

The House met at 10:00 A.M.

Mr. Speaker in the Chair.

MR. SPEAKER: (Simms) Order, please!

STATEMENTS BY MINISTERS

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

MR. C. POWER: Mr. Speaker, I wish to advise this hon. House of the current status of the spruce budworm control programme with the bacteria and insecticide Bt.

As the members of this hon. House are already aware, the government had announced to carry out a limited programme in the spruce budworm control using the biocide Bt to protect the more valuable silviculturally treated forest areas in the Province. The Bt spray programme, Mr. Speaker, has therefore been designed on the scale of a large field experiment to cover approximately 35,000 acres. This can change slightly depending upon the current insect development. The insect development is being monitored constantly but so far the insects have not become active due to cold weather and it is still early to judge whether the forecasted concentrations are correct or not. It is anticipated, Mr. Speaker, that spray operations will commence in mid-June.

The programme will cover all the silvicultural areas which were forecasted to receive moderate to severe infestations. These areas are distributed throughout the central part of the Island and range from the forest thinning areas near Adeytown in the East to thinning areas at Halls Bay in the West and from Bay d'Espoir in the South. Most of these areas are located on Crown lands with the rest on Price limits. This is because of the nature of distribution of budworm infestation this year and also because silviculturally treated areas are being given priority over other infested forests.

Operational bases will be established at Gander Airport, Bay d'Espoir airstrip and on a Price woods road approximately five miles South of Grand Falls. Five spray aircraft supplied by Beaver Airspray Inc., St. Jean, Quebec, will do the actual

MR. C. POWER: spraying. These will be guided by forestry technicians operating from helicopters.

The total cost of the programme is estimated at approximately \$600,000 to be shared jointly by Price, Bowater and government on an equal basis. This means that approximately \$400,000 will be paid by Price and Bowater, leaving only \$200,00 as government's share of the total cost. This is quite significant because, Mr. Speaker, it will allow the government to conduct a meaningful programme to protect the more valuable silviculture areas as well as to determine the efficacy and viability of various Bt formulations and spray regimes at a cost sharing arrangement requiring the government to pay for only one-third of the total cost. The government can in turn utilize the equivalent funds elsewhere in forestry development.

I would like to point out, Mr. Speaker, that this is the first time that the companies are sharing the cost of a spray programme under this arrangement. Previous arrangements called for greater government participation. I would therefore like to commend the companies for coming forward to accept this financial responsibility. This is evidence of the companies' desire to co-operate with the government in developing viable alternatives to chemical control of spruce budworm. This also shows that the companies are genuinely concerned with effective protection of forests and are co-operating with the government to the fullest extent.

Thank you, Mr. Speaker.

MR. SPEAKER: (Simms)

The hon. member for Windsor - Buchans.

MR. G. FLIGHT:

Mr. Speaker, first let me thank the minister for making copies of his statement available yesterday. If other ministers in the ministry were so co-operative, Mr. Speaker, how easy it would be to do your job in this House.

MR. J. MORGAN:

(Inaudible) over there.

MR. G. FLIGHT:

Mr. Speaker, now that the hon. Minister of Fisheries (Mr. J. Morgan) has gotten into the debate, the previous Minister of Forestry, I would like to say to the minister the one thing he has to do to make sure that the Bt programme this year is not muffed

MR. G. FLIGHT: and the money wasted the way the previous Minister of Forestry wasted the money -

MR. SPEAKER (Simms): Order, please!

MR. G. FLIGHT: - wasted \$150,000 against the advice of all his officials, Mr. Speaker -

MR. SPEAKER: Order, please!

MR. G. FLIGHT: - and as a result the minister has to go into a new Bt programme on his own having no benefit or being able to take any technical advice or anything else from last year's programme because the minister did the spray programme in spite of what was being advised by his officials, wasted \$150,000.

Mr. Speaker, I would just want to say that I commend the minister. This is a positive, good statement. We support the Bt spray programme as opposed to any other possible spray programme. We would hope that the results of this spray programme, the data gathered would enable the Province one day to have - if we have to have a spray programme, a long term spray programme it should be with Bt.

The fact that the companies are going to share the cost on a one-third basis is good news. As the minister remembers in the estimates, the Budget Estimates, the Committee, the minister at that point in time was not aware that Abitibi Price was prepared to pay anything in this particular programme. Negotiations were ongoing and obviously they have been successful.

Mr. Speaker, I support the statement made here by the minister and I would just say also, Mr. Speaker, that it is my feeling that Price (Nfld.) and Bowaters should be paying more towards those kinds of programmes. They should be paying more towards the reforestation and forest enhancement programmes than they are now and the minister is to be commended for achieving what he has achieved up to this point in time.

MR. SPEAKER: Order, please!

MR. L. BARRY: Mr. Speaker.

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MR. SPEAKER (Simms):

The hon. the

Minister of Mines and Energy.

MR. L. BARRY:

Mr. Speaker, this statement is one of the more pleasant tasks I will have to perform, I suspect, in the House.

Abitibi Price and Asarco have reported to me that they have encountered encouraging results from the underground exploration program they have been conducting adjacent to the MacLean workings at Buchans.

Dr. J.A. MacGregor, General Manager, Abitibi-Price Minerals Division, informed me that continuous mineralization has been traced for 600 feet with thicknesses in some places exceeding 20 feet. Assaying is currently being carried out and results are expected to be available within a day or so.

Dr. MacGregor said that because the new zone is largely below the deepest level of the current mining operation and at the extremity of development at the end of where the current development is taking place, progress toward opening up the new zone would be slow. The partners in the exploration venture, Abitibi and Asarco, are however encouraged by these recent results of their efforts and are optimistic that they could lead to commercial extraction.

While I must caution that Government will have to await receipt of the assays and further drilling reports before being able to identify the precise quantity of reserves,

MR. L. BARRY: I find this information exciting and I believe it will lead to an extended life for the Buchans mining operation. I hope that together with work being carried on the Tulk's deposit, this will eventually remove the cloud of uncertainty which has been over the people of Buchans for too many years.

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

MR. G. FLIGHT: Mr. Speaker, as the minister indicated, it was probably one of the most positive statements he has made in this House but certainly, Mr. Speaker, it is indeed positive, for myself it is probably the most self-satisfying time that I have stood in this House.

Mr. Speaker, the feeling of uncertainty and insecurity in the town of Buchans this past three or four years has been unbelievable, one would have to live there to recognize it. But they have never lost hope, Mr. Speaker, That town has always felt for whatever reason that one day since there was ore, given the exploration that that mine would not shut down. Now I recognize we have to be cautious. I am aware of where the ore is that the minister referred to is situated. It is indeed deep but there is no question that there is mineralization and lots of it in the Buchans area. It appears that Asarco have now confirmed what many people have been saying over this past two or three years even, that there is indeed ore right in the MacLean's area in the main ore body being mined at Buchans.

And, Mr. Speaker, I am delighted, I am sure the people of Buchans are delighted at this positive note. And I am sure also that they are feeling that, although there is a note of cautious optimism here that they are optimistic that Asarco will indeed mine the ore bodies referred to here and it will indeed extend the life of the mine.

MR. G. FLIGHT: Mr. Speaker, with regards to the minister's reference to the Tulk's ore body, I would just ask the minister that there is every indication that the companies concerned are prepared to mine the Tulk's ore body. Without this news, mining that ore body in conjunction with the present operation would have extended the life expectancy of that mine. And I am not sure at this point in time that the ministry is co-operating with those companies to the point they should in as far as getting that Tulk's ore body under development. They have refused. I understand, to fund the access road, they have refused at this point to make funds available to upgrade the access road to the mine site.

MR. L. BARRY

You are wrong.

MR. G. FLIGHT:

And, Mr. Speaker, to this point in time they have not indicated to the companies that they are prepared to put the kind of money into the infrastructure that is needed to get that ore body going.

Obviously, Mr. Speaker, this particular ore body and this particular find needs very little assistance from the Government of Newfoundland because it is located right in the present area they are mining now.

Mr. Speaker, I just want to conclude by lining up with the positive attitude that the minister had with regard to this statement and would ask that the companies concerned get all the co-operation they can get in as far as getting these workings and these new deposits under development.

MR. SPEAKER (Simms):

Any further statements?

MR. BARRY: I have a further statement, Mr. Speaker -

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

MR. BARRY: - but I have to say that the carping negative tone of the member opposite on that recent announcement, I think it gives you the impression he is disappointed, that he might not have a political issue next around.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. FLIGHT: A point of order.

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

MR. BARRY: He is disappointed that things are starting to go well.

MR. FLIGHT: A point of order.

MR. SPEAKER: A point of order has been raised by the hon. member for Windsor-Buchans.

MR. FLIGHT: Mr. Speaker, it would be very difficult for me to raise such a point of order against such a distinguished lawyer as the Minister of Mines and Energy, Mr. Speaker, the man who believes that nobody in this House -

AN HON. MEMBER: A point of order.

