybody expects and let us hope that the cost of living can be kept to no more than 7 per cent.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER(Simms): The hon. member for LaPoile.

MR. S. NEARY: Mr. Speaker, the question I am about to ask I could ask, I suppose, of any one of four ministers and I am trying to figure out which one was not on television in the last day or so.

SOME HON. MEMBERS: Hear, hear!

MR. S. NEARY: We raise the issues and ask the questions and the ministers get the interviews. Now, I am going to ask the Minister of Mines and Energy, because he is the one that made the statement - and it is not something that I am quoting

MR. S. NEARY: because I saw the hon. gentleman's picture on television, heard his own voice, saw his own lips move and could not believe, Mr. Speaker, the incredible, silly, childish statement that the hon. gentleman was making in connection with the federal government's legislation presently being debated in the Parliament of Canada in connection with the federal government taking control of certain federal lands. The minister, Mr. Speaker, said he was going to ignore it, ignore the law of the Parliament of Canada. Was the minister serious? Is he beaten to the ground? Is he now going to stand up and blaspheme, wring his hands and blaspheme the Prime Minister? Could the minister tell us if he was serious about this incredible statement? I could not believe what I was hearing. The hon. gentleman is going to ignore a law that is now being passed in the Parliament of Canada in connection with federal land.

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

MR. L. BARRY: Mr. Speaker, I am amazed, you know, that hon. members opposite still do not seem to appreciate there has been federal legislation in place for years and years and years, and the hon. members had their way, we would bow to Uncle Ottawa and, I suppose, we would repeal the oil and gas legislation and regulations that we have in place and we would say, 'Yes, Uncle Ottawa, go do your thing. You own it, you have jurisdiction, it is all yours! Mr. Speaker, this legislation that is introduced in the House of Commons which is to be called 'The Canadian Oil and Gas Act,' does nothing except try and update the antiquated oil and gas regulations which the federal government has had in place for a number of years and, Mr. Speaker, coincidentally they have selected the prime features of the oil and gas regulations which we implemented three years ago.

SOME HON. MEMBERS: Hear, hear.

MR. L. BARRY: And if I could just briefly refer to

MR. L. BARRY: a couple of those, they have implemented our sliding scale royalty, they have implemented the right of the Crown to take a royalty in kind, they have implemented the requirement that allows the Crown to order the drilling of a well or wells following a discovery -

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

MR. SPEAKER (Simms): Order, please! A point of order has been raised by the hon. member for Port au Port.

MR. J. HODDER: Yes, Mr. Speaker, I have been listening to that hon. minister today abuse Question Period. Look, Mr. Speaker, my understanding -

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

MR. J. HODDER: Mr. Speaker, Beauchesne, page 131

'Answers to questions should be as brief as possible -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. J. HODDER: - should deal with the matter raised and should not provoke debate', and the hon. the minister has broken every one of those rules, Mr. Speaker. He has been doing it constantly. And my point of order, Mr. Speaker, is that -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. HODDER: - I would ask that the minister try and use what little bit of intelligence he has to try and frame his answers instead of abusing the Question Period.

SOME HON. MEMBERS: Oh, oh.

MR. MARSHALL: Mr. Speaker, to the point of order.

MR. SPEAKER (Simms): Order, please!

To the point of order, the hon.

the President of the Council.

MR. MARSHALL: Sir, that is no point of order.

The hon. the minister is addressing himself to the question and I would suggest that hon. members opposite when they do not like the answers, should not have recourse to the rules in an attempt to avoid the answers to the questions that they have asked.

MR. SPEAKER: With respect to the point of order, I am glad the point of order has been raised, because I believe it has been raised on several occasions in the past couple of weeks and it will give me an opportunity to give some comments and perhaps make a ruling.

Beauchesne's quote, which was quoted by the hon. the member for Port au Port (Mr. Hodder), is certainly a very valid quote. 'Answers to questions should be as brief as possible, should deal with the matter raised and should not provoke debate.' But also in Erskine May, Page 334, it goes on to say 'and answers should be confined to the points contained in the question with such explanation only as renders the answer intelligible although a certain latitude is permitted to ministers of the Crown whenever they find it necessary to extend their remarks with the view of clearly explaining the matter in question.'

Now, the question of latitude is a question of judgement and an extremely difficult matter on which to make a precise intervention. This obviously does not give the Chair very precise guidance. Certainly, the Chair does not wish to interrupt when the matter is one of some complexity where there may be insufficient understanding if a person is cut off, but one of the duties of the Chair is to permit as many questions as possible for

MR. SPEAKER (Simms): hon. members. Obviously, that duty is subject to the interest of the House on a particular matter. As long as the person answering is speaking directly to the question, i.e. is giving relevant information, then the Chair really cannot exercise any initiative in cutting off the speaker giving the answer. All I would like to do is to point out to hon. members that in terms of questions, the same general rule applies in terms of answers as well. The basic philosophy behind it is that if questions are too long and answers are too long then obviously, there will be fewer questions and fewer subjects covered. Both questions and answers should be kept brief, exactly to the point without preambles, statements of opinions, arguments, and giving only the information necessary to make the question and answer clear.

I thank the hon. the member for Port au Port (Mr. Hodder) for raising that matter and trust that all members will adhere to the rules of the House.

The hon. the Minister of Mines and Energy.

MR. BARRY: Mr. Speaker, I think that is a very worthwhile precedent that we will be able to refer back to when we get points of order raised from time to time. Because I think that Barry's Theorem still applies here, Mr. Speaker -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. BARRY: - Barry's Theorem being that -

MR. SPEAKER: Perhaps the minister would like to answer the question.

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: Does anybody want to know what the theorem is?

AN HON. MEMBER: Yes, we are all anxious.

/
MR. BARRY: I will have another opportunity
to set up Barry's Theorem, Mr. Speaker.

If I can just finish, the federal
government has taken the opportunity of updating its
antiquated oil and gas regulations following the Newfoundland
regulations. I have mentioned some of the ones that they
have incorporated from ours, and

MR. L. BARRY: where they were, Mr. Speaker, in 1973 and 1974, criticizing our proposed regulations saying, 'You will never get oil or gas exploration off your coast if you bring in those regulations'. They have now seen the light, Mr. Speaker. And that is why we are not too overly concerned. The federal government can keep catching up to what the Province is doing in the oil and gas field. In the meantime, we carry on business as usual.

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

MR. SPEAKER (Simms): A supplementary, the hon. member for LaPoile.

MR. S. NEARY: Mr. Speaker, could the hon. gentleman - this is probably the most significant happening on the off-shore since drilling started back in 1964 or 1965 - could the hon. gentleman tell the House whether this legislation, which defines federal lands, referred to as Canada lands, as the two Northern territories including the high Arctic and about 2.5 million square miles of offshore areas, does that include Hibernia, that 2.5 million square miles of offshore areas? Does that include the Grand Banks, I would like to ask the hon. gentleman?

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

MR. L. BARRY: Mr. Speaker, that is the same definition of Canada lands, I understand, that the federal government has had in their - I guess, previously it was - What was the name? - the Public Lands Grants Act, Mr. Speaker. So now it will be contained in the Canada Oil and Gas Act. Big deal!

MR. S. NEARY: Final supplementary, Mr. Speaker.

MR. SPEAKER (Simms): Final supplementary, the hon. member for LaPoile.

MR. S. NEARY: Mr. Speaker, in view of the fact now that the Canadian government is taking through a law, through a piece of legislation being passed in the Parliament of Canada, taking control of offshore resources in the name of the people of Canada, will this government now go humbly to Mr. Trudeau -

SOME HON. MEMBERS: Oh, oh!

MR. S. NEARY: - to try to negotiate a deal on the offshore or will this government do what they should have done six or seven years and that is have the matter of offshore ownership settled by the Supreme Court of Canada?. It seems to me the only route there are only two or three routes they can take now. It is either challenge this legislation in the courts -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. S. NEARY: The government only has two or three choices open to them. Either challenge the legislation in the court; go humbly to Mr. Trudeau and ask him to go back to the university formula, 100 per cent tax revenue until we become a have Province; or sit back and wait for one of the oil companies to determine which permit they are going to operate under and have them challenge it in the court. Now which strategy is this government going to use to get this offshore question settled?

December 11, 1980

Tape No. 2854

EL - 1

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

MR. BARRY: Mr. Speaker, even if this government wished to kiss a certain part of Mr. Trudeau's anatomy, there would be nineteen members on the other side lined up ahead of us and we would not be able to get -

SOME HON. MEMBERS: Oh, oh!

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: Maybe not quite nineteen, Mr. Speaker, but almost. Now -

AN HON. MEMBER: Eighteen, eighteen.

MR. BARRY: Eighteen, is it? Well, maybe not even a full eighteen because I understand that some of the members opposite are finding it very hard to stomach what is coming out of Ottawa on the offshore mineral rights question. Mr. Speaker, we have kept our options open as to the action which will be necessary or which might be necessary should there be an impasse reached with respect to offshore oil and gas exploration and drilling. At the present time, exploration is proceeding at an appropriate rate. There is no impasse, Mr. Speaker, it is business as usual, and it is not appropriate for this government to reveal the strategy which it might employ, might have to employ sometime in the future.

SOME HON. MEMBERS: Hear, hear!

MR. LUSH: Mr. Speaker.

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

MR. LUSH: Mr. Speaker, I want to direct a question to the Minister of Labour and Manpower (J. Dinn) respecting the present strike with the support staff at the College of Trades and Technology. I do not know, Mr. Speaker,

MR. LUSH: whether the minister realizes but he has an onerous responsibility to ensure that labour-management relations are not allowed to deteriorate in this Province and that the collective bargaining process is not permitted to erode, So in view of the statement made by the hon. the Minister of Finance (Dr.Collins) today, the President of Treasury Board, suggesting that negotiations have now broken off again, in view of this, Mr. Speaker, I wonder what the Minister now plans to do, whether it is a hands-off situation, just what is the situation? Is there going to be another offer? Is the minister going to try and bring his influence on the Minister of Finance and try and get this strike settled? What is the minister planning to do to gain some credibility with the labour movement in this Province?

MR. SPEAKER (Simms): The hon. the Minister of Labour and Manpower.

MR. DINN: Mr. Speaker, the hon. member opposite obviously knows what the procedure is and what the law states in this Province with respect to labour relations. And if you were to read that law very carefully, one would know that there is very little that a person can do in the position of the Minister of Labour and Manpower with respect to forcing people to do anything on either side of the bargaining table. The Minister of Labour and Manpower generally allows bargaining to continue between both sides until there is an impasse or an apparent impasse, at which point one side or the other would recommend or request a conciliation board and that is done normal under the act. Under these conditions then, the fact of the matter is that the minister

MR. DINN: has a choice to provide a conciliation board or not to provide a conciliation board, and we did in the case of the General Service, because most bargaining units were looking for a conciliation board to see what the general outcome would be.

Now, in the College of Trades and Technology's situation, even though under the legislation they request conciliation boards, they indicated to my officer that they did not really want one. But that is the procedure that sets definite timetables into place. And the timetables after that is that the conciliation officer has fourteen days in which to report and make a recommendation, which has happened. They have gone through the normal procedures, and, Mr. Speaker, there is just simply nothing that can be done. We have called both sides, we got them together. Neither side really wanted to get together at this last meeting. We asked them to come together to see if there was something that could be worked out. They came, reluctantly. We called them exploratory meetings. We sat down all day yesterday and into last evening and there was just no agreement that could be reached.