MR. SPEAKER: Order, please!

MR. FLIGHT: - except a learned gentleman like himself -

AN HON. MEMBER: A point of order.

MR. SPEAKER: Order, please! What is the hon. member's point of order?

MR. FLIGHT: The point of order, Mr. Speaker, is the minister indicated -

SOME HON. MEMBERS: Hear, hear!

MR. FLIGHT: - the minister indicated that I was carping, or being non-positive. I simply stated a fact. Mr. Speaker, this government -

SOME HON. MEMBERS: Oh, oh!

MR. FLIGHT: -has refused up to this point in time,
refused to assist the American Smelting and Refining Company and
Abitibi-Price -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. FLIGHT: - to put in the infrastructure, to put
money in the road -

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Oh, oh!

MR. FLIGHT: - to develop the Tulk's ore body.

They have refused.

MR. SPEAKER: Order, please! I would not have to hear
further debate. There is no point of order. The hon. member has taken the
opportunity to clarify his position.

Further statements?

The hon. Minister of Mines and Energy.

MR. BARRY: Yes, Mr. Speaker, and it is unfortunate
the member opposite had to put out such inaccuracies, you know -

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

MR. BARRY: - in his comment.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

Further statements?

The hon. Minister of Mines and Energy.

MR. BARRY: Mr. Speaker, I was only too happy to
assist the member for LaPoile (Mr. Neary) to kick off his campaign last
night.

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: I wonder, Mr. Speaker -

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: I am just wondering what the significance of having it on Halloween is.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): Order, please!

Further statements?

MR. BARRY: Mr. Speaker, I would like to just read to the House a letter which I have sent to the President of both the Iron Ore Company of Canada and of Wabush Mines, concerning the planned suspension of operations during the next couple of months at the mining operations in Labrador. Needless to say we were disappointed to learn of IOC's - and the other letter to Wabush Mines - decision to suspend operations for a period of time this coming Summer. I acknowledge the fact of slumping markets for steel and hence for iron ore, but I hope this unfortunate state of affairs will not become so serious as to lead to further cutbacks in your company's operations in this Province.

The fact that your plan envisages having the period of suspension coincide with the annual vacation period of most employees should ease the burden that would otherwise fall upon those people. However, I understand that a number of employees have already used up their vacation period for this year. We are concerned about the welfare of those people and I would like to see some provision made that would prevent loss of income to them.

In that regard we would request that your company

MR. BARRY: give serious consideration to adopting a course of action that would overcome the loss of pay that would be experienced. For example, is it possible to continue operating on a reduced scale during the period of the intended shutdown at least to the extent that those whose vacation periods have been used up might continue working? The result could be limited stockpiling of product which hopefully would not have to be carried long as inventory. I appreciate that the purpose of the suspension is to reduce production in response to market conditions but at the same time there is the problem of adverse social and economic impact on the community about which I am sure you are concerned. I ask that IOC and Wabush Mines give serious consideration to some compromise arrangement that would avoid the necessity of layoffs.

MR. STIRLING: Mr. Speaker.

MR. SPEAKER (Simms): The hon. the member for Bonavista North.

MR. STIRLING: Mr. Speaker, if the minister would clarify whether his statement, which he has not given us a copy of, which I understand is in the form of a letter, is he making his comment as Minister of Industrial Development or Minister of Mines and Energy?

MR. WARREN: He does not know himself.

MR. ROBERTS: (Inaudible) both respond.

MR. SPEAKER: The hon. member for Bonavista North.

MR. STIRLING: Mr. Speaker, on the assumption that it is Industrial Development, it is a copy of a letter which I believe he has introduced as a Ministerial Statement which is a report after the fact. When we asked the minister—in the absence of this minister after the close down of Wabush, after the Leader of the Opposition had asked in this House numerous times what was the situation and got no kind of an answer, no problem, when Wabush closed down we said, "What is the story with IOC?" The Minister of Manpower and Labour said, "We have no indication from IOC and I have some meetings coming up in the next week or so and I will report to the House." Before that actually happened, IOC had announced the closedown. Now consistent with a good industrial

MR. STIRLING: development strategy, the Industrial Development Department should have been in touch with , made plans, discussed these kinds of problems well in advance of a shutdown and would have offered the assistance to Wabush and IOC to say, "Can we find alternative markets . Can we find the Japanese might need extra? Can we find something in Europe? The intelligence information of a proper Industrial Development Department would have been on top of this and the Leader of the Opposition would not have to be prodding and prodding and prodding to try to advise them that this problem was coming. It seems as though there is a complete lack of confidence by the companies in the Industrial Development Department. They have apparently been given no warning of this kind of thing and you now have a letter which the minister introduces in the form of a pathetic Ministerial Statement saying, "Please, Sir, now that it is all done, what can you do about the problem? Maybe you can do something about the layoffs."

MR. SPEAKER (Simms): The hon. member's time is about to expire. He should clue up.

MR. L. STIRLING: Thank you, Mr. Speaker.

We were not given an advance copy of it and it is an indication that absolutely nothing is happening in the Industrial Development Department to prepare for anything other than the magic of Mr. Pedro Van Meurs and whatever it is that is happening in the offshore.

MR. SPEAKER: Any further statements?

The hon. the Minister of Justice.

MR. G. OTTENHEIMER: Mr. Speaker, I will use the opportunity to advise hon. members - actually, I advised -

MR. SPEAKER: Order, please!

MR. G. OTTENHEIMER: - the hon. the Opposition House Leader and the member for Grand Bank (Mr. L. Thoms) earlier - that today I will ask the officials here to distribute two bills which have been given a first reading, one, the Freedom Of Information Act and the other, the Protection Of Privacy Act, and it is hoped, indeed the intention being that during the interval, that these will be introduced for second reading during the Fall, the same session, but during the Fall, and this will give hon. members on both sides an opportunity to put any input or any suggestions they have, and indeed interested individuals or groups outside the Legislature will have that opportunity as well, because they will be able to get a copy of the bill by writing either myself or the Office of the Legislative Council. So then the Personal Privacy Bill and "An Act Respecting Freedom Of Information" will be distributed today.

MR. SPEAKER: The hon. the member for Grand Bank.

MR. L. THOMS: Mr. Speaker, I have very little to say on this matter except that I am pleased to see that we will be seeking comments and suggestions from outside sources. I will have my opportunity, of course, in the Fall, to say where we stand on these two important pieces of legislation. I am glad to see that they will be debated in the Fall sitting of the House.

MR. SPEAKER (Simms):

Any further statements?

ORAL QUESTIONS

MR. SPEAKER:

The hon. the Leader of the Opposition, followed by the hon. the member for Windsor - Buchans.

MR. D. JAMIESON:

I simply wish to ask the Minister of Finance (Dr. J. Collins) whether he can confirm or deny the news reports today of a possible combined effort by Petrocan and Gulf with regard to the operation of Come By Chance or the reopening of Come By Chance? Has he any informal or official information to give the House on this matter?

MR. SPEAKER:

The hon. the Minister of Finance.

DR. J. COLLINS:

Mr. Speaker, just perhaps a little preamble, if I may: When the letter of agreement with the Province was entered into, at least around that time, the question was asked of Petro-Canada if they did take up the letter of intent with the receiver whether they would be doing this totally on their own or whether there might be other people become involved with them, and we were told at that time that that was an option that they might pursue. They had made no arrangement or undertaking at that time, but it certainly would not be excluded that there might be someone else come in with them on the Come By Chance situation. Now,

DR. J. COLLINS: the only other thing that happened following that was that a few days ago, I understand, there was a report in one of the Mainland papers that Gulf Oil might be undertaking some discussions with Petro-Canada and then, as the hon. the Leader of the Opposition knows, there was the NEWS report more recently.

We have not had any communication on this particular subject from either Gulf Oil or from Petro-Canada but our co-ordinating committee has been instructed to see if there is anything to the reports, both the newspaper report a day or so ago and the more recent radio report, and to get that information as quickly as possible. I really do not know if there is much to it or not. Certainly Petro-Canada has not at this stage informed me directly or the co-ordinating committee, but we have asked the co-ordinating committee now as soon as the office is opened in Ottawa and in Calgary to get whatever information is available.

MR. D. JAMIESON: A supplementary, Mr. Speaker.

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

MR. JAMIESON: I put this in the form of a question but it is an observation as well. Would the minister be sure in terms of the inquiries that he is making and through the liaison group that he has within his own department, presumably within the government, that there is to be a partner other than Petrocan, which is Canadian, that the implications of the Foreign Investment Review Act are examined so that we do not get well down the line in terms of a partnership arrangement with - I am not sure what Gulf's status is, but I ask the minister will he ensure that this is done so that there is not any unnecessary delay if in fact Petro-Canada brings in a partner who is subject to the Foreign Investment Review process?

DR. J. COLLINS: Yes.

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

MR. G. FLIGHT:

MR. G. FLIGHT: Thank you, Mr. Speaker. My question is for the Minister of Mines and Energy (L. Barry).