Now, in that situation, the employees have the right to strike, and they are exercising that right. There is not very much that the Minister of Labour and Manpower can do outside of talking to both sides to see if there can be some change in either side's position, and that will continue. The conciliation officer, the Director of Labour Relations, is in that position and we will continue to do that until there is some sort of a break.

MR. SPEAKER (Simms): Order, please!

The time for Oral Questions has expired.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER (Simms): The hon. the Minister of Rural, Agricultural and Northern Development.

MR. GOUDIE: Mr. Speaker, I wish to table the financial statements for Newfoundland Farm Products Corporation for the year ended March 31, 1980.

MR. SPEAKER: Any further reports?

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

MR. SPEAKER: The hon. the Minister of Rural, Agricultural and Northern Development.

MR. GOUDIE: Mr. Speaker, yesterday the hon. the member for Torngat Mountains (Mr. Warren) asked a question relating to the price of gasoline and stove oil on the North Coast of Labrador. I have that information. And for the information of the hon. House, at Nain - Woodward's Oil is the dealer - gasoline sells for \$1.64, stove oil \$1.28 and diesel fuel \$1.55; at Davis Inlet, Rural Development is the retail agent - gasoline \$1.65, stove oil \$1.30, diesel fuel \$1.30; Hopedale, Woodward's Oil - no gas as yet, stove oil \$1.25, diesel fuel \$1.25; Labseaco at Hopedale - no gas as yet, stove oil \$1.28, diesel fuel \$1.28; and the Rural Development price, gasoline only, \$1.44. Now, this gas is over a year old, thus the reason for the lower price. Rural Development will be out of gas by the end of December and then the other oil companies will take over selling gasoline. At Postville, Rural Development gasoline price is \$1.70, stove oil \$1.30, diesel fuel \$1.30; at Makkovik, the Rural Development price - Northern Development, really, gasoline \$1.70, stove oil \$1.30 and diesel fuel \$1.30.

MR. J. GOUDIE: The reason for the difference in prices of gas and stove oil in Nain, Davis Inlet and Makkovik is because of the time difference in purchasing the supply. There was a 7.7 cent increase made up as follows: 2.7 cents federal tax and a 5 cent price difference in the price of gasoline. This increase came into effect when the new supply was purchased for Postville and Makkovik; therefore, the prices in those two communities had to be increased.

MR. SPEAKER (Simms): Any further answers to questions?
Would the Assistant Clerk at the table please take the document from the Minister of Rural, Agricultural and Northern Development. (Mr. Goudie)
The hon. Minister of Health.

MR. W. HOUSE: Mr. Speaker, regarding a question yesterday with respect to Medicare administrative costs, I think the question implied that there was an increase in the percentage of Medicare funds going to administration. The actual fact is it is continually decreasing as a percentage, and this year was the lowest, but what the member was looking at was a different base. And this year it was done on the fee for service costs rather than the salaried positions also which was done last year. So it is decreasing continuously, as a matter of fact, Mr. Speaker, I will not use the first year, the first year it was 11.5 per cent but I understand that was fifteen months rather than one year, but it went down from 7 per cent to 4.4 per cent this year, 4.34 or something. With respect to the employees, there are sixty now, sixty employees. That is six less than there were in 1968 when it was set up. And, of course the reason for that cutback has been the fact, of course, of the computer coming in.

MR. W. HOUSE: The cost of services in 1971, the jobs, one person per 18,000 services and now it is one person for 46,000 services. There is one medical doctor employed and there is one executive director. I think these were the same positions that we started off with originally. All people are classified according to the Government Services Classification Plan and all jobs are advertised through the Public Service and appointed by the Public Service.

MR. SPEAKER (Simms): Any further answers to questions?
The hon. Minister of Municipal Affairs.

MRS. NEWHOOK: Mr. Speaker, in response to the hon. member for LaPoile (Mr. Neary), his question yesterday about a police investigation, the only police investigation which has taken place in our department that I know about was one about two to three years ago when a superintendent of utilities was investigated. No wrongdoings were found and no charges were laid.

MR. S. NEARY: Was he (inaudible).

MRS. H. NEWHOOK: Oh, yes, definitely yes, right. Well, I do not think anything happened, he was just investigated and he stayed on, after awhile I think he did resign but there was no reason for his resignation other than his own.

MR. S. NEARY: Were all the documents removed from his record? Was he given a clean slate.

MR. SPEAKER (Simms) Any further questions?

PRESENTING PETITIONS

MR. SPEAKER: The hon. member for Lewisporte.

MR. F. WHITE: Mr. Speaker, I have a petition that comes from 164 fishermen in the communities of Comfort Cove, Newstead and Campbellton. And I will read the prayer of the petition, 'We, the undersigned fishermen of Comfort Cove, Newstead and Campbellton, are deeply concerned over reports that there will not be a Winter herring ice fishery in the Bay of Exploits for the 1980 season. Closing this fishery would take away a large portion of yearly fishing income from the undersigned and will certainly have an adverse affect on the economy of the area. This fishery, in past years, has been at a time when unemployment has been at it highest for both fishermen and plant personnel. The quality of Winter herring is excellent, exceeding all other seasons, giving fishermen top prices for top quality products.

"We have geared ourselves over the past few seasons with purchases of special nets, snow machines and so on to prosecute the fishery. Given the above circumstances and dire need for this Winter fishery at this time, we feel it is within our rights to demand this fishery continue and a quota be allotted as quickly as possible!"

Now, Mr. Speaker, I fully realize that the responsibility for having a Winter ice fishery in Notre Dame Bay does not rest with this government, but I was asked by the 164 fishermen in the area to present this petition

MR. F. WHITE: in the House. Mr. George Baker, the MP for the area, has been asked to present a similar petition in the House of Commons. I do hope that when this petition is referred to the department to which it relates that the minister will use some effort in trying to get this Winter ice fishery reinstated in Notre Dame Bay.

It is a unique fishery, Mr. Speaker; it has proven to be an excellent means of income over the past number of years and I do hope that the government will use what effort it can to have this fishery reinstated.

I have also, Mr. Speaker, which I will table, supporting documents from Notre Dame Bay Fisheries Limited from A. Northcott Limited and from the Lewisporte Chamber of Commerce.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (Simms) The hon. Minister of Fisheries.

MR. J. MORGAN: Mr. Speaker, in commenting on that petition from 164 fishermen and supported by the fishing industry companies in the area, I would be only too pleased to put forward their case as provincial minister, to my counterpart in Ottawa. But I will say in doing that and in supporting the request of the fishermen that I would have to recommend to the federal minister that some very significant changes be made to that fishery. What has been happening, and the reason why the quotas have been taken so early in the season and taken last Spring, is because approximately 39,000 licenced fishermen were given the right to go out and fish for a restricted species, herring stocks are restricted, there are quotas placed on them, but at the same time there is no restriction as to how many fishermen can fish that restricted species. And as long as you have that situation you are going to have serious problems, In this case, the only way the problem can be resolved is to have the federal minister, which I understand he is not going to do in

MR. MORGAN:

'81 unfortunately but he should be doing it, he should be placing restrictions as to who can fish for a restricted species, in this case the herring stocks. And if the situation was that last Spring, there probably would have been a quota left for the Winter fishery, in this case the ice fishery, in the Comfort Cove-Newstead area. So, therefore, I will support the petition with that qualification that only fulltime fishermen, I repeat, fulltime fishermen in that area of the Province because it is restricted to a quota so there should be restrictions as to how many fishermen can fish that species and therefore the fulltime fishermen who do nothing else but fish for a living in that area will be entitled to fish and hopefully for a Winter fishery. But again, Mr. Speaker, I want to say that last Spring we requested—fulltime fishermen, Mr. Speaker, for the benefit of the members who asked the question, in our view is a person who earns 75 per cent of their income during the fishing season in their respective regions of the Province.

Now, Mr. Speaker, one little closing comment: If you recall last Spring in this House of Assembly, I tabled documents forwarded to Mr. LeBlanc asking him then to carry out considerable research work on the herring stocks around our inshore waters. I understand that work has not been done to date and therefore it is difficult to determine quotas when there is no scientific evidence available to establish these quotas. So, there will be two requests in combination with the petition forwarded to Mr. LeBlanc.

MR. HANCOCK:

Mr. Speaker.

MR. SPEAKER (Simms):

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

MR. HANCOCK:

Thank you, Mr. Speaker, I rise to present a petition from some 450 people who support the upgrading and paving of St. Shott's Peter's River Road.

MR. HANCOCK: The road in question is a thirty mile section of road and most signatures on this petition, Mr. Speaker, have to drive back and forth over that section of road to get to work. And I, for one, this Summer, Mr. Speaker, experienced some difficulty in not only getting back and forth over the road but damages to my vehicle in the meantime. I spoiled two tires and a windshield and I only go there occasionally, so you can imagine the costs to the people of that area when they have to drive back and forth every day.

Last Spring, in the House of Assembly, the Minister of Transportation and Communications (C. Brett) said that they would be getting out of the crusher business but they would also be purchasing crushed stone from private enterprise. To my knowledge there has been nothing - in no way, shape or form has there been any crushed stone purchased in my district this year. The only fill that we get for the roads is right out of the pits that are joined to the road and this, Mr. Speaker, not only makes it difficult for the grader operator but it also makes it difficult for the passengers of the vehicles driving back and forth to work. It was twice this Summer, coming back out of Trepassey, that I had to stop and remove boulders from the road, and in this day and age, Mr. Speaker, that is not good enough. The people of the district feel it is not good enough and this is why they have petitioned the government to do something about it.

And on that stretch of road that they are concerned about there are two one-way bridges, Mr. Speaker, and there are millions of pounds of fish being trucked out of Trepassey yearly and they feel it is time for the government to take whatever action necessary to make sure that that road is paved.

MR. D. HANCOCK: We hear the Minister of Transportation talking so much about the Trans-Canada Highway. We hear very little about the secondary roads around this Province, and I might add those secondary roads are the same to the people there in my district and other districts around the Province that the Trans-Canada is to people who have to use it. It is time for those roads to be paved, Mr. Speaker, and I am sure that we can save enough money on maintenance alone to pave those roads if we put our heads together, Mr. Speaker. I whole-heartedly support the prayer of the petition, Mr. Speaker. The names of the people arrange from communities from Trepassey, St. Shott's, St. Stephens, Peter's River and St. Vincents and they think it is about time this government, if they can afford to spend \$100,000 on flags and put the Premier's picture around the public buildings, they should be able to come up with some money for their road, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. D. HANCOCK: I whole-heartedly support the petition, Mr. Speaker, and I call on the government to take immediate action to see that some improvements are made to this road.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member from LaPoile.

MR. S. NEARY: Mr. Speaker, first of all it gives me great pleasure to support the petition for road improvements submitted on behalf of 456 people between St. Shott's and Peter's River. They are asking for road improvements in the petition so ably pre-

MR. S. NEARY: sented by my hon. colleague the member for St. Mary's-The Capes. Secondly, Mr. Speaker, I want to congratulate the member for St. Mary's - The Capes for the way he is fighting for his constituents. My colleague, as hon. members are aware, Mr. Speaker, is one of Newfoundland's most outstanding athletes and he knows what it is like to be involved in a fight. The people of St. Mary's-The Capes are very fortunate to have him as their representative and I want to say, Mr. Speaker, in such a short time in my experience in this House, I have never seen a new member grasp the situation and fight as hard for his constituents as my hon. colleague, the member who has just presented the petition.

SOME HON. MEMBERS: Hear, hear!

MR. S. NEARY: The road conditions described in the prayer of the petition, Mr. Speaker, are a condemnation of the priorities of this government. It is a crying shame, Mr. Speaker, that so many people in that area should have to commute daily back and forth to work over such hazardous and unsafe road conditions. Hon. members know that one of the largest fish plants in Newfoundland is located in that area and these people have to go back and forth, drive back and forth every day, commute back and forth to that fish plant to work and some days they are risking their lives in driving over these roads they are in such poor condition. And then you have school buses, school buses, Mr. Speaker, going back and forth. Now, the government seems to be able to come up with money for everything else, so why would they not be able to find a few paltry dollars to help fix up this road? Mr. Speaker, I think it is a shame. I think the government should get their priorities straight. And

MR. NEARY: I would like to see something done with that stretch of road at as early a date as possible.

Again, I want to congratulate my colleague for bringing this matter to the attention of members of the House of Assembly. I understand, Mr. Speaker, that there are more miles of gravel road per capita in that district than in any other district in Newfoundland. I think the government should pay a little more attention to it and see that these people who are primary producers, Mr. Speaker - we should be looking after our primary producers. We should be looking after the men and women who man the primary industries in this Province, the men and women who man the fish plants, the fishermen out in their boats. We should be looking after them. They should get the number one priority in this Province.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: I challenge the government now to see to it that that road between St. Shotts and Peter's River is upgraded at as early a date as possible.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): Further petitions?

The hon. the member for Eagle River.

MR. HISCOCK: Mr. Speaker, I rise to present a petition on behalf of the residents of Lodge Bay in Labrador South. The prayer of the petition, Mr. Speaker, is asking the provincial government to start the construction of a road from Lodge Bay to Mary's Harbour, which is a distance of six miles. This petition has been presented to this House over the past seventeen years. I presented it last year, I will present it this year, and hopefully, this will be the last time that I will present it.

MR. HISCOCK: They are having problems getting mail in Mary's Harbour in the late Fall and early Spring because of the break-up. If this road were built, they would be able to drive over to the airstrip at Mary's Harbour and pick up their mail. They also have problem getting supplies coming in. Supplies have to be landed on the wharf in Mary's Harbour and then taken over by skidoo to Lodge Bay. Students going to school have to leave their homes, only six miles away, and live with people in Lodge Bay. Also, they have problems getting to the nursing station. They have to go by boat, or, as I said, travel by skidoo. This year has been quite an unusual year in that there is no snow on that part of the coast. They have plenty of snow in Labrador City and Wabush area and Churchill Falls, but not on the Coast.

So, Mr. Speaker, I support this petition wholeheartedly. I point out to the present administration that we have now more than three Ministers of Transportation who have said that they would get something done with this road.

On this petition, Mr. Speaker, there are twenty-five names. There would have been more, but it was done and sent in to me very briefly. It is very hard to get people in that community to sign a petition anymore because they are very, very cynical from the point of view of presenting a petition for the past seventeen years and three or four Ministers of Transportation not having done anything with it.

MR. E. HISCOCK: Mr. Speaker, I ask that this government immediately take action that work will begin on the construction of that road and that we get away from the alienation that residents in Lodge Bay are feeling from being isolated in this part of our Province. Thank you, Mr. Speaker.

MR. SPEAKER (Simms): The hon. member for the Strait of Belle Isle.

MR. E. ROBERTS: Mr. Speaker, let me say quite simply but quite sincerely that if there were any group of people living anywhere in this Province who have a legitimate claim or legitimate grievance with the government - and by which I do not simply mean the group of men and women who happen to hold the Queen's Commission from time to time but the totality of the governmental structure - if there was any group of men and women in this Province who have a legitimate grievance against the government - and there are many such groups in my view - than the people who live along the coast of Southern Labrador and particularly the people who live in the communities North of Red Bay and South of the Lake Melville area. Now these are the communities from Paradise and Cartwright in the North to Mary's Harbour and Lodge Bay and Battle Harbour and Cape Charleston itself. Those people, Sir, have a grievance above all others.

The petition points up one aspect of the grievance and the grievance is founded, and legitimately so, in the fact that the quality and the quantity of the public services available to these people is appalling and it is hard to understand in this day in age how it can be tolerated. And I am not going to stand here and blame the present political government, they have to take their share of the blame, they have to shoulder their share of the responsibility, but I think everybody who has ever been connected with government in this Province has to accept some lesser share.

MR. E. ROBERTS: I am not concerned about that; what I am concerned about is where we go from here. The people who live in Southern Labrador, Sir, and particularly in the communities named. These are the communities that are not served by even the excuse for a road that runs from the border of L'Anse-au-Clair, just South of L'Anse-au-Clair on up into the community of Red Bay. The people who live North of that, Sir, have access to, in real terms, no public services. They have now reached the happy stage, the halcyon stage that most of this Province had reached about 1919. These people in Lodge Bay are not asking for very much. They are asking for the construction of a six mile bit of road, a six mile stretch of road that runs to the community which is their metropolis, the community of Mary's Harbour, where they must go for almost every type of facility or service that is necessary to enable men and women and children to live and to cope in this day and age in which we live. And when we can live in a world in which we can hear that we are talking of more arterial roads in St. John's - and they

MR. E. ROBERTS: may be valuable although the Minister of Transportation (Mr. Brett) if he did not hear the CBC at 8:55 this morning, ought to get hold of them and ask them to read the letter which they read which, I must say, pokes fun at him in the most sophisticated and deadly fashion, even Dean Swift would have approved. It just made the minister look like a fool quoting his own words. And I am not sure whether they were accurately put or not but it made him look like a complete, utter, and appalling fool quoting his own words. But in any event, if we could talk of arterial roads and that is what the minister - I will tell him outside the House because I have only a limited time here but it was really a savage hatchet job using a hatchet the minister had fashioned with his own two little hands, I gather, or his own little mouth as the case may be - but when we can talk of arterial roads like this, you know, in the name of all that is sacred, how can we justify the disparities of bring that kind of facility here in this part of the Province, where even the parking lots are paved, and on the other hand people who are just as much Newfoundlanders and Labradorians as any of us, whose needs are as real as any of ours, and they do not have anything at all?

And let me add just one other brief note; I hope the government will not attempt to shelter behind the skirts of this pernicious doctrine that somehow Ottawa is responsible. I am unable to understand how a group of men and women in the form of this government and the shape of this government, on the one hand say that they claim provincial rights and responsibilities and intend to exercise them, which I agree and support and endorse, and on the other hand cavil and snivel and weasel and scuffle and shuffle around and say Ottawa ought to do everything from building outhouses to building ice research centres. And I would say to the Minister of Transportation (Mr. Brett) that if he does not start

MR. E. ROBERTS: taking his responsibilities seriously and getting some money and building, among other things, this six miles of road, he might as well turn in his seal of office because he is accepting money under false pretenses when he accepts his salary cheque every fortnight or so. I support the petition, Sir.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (Simms) Any further petitions?

ORDERS OF THE DAY

MR. SPEAKER: Second reading of a bill, "An Act Respecting Juries And Compensation Of Jurors In The Supreme Court Of The Province And Compensation For Certain Witnesses In The Courts Of The Province". (Bill 67).

Debate was adjourned, I believe, by the hon. member for the Strait of Belle Isle (Mr. Roberts) and he has about fourteen minutes remaining.

The hon. member for the Strait of Belle Isle.

MR. E. ROBERTS: Ah, Mr. Speaker, how quickly the time goes by when one is doing work that is in the Lord's service.

I have said largely what I wish to say on this. I know the minister is giving earnest and prayerful consideration to the points which I made and I hope he will respond in a positive fashion and we will see some amendments made to this bill in Committee. I think the points which we have raised on this side, a number of my colleagues have spoken and I believe at least one other of my colleagues wishes to make another new point and he will make it briefly but forcefully. I think these points are good points and I know that the minister will consider them and I hope earnestly that as a result of this consideration will be some changes. I realize that on many of these points it will come down in the long run

MR. ROBERTS: to what in the jargon we now call a judgement call, which is another way of saying that it is going to come down, you know, to what one man or what one group of men decide: It is a matter of opinion. But I believe in this case the minister might be well advised to remember Cromwell's advice and I would quote it to him. "I beseech thee, brother, in the bowels of Christ, thee may be wrong." And I would say to the minister that on this he may well be wrong and I think he ought to make some changes.

The hon. member wishes to know whether it is parliamentary; Cromwell made his own parliamentary rules. Cromwell also came up in the Long Parliament - it was not Cromwell, one of his supporters, with the most famous words of all which I would quote to the hon. gentleman, "Get thee hence. Thee have sat here much too long, for any good thou hast done."

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: Mr. Speaker, if I may carry on without this incessant harassment from the Minister of Mines and Energy.

MR. SPEAKER (Simms): Order, please!

MR. ROBERTS: I do hope the minister will respond in the same depth and perception and erudition that my colleagues have shown in their remarks on this bill. I believe the result of his acceptance of some changes will be to confirm our view of him as a gentleman of stature, erudition, wisdom, altogether a leading light in an otherwise dim bank of floodlights, the present Cabinet, a group of extinct volcanos, if we wish to quote Disraeli, I believe.

AN HON. MEMBER: I am worried.

MR. ROBERTS: The hon. gentleman well ought to be worried; he ought to have a look at what is going on behind him.

MR. ROBERTS: However, I want to make one other brief point and that is with reference to section 28 of the bill. It is an inferential point but I notice we are still preserving in this Province, and this bill carries it on again - I am not sure this bill could end it, it might take a separate bill - but we are still preserving in this Province the common law tortuous actions of seduction and breach of promise of marriage. Now, the hon. member for Humber East (Ms. Verge) is a flaming women's libber, I believe, and more credit to her, more credit to her. And she, I believe, in her moments of exaltation and exultation wishes to claim credit for reforms, and I will now point out to her gratuitously, and she is not even here to hear me, I will point out to her one of the most sexist and offensive forms of action that still lives and breathes in the law of this Province, and that is the action for seduction and the action for breach of promise of marriage. They do exist in civil law. I know that Your Honour has no interest in either, that Your Honour is in the position of never having, I am confident, ever to be exposed to the risk of being found liable. There is no guarantee Your Honour cannot be named a defendant, because anybody with \$4.00 can swear on a statement of claim and a writ of summons and then Your Honour is put at risk, but I am sure that Your Honour would have no -

MR. BARRY: His Honour's honour.

MR. ROBERTS: His Honour's honour would be put in, and I say to my friend from - where has he taken refuge?
Mt. Scio (Mr. Barry) - the refugee

MR. ROBERTS: who now represents Mount Scio (Mr. Barry), that he and I equally are not at risk in this. But there are, nonetheless, potential defendants who may be at risk throughout the Province. And the fact remains that this form of action still exists, it still survives. I have no idea whether there has ever been a claim lodged in the courts of this Province under this head. It would be most interesting. Perhaps my friend from St. John's East (Mr. Marshall) knows whether anybody has ever taken a civil action for seduction or for breach of promise of marriage. The fact remains, they still exist in our law, and if ever there was a form of action that grows out of the concept that we all find essential today, this is it, because it grows simply and straight from the concept that a woman is a piece of property, a chattel. And because she is a chattel, the legal theory in the olden days ran, because she is a chattel, if she is seduced, her damage is reduced, and therefore the action lies against the perpetrator of this seductive and tortuous conduct.