MR. L. BARRY: run out of energy

MR. G. FLIGHT: And I am wondering if the minister would indicate to the House if he has been informed as to the nature of the mechanical troubles that the companies are having on the step-out well, hole 35, in the Hibernia field?

MR. BARRY: Yes, Mr. Speaker.

MR. FLIGHT: Would the minister indicate-

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

MR. FLIGHT: Would the Minister indicate to the House the exact nature then of the mechanical troubles? The word around is the possibility is with the blowout preventers or what have you. would the minister indicate the exact nature of the mechanical troubles?

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

MR. L. BARRY: That is wrong, Mr. Speaker.

MR. FLIGHT: A supplementary, Mr. Speaker.

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

MR. FLIGHT: Would the minister indicate to the House, Mr. Speaker, when he was informed of the nature of the problem when he was informed of the mechanical trouble? And would he also indicate to the House if there are any environmental implications with this particular trouble that Mobil is having on that well?

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

MR. L. BARRY: The same day that it happened,
Mr. Speaker, to the first part of the question, and no to the second.

MR. FLIGHT: Aha! Not very well informed!
Not very well informed.

MR. WHITE: Well done.

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

MR. L. THOMS: Thank you very much, Mr. Speaker. I
am rather hesitant because my question is to the Minister of Mines and
Energy (L. Barry) as well. And I do not know - well it may be he does
not realize, but there is a certain amount of speculation and rumour
circulating in St. Lawrence that

MR. L. THOMS: another company will be looking into the possibility of re-opening the Alcan mine in St. Lawrence. I was wondering if the minister had any knowledge of this or anything that he could tell me about it?

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

MR. L. BARRY: Mr. Speaker, nothing that could be definite enough to warrant raising the expectations of the people in St. Lawrence. There are firms who are aware and have information about the mining operation and the fact that there was a certain amount of ore identified and left in the ground there, and our department is doing whatever it can to encourage interest on the part of other firms and we have, hopefully, I understand this morning, a Minerals Act coming forth that will, not just for St. Lawrence but for mining operations throughout the Province, provide that after a mining operation has been closed down for a period of five years, the mineral rights would revert to the Crown and could be utilized for subsequent development. But I can not, Mr. Speaker, confirm the hon. member's statement and it would be unfair to raise the expectations of the people of St. Lawrence.

At this time there is nothing definite that I am aware of.

MR. SPEAKER: Order, please! Before I recognize anybody for the next question, I would just like to point out to hon. members before somebody else points it out to me, there are some printing errors in the Order Paper today, but the corrections are now being photostated and will be circulated to hon. members.

MR. S. NEARY: Mr. Speaker.

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

MR. S. NEARY: Mr. Speaker.

MR. E. ROBERTS: I will yield to my friend from LaPoile (Mr. S. Neary).

MR. S. NEARY: No, no.

MR. E. ROBERTS: Well, I will be very brief. Mr. Speaker, a question to the Premier in the absence -

MR. D. JAMIESON: (Inaudible) light today, boy.

MR. E. ROBERTS: Well, after the first class job that the member for LaPoile did on the gentleman from Mount Scio last night, we should all yield to him.

SOME HON. MEMBERS: Hear, hear.

MR. E. ROBERTS: And I say to my friend from Bonavista South (Mr. J. Morgan) who is experienced in yielding that this may well be the harbinger of things to come, and he can sleep on that.

SOME HON. MEMBERS: Hear, hear.

MR. E. ROBERTS: Mr. Speaker, a question for the Premier in the absence of the Minister of Transportation and Communications (Mr. C. Brett): Several weeks ago I asked the Minister of Transportation and Communications some questions about Main Brook, the proposed new road from Main Brook to highway 430 in the area of the bottom of Hare Bay. I am sure the Premier is familiar with the proposal.

My question to the minister was whether the Province was prepared to add that road to the shopping list which they have submitted to DREE in respect of an agreement which I understand could come into effect on 1 April 1981, the beginning of the next fiscal year. The minister said that- I am not sure if the Premier has had a chance to see the Hansard or is familiar with it that is why I will just refresh him - the minister said he would speak with the Premier, that he, as the minister, was not in a position to make the commitment. As this is the last day in all likelihood of this part of the session and as the minister is not here, I wonder if the Premier could tell the House whether the government are prepared to amend the shopping list that they have submitted to DREE, which I know is held up here in St. John's, but that is phase II; phase I is to get this road on the list, - are the government prepared to amend the list and, if so, could the Premier indicate when that will be done and then we will go on to phase II of getting it to Ottawa and hopefully getting some response?

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

PREMIER PECKFORD: Mr. Speaker, first of all, I would like to respond to the preliminary remarks made by the member for the Strait of Belle Isle (Mr. E. Roberts). When a member of the Opposition

PREMIER PECKFORD: has lost some political event

it becomes quite obvious the next day in the House, because if they have lost you will hear members of the Opposition try to uplift and support that hon. member. And obviously, the T.V. debate last night was won hands down by the Minister of Mines and Energy (Mr. Barry) and I know every Newfoundlander is proud of him.

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: We really do not have to say anymore because the hon. Minister of Mines and Energy speaks for himself and nobody needs to uplift or push him forward and once again, another blow to the leadership opportunities of the hon. member for LaPoile (Mr. Neary). And I am very sad about that because I think he will make a real good Leader of the Opposition and I wish him well in his ongoing activities.

As it relates to the roads programme, Mr. Speaker, secondly we are trying not to deal with it in what I shall call the shopping list kind of way; in other words, just list every single road in the Province so that we can proudly say to every member and every interest group, 'Your road is in Ottawa; you go talk to your federal member.' It is sort of a cop-out by the Province to do that. So what we have tried to do, and very seriously do is to analyze on an economic basis a number of the major secondary roads in the Province and put forward a good case. Then if the other roads are not on that list, we tell the people whose roads are not on the list: We are responsible, we have not got the money this year to do it or we starting it this year or we are going to start it next year and do it in that way. In that light we have re-examined the roads in the hon. member's district and in that whole area as a result of the task force presentation that was commissioned

PREMIER PECKFORD: by the Minister of Lands and Forest (Mr. Power) to try to bring some economic stimulation to the area. We are in the final stages now, as a matter of fact, two or three days ago-the hon. member's question is very timely - the examination has been done by Intergovernmental Affairs and I am supposed to meet with them today or tomorrow because I have arranged a meeting with the DREE Minister on Tuesday. And I have the document gone forward that I tabled last week plus the roads programme to present to him.

So some time next week I will be in a position to formally respond to the hon. member's question as it relates to these roads that he is now talking about.

MR. E. ROBERTS: A supplementary, Mr. Speaker.

MR. SPEAKER (Simms): A supplementary, the hon. the member for the Strait of Belle Isle.

MR. E. ROBERTS: Mr. Speaker, I thank the Premier. As the House will not be meeting next week in all likelihood as far as we know, can the Premier - would the premier; he can but would he be willing to agree either to make a public statement if that is his wish or to send a letter to me or to the town council of Main Brook

proposal

MR. ROBERTS: to indicate what hopefully will be the result of the consideration, namely that the - I use the term shopping list because that is the one the bureaucrats have developed, as the Premier knows, over the years and I quite agree with him the shopping list ought to have a degree of priority attached to it, it would be intellectually dishonest and I think politically unworkable simply to send up a list of every road that needed to be built and say, "that is the DREE list. You guys pick!"

But nonetheless the Premier will agree that there must be a list from the Province, given the way the system has been developed, and I wonder if he would agree to make the information public when the government are in a position to do so. Having said that, let me go on, Sir, to say that I find this talk with shopping lists most useful and I hope we get a better response, Sir, to this request to Ottawa than the Premier has gotten with his shopping list to the other premiers to have a meal with them, I guess, on Sunday night or Monday morning in Ottawa. I understand that has really been a bit of a bad show and I am not speaking for my friend from LaPoile (Mr. Neary), but if the Premier wants to engage in this in Question Period, I do think we should say that the next time he asks people to have lunch with him I hope they will come.

MR. SPEAKER (Simms): Further questions?

MR. WHITE: A supplementary, Mr. Speaker.

MR. SPEAKER: The hon. member for Lewisporte.

MR. WHITE: It is a supplementary question, Mr. Speaker, and I wanted to ask the Premier with respect to the proposals now before DREE how this new plan of his would relate to the Notre Dame Junction Highway, which is one of the most important trunk roads in Newfoundland and statistically the busiest trunk road in the Province? How it would relate to that?

MR. SPEAKER: The hon. Premier.

PREMIER PECKFORD: As I indicated earlier, Mr. Speaker, all factors are taken in to consideration in putting proposals forward to DREE for a new roads programme and obviously I am, as the hon. member knows, aware of that trunk road as I am of many of the other roads around the Province.

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

MR. NEARY: Mr. Speaker, first of all I want to comment on something the House Leader said and the Premier answered. I want to say I am not going to comment on the content of the programme but I will say this, that I believe I should get in the sweater business. From the number of calls I had after the programme, I would say that people loved my sweater.

MR. BARRY: You took an unfair advantage of me.

MR. NEARY: That is right.

SOME HON. MEMBERS: Oh, oh!

MR. ROBERTS: (Inaudible) minister is taking unfair advantage.

MR. NEARY: Mr. Speaker, I would like to ask my campaign manager, the Minister of Mines and Energy, a question. I discovered recently in Oil Week that there is such an organization in Canada as the Atlantic Energy Supplies Allocation Board. I never knew it existed before. But I would like to ask the minister who represents Newfoundland on the Energy Supply Allocation Board?

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

MR. BARRY: Mr. Speaker, I think that must be the Emergency Supplies Allocations Board that the member is referring to.

MR. NEARY: That is right.

MR. BARRY: Departmental officials maintain contact with the federal government. The

MR. BARRY: actual membership of the board consists of representatives, not from every province -

MR. NEARY: The Atlantic Provinces.

MR. BARRY: Right, there

is one representative for the Atlantic Provinces, and several months ago, last Fall when they were appointing the membership of this - I think it was last Fall - the membership of this Committee, I pointed out that one member from the Atlantic Provinces was not really able to-

MR. NEARY: (Inaudible) each Atlantic province.

MR. BARRY: No. If it is the same board, Mr. Speaker, that we are both talking about - there are two boards; one has representatives of officials from each Department of Energy for each province, and another board has representatives of the general public and industry appointed from various parts of the country and there is no representative from Newfoundland on that board. We have expressed concern about this to the federal government and wondered whether a consumer representative from Halifax, I think it is, can adequately represent the interests of this Province on the board. I raised the matter with Mr. LaLonde when I had my discussions several weeks ago in Ottawa. The response of the minister, the federal minister, was that for now this is really just an interim board and that should an emergency occur that there would be then provincial representation from each province sought. So, Mr. Speaker, it is not a flaming, red-hot issue as far as we are concerned but we would have liked to have had better representation on that particular board.

MR. NEARY: Mr. Speaker.

MR. SPEAKER(Simms) A supplementary. The hon. member for LaPoile.

MR. NEARY: I would consider it to be a flaming, red-hot issue because this is the board that has to do with allocation of heating fuel and oil in Eastern Canada, in the Atlantic Provinces, and if rationing ever takes place this is the board that deals with it. So I would consider it to be a very, very important matter and I am amazed that Newfoundland does not have a representative on that board because

MR. NEARY:

Oil Week said recently in the June

2nd edition that each Atlantic Province has one representative on the board. But I would like to ask the hon. minister if he has any information of the allocation of heating fuel and so forth for the Atlantic Region? Are they talking about rationing? Because the board seems to be meeting more often now than it used to. It is meeting a couple of days, I believe, every two or three weeks. So is there any information that the hon. gentleman can give the House on the allocation of oil in the Atlantic Provinces in the foreseeable future?

MR. SPEAKER (Simms):

The hon. Minister of Mines and

Energy.

MR. L. BARRY: Mr. Speaker, these are extremely penetrating and excellent questions that I am getting from the hon. member and I must say that the quality of his questions has improved considerably -

SOME HON. MEMBERS: Hear, hear!

MR. L. BARRY: - since kicking off his campaign last night, and there is a certain new statesmanlike approach that I notice opposite. I commend the hon. gentleman for this.

SOME HON. MEMBERS: Oh, oh!

MR. L. BARRY: Mr. Speaker, anything we can do to further the fortunes of the member for LaPoile (Mr. S. Neary), members on this side will be only too happy to oblige. The hon. member has cleaned the decks for action and I am glad to see that he has. It may take several trips by the city sanitation department to clear up after him.

Mr. Speaker, the only matter of significance which I am aware has occurred in the last month or so with respect to the possible impact on the supply of product, whether it be heating fuel, gasoline and so forth over the next months and the next Fall and Winter particularly, has to do with what appears to be a temporary glut in bunker C and in the residual fuel oil, and indications that there might have to be some cutting back in production of that particular product. Now if that happens, until the refineries reorganize and catch up, there could be some decrease in the production of the more highly refined product. But there is nothing, Mr. Speaker, of immediate concern that has as yet been brought to our attention. I do have a representative from the Department of Mines and Energy in Ottawa at the present time seeking further information on the total question of the supplies of heating fuel, gasoline and other product over the coming Winter and we have to look ahead, Mr. Speaker, we have to try to look ahead as far as possible, and that is why again I commend the member opposite for his very penetrating and excellent question.

MR. G. WARREN: Mr. Speaker.

MR. SPEAKER: The hon. the member for Tornjat Mountains.

MR. G. WARREN: Mr. Speaker, my question is to the hon. the Minister of Health (Mr. W. House).

MR. G. WARREN: I am just wondering if the Minister of Health (Mr. W. House) could advise, or confirm or deny, that within the next two weeks he will be announcing implementation of the Emergency Air Transportation programme for remote areas of the Province?

MR. SPEAKER (Simms): The hon. the Minister of Health.

MR. W. HOUSE: Mr. Speaker, I was sort of expecting that question. I do not know if I had any reason to expect it or not. The fact is that, as I told the hon. member on a number of occasions and during the concurrence debate, we were putting into place the policy to implement that part of the Budget which stated that we would be bringing about this particular programme. And I indicated that it was taking some time because there are a lot of things to consider, the costing, what will be included. And we, on this side of the House, of course, defer to the opinions of others sometimes. We have to work with all the hospital boards in the Province and we have to negotiate these kinds of things and talk about these kinds of things with them. But I can say now that in about two weeks we will be ready to make the announcement.

MR. SPEAKER: The hon. the member for Bonavista North.

MR. L. STIRLING: Thank you, Mr. Speaker.

I have a question for the Premier. The question is, Mr. Premier, do you feel obliged to honour written commitments made by Premier Moores?

MR. SPEAKER: Any further questions?

PREMIER PECKFORD: Mr. Speaker.

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I will respond.

MR. SPEAKER (Simms):

The hon. the Premier.

PREMIER PECKFORD:

I do not know what the hon. member is getting at.

AN HON. MEMBER:

Gambo.

PREMIER PECKFORD:

But, you know, it depends on - it is very difficult to answer the question. Is there a specific written commitment that the hon. member is referring to? Is he just referring to it in general? Does he have some motive for asking the question? And if he does, well then I am prepared to look at what it is he is talking about.

MR. STIRLING:

Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. member for Bonavista North.

MR. STIRLING:

Yes, I wanted to know whether or not the Premier - it is a very simple question; a commitment was made in writing to a town council in my district, a commitment made in writing by the Premier and I wondered whether or not the present Premier felt obliged to honour a commitment in writing made by Premier Moores.

MR. SPEAKER:

The hon. Premier.

PREMIER PECKFORD:

Mr. Speaker, I am prepared to talk to the hon. member about that and to review it with him to see what the written commitment was, and, you know, see - I do not know what area he is talking about in Bonavista North, whether it is in the Southern part of his district, or whether it is - you know, I will have to take a look at the written commitment and what it means, and treat it on its own merits.

MR. STIRLING:

A final supplementary.

MR. SPEAKER:

A final supplementary, the hon. member for Bonavista North.

MR. STIRLING:

To be specific, Mr. Speaker, the former Premier made a commitment to the Town Council of Gambo about their water and sewer project and they were cut off this year, absolutely cut off this

MR. STIRLING: year in the middle of their projects and I wanted to know if the Premier was prepared to honour the commitment in writing by the former Premier?

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

PREMIER PECKFORD: We will do our Best at all times to honour whatever commitments were made over the years by various governments. I can think of many commitments made by different people over the years and in all cases we try to honour them as quickly and as efficiently as we can.

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

MR. HISCOCK: My question is to the Premier. It is related to a question that was asked the Minister of Fisheries (Mr. Morgan) yesterday. Last Summer the Premier announced a programme for Labrador with bounties of - it would apply to the Labrador Coast, twenty-five feet and under. That was the only area in the Province that was on this programme - twenty-five feet and over was for the rest of the Province - Henley Harbour North. Now in a brochure published by the Department of Fisheries we find that this also applies to Labrador, North of Henley Harbour. I want to know what of the Premier's promise to the fishermen on that part of the Labrador Coast, and particularly they want to see a smaller boat under twenty-five, particularly a twenty-two foot boat. Will the Premier instruct the Minister of Fisheries to implement the programme that you, basically through the Labrador Advisory Council, said should be in effect?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I do not know what the hon. member is referring to specifically. I remember last year talking about that perhaps there was still a need - I do not know how long that need was to be continued. I do not know the exact words I gave to the Labrador Resources Advisory Council.

AN HON. MEMBER: Breaking promises.