So I would say to the minister, I am sorry we are preserving the jury right in respect of these actions because I am sorry we are preserving the right of action at all. I think that it would probably take statute to wipe them out. They are there in the ancient case law; heaven knows how far back they go, probably hundreds of years when judges made all this law. The time may have come when the Legislature ought simply to pass a bill to end once and for all the right of a person to bring an action against - not another person - to bring an action in respect of a woman whose 'value' has been damaged in this respect. I think, Sir, that is a most offensive remnant hanging around in our law, let us clean it up.

MR. ROBERTS: Now, having said all that, I understand that one of my colleagues wishes to speak, so I shall end what I have to say.

I do want to say that the bill is a step forward, in our view, but it could be a much bigger step forward than it is and I do hope most earnestly and most sincerely - I know the minister does not doubt my good faith, some of his colleagues in their jesting and jocular way may - but I do hope most earnestly and most sincerely that the minister will look at the changes which we have recommended and will bring them in, will introduce them. We could, in Committee, and we might, that remains to be seen, but the fact in real life is that if we do bring them in, they are not going to be accepted in Committee. Let the government bring them in and let them be accepted because it will make the bill a better one. It is not a partisan matter but it is very much a political matter in that it deals with the high policy, the policy which has been set by the Supreme Court of this Province and that Supreme Court, of course, is this Legislature, the highest court under the Constitution in this Province.

Thank you very much, Sir.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Butt): The hon. the member for Torngat Mountains.

MR. WARREN: Mr. Speaker, I want to make a few remarks. I would like to ask the minister when he gets up to close the debate on this act, to look carefully at

MR. G. WARREN: subsection (d) and (e) of section 5 which says a person is disqualified for serving on a jury who is an officer or an employee of the Department of Justice in the federal government and also an employee of the Department of Justice in the provincial government.

Now, the reason I want to bring that up, Mr. Speaker, is if we go back in history to about five years, we know that there is a gear replacement scandal on the go with the Department of Fisheries. Now, am I left to understand that an officer or an employee of the Department of Fisheries, where at the present time there is a gear replacement scandal, a gear replacement court action pending, are those people, in that department or in any other department, are they excluded from acting on the jury? Because surely goodness they are -

MR. G. OTTENHEIMER: They can be publicly challenged by a counsel. These are the people who by statute are excluded, but anybody who has an involvement or could have a bias or this or that can be challenged and disqualified.

MR. G. WARREN: So therefore, Mr. Speaker, and this is why I asked the minister the question, to clarify that other departments of government there could be ongoing court action that also those people would not be permitted to sit on jury also.

Now, Mr. Speaker, I want to go to another very, very - what I consider a very, very important clause and that is clause L of the same section, a spouse of any person referred to paragraph (a) to (k). Now, Mr. Speaker, I myself for one, all members of this hon. House and other people as specified in (a) to (k). Now if we have a spouse that she is - or in the other case of Madam Minister he is not allowed to sit on a jury. I would like to ask the minister though how

MR. G. WARREN: about if I am living common law or am cohabitating?

AN HON. MEMBER: Shacked up.
Mr. Speaker, under the new

MR. WARREN: Matrimonial Act it is almost encouraging . So I think it is a serious consideration, Mr. Speaker. What the minister should look at seriously is that in this Province of ours there are many, many people -

MR. D. HOLLETT: Shacked-up.

MR. G. WARREN: I probably should not use the word 'shacked-up', it might be unparliamentary, but there are many, many people in this Province who are living common law and have been for quite a period of time. The person is confined as much into that person as I would probably in my own wife. So I think the minister has to be broader on subsection (1) of section 5 because you are pinning it down to those who are considered married and living

MR. WARREN:

with one's spouse. But then again, there are a lot of people, as I said, who are living common law or who are cohabitating, and with this in mind, I strongly suggest to the minister that he take this under consideration before this bill is enacted.

Thank you.

MR. SPEAKER (Butt): If the hon. the minister speaks now, he closes the debate.

The hon. the Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, I will not be long, but there are a number of points that have been mentioned and I will refer to them, and perhaps I will move back, I will just - some of them, while they are still fresh in my mind. The matter brought up by the hon. gentleman, the last speaker, in my opinion, the word 'spouse' there would not include common law but would only include a person married. It would not include common law. I am not sure whether it should or not, there are questions of - I can see arguments both ways. We are not dealing with a situation, you know, of matrimonial property where obviously you are dealing with specific areas. There are matters, I think, of public policy and I am by no means willing to say that in each and every statute that we should say 'spouse whether married or common law'. It would be as if, you know, one were putting them on a par and these are matters, obviously, of personal judgement and personal value. But I think there is an area of public policy there as well. But in my opinion it would not include such a person. That is all I wanted to say on that.

MR. OTTENHEIMER: There are a couple of other matters I wanted to refer to. The hon. the member for Lewisporte (Mr. White) - I know that there are two or three areas where hon. members have been, you know, more critical, but these are just smaller matters, if you wish. The hon. the member for Lewisporte asked about the difference for a majority verdict in a civil matter and unanimous in a criminal matter, and my only answer to that is that is, and has been, to the best of my knowledge, an essential or a basic, a continuing principle in the English justice legal system, and the only rationale I can think of is that the burden, the amount of proof - well, obviously, gravity can be quite different in a civil offence and also the proof which has to be established in a criminal matter beyond reasonable doubt and a civil matter on the balance of probabilities and I could only presume that that is the historic reason for it.

Now, I want to deal with a matter which is referred to in Section 5(m). It has been suggested or alleged - whether seriously or not, I am not sure, because this states: "A person is disqualified from serving as a juror who is:" - and let me read that - "a person afflicted with blindness, deafness" then "or a mental or physical infirmity incompatible with the discharge of the duties of a juror." So, first of all, leaving the 'blindness' and 'deafness' aside for a moment, it is not a disqualification of people with a mental or physical infirmity, it goes on to say 'a mental or physical infirmity incompatible with the discharge of the duties of a juror'. I mean, I think it is self-evident that you have to put that in there, and the disqualification of the blind and the deaf cannot be regarded as a prejudice or a

MR. OTTENHEIMER: discrimination against them, It is generally understood and almost self-evident a juror has to be able to see an exhibit or the witness or matters brought in, I mean, because there is the protection of the accused as well. And it is not discrimination against the blind but I suppose, it is to protect the rights of the accused. The juror does, in fact, to discharge his or her duties, have to be able to see and have to be able to hear. So there is no discrimination there. It is just the very nature of that job requires that a person be able to see and hear the same as, for example, it would not be right to say there is discrimination against the blind because they are not bus drivers. I mean, there are certain functions that require certain physical abilities. So I think that looks after the blindness and the deafness, but I want to be quite specific there. There is obviously no intent of discrimination or no fact of discrimination but it is necessary that people performing certain duties see and hear.

And the other part of it, of course, says, "or a mental or physical infirmity incompatible with the discharge of the duties of jurors." So that thing takes care of that.

MR. THOMS: What is even more serious is the fact that a handicapped person, for example, somebody who is in a wheelchair could probably without some considerable help could not get into a courtroom -

MR. OTTENHEIMER: Yes, well, that is a matter of a physical facility. There is obviously not much we can do about it until we get new and better courtrooms. And all public buildings that are now being built are being built with amenities for the handicapped and I think all schools being built and all of this is now being done but obviously that does not

MR. OTTENHEIMER: solve all the problems which existed in the past.

Now, I just want to - maybe what I should do, just to show hon. members what a difference this new act will make, is just to indicate the groups of people who, under the present act are automatically disqualified, and it has been said, and it may be true, that there are more people automatically disqualified than who are eligible to serve under the present act, That could be, I do not know. Also, I should point out that nobody will be required to serve a jury duty more than once every three years, so while it may not be a popular responsibility or obligation or duty, it is not one which will occur very frequently for anybody. And I could point out as well that during a typical twelve month period, and that is not the immediate preceding twelve months but it is a twelve month period within the past twenty months when these statistics were done up, there were twenty-one juries involving 249 citizens, So, you know, we are not thinking of huge amounts of people and nobody would be required to serve more frequently than once every three years.

MR. L. THOMS: (Inaudible) exceptions to that.

MR. OTTENHEIMER: What would that be?

MR. L. THOMS: (Inaudible)

MR. OTTENHEIMER: Yes, but that would probably be very unlikely with the greatly expanded list that we would now have. Let me point out people who are now disqualified not only, you know, the ones who are mentioned here but

MR. G. OTTENHEIMER: members of any town council, local district council, community council, anybody involved in any of the municipal bodies; teachers, professors, any teacher or professor at any school, university college, doctors, druggists, x-ray technicians, lab technicians, physiotherapists, hospital orderlies, fire fighters, managers, clerks and cashiers of chartered banks and that must mean just about everybody working in a bank, I suppose; the manager, or a clerk, or a cashier, - telegraph and telephone operators, pilots, people employed in the operation of tugboats, persons employed in the running of railway trains, ships or buses owned by the railways, people employed in the control or direction of commercial aircraft, or members of an aircraft crew, or supervisory flight operation personnel, or station handling people I suppose that includes everybody employed at an airport, or practically; undertakers are presently excluded. So just to show the exclusions that have been really are very, very general. Now, to come to the two specific points where hon. members have, on the opposite side, their views, I think, are different. I think some, but with varying degrees perhaps of intensity, have taken exception to the disqualification of people whose job is either a Member of Parliament, a member of the Legislature, an employee of the federal or provincial Department of Justice, or the federal Solicitor General's Department, an officer of the court, being a lawyer, a court official, sheriff, members of the police force, justice, warden and people in correctional institutions, in those general categories, and then it says and their spouses.

MR. G. OTTENHEIMER: Number one, I will point out that, leaving the spouses aside for the moment, that is a general enactment in every jury act. This jury act is based on what is called the Uniform Jury Act done up a number of years ago by the Uniform Law Commission which brings together lawyers from all provinces, from the ten provinces, and who in quite some depth and with quite some knowledge, study these matters. And that does not mean they are always right, certainly not, but it means that a great deal of knowledge and thought and that has gone into it and in every jury act that I am aware of people who are immediately involved in the administration of justice are precluded. Now, one can say should it be a secretary? Where do you cut off the line? I suppose you could go through every employee of the Department of Justice and say, well, there might be four or five here who should not be affected and then you create a new post some time and you would have to decide on that. And even a person working as a secretary can come across quite confidential information in files, or in typing, or in taking shorthand, or in relaying messages and the general principle has been for this automatic disqualification for people whose job is directly related to the administration of justice and I think that is valid. Now, when it comes to the spouses and I am not going to read at any great length because this is a matter a lot of people have thought about in this House and in this Province and indeed in other areas. I just want to read briefly from a document which is called a Report on the Administration of Justice in Manitoba, It is put out by the Manitoba Law Reform Commission and the reason why I want to read from it

MR. G. OTTENHEIMER: is not because it is in Manitoba, but it is my understanding that this document was used as a source of reference by the Uniform Law Commission in drafting up their Uniform Jury Act. I will just read for a minute or so from it, this is dealing with the spouses. "We consider that all persons engaged in the administration of justice ought to be excluded, that is to say disqualified. Some of us consider that, additionally, the immediate families of all such persons ought to be excluded. In our adversary system of litigation, as you will recall from your days as an active prosecutor, there not unnaturally develops a sense of us and them. This factor does not seem to taint the social and other out-of-court contact of prosecutors and defenders or their respective auxiliaries, but it certainly is to be reckoned at the very focal point of a system which in this context is the jury trial" - well, there he is dealing basically with people in the administration of justice - "that those referred to - judges, police, jailors, barristers, etc. - should be exempt admits of no doubt. It is surely questionable - and this is the point - to accept the spouses of such persons as jurors in the naïve assumption that despite a lifetime of living together none of the attitudes of the principles would ever be assimilated by their families. It is no wild speculation to suggest that even sheriffs' officers and court clerks as jurors would be preferable to the spouses of judges, crown attorneys, defence council and police personnel as jurors in the opinion of most experienced trial counsel."

MR. OTTENHEIMER: "This is not to suggest that such persons are incapable of rendering a true verdict despite such social and familial pressures but, rather, to suggest that there is much merit in the concept of justice not only being done but in manifestly appearing to be done. In accordance with the spirit of our traditional concept of trial by jury, the law itself should not permit it to appear that a juror is not completely impartial between the contending parties. We think, therefore, that the spouse of those people designated"- and that is police officers, etc. - "ought to be disqualified from jury service." And there, I would say, is the rationale. It is not that a spouse of a Crown prosecutor or a police officer or a corrections official or a person in the Department of Justice or a member of the Legislature, it is not that the spouse could not and, perhaps, would not bring independent judgement, but it is the requirement that we have to be conscious of appearances and that is that justice appear to be done as well, and it could well undermine that principle if people were in a position to say, "Well, you know, on that jury there was the spouse of Sergeant So-and-So in the Police Department or the spouse of the prosecutor in the Department of Justice or the spouse of the minister of this or the minister of that or the Leader of the Opposition or whatever". So, it is in that context of that justice appearing to be done that on the balance - and, as the hon. member for the Strait of Belle Isle (Mr. Roberts) said, a lot of these are matters of judgement - that on balance we feel that it is appropriate to also have the disqualification of spouses. That is a matter on which, obviously, there can be honest differences of opinion. We have ours and other people have theirs. Only God knows the -

MR. THOMS: The same rationale holds true for common-law spouses, as my friend from Torngat Mountains (Mr. Warren) was saying, the same rationale holds true for common-law spouses.

MR. OTTENHEIMER: I agree. There could be arguments -

MR. THOMS: Yes.

MR. OTTENHEIMER: - for their inclusion and there are probably arguments for their exclusion, you know, thinking in terms of total parity.

MR. THOMS: I cannot think of (inaudible) exclusion if you accept the spouses should be excluded. I cannot see it.

MR. OTTENHEIMER: There would obviously be arguments for their inclusion. I think there could be arguments in public policy for their exclusion.

There is only one other matter that I want to deal with and that is the position of senior citizens. I do not know if hon. members are aware that as of now senior citizens are automatically disqualified. They may not serve even if they wish. They are among the people who are automatically disqualified as of now. So, what we have done and what this bill will do is give them that right to serve as jurors, but it will recognize that having had that right and obligation mandatory from the period of their majority, nineteen years old up until sixty-five, that at that period they still have the right but if they wish to be excluded they may so do. And this is not at all the same as the sexist approach before because here both men and women who serve and have the right to serve and the duty to serve from when they are nineteen to when they are sixty-five, and at sixty-five we do not do, as is now the case, disqualify them. They continue to be eligible but we give them the option recognizing your forty-four years of service as a juror, recognizing your contribution to society. In this matter,

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MR. OTTENHEIMER: as in other matters, we will give some recognition to your contribution. That is what the - what is it called? - Old Age Pension Plan is for. That becomes operative at sixty-five . In many ways society takes special measures to recognize the contribution of senior citizens. It is done in certain Income Tax measures. It is done with the Old Age Pension. It is done within the provincial jurisdiction whereby no senior citizens have to pay school taxes. It is done even in the private sector where, I understand, banks and different organizations do have certain facilities and certain privileges, if you wish, which they extend to senior citizens. Even many theatres, I believe, have special tickets, special cut-rate prices. So, this is in recognition of senior citizens from the point of view of the contribution that they have made. So what this act does, it will stop the automatic disqualification which is now operative whereby a senior citizen cannot serve as a juror. It will recognize their full right

MR. G. OTTENHEIMER:

to serve as a juror but it will recognize also their contribution during the past forty-four years and say to them, 'But if you wish to be exempt now that you are over sixty-five we will do so if you wish.'

So, Mr. Speaker, I think that it is a very progressive move, I think it fully recognizes the rights and obligations of senior citizens, but it also recognizes that they may have some right to a recognition from their past accomplishments. And it is not because the Opposition made the suggestion of this or that; we have thought about, this is not, as has been said, this is not a partisan matter. There is hardly any such thing as a Liberal jury philosophy or a Conservative jury philosophy. It is a fairly technical legal matter and it is not a partisan matter and I do not imagine any government is going to rise or fall on this Jurors' Act. But we have brought judgement on it. And we do intend to make an amendment, I think, as one hon. member said, and that is to provide for the remuneration where a person, to perform the duties as a juror, incurs expenses for day care, looking after children, daycare, then they will be reimbursible for that. But on the old age we have hit the happy medium, we have limited the automatic disqualification now operative, we have fully recognized their right, they may continue to serve as jurors as long as they wish. But if at sixty-five they wish to be exempt we will give it to them. I think we have hit a happy medium in that matter.

I move second reading.

SOME HON. MEMBERS:

Hear, hear!

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MR. L. THOMS: Mr. Speaker, I have a question on the amendment.

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

MR. L. THOMS: Will the day-care amendment be available only for persons who have children seven years of age and under?

MR. G. OTTENHEIMER: No.

MR. L. THOMS: It will be for children -

MR. G. OTTENHEIMER: Yes, it would not be limited to that.

MR. L. THOMS: Okay, as in the bill?

MR. G. OTTENHEIMER: Yes.

On motion, a bill, "An Act Respecting Juries And Compensation Of Jurors In The Supreme Court Of The Province And Compensation For Certain Witnesses In The Courts Of The Province", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 67)

Order 34, Bill No. 84.

Motion, second reading of a bill, "An Act Respecting The Assessment Of Real Property And The Imposition And Collection Of Certain Taxes In The City Of St. John's". (Bill No. 84)

MR. SPEAKER (Butt): The hon. member for La-Poile.

MR. S. NEARY: I presume we are having the debate now?

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

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

MR. W. MARSHALL: I do not really think that the hon. the Minister of Municipal Affairs (Mrs. Newhook) perhaps heard Your Honour at the time but the motion is before for second reading.

MR. S. NEARY:

MR. SPEAKER (Butt): No.

MR. W. MARSHALL: Well, I mean, if the hon. gentleman wishes to do it, that is fine.

MR. S. NEARY: Your Honour has recognized a member of the House. It is too late, Mr. Speaker.

MR. W. MARSHALL: That is all right.

MR. S. NEARY: Too late.

SOME HON. MEMBERS: Yield.

MR. S. NEARY: No, I will not yield to anybody in this House.

MR. SPEAKER: The hon. member for LaPoile.

MR. S. NEARY: Mr. Speaker, it is rather tragic, it is unfortunate that members or ministers introducing bills in this hon. House do not pay more attention to what is going on in the House. Here we have a situation where a bill of major proportion is being introduced in this House and the minister sits in her seat when the Government House Leader (Mr. Marshall) -

MR. SPEAKER: Order, please!

I will have to recess on this for just a brief moment, I think there may be something wrong with the procedure here.

MR. S. NEARY: There is nothing wrong with the procedure. There is nothing wrong with the procedure at all.

MR. SPEAKER (Butt): Order, please.

I have checked with some authority on this and it has been brought to my attention, and certainly I know it from my own experience, that it is a tradition in this House that the minister introducing the bill has an opportunity to speak first. However, if she does not want to avail of that opportunity, then I will certainly recognize the hon. member for LaPoile.

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

MR. SPEAKER: A point of order, the hon. member for LaPoile.

MR. NEARY: Mr. Speaker, although it is the tradition of the House, although it is the tradition for ministers to introduce bills, once a member is recognized in this House Your Honour has no choice. Tradition is not the rules we are following in this House, we are following the rules laid down in the Standing Rules of this House. When a member is recognized, that member's right cannot be taken away from him, Mr. Speaker. It cannot be taken away. And I ask Your Honour to give a ruling on that point of order.

MR. MARSHALL: Mr. Speaker.

MR. SPEAKER: To the point of order, the hon. the President of the Council.

MR. MARSHALL: That is a flagrant violation, Your Honour. Your Honour made a ruling and when the time came, when this bill was called, I got up on a point of order at the point of time and indicated that the hon. member, that the hon. minister had in fact not heard the bill being called. The hon. minister is down at the other end of the House and there is probably too much of a din of conversation all over the House anyway, from time to time. But, in any event, Mr. Speaker, with patented rudeness and discourtesy, the hon.

MR. MARSHALL: member refused to yield the floor. That was bad enough. But the fact of the matter is that Your Honour, on reconsideration, came back, went out - that Your Honour went out and asked to recess the House to consider the matter. Your Honour has given a ruling and, Mr. Speaker, Your Honour has given the ruling and for the hon. member for LaPoile (S. Neary) to get up in this manner is really just challenging Your Honour's ruling and he is completely and absolutely out of order in his tactics.

MR. SPEAKER (Butt): I think I have heard enough on the point of order to make a ruling.

SOME HON. MEMBERS: Oh, oh!

MR. ROBERTS: If Your Honour will not hear me, I cannot speak.

MR. THOMS: He has got to speak.

MR. ROBERTS: That is Your Honour's choice. If you do not want to hear it, Your Honour, I am not allowed to speak.

MR. SPEAKER: That is my choice.

MR. ROBERTS: I am sorry?

MR. SPEAKER: That is my choice.

MR. ROBERTS: Fine, then so -

MR. SPEAKER: I think in this particular case we would be setting a dangerous precedent so I would rule there is no point of order and I recognize the hon. the Minister of Municipal Affairs (Mrs. Newhook).

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

MR. L. THOMS: He cannot do that.

MR. ROBERTS: Well, the sad fact is that he can do it while he is in the Chair. He should not, but he can.

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EL - 3

MR. SPEAKER:

Order, please!

The hon. the Minister of

Municipal Affairs.

MR. NEARY:

Let us get the Speaker back in

the Chair. Let us have the Speaker back and appeal the ruling.

MRS. NEWHOOK:

Mr. Speaker,

MR. NEARY:

Mr. Speaker, on a point of order.

I appeal. I move that your ruling be appealed.

MR. SPEAKER (Simms):

Order, please!

I understand the Minister of

Municipal Affairs (H. Newhook) has been recognized and the

hon. member for LaPoile (S. Neary) has risen on a point of

order.