PREMIER PECKFORD:

All I can remember is that if there was still some need for that for another year or whatever, I do not know if it was indefinitely that that kind of a programme would be continued. I do not know what the Minister of Fisheries' (Mr. Morgan) response was yesterday, because I was not here in the House to hear it. But I bow to the Minister of Fisheries who is totally familiar with this area. I mean, apparently it cannot be demonstrated now that a continual bounty on that size of boat will have, or the removal of it, will have serious repercussions for the fisheries from Henley Harbour North.

Now if in fact that is wrong, that you can prove otherwise, that the Labrador Resources Advisory Council can prove otherwise, or the hon. member can, well then they should make their representations in writing to the Minister of Fisheries and his officials so that they can assess the situation. Obviously the people in the Department of Fisheries have evidence to show that the removal of that bounty will not injuriously affect the fishermen on the Coast. Now if that information is erroneous information, well then it is incumbent upon the hon. member and people on that Coast, to prove the Minister of Fisheries and his people to be wrong so that changes can be made to the programme.

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AH-1

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

MR. HISCOCK: My question is also to the Premier with regard to Labrador and transportation and communications particularly with regard airstrips and saying that the federal government should construct airstrips on the coast, could the Premier tell us what plans the provincial government have to construct airstrips on the Labrador Coast particularly with regard to Port Hope Simpson, Black Tickle and various others, and Red Bay.

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: I could not give a specific answer to that question because I do not know right off the top of my head. Mr. Speaker, there had been some reluctance on behalf of federal authorities a few years ago to move quickly on landing strips so that the Province moved in on its own and started to construct some and then later the federal authorities got involved and started to construct some too. I think we have one in Cartwright, which is totally provincial and the rest, the one in Makkovik is federal/provincial and the one in Mary's Harbour -

MR. HISCOCK: The Forteau one was Canada Works with the help of the government.

PREMIER PECKFORD: Yes, Canada Works and so on. I will have to take the matter under advisement and ask the hon. member to get on to the Minister of Transportation and Communications (Mr. Brett) and myself sometime next week so he can get an answer to his question. Port Hope Simpson and Red Bay I can see, but is there that much of a need in Black Tickle? I just pose the question. They cannot have one, I suppose, in every community.

MR. HISCOCK: Well that is what the letter from council said to me.

PREMIER PECKFORD: I can understand the Port Hope Simpson need. Mary's Harbour is being built. Right?

MR. HISCOCK: It is finished now, is it not?

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AH-2

PREMIER PECKFORD: And Hopedale is finished and Makkovik is finished.

MR. WARREN: Hopedale, no! They are not even started Hopedale.

PREMIER PECKFORD: I take that back. Nain.

MR. WARREN: Nain and Makkovik.

PREMIER PECKFORD: Nain is the one under the hill. Right?

MR. WARREN: Yes.

PREMIER PECKFORD: And Makkovik is completed.

So there is a Hopedale one to go. Where is Mary's Harbour now? Is Mary's Harbour started?

MR. HISCOCK: Mary's Harbour is almost finished this year.

PREMIER PECKFORD: Almost finished this year.

Cartwright is in the final stages.

MR. HISCOCK: It will be finished this year.

PREMIER PECKFORD: So we are talking about Port Hope Simpson, Red Bay -

MR. WARREN: Particularly Port Hope Simpson and Charlottetown.

PREMIER PECKFORD: Port Hope Simpson, Black Tickle, Red Bay and Forteau is being done by the local people. We are going to have a good set of landing strips on the Labrador Coast one of these days.

MR. WARREN: Well, we need them faster.

PREMIER PECKFORD: I agree.

MR. SPEAKER (Simms): Order, please! The time for Oral Questions has expired.

o o o

MR. BARRY: A point of privilege, Mr. Speaker.

MR. SPEAKER: The hon. the minister.

MR. BARRY: It has just been brought to my attention, the editorial in the Daily News this morning relating back to a front page story yesterday and an earlier headline the day before. The Daily News seems to have a little difficulty, Mr. Speaker, in getting the point that

Mr. BARRY: was made. I said, Mr. Speaker, in this House and the Premier said that the headline in the initial story, the headline which said, "Guerilla War with Ottawa," Guerilla War, no 'legal' Guerilla War, Mr. Speaker, which said, "Guerilla War," that that was inaccurate, incorrect and, I repeat, misleading. Yesterday there was a front page story where the same paper, the Daily News stated they were correct and I was wrong and they circled words in the story to substantiate their headline and they circled the words and they put a big pen stroke through the word "legal" in circling their words and they said, "See, here are the words "Guerilla War" in the story." And now I see again an editorial taking the same point of view, that when I got up and said that it was inaccurate for them to use the term "Guerilla War" in their headline, they were correct, they said, and then they go on to quote the official as having said, "Legal Guerilla War." Now, Mr. Speaker, there is a little difference, I would respectfully submit, between Guerilla War and all the sinister connotations and a legal Guerilla War which would involve, Mr. Speaker, just to clarify the matter which would involve shall we say certain legal manoeuvres carried out with lightning-like rapidity from strange and unexpected directions, Mr. Speaker. That is what is meant by a legal Guerilla War, nothing, Mr. Speaker, illegal.

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: Mr. Speaker, if I could just have a moment to finish the point because it is an important point, Mr. Speaker. It is an important point of principle here because what we have, Mr. Speaker, really is a threat -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. BARRY: - what we have here is threat to the very freedom of the press because what we have, Mr. Speaker, is, I believe, the kickoff of another campaign by another member for the party opposite who is presently engaged as publisher -

SOME HON. MEMBERS: Oh, oh!

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Tape No. 2137

AH-4

MR. MORGAN: He used CBC this morning. He was sickening this morning on CBC, sickening.

MR. BARRY: If I could?

MR. SPEAKER (Simms): Order, please!

MR. BARRY: Now, Mr. Speaker, this is on a point of privilege, Mr. Speaker, the most important matter that can come before this House.

MR. ROBERTS: Make a motion.

MR. SPEAKER: Order, please! Is the hon. minister finished now?
With respect to the -

MR. BARRY: Mr. Speaker, I am not finished.

MR. SPEAKER: I am sorry. I thought you were concluded.

MR. BARRY: Mr. Speaker, very briefly I will finish by saying that we have

MR. L. BARRY: a publisher, who, in the guise, Mr. Speaker,
I would submit, of acting as a newspaper publisher -

SOME HON. MEMBERS: Oh, oh.

AN HON. MEMBER: Hear, hear.

MR. J. MORGAN: Yes, "Hear, hear". He was -

MR. L. BARRY: - is carrying out a political campaign and -

MR. SPEAKER (Simms): Order, please!

MR. J. MORGAN: - this morning on CBC, he was.

MR. L. BARRY: - we saw, Mr. Speaker, the second prong of
that campaign in a smear attack against the Premier of this Province this
morning on national CBC.

SOME HON. MEMBERS: Hear, hear.

MR. L. BARRY: For his own personal political ends he
would smear a fellow Newfoundlander nationally. Shameful!

SOME HON. MEMBERS: Hear, hear.

MR. J. MORGAN: Smear Newfoundland nationally. Smear his
own country nationally, he would.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! The Chair will hear the
submission from the hon. member for the Strait of Belle Isle.

SOME HON. MEMBERS: Oh, oh!

MR. E. ROBERTS: Mr. Speaker, I would submit -

MR. SPEAKER: Order, please!

MR. E. ROBERTS: - there is no point of privilege. I would
submit that it is an abuse of the privileges of the House for the hon.
gentleman to attempt what he has done and I would also say that it is
despicable, absolutely despicable, of the hon. minister to attempt to
use this House to attack a person outside of the House who can not fight back.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

MR. E. ROBERTS: As for the hon. minister's protests, I
would simply rely upon Mr. Shakespeare's statement, "Methinks the man
doeth protest too much."

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER: Order, please!

MR. J. MORGAN: (Inaudible) Bill Callahan did

MR. E. ROBERTS: Are you sure it is not the Premier?

MR. SPEAKER: (Simms) Order, please! With respect -

AN HON. MEMBER: (Inaudible) this morning Bill Callahan did.

MR. SPEAKER: Order, please! With respect to the point of privilege raised, we have had several precedents of a similar nature, and it is not for me to decide whether or not there is a point of privilege but in fact whether or not there is a prima facie case. In this particular matter I think the hon. minister has taken the opportunity to clarify the situation on remarks that were attributed to him; therefore, no prima facie case exists.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

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

MR. J. GOUDIE: Mr. Speaker, I wish to table the financial statements for the year ended 31 March 1979 of the Newfoundland Farm Products Corporation.

MR. SPEAKER: Are there any further presentations?

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

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

DR. J. COLLINS: Mr. Speaker, on or before the 22nd of May the hon. member for LaPoile (Mr. S. Neary) asked me a question. I have the quote from Hansard in front of me here and it says, "Would the hon. gentleman indicate to the House what benefits in the way of severance pay and moving allowances have been granted to Mr. Fearn, who was Deputy Minister of Finance, in order to move to the mainland to another job?"

Mr. Speaker, in regard to the first point, severance settlement, in lieu of lost pension benefits and for certain continuing obligations to the Province, such as the obligation to appear before the CAP, certain continuing directorships on private and public corporations in the interest of the Province, Mr. Fearn received a lump sum equivalent to ten months gross salary.

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SD - 3

MR. L. STIRLING:

How much?

DR. J. COLLINS:

Ten months gross salary.

MR. S. NEARY:

What is the amount?

DR. J. COLLINS:

I think that is in the record. I do not know the sum of money but -

MR. S. NEARY:

You did not get the sum! That was the whole question.

DR. J. COLLINS:

That is in public documents, I mean, you can -

MR. E. ROBERTS:

\$50,000.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER: (Simms)

Order, please!

DR. J. COLLINS:

In regard to the second point, Mr. Speaker, relocation expenses, subject to presentation of documentation of costs in accordance with the established regulations in effect in the Public Service, Mr. Fearn's relocation expense account is in the process of being processed for payment and in the account he submitted amounts to \$14,735.

MR. S. NEARY:

That means he got \$65,000 or \$70,000.

MR. SPEAKER:

Are there any further answers to questions?

PRESENTING PETITIONS

MR. SPEAKER:

The hon. the member for the Strait of Belle Isle.

MR. E. ROBERTS:

Mr. Speaker, apparently there are some gentlemen on the other side who have petitions to present too, but let me present one, Mr. Speaker, signed by 333 residents of my constituency, the people who live in the Pistolet Bay area. If Your Honour is not intimately familiar as yet with Pistolet Bay, I would hope Your Honour will be in due course. Pistolet Bay, Your Honour, is that bay which separates the community of Cook's Harbour on one side and the community of Raleigh on the other. It is also not far from L'Anse-au-Meadow, which we call Lancey Meadows, where on the 11th of July a massive international celebration will take place to commemorate the distinction that has been visited upon that community.

Now, Mr. Speaker, the point of the petition grows from the fact that there is going to be a very large tourist industry developed about that part of Northern Newfoundland and I am sure the

MR. E. ROBERTS:

Minister of Tourism (Mr. R. Dawe)

would concur that the tourist potential of that part of our Province is very large and is growing rapidly. The ceremonies at L'Anse-au-Meadow is but one example. I am not sure who will be there, perhaps the Prime Minister, perhaps the Governor General - perhaps both - but people from all over the world will be coming and it will be a massive ceremony. It is being organized by our good friend, Roger Simmons, the Parliamentary Secretary to the Minister of the Environment (Hon. John Roberts) at Ottawa, a gentleman of distinction, well and favourably known to all in this House.

Mr. Speaker, the facilities available to respond to the requests and demands and needs of tourists in that area are extremely limited, and in particular, there are no facilities available for the hundreds of people who come down the newly paved Northern Peninsula Highway which will be completed this Summer or next, thanks to the beneficent administration currently in office in Ottawa. But the people who drive their trailers or these recreational vehicles of all sorts, some of them have houses mounted on pickups - I am not sure if that is the correct name - and then there are trailers that are dragged or towed by ordinary cars and vehicles, and then there are these mobile homes that you sort of drive in the livingroom and live in the drivingroom. But there is no place or no facilities for these people. There are no facilities even as simple as the voiding of the process of the results of the voiding process, and that is not confined to Northern Newfoundland, that is a very great problem all over this Province, so great a problem that even our friend from St. John's North (Mr. J. Carter) recently became aware of it. And when the hon. gentleman from St. John's North becomes aware of a problem, it is prominent, Sir. It is a very outspoken, a very noisome problem indeed, when it becomes familiar to the gentleman from St. John's North.

Sir, a gentleman who lives in the area, a businessman, Mr. Mel White of the Loon Motel Limited - Viking Motel Limited, I think it is now called owns and operates a large motel in

MR. E. ROBERTS: Pistolet Bay and he has recently built a trailer park, something which meets a very great need.

The prayer of this petition is a request that the government provide the approximately one-half mile of road which will be needed to connect the park to the main highway. And I might add, that need has been made all the greater because the government relocated the main highway and in doing so, removed the main road from passing in front of Mr. White's motel, which has been there for many years - formerly owned by the Taylor family, Gil and Arch Taylor from Raleigh - and they have moved the main road half a mile away.

MR. J. CARTER: Is the old road still there?

MR. E. ROBERTS: The old road is still there. It is not paved, it is not upgraded. The road is still there, I would say to my friend from St. John's North (Mr. J. Carter) but the main road now passes half a mile away - it was in the straightening out process.

I think the prayer of the petition is a reasonable one, Sir, although it is somewhat unusual. It is not asking for expenditure on a private road because that would be unlawful. The law of this Province does not permit public funds to be spent on private roads, nor should funds be spent on private roads. This is a public road that would serve a public need. It has widespread support, Mr. Speaker, as is evidenced by the fact that 333 of my constituents have seen and have signed it. They come from communities in the area, St. Anthony right through to Cook's Harbour, and I think that the government ought to take this petition seriously and I would hope they respond to it in a very positive way by giving the local highways authorities the direction to go ahead and provide this road this Summer. It will meet a great need, Sir. It will help to develop the tourist industry, it will help to broaden the industrial and economic base in a part of Newfoundland and Labrador which sorely needs such greater opportunities, and in my view, deserves them.

Thank you, Sir.

MR. SPEAKER (Simms): The hon. the member for Fortune -
Hermitage.

June 6, 1980

Tape 2139

EC - 3

MR. D. STEWART:

Mr. Speaker, I rise to present a petition on behalf of 726 residents in my district. In presenting the petition, I would like to say that this petition being circulated throughout my district, to date.

MR. D. STEWART: five communities have responded but due to the urgent need and the important action that should be taken I felt the petition should be presented at this time. TV reception, Mr. Speaker, in my district and all along the South Coast is ridiculous and the majority of residents receive only one station, CBC. And during the winter months there are days when this service is out of order. NBC has not been seen along the South Coast since November of last year.

People depend heavily on the media on the South Coast, both TV and radio, for their information and I think preference should be given to make sure that all of our communities along the South Coast are exposed to as much information as possible and not dictated to by one station. The prayer of the petition, Mr. Speaker, is as follows: "This petition is presented in the light that the vast majority of Newfoundland and Canadian citizens can receive more than one television channel at a time. And most Canadians have the opportunity of viewing several channels.

"Also, in view of the fact that the Canadian Broadcasting Corporation will probably lose its local advertising revenue in Newfoundland and that the Newfoundland Broadcasting Corporation is pressuring for the denial of revenue by CBC for advertising, NBC has stated that it is willing to improve television coverage in Newfoundland.

"Therefore, whereas we the citizens of 23 communities of the district of Fortune-Hermitage have been denied television transmission by the NBC since December '79 and whereas prior to that date for approximately two years, reception was unacceptable by any standard of television transmission and prior to that nil.

"Therefore we present this petition to the hon. House of Assembly to communicate these facts to the Canadian Radio and Telecommunications Commission on our behalf." I ask that this petition be placed on the House and referred to the department concerned.

MR. SPEAKER (Simms) :

The hon. the member for LaPoile.

MR. S. NEARY :

Mr. Speaker, I understand there is another petition forthcoming and because only two members can speak, a couple of my colleagues want to speak, on one or the other of these two petitions. But I support both petitions and I know the petition the hon. gentleman is going to bring in from Burgeo-Bay d'Espoir. I support the petition, both petitions, Mr. Speaker and because my district of LaPoile is one of the districts that is affected by the lack of television facilities and poor reception.

Only two communities in the district of LaPoile, namely, Cape Ray and Port aux Basques have two channels. The rest of the district, Grand Bruit, LaPoile, Burnt Islands, Rose Blanche, Diamond Cove, Harbour Le Cou, Petites, Isle au Mort, Fox Roost, Margaree all only get one channel and in Isle au Mort there is a great move on now to try to get the cable in there but they cannot even get cable television.

And it is a great source of annoyance and irritation and frustration to these people to hear about - they go up to Port aux Basques and they have cable television. They have four or five or six channels. And you go a few miles away and only one channel. People are forced to watch the CBC whether they like it or not. And that is sometimes the reception of that - although they are improving it now that they have put in new towers or they are in the process of putting in new towers down there.

But it is, Mr. Speaker, it is a terrible situation and people are really frustrated.

MR. S. NEARY:

over it. And I do not know what can be done about it. I have exhausted every avenue I can to try to get the independent station, CTV, to put the second channel in my area but they say it is too expensive and the argument they used was the fact that the CBC were undercutting them in their advertising rates. But that argument is no longer valid, Mr. Speaker, because CBC are going to withdraw from local advertising and so that should mean additional revenue for the private network. But even at that they do not seem inclined to go in and put the second channel in along the Southwest coast, and they have the same problem in Southern Labrador.