MR. NEARY:

Yes, I am appealing the ruling

given by the Deputy Speaker (J. Butt), Mr. Speaker. I move

that the ruling made was improper. It was not a ruling at

all and I am appealing the ruling given by the Deputy

Speaker.

MR. SPEAKER:

Is it the pleasure of the House

that the Deputy Speaker's decision be sustained? Those in

favour say aye.

SOME HON. MEMBERS:

Aye.

MR. SPEAKER:

Contrary, nay.

SOME HON. MEMBERS:

Nay.

MR. SPEAKER:

In my opinion the ayes have it.

The hon. the Minister of Municipal

Affairs and Housing.

SOME HON. MEMBERS:

Oh, oh!

MR. ROBERTS:

Divide, divide.

MR. SPEAKER:

Order, please!

Division?

MR. SPEAKER (Simms): I would like to, first of all, do the Late Show and then we will have Division, if that is agreeable, acceptable. It being nearly five o'clock, I can inform the House that I have received notice of two motions for debate at five-thirty when a motion to adjourn will be deemed to be before the House. Notice is given by the hon. the member for LaPoile (S. Neary) arising out of a question asked the Minister of Mines and Energy (L. Barry) and the subject matter is Canadian offshore energy. And notice given by the hon. member for Terra Nova (T. Lush) arising out of a question asked the Minister of Labour and Manpower (J. Dinn) and the subject matter is employment statistics.

On Division, call in the members.

MR. SPEAKER (Simms): To deal with some questions put to the Chair, the procedure is that you wait ten minutes unless the Chair is advised differently by both -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

- unless the Chair is advised by both the Opposition and Government Whips to put the question. Am I so advised?

SOME HON. MEMBERS: Yes.

MR. SPEAKER: The motion, then. Is it the pleasure of the House that the Deputy Speaker's decision or the Speaker's decision be sustained? Those in favour of the motion, please rise.

SOME HON. MEMBERS: Oh, oh!

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

ASSISTANT CLERK: The hon. the Minister of Mines and Energy (Mr. Barry), the hon. the Minister of Lands and Forests (Mr. Power) -

SOME HON. MEMBERS: Oh, oh!

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

ASSISTANT CLERK: The hon. the Minister of Fisheries (Mr. Morgan), the hon. the Minister of Municipal Affairs (Mrs. Newhook), the hon. the Minister of Public Works and Services (Mr. Young), the hon. the Minister of Recreation, Culture and Youth, and Environment (Mr. Dawe), the hon. the Minister of Labour and Manpower (Mr. Dinn), the hon. the Minister of Development (Mr. Windsor), the hon. the Minister of Finance (Dr. Collins), the hon. the Minister of Justice (Mr. Ottenheimer), the hon. the President of the Council (Mr. Marshall), the hon. the Minister of Transportation (Mr. Brett), the hon. the Minister of Rural, Agricultural and Northern Development (Mr. Goudie), the hon. the Minister of Education (Ms Verge), the hon. the Minister of Health (Mr. House), Mr. Andrews, Mr. Walsh, Mr. Butt, Mr. Rideout, Mr. Stagg, Mr. Collins, Mr. Barrett, Mr. Carter, Dr. Twomey,

Mr. Doyle, Mr. Patterson, Mr. Aylward, Dr. McNicholas,
Mr. Stewart, Mr. Baird.

MR. SPEAKER (Simms): Those against the motion, please
rise.

ASSISTANT CLERK: Mr. Moores, Mr. Flight, Mr. Lush,
Mr. Roberts, Mr. Thoms, Mr. Frederick Rowe -

MR. ROBERTS: Oh, come on! What about starting
with the Leader of the Opposition, the way we have always started?

ASSISTANT CLERK: The hon. the Leader of the Opposition.

MR. SPEAKER: Order, please!

The Clerk Assistans is obviously new and
I am sure that it was an oversight.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: That ruling was a bit of an
oversight.

ASSISTANT CLERK: Mr. White, Mr. Bennett, Mr. Hollett,
Mr. Warren, Mr. Tulk, Mr. Neary, Mr. Hancock, Mr. Hiscock.

MR. SPEAKER: Order, please!

Those in favour of the motion, 31,
those against the motion, 15. I declare the motion carried.

The hon. the Minister of Municipal
Affairs.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Mr. Speaker, a point of order.

MR. SPEAKER: Order, please!

A point of order has been raised
by the hon. the member for LaPoile.

MR. NEARY: Mr. Speaker, when this unprecedented
ruling was made, I had been recognized by the Chair and
I have started my speech. The Deputy Speaker
said, 'The member for LaPoile' and I started my speech.
What I want to know, Your Honour, because we have already
gone through this in this hon. House before, the Minister of
Justice (Mr. Ottenheimer) will recall several years ago.

MR. NEARY: the minister got up and, I believe, just said yes. he was supporting -

MR. OTTENHEIMER: Seconded.

MR. NEARY: Seconded a motion, and he lost his right to speak. Now, what I want to know, Mr. Speaker, now that they have managed to take my right to speak away, will I get a chance to speak when my turn rolls around again?

MR. ROBERTS: Not by leave.

MR. NEARY: Not by leave. No, not by leave, by right, Mr. Speaker. No by leave at all. I had already been recognized.

MR. SPEAKER (Simms): Order, please! Order, please!
The hon. member has made his point.

I believe I understand his point. My understanding is that the decision that was made earlier was perhaps done a little bit hastily and I believe the Speaker indicated that in his ruling. I do not think there was any intention at all to take away the hon. member's right to speak and I would leave it at that. The hon. member does have a right to speak.

The hon. the Minister of Municipal Affairs.

SOME HON. MEMBERS: Hear, hear!

MRS. NEWHOOK: Mr. Speaker, I do feel very badly that the hon. the member for LaPoile (Mr. Neary) felt he should take the position that he has taken. Actually, I was sitting on the edge of my chair trying to hear, but there was some background noise and I just did not hear my name. I do not think it is fair for the hon. member opposite to say that I was not paying attention.

SOME HON. MEMBERS:

Hear, hear!

MR. MORGAN:

He was rude.

SOME HON. MEMBERS:

Oh, oh!

MRS. NEWHOOK:

I would have liked the hon.

member perhaps instead of doing what he did to do to say, 'Minister of Municipal Affairs', you know, just put his hand up and say - I would have done it for him. I would do it for anybody on the opposite side of the House.

SOME HON. MEMBERS:

Hear, hear!

AN HON. MEMBER:

That is a lady now. There is a lady.

MRS. NEWHOOK:

Mr. Speaker, with a view to bringing the basis for real property and business taxes in the city of St. John's in line with all other - not all other, in line with other municipalities in Newfoundland and in line virtually with all other municipalities in North America, I do take great pleasure in introducing Bill No. 84.

As perhaps most hon. members are aware, the St. John's Municipal Council has requested our government to introduce legislation to provide for the adoption of the capital value system as the basis for taxation of commercial and industrial properties, industrial properties in 1981 and for residential properties in 1982.

The present city Act contains insufficient statutory authority for the implementation of the capital value system. And while the city Act is scheduled for complete revision and consolidation it is not expected to be ready for introduction into the Legislature until 1982. Meanwhile, Bill No. 84 is intended as an interim bill to permit the introduction of the capital value system for taxation purposes in 1981.

MRS. NEWHOOK:

Mr. Speaker, I would like to emphasize that this is an interim bill and for it to take, so that the taxation can go ahead in 1981, it will be reviewed and then consolidated when the new Act is ready to be presented to this hon. House.

The overall effect on residential and commercial property owners in the city cannot be adequately measured at this time. But it can be said generally that because of the inequities in the present rental system, a conversion to capital value will cause taxations on some properties to increase, on some properties to be less and, also, other properties probably will not be affected very much at all in comparison with existing payments.

The impact of the capital value system on all properties in the city will be phased in over a period not exceeding five years. Now this will permit the city to adjust its tax revenue in relation to the new system and it will allow sufficient time for property owners to adjust to any differences in taxes that might result therefrom.

Mr. Speaker, I would like to emphasize that this bill has three important provisions: (1) provision for the introduction of the capital value system for taxation of commercial and industrial property in 1981; (2) provision for the introduction of the capital value system for taxation of residential property in 1982; (3) provision to lessen the impact of the capital value system on residential, commercial, industrial properties by permitting the introduction of the capital value of taxation over a phased in five year transitional period.

MRS. NEWHOOK:

The two basic functions of this bill are to bring forward the present taxation provisions of the City of St. John's Act and to set out assessment procedures for the operation of the capital value system including provision for appeals to an annual court of revision as contained in our Provincial Assessment legislation.

MRS. NEWHOOK: Mr. Speaker, as I have said, this bill basically is a combination of the Provincial Assessment Act and the taxing provisions as contained in the present City Act with just a couple of additions. Mr. Speaker, the introduction of the capital value system will, I believe, correct a number of inequalities built into the present system. It should promote business development and expansion in the city and will generally result in a more equitable distribution of the tax burden. It actually means that those people paying very high taxes now for some reason or other and, especially, on properties containing apartments, that these taxes will be far less and on other properties where they do not pay as much tax that these taxes will be increased in comparison. There should be benefit to the renters of properties in the city in that rentals, if they are not reduced, then I would think that they will be stabilized over, perhaps, the next five year period. It will be an incentive to would-be developers who have been waiting to build apartments and maybe housing projects and these kinds of ventures. Now that the rentals can be less because the taxation will be less on these kinds of properties, construction of these kinds of infrastructure can go ahead.

The effect of the capital value taxation on the revenues of the city, I understand, cannot be accurately estimated at this time, perhaps not before the end of the transitional period. In the meantime, I would think that the expansion of city projects and of expenditures will have to be very carefully controlled by the city and I would think that they will more or less have to hold the line on capital projects as much as possible until the end of this transitional period. Anyway, Mr. Speaker, the City Council are very insistent that this legislation will go through so that they can go ahead and put it in force beginning January, 1981, and I consider the enactment of this bill to be of high priority and, therefore, would ask the members of this hon.

MRS. NEWHOOK: House to approve its passage in this session of the legislation.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): The hon. member for Carbonear.

MR. MOORES: Thank you, Mr. Speaker.

I thank the hon. minister for her introductory remarks and I say that there are two very important principles in this bill and, really, one cannot with any great substantial opposition argue against the two main principles, the first main and the most important principle being that this bill will, in fact, make the taxation burden within the City of St. John's a little more equitable, a little more equitable between the householder or the homeowner, the property owner, and the landlord-tenant relationship that exists within the city. I do not really want to discuss the matter of commercial properties. It is not really of any great significance because we are not dealing with individuals as much as we are dealing with profit and profiteers and businessmen and so on.

MR. MOORES: What I would like to get into a discussion with with the minister on is the whole idea of the city of St. John's intends to phase in, in a five year period, on the basis of twenty per cent of the increase, the capital value system within the city of St. John's. Now, if I could explain that just a little better than that: Supposing a homeowner is now being taxed \$500 on the rental value system and with a reassessment of his property under the capital value system that taxation is increased to \$1000.00, then that homeowner will pay \$100.00 per year from 1982 until 1987 or twenty per cent of the difference plus any normal increase in the new rate under the real property system.

Now, first of all, Mr. Speaker, the city of St. John's has five years in which to phase in its capital value system, five full years to phase in the economic impact that this change in taxation system will have upon the taxpayer in this city. That was a privilege, Mr. Speaker, which was not afforded other communities in this Province when the infamous Municipal Affairs Minister of the day, the now Premier of this Province, he did not give that privilege to the town of Carbonear and the town of Harbour Grace and hundreds of other communities in this Province when he imposed the \$144.00 a year on the water rates.