So, I support the petition, Mr. Speaker. We have been at it now for years in this House, trying to get the second channel in. And I do not blame these people for being disillusioned and browned 'off when they hear of St. John's and the urban centres. And here is a member who can see beyond the overpass despite the column in the morning news. I believe my hon. friends can see beyond the overpass. We are very concerned about this and it is something that our people are entitled to. And we would like for the minister and the government to put the pressure on to see what can be done to at least bring a second channel into the Southwest coast and into Southern Labrador and to improve the reception on the channel that they already have.

MR. SPEAKER (Simms):

Any further petitions?

The hon. the member for Burgeo -

Bay d'Espoir.

MR. H. ANDREWS: Mr. Speaker, I rise to present a similar petition, if not the same petition, on behalf of 1,845 citizens of the district of Burgeo - Bay d' Espoir. The Newfoundland Broadcasting Corporation's transmitters along the South Coast have been down since mid-December, people have been denied transmission. I think it is significant also that the Newfoundland Broadcasting Company did persuade the CRTC, the governing body, to force the CBC, which is its competition in Newfoundland, to drop local advertising on the notion that the NBC would improve and upgrade its television coverage around Newfoundland.

I have a copy of a letter that was sent by Mr. J. Heeney, the Director of Engineering at the Newfoundland Broadcasting Company, Limited to Mr. J. G. Patineau, who is the Secretary General of the Canadian Radio and Television Communications Commission in Ottawa. And in this letter he is recommending that - he says, 'I strongly recommend to Mr. G.W. Stirling, the President of the Newfoundland Broadcasting Corporation, that we surrender our license at CJRA - which is the station in Ramea - because of the poor signal that is being re-broadcasted and the extreme difficulty and expense in providing service to that transmitter because of its isolation and inaccessibility.' And I think that is the whole point here, Mr. Speaker, These communities along the Southwest coast, both in Fortune - Hermitage, in La-Poile, and in my own district of Burgeo - Bay d' Espoir, are isolated. They only this one television outlet, the CBC, it has a good signal there and will all due respects to the CBC, a corporation that I worked with for thirteen years. I think the people are entitled to much better service than that, particularly when we see across Newfoundland, and I would suspect within a couple of years

MR. H. ANDREWS: that maybe 60 or 70 or maybe 80 per cent of Newfoundlanders will have access to cable television.

So I support the petition presented by the hon. member for Fortune - Hermitage (Mr. Stewart) and I present this petition and request that it be laid upon the table and referred to the department to which it concerns.

MR. SPEAKER (Simms): The hon. member for Eagle River.

MR. E. HISCOCK: Mr. Speaker, I rise to support both petitions but I also have to add very, very much is the luxury that I find the Southwest coast has of having one good channel. I have places down on the coast of Labrador that basically do not have one channel at all. We have had to do away with history classes in Charlottetown because they do not receive any T.V. reception in Black Tickle.

But I also point out that

MR. HISCOCK: now that CBC is withdrawing from local advertising and that, that basically we should have not only one channel but two channels throughout the Province, and the need basically again to have standards in this Province spread over the full Province and not the urban areas and that.

So I support both petitions, and hopefully we can see in the forthcoming months changes that we will have to channels down on the Southwest Coast, and hopefully CBC itself will see fit to improve areas on the Coast of Labrador to give the people in that area of our Province at least one channel.

MR. SPEAKER (Simms): Any further petitions?

ORDERS OF THE DAY:

MR. MARSHALL: Motion one.

Motion, the hon. Minister of Public Works and Services shall have leave to introduce a bill entitled, "An Act To Amend The Department Of Public Works And Services Act, 1973 (No. 2). carried. (Bill No. 68)

On motion, Bill No. 68 read a first time, ordered read a second time presently by leave.

MR. MARSHALL: Order 50, Bill no. 64.
Motion, second reading of a bill,

"An Act To Remove Anomalies And Errors In The Statute Law." (Bill No. 64)

MR. SPEAKER: The hon. Minister of Justice.

MR. OTTENHEIMER: I move second reading.

On motion, a bill, "An Act To Remove Anomalies And Errors In The Statute Law," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 64)

MR. MARSHALL: Order 41, Bill No. 61.

On motion, a bill, "An Act To Amend The Generic Dispensing Of Prescription Drugs Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 61)

MR. MARSHALL:

Order 43, Bill No. 59.

Motion second reading of a bill,

"An Act To Amend The Landlord And Tenant (Residential Tenancies) Act, 1973." (Bill No. 59).

MR. NEARY:

Will this include the Harmon Corporation?

MR. SPEAKER (Simms):

The hon. President of the Council.

MR. MARSHALL:

In response to what the hon. member is asking, this is to bring the public housing under the ambit of the residential -

MR. ROBERTS:

Just one question. Does this now mean that all rental housing in this Province is under the Landlord and Tenant Act?

MR. MARSHALL:

Yes.

MR. ROBERTS:

Good. It is about time.

MR. WINDSOR:

Mr. Speaker.

MR. ROBERTS:

Hold on now, hold on. Would the minister explain?

MR. SPEAKER:

The hon. Minister of Municipal Affairs and Housing.

MR. WINDSOR:

Yes, with the exception of the units which are subsidized and therefore obviously it does not apply because the amount that is paid by the homeowner is limited anyway.

MR. ROBERTS:

I am sorry. I did not hear that.

MR. WINDSOR:

The amount that is paid by the homeowner is limited anyway and the balance is paid by the Province.

MR. ROBERTS:

Subsidized by federal/provincial agreements.

MR. WINDSOR:

Yes.

MR. ROBERTS:

My father will now go to his landlord -

MR. SPEAKER:

Is it the pleasure of the House that the said bill will now be read a second time, all those in favour aye, contrary nay, carried.

MR. ROBERTS:

- together with the father of the Minister

of -

On motion, a bill, "An Act To Amend
The Residential Landlord And Tenant (Residential Tenancies) Act,"
read a second time, ordered referred to a Committee of the Whole
House presently by leave. (Bill No. 59)

MR. MARSHALL: Order 48, Bill No. 66.

Motion, second reading of a bill,
"An Act To Amend The City Of St. John's Act (No. 2)." (Bill No. 66).

AN HON. MEMBER: Carried.

MR. SPEAKER (Simms): Is it the pleasure of the House that the
said bill be now read a second time?

MR. NEARY: Mr. Speaker, although we are prepared
to co-operate with the government -

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: - we are not prepared to co-operate to
that extent when we would let a major piece of legislation go through
the House that is going to increase the taxes for the ordinary people
in the city of St. John's, the ordinary people, now, in the city of
St. John's by about eighty-seven per cent over the next two or three -
over the next five years, say. Once this bill is passed, and let the word
go out, Mr. Speaker, that it is the government that is approving this,
the government could stop it if they wanted to. This brings in the taxation
on commercial and industrial properties which includes rents and
so forth. It is the - let me see where we are here -

AN HON. MEMBER: The capital values system.

MR. NEARY: The capital values system, I was just
looking for the name there, my hon. friend just reminded me, the capital
values system is what we are approving here, which means

MR. S. NEARY: substantial increases in taxes for the ordinary taxpayer, the ordinary people of St. John's. Now who will benefit by this system, Mr. Speaker? Who will benefit? The lawyers will benefit.

MR. E. ROBERTS: Hear, hear!

MR. NEARY: The slum landlords will benefit-and some of them are lawyers, by the way.

MR. ROBERTS: Could be

MR. NEARY: The developer

MR. ROBERTS: Some are politicians

MR. NEARY: Yes

some are politicians. The developer who is now arguing that 'I am not going to put up an apartment building because of the taxation system in St. John's, it is unfair. They will benefit by it and the question there is, Mr. Speaker, will their benefits, will their savings, will their benefits be passed on to the people who rent the apartments? Will the benefits be passed on to the ordinary person? That is the question that needs to be asked there. You can argue all you like that now this is going to mean more apartment buildings are going to go up in the city of St. John's, you can argue that and it will probably be true, that you will see apartment buildings going up, but the question at the end is will the benefits of this tax concession be passed on to the ordinary person?

And you can also argue, Mr. Speaker, that they have this system pretty well across North America and you can argue that this is going to help the little fellow in the shopping malls that are now going belly up. Well, I would say if their margin of profit in these little boutiques and the like in the shopping malls, if their margin of profit is that small, I mean, will this save them by changing the taxation system? Will that save them? I would submit, Mr. Speaker,

MR. S. NEARY: the answer is no, that it will not save them, that even when you change the taxation system they will still struggle and probably go into bankruptcy if that is all they are depending on to save them.

I would say in the case of these shopping malls, the little boutiques and so forth in the shopping malls that the is the volume of business. There are too many of them, there are too many shopping malls. I would say that is the reason they are struggling and going bankrupt and going into liquidation and going belly up.