SOME HON. MEMBERS: Hear, hear!

MR. MOORES: He went to the town of Carbonear and he said, "You impose the \$144.00 a year or your capital grants are out the window. Not next year, not over a five year period, but right away, this year." And now the city of St. John's, which happens to have nine or ten PC seats and seven or nine councillors who do not want to be turfed out of office next year. They want five years, and coincidentally it is not until 1982, which is the year after the municipal

MR. MOORES: election. What courage and what guts, what fortitude the city council has. They do not want much from the people of this Province. They do not want much from this legislature, only five years to phase in their dirty work, while the rest of this Province, Carbonear and Harbour Grace and a hundred other communities have to bend to the pressure, to the volatility of the now Premier of this Province who wants to go around with a big stick and beat the taxpayers into paying the money. But he has not got the fortitude to go to the city of St. John's and say, 'You put it in this year.'

SOME HON. MEMBERS: Hear, hear!

MR. MOORES: Mr. Speaker, there are 17,000 landowners in this city, 17,000 landowners who will be directly affected by this increase in taxation, and I tell you now that none of them want it. Not one single resident in this city wants it because it will mean for many on fixed incomes, senior citizens and the like, it will mean to many of them a hardship which they cannot endure because the secret, the unknown factor in this is how much will the mill rate increase in the five year phase-in period. Or worse still, this corny way that this government has of inflicting taxation by increasing assessment on landowners, where the town council is forced again, forced again with no rebuff at all from the Minister of Municipal Affairs (H. Newhook), forced to implement increased taxation because some minister, some member of Cabinet, says it is time for a reassessment.

"We want more money, we want more blood out of the turnip."

MR. MOORES: But as important as this matter is, Mr. Speaker, to the 17,000 residents of St. John's, the landowners, watch now what I have to uncover in this House, watch now what is going on beneath the table, what this piece of legislation fails to spell out very clearly. Let us talk about the 6,000 to 8,000 tenants in this city who are under the knuckle and the thumb of the landlords. The primary criticism, the primary lobbying, the primary pressure for the change to the capital value system has been placed on city council and government by the landlords. And I am not talking about the man with a basement apartment in his home. I am talking about the greed and the selfishness and the profiteering by those like Craig Dobbin and Garland Clarke and half a dozen more in this city.

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: Picking on individuals in the House! Go outside and say that.

MR. MOORES: Politics makes strange bedfellows, particularly to the PC coffers.

MR. SPEAKER (Simms): Order, please!

MR. BARRY: Gutter politics.

MR. FLIGHT: Check Confederation Trust for us, 'Leo', and see what is in it.

MR. MOORES: The minister should be more concerned with Newfoundland Light and Power.

SOME HON. MEMBERS: Oh, oh!

MR. MOORES: More concern with Newfoundland Light and Power.

MR. SPEAKER: Order, please!
Perhaps if the hon. member addressed his remarks to the Chair it might discourage some of the interruptions that we are now getting and they are beginning to get loud.

MR. R. MOORES:

Thank you, Mr. Speaker.

MR. G. FLIGHT:

that distract you.

Keep going, 'Rod', do not let

MR. R. MOORES:

for Carbonear.

Nothing distracts the member

SOME HON. MEMBERS:

Oh, oh!

MR. R. MOORES:

Interruptions, Mr. Speaker.

MR. SPEAKER (Simms):

Order, please!

If the House wishes, we can certainly recess for a while until members get their cool back, or we can continue until the Late Show at 5:30 p.m. The Chair has no intention of interrupting on a regular and continuous basis.

MR. R. MOORES:

Name him.

MR. SPEAKER:

The hon. member for Carbonear.

MR. R. MOORES:

going on with that behaviour.

A minister of the Crown

MR. SPEAKER:

Order, please!

The hon. member for Carbonear.

MR. R. MOORES:

individuals, Mr. Speaker, the landlords in this city, because there are only a half a dozen of them who are friends and neighbours of this government.

And I named these specific

SOME HON. MEMBERS:

Hear, hear!

MR. R. MOORES:

want to see the capital value system incorporated in this city because it will mean 36 per cent on their rental rates in here, in the pocket, not back to the tenant from whom he gets his rental rates. He is not going to turn around and say to the tenant, 'Well, boy, we have just got a rebate on our taxation in the changeover in this system of 36 per cent and we are going to reduce your rent! Not at all! When I talked to city council this morning and talked to the Landlord Tenants Board and talked to officials of Municipal Affairs and asked them all the same

MR. R. MOORES: question, 'What assurance are you as a government official going to give the tenants in this city, that the money will be passed on to them, the savings?'

MR. G. FLIGHT: None, none!

MR. R. MOORES: Not only did they duck the question but you could feel it, you could feel them becoming squeamish because they had taken no action and do not intend to take any action to protect the tenants in this city.

MR. G. FLIGHT: That is what the Minister of Mines and Energy (Mr. Barry) believes in. That is the kind of policy he supports.

SOME HON. MEMBERS: Oh, oh!

MR. R. MOORES: And I am prepared to say that outside the House that they will not give their 36 per cent back to the tenants and have no intention of it. And do you know what the Landlord Tenants' gentleman said? He said, 'We do not deal with hypothetical cases'. And do you know what City Hall said, 'It is a provincial matter, we cannot force a landlord in this city to make sure that the money is passed back to the tenant'. And do you know what the Province said? The Province said, 'We have the mechanism, we have the mechanism in place that will enable us to make sure that this money is given back to the tenant'. And I said, 'What is that mechanism?' The Landlord Tenants Board.

SOME HON. MEMBERS: Oh, oh!

MR. R. MOORES: Now, we are getting down to the crux of it.

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MR. MOORES: Now, what it amounts to then -

SOME HON. MEMBERS: Oh, oh!

MR. MOORES: - what it -

SOME HON. MEMBERS: Oh, oh!

MR. MOORES: Order, Mr. Speaker?

MR. SPEAKER (Simms): Order, please!

MR. MOORES: What this amounts to, Mr. Speaker, is that the landlord in this city will be asked to voluntarily give back the money, voluntarily. Can you imagine the friends of the Minister of Mines and Energy (Mr. Barry) volunteering to give back \$150 a month to a tenant, cash in hand? Can you imagine that? Can you imagine Mr. Dobbin and Mr. Clarke saying to their tenants, "Here, boy, \$150, we buy a half a dozen Christmas turkeys for your family".

MR. FLIGHT: Can you imagine the minister giving it back?

MR. MOORES: Can you imagine that?
Mr. Speaker, I move the adjournment.

MR. SPEAKER: Order, please! The hon. member adjourns the debate.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: It being five-thirty, a motion to adjourn is deemed to be before the House. The first matter for debate, raised by the hon. member for Lapoile (Mr. Neary), is Canadian offshore energy.

The hon. member for Lapoile.

MR. NEARY: Mr. Speaker, I never cease to be amazed at the sad, sad history of this government's handling of the offshore resources. The Minister of Mines and Energy never ceases to amaze me in some of the ridiculous, childish, irresponsible statements that he has made in connection with the offshore, and last night he made the daddy of them all,

MR. NEARY: the king of them all, when he said nonchalantly in answer to the question put to him by a news reporter on television, "We are going to ignore the Federal Government's Canada Land Act. We are going to ignore it." How irresponsible can you get, Mr. Speaker? Is it any wonder that this government have themselves boxed in a corner on the offshore ownership? The minister told us today in answer to one of my questions that we will all be going up behind a certain part of the Prime Minister's anatomy. Well, I am afraid that the hon. minister has the front part of his anatomy caught in the wringer, and Newfoundland, Mr. Speaker -

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: - Newfoundland is going to suffer. The oil ship is going to pass Newfoundland by if we do not watch ourselves, and what I have been saying in this House for the past couple of weeks about establishing the Atlantic regional office for Mobil for offshore development is happening right under their very noses. Mr. Speaker, when this bill goes through first, second and third reading in the Parliament of Canada, then it becomes the law of Canada. It is not the Government of Canada that is doing this, Mr. Speaker, as hon. gentlemen would like to lead people to believe, it is the Parliament of this Nation. And once the Parliament of this Nation passes an act and takes back

MR. NEARY: the offshore, then it will be in the name of the people of Canada. But the Minister of Mines and Energy in Newfoundland (Mr. Barry) says he is going to ignore that. Hon. members surely must be aware that all the companies drilling offshore and exploring offshore have two permits, a federal permit and a provincial permit. And, Mr. Speaker, if you were president of Mobil and the Parliament of Canada passed laws and passed rules and regulations, the Parliament of Canada that represents ten provinces of Canada, would you be inclined to recognize that permit over a permit issued by one single province? Would you not, Mr. Speaker? And that is precisely what is happening. Mobil told the provincial government, told the Government of Canada, that they are going to take both governments to court to prove ownership, because they are ready to put their production plan in operation and they cannot do it until they find out who they are dealing with. And here we have this government here, the Minister of Mines and Energy, burying his head in the sand. And he will get up now and he will blaspheme the Prime Minister of Canada and he will wring his hands -

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: - and he will express his boss's ungodly hatred for the Prime Minister of this country. And all of it is going to do Newfoundland no good.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: They have refused, Mr. Speaker, to face up to this situation and they have gotten Newfoundland, they have got offshore ownership - they have backed themselves into a corner. They have boxed themselves in. And now they are going to be forced to move. They have now to do it or get off the pot, because once this becomes the law of Canada, then this government will only have two or three alternatives open to them: one will be to challenge the

MR. NEARY: legislation in the Supreme Court of Canada, sit back and wait for Mobil to take both governments to court to decide the ownership question, or go humbly to Mr. Trudeau, go humbly up to Ottawa and ask that he revert to the university formula, to the statement that he made at Memorial University prior to the last federal election. These are the only alternatives they have open to them, Mr. Speaker. It is tragic, it is unfortunate, it is bad for Newfoundland. They have gotten themselves boxed in. My party happens to think that we own the offshore resources. We would have done something about it long ago.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: The minister cannot question that. They have bungled it, Mr. Speaker, they have done irreparable damage to Newfoundland. The oil ship is likely to pass us by. Once this becomes the law, the Canada Lands Act becomes the law of Canada, all the Government of Canada has to do is to put out one destroyer out there, take the oil, load the oil at the wellhead and carry it wherever they want to carry it and there is not a thing in this world that we can do about it unless we send out the waterbombers and the Norma and Gladys to assert our ownership. That is about all we can do.

MR. NEARY:

The thing is indefensible, Mr. Speaker, it is indefensible and the government should hang their heads in shame for procrastinating on this matter, making fools of themselves and I do not know if it is too late, I do not know if it is too late but I would suggest that Premier get back to Ottawa as fast as he can to try to get this matter rectified -

MR. SPEAKER(Simms):

Order, please!

The hon. member's time has expired.

MR. NEARY:

They are rather testy today, Mr.

Speaker.