So, Mr. Speaker, I want to go on the public record. I want to go on the public record as being opposed to this bill and I am going to vote against it. And I am going to vote against it because it discriminates against the ordinary person in this city, in the city of St. John's. And let nobody be fooled, the government could stop this -

MR. F. WHITE: The guy who has got the \$150,000 house, right?

MR. NEARY: Pardon? Well, I mean I am not, Mr. Speaker, you can argue all you like that the taxes are too low in the city of St. John's and they should be higher. You can argue that all you like. I think people, generally speaking, are quite happy with the system. The ones who are not happy with it - the Board of Trade who have come out in favor of this bill and anything that the Board of Trade is in favor of I think I would automatically vote against.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: The Board of Trade are in favor of it. The City Council,

MR. S. NEARY: want the capital value system.
because it will mean more revenue for them. They are increasing taxes via the back door, That is what they are doing. That is what they are up to. And as a result of this bill they will all be gutted out the next time down there in city hall. There will be a mass protest. People are not reacting now because they do not understand it, but when the bills go out from Mr. Cohoon and people see that their taxes are going to go up, steadily increased for the next three or four or five years until they reach an 87 per cent increase -

MR. HISCOCK: St. John's will go Liberal.

MR. S. NEARY: - then I guarantee you she will go Liberal in this city.

SOME HON. MEMBERS: Hear, hear!

MR. S. NEARY: She will go Liberal then, Mr. Speaker.

AN HON. MEMBER: (Inaudible) none the worse.

MR. S. NEARY: No. That is right, Mr. Speaker.
For a member who cannot see beyond the overpass, Mr. Speaker, I want to say that I am against this bill. And I realize, I know, Mr. Speaker, there are arguments in favour of the capital value system. I am well aware of it. But I think the argument against it at this particular point in time when our people are being over taxed, when our people are paying the highest taxes of any province of Canada, I have to go on public record, Mr. Speaker, as voting against it. As far as development is concerned, how stunned can the members of the City Council get, listening to this argument from the developers, listening to this foolish argument, 'Oh, we would put up more apartment buildings if you would change your taxation system.' How stupid and stunned can you get to swallow that from some of the developers that I know around this city and who are being aided and abetted by developers on the Mainland? With the oil coming in, Mr. Speaker, the developments are going to take place anyway, and the Craig Dobbins of this world can argue all they like, 'Oh, change this system and we will put up hotels and we will

MR. S. NEARY: put up apartment buildings' and the like. What foolish nonsense! It is time for them to come to their senses down in City Hall, Mr. Speaker. What they are doing is they are increasing taxes. They did not have the courage to do it directly so they are going to change the system to satisfy this twerp they brought in from Halifax or wherever he is from.

SOME HON. MEMBERS: Hear, hear!

MR. S. NEARY: And now I bet you you will hear -

MR. MORGAN: He is an arrogant person, I will say that.

MR. S. NEARY: Yes, arrogant, you can say that again.

We will hear it all now. We will hear the argument being used now, and I hope the people of St. John's do not fall for this. Oh, there is going to be more development, more apartment buildings are going to go up. They will not have to pay as much taxes so the rent will be lower.' What a joke, Mr. Speaker! What a joke! The minister knows the difference of that.

So I am voting against this bill and I am voting against the capital value system at this particular point in time, Mr. Speaker. I think the timing is wrong and I think every member of this House should go on public record as voting against it. Send the thing back to City Hall and let them stew in their own juice down there.

SOME HON. MEMBERS: Hear, hear!

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

The hon. the Minister of Municipal Affairs and Housing.

MR. N. WINDSOR: Mr. Speaker, three things are obvious, from that ride; number one, that we must be doing something right - the hon. member disagrees with us; number two, the hon. gentleman obviously has not read the bill, and thirdly, he does not know any more about the city of St. John's taxes than he does about his own district of LaPoile.

First of all, if the hon. gentleman would take the trouble to read the bill, he would find out that it does not

MR. N. WINDSOR:

impose the capital value system on residential property. What he was debating was a bill, a much larger piece of legislation, that will be brought before this House next Fall, hopefully. This is simply an interim measure to allow the capital value system to be applied to industrial and commercial properties in the city and, secondly,

MR. N. WINDSOR: to waive the necessity to do a rental value assessment on residential properties for this year, to apply the rental values that were established last year and as approved by the Court of Revision of the City of St. John's so that the assessors can get on with doing the capital value assessment on the commercial and industrial properties and therefore raise more money from businesses in this city rather than from the poor people. The hon. gentleman's argument that this is going to increase taxes on the poor person is totally erroneous. I would assume, Mr. Speaker, and it is not a general fact but as a matter of, I think, the majority of the sort of person that the hon. gentleman always likes to champion for are people who are, in fact, renters. The object of installing the capital value system would be to lessen the tax burden on rental properties so that these people will indeed get a better break, so that the person, admittedly the person who owns his own home, a single unit dwelling, will be paying more than they are now, but the rental properties will be paying less and hopefully those rent savings or tax savings will be passed along to the person in the rental unit.

AN HON. MEMBER: Hear, hear.

MR. N. WINDSOR: We are going to take steps with the Rental Control Board to see if some system can be put in place to do that.

Secondly, to say that this is going to be an increase in taxes for the city is totally erroneous. The decision as to how much taxes will be raised or how much revenue will be raised locally by the city is always, as it is now, one for the city. They can set the tax rate as they see fit. This is simply a method of re-distributing the tax burden over properties in the city.

I move second reading.

SOME HON. MEMBERS: Hear, hear.

On motion, a bill, "An Act To Amend The City of St. John's Act (No. 2)", read a second time, ordered referred to the Committee of the Whole House presently by leave. (Bill No. 66).

Motion, second reading of a bill, "An Act To Amend The Municipal Grants Act". (Bill No. 63)

MR. SPEAKER: (Simms) The hon. the Minister of Municipal Affairs and Housing.

MR. N. WINDSOR: Mr. Speaker, just in a few words what this piece of legislation does is permit the Province-as the hon. gentlemen are aware the Act that was approved by this House in 1977 provided that under the new Municipal Grants Act the municipality may be paid a tax incentive grant based on the amount of real property tax collected in the municipality. Since that time with the introduction of the Municipalities Act and new policies adopted by the government, we have agreed or we have announced that we will be paying tax incentive grants as well on water and sewer rates which under the new Municipality's Act will be a component of the real property tax and as well on grants in lieu of taxes by federal government or whoever. So it is simply a means of allowing the Province to pay more money to municipalities as we have already announced.

On motion, a bill, "An Act To Amend The Municipal Grants Act", read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 63).

Motion, second reading of a bill, "An Act To Amend The City Of St. John's Act". (Bill No. 54).

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

MR. N. WINDSOR: Mr. Speaker, I will go through this very briefly. I do not know if there are any questions on it. If hon. gentlemen have any questions, then I will speak again.

On Motion, a bill, "An Act To Amend The City of St. John's Act", read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 54).

Motion, second reading of a Bill, "An Act To Amend The City Of St. John's (Loan) Act, 1975-76 And The City Of St. John's (Loan) Act, 1978". (Bill No. 39).

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

MR. N. WINDSOR: A very simple amendment, Mr. Speaker, to allow that these bills can be signed by either the Mayor, City Manager or the City Clerk.

MR. E. ROBERTS: Just one question to the Minister.

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

MR. E. ROBERTS: Mr. Speaker, we are quite prepared to facilitate the passage of the bill but I am wondering just what lies behind the authority given by the fourth clause of this bill which will permit the Province to be appointed as the transfer agent with respect to city bonds? I have no objection to it, I mean, if we can not trust the Province then there is little enough we can trust, but what is the thinking behind that?

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

MR. N. WINDSOR: Mr. Speaker, it simply provides a mechanism whereby the city and the Province can enter into an agreement so that when the Province is raising funding then they can raise money for the city as well rather than the city raising its own funding.

MR. L. STIRLING: The city agrees?

MR. N. WINDSOR: Yes.

On motion, a bill, "An Act To Amend The City Of St. John's(Loan)Act, 1975-76 And The City Of St. John's(Loan) Act, 1978," read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. MARSHALL: Order 44. Bill No. 57.

Motion, second reading of a bill, "An Act To Amend The Fishing Ships (Bounties) Act," (Bill No. 57).

MR. ROBERTS: Your Honour, before my colleague -

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

MR. ROBERTS: - or before anybody speaks, we would be agreeable to doing 57 and 58 together. Bill 57 is, "An Act To Amend The Fishing And Coastal Vessels (Rebuilding And Repairs) (Bounties) Act" and if it is agreeable let us dispose of these two, you know, give the second reading not simultaneously but consecutively and we can debate them that way.

MR. SPEAKER: Is that agreed?

SOME HON. MEMBERS: Agreed.

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

MR. MARSHALL: Agreed. Thank you.

MR. SPEAKER: So it is moved and seconded that Bills No. 58 intituled "An Act To Amend The Fishing Ships (Bounties) Act" and Bill No. 57 "An Act To Amend