MR. SPEAKER:

The hon. the Minister of Mines

and Energy.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Speaker, I really have to thank the courteous and gallant member opposite for raising this matter because we finally, finally have a clear admission of acceptance by members of the party opposite, acceptance of the measures taken by the Federal Government. The Federal Liberal government has submitted that bill into parliament, Mr. Speaker, and I challenge any member in this House to take out Hansard and to go through the remarks of the hon. member and find one word of criticism for what the Federal Liberals are proposing to do: An attempt, and fortunately it is only an attempt, but an attempt to grab Newfoundland's resources, and not one word of criticism from the member opposite, not one word.

But perhaps the most shocking, perhaps the most shocking thing that came from his remarks was the attitude conveyed, the attitude that this legislature is second-class and comes second to the Parliament of Canada with respect to Newfoundland resources.

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY: Mr. Speaker, he said that the Parliament of Canada will put these resources in the name of the people of Canada. He did not say one word about the fact that the legislation of this House of Assembly has put these resources in the name of the people of Newfoundland.

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: And everything, everything, Mr. Speaker, that came forth was an acceptance of a second-class status for this legislature. And Mr. Speaker, I suppose I should not be so shocked, I should not be so surprised, because it is merely a continuation of the attitude, the subservient attitude to the Federal Government that we saw when that crowd was in power, and it is the very reason why they were not put in power in the last election. They were not put in power in the election before that. They will not be put in power in the next election, nor the election after that or after that.

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: He is also,

MR. BARRY: Mr. Speaker, not only is he accepting that company just because we have a large multi-national company, he is accepting the right and the ability of that company to ignore provincial legislation, legislation which provides for penalties in the event of breach. And in fact, Mr. Speaker, I would say that his remarks, if carefully read, would be a provocation, an encouragement for those companies to go out and flout the legislation of this Province, deliberately disobey the legislation of this Province, a shocking, contemptuous, terrible, terrible thing to come from a member of this hon. House.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): Order, please!

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

The second matter for debate, raised by the hon. the member for Terra Nova, is employment statistics.

The hon. member for Terra Nova.

MR. T. LUSH: Mr. Speaker, when I raised some questions with the hon. the Minister of Labour and Manpower (Mr. Dinn) just a couple of days ago respecting his joyous announcement with respect to the fact that there were 9,500 more people employed in the work force in the period January 1979 to October 1980 of this year, I think that was the general period, January 1979 to October 1980.

AN HON. MEMBER: (Inaudible)

MR. T. LUSH: Okay, in that period. Well, Mr. Speaker, I learned three things from the answers that the minister gave me. Firstly, I learned that the

MR. T. LUSH: minister does not know whether he is coming or going. And secondly, Mr. Speaker, that the election campaign promise by the Premier in 1979 to create 40,500 new jobs was nothing but a colossal bluff. And thirdly, that this provincial government have absolutely no control over the economy of this Province. They have no tangible plans to deal with the unemployment problem in this Province. And I quickly want to deal with these, Mr. Speaker. First of all the minister: I illustrated how last year in this House of Assembly he condemned the statistics by Stats Canada. He did not believe in them last year, did not believe them. He said they were unreliable and he put no credence, no credibility in them whatsoever. Secondly, and on the same day when I questioned the minister about how close they were getting to the target of the Premier's promise to create 40,500 jobs, the minister denied that the Premier made such a promise. He denied that. But in the Ministerial Statement here was the turn about face, the flip-flop. He believes now in the statistics issued by Stats Canada and acknowledges that the Premier promised 40,500 new jobs and he took this figure of 9,500 more people

MR. LUSH:

employed in the period that was under the statistics and took back a substantial effort towards meeting the Premier's promise of creating 40,500 new jobs. Well, I suggest, Mr. Speaker, that was not the impression given to the people of Newfoundland, that it was just going to be an averaging of figures with the natural growth in the economy and to take that and multiply it by five years and say, 'This is what we are going to do.' I have said that any hon. member can make that commitment at any time during an election by averaging out the figures of the natural growth in the economy and saying, 'We are going to give you X number of jobs,' stick a couple of thousand on it to make it look good and, of course, if you come within 8,000 or 9,000 of that, then the people would think you have delivered. But, Mr. Speaker, this was a colossal bluff.

I have said, Mr. Speaker, also that it demonstrates that the government have no control of the economy and have no plans to deal with unemployment in this Province. Let us take a look at some facts in the blueprint, in that famous blueprint that was done by the previous administration. What did they say was their goal in unemployment? Their goal was to reach a level of 10 per cent over a four year period. They were going to bring the unemployment rate down to 10 per cent. In the Five Year Plan, the Premier says the goal is 14 per cent over the next five years. So we go from 10 per cent to 14 per cent. Then the hon. the Minister of Labour and Manpower (Mr. Dinn) jumps up and down anytime it changes, it goes down a percentage point, and then says, 'We hope next month we are going to have it down again, and we hope the next month we are going to have it down again, down to 12 per cent; he is hoping next month it is going

MR. LUSH: to be down again, when their goal is 14 per cent.

SOME HON. MEMBERS: Hear, hear!

MR. LUSH: (Inaudible) do not have a clue. And what they remind me of is a doctor seeing a patient by taking his temperature, and when it goes down, saying that he has cured him. And when it goes up he absolves himself from any responsibility.

SOME HON. MEMBERS: Hear, hear!

MR. LUSH: I would say, Mr. Speaker, let the Minister of Labour and Manpower (Mr. Dinn) stand up and tell the truth. Because, a government, Mr. Speaker, that takes credit for the sunshine also has to take the blame for the rain.

SOME HON. MEMBERS: Hear, hear!

MR. LUSH: Let him get up, Mr. Speaker, and justify the goal, the unemployment level in the blueprint, 10 per cent, and the Premier is now five years to 14 per cent, and his own avowed determination that he wants to put it down every month. You cannot put it down with a goal of 14 per cent. How can he put it down less than that?

SOME HON. MEMBERS: Oh, oh!

MR. LUSH: That is the goal of the government, to go for 14 per cent. Mr. Speaker, it does not make a bit of sense.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER(Simms): The hon. the Minister of Labour and Manpower.

MR. DINN: Mr. Speaker, I want to thank the hon. member again -

SOME HON. MEMBERS: Hear, hear!

MR. DINN: -I want to thank the hon.member for Terra Nova (T.Lush) again for leading his way right into it again, Mr. Speaker. He wants to make me responsible for the sun and the rain. Well, Mr. Speaker, I am not responsible for the sun and the rain yet.

Mr. Speaker, I gave the hon. member statistics this week and he claims that it is just normal growth. Well, let us have a look at what the normal growth in employment was, say, back around '66 or '67. Now, back in 1966 to 1967 we had three thousand, that was the normal growth. Mr. Speaker, from '67 to '68 we had zero growth. That was the normal growth at that point in time.

SOME HON. MEMBERS: Hear, hear!

MR. DINN: Now, Mr. Speaker, from 1968 to 1969 we had a thousand, an improvement of one thousand; that was the normal growth. You call that normal. From 1969 to 1970 we had another one thousand, that was the normal. So it either did not grow or it grew by about a thousand.

Now, Mr. Speaker, let us have a look at what happened since - let us have a look at what happened in 1979, specifically after March 1979 because something very important happened in March. Mr. Speaker, she just went right through the roof.

SOME HON. MEMBERS: Oh, oh!

MR. DINN: Nine thousand jobs created last year, a thousand more than we had predicted.

SOME HON. MEMBERS: Hear, hear!

MR. DINN: Mr. Speaker, now what happened this

MR. DINN: year? I did not get up in this House and spout Statistics Canada. I mean, I would not take Statistics Canada for one capsule view, taken on the fifteenth day of any month, but I would take an average and have a look at that and see what this meant, what did it mean over the year. So, I took an average and I looked at it from January to October and I said that the growth per month was an average of 9,500 and the hon. member jumped up out of his seat and he said, 'Are these new jobs?' And I got up, Mr. Speaker, and I said, 'Well, I said, 'they are not much more than a year old. We did not have them last year and we do have them this year so they are relatively new.'

And, Mr. Speaker, the hon. member said that that was natural growth. Well, Mr. Speaker, I also said at that point in time when the statement was released

MR. J. DINN: that if we maintain that kind of growth for November and December that we would, as a Province, have the biggest growth rate in employment of any Province in Canada. So, lo and behold the next day the statistics come out from Statistics Canada and they say that we had 11,000 jobs in November over what we had last November. Now are they new jobs? Well, they are relatively new. They were not there last year and they are there this year. Now that is a little bit above the 9,500 average that we have had.

SOME HON. MEMBERS: Oh, oh!

MR. J. DINN: So it may very well be, Mr. Speaker, that we will set a new record. And, Mr. Speaker, if it goes in December the same as it has in November, then the hon. members will be interested to note that our employment growth rate over the year will be well over 6.2 which is what I had looked at just for the month of October, and January to October.

So, Mr. Speaker, the hon. member stood up again, walked into it with both feet in his mouth. And, Mr. Speaker, he could not even sustain his argument for five minutes. Your Honour did not even tell the hon. member that his time was up, he could not sustain his argument for five minutes on Statistics Canada statistics. The federal Liberal government put out statistics and I took it as an average and he said that it was normal growth rate. I have only one minute I wish I had ten more.

SOME HON. MEMBERS: Oh, oh!

MR. J. DINN: Mr. Speaker, the hon. member said that it was natural growth and everybody knows that natural growth from 1966 to 1970, 1971 if you want to go that far, was about zero growth or they had about 1,000 a year.

MR. J. DINN: Well, Mr. Speaker, this year we have had 9,500. And, Mr. Speaker, if the statistics go up as they have for November, in December it may even go over the average 10,000 mark. And, Mr. Speaker, we are setting new goals for next year. It may go over 11,000 next year. The unemployment rate will have gone from about 16 per cent last year to about 12 per cent this year. And it is going to shock the hon. members to know that by this time next year I may be up in this House saying to hon. members that it is below 10 per cent.

SOME HON. MEMBERS: Hear, hear!

On motion, the House at its rising adjourned until tomorrow, Friday at 10:00 a.m.

INDEX

ANSWERS TO QUESTIONS

TABLED

DECEMBER 11, 1980

LIST OF FUEL PRICES IN LABRADOR

*Tabled by Hon.
Minister of Rural
Development & Northern
Affairs, 11 Dec. '80*

NAIN

Woodward's Oil

gas	\$1.64	2/10
stove oil	1.28	4/10
diesel fuel	1.55	7/10

DAVIS INLET

Rural Development

gas	\$1.65
stove oil	1.30
diesel fuel	1.30

HOPEDALE

Woodward's Oil

no gas as yet	
stove oil	\$1.25
diesel fuel	1.25

Lab-Seaco

no gas as yet	
stove oil	\$1.28
diesel fuel	1.28

Rural Development

gas only	\$1.44	(This gas is over a year old, and thus the reason for lower price. Rural Development will be out of gas by the end of December and then the other oil companies will take over selling it.)
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POSTVILLE

Rural Development

gas	\$1.70
stove oil	1.30
diesel fuel	1.30

MAKKOVIK

Rural Development

gas	\$1.70
stove oil	1.30
diesel fuel	1.30

The reason for the difference in prices of gas and stove oil in Nain, Davis Inlet and Postville and Makkovik is because of the time difference in purchasing the supply. There was a 7.7¢ increase made up as follows:

2.7¢	Federal Tax
5 ¢	price of gas

This increase came into effect when the new supply was purchased for Postville and Makkovik and therefore the price in those two communities had to be increased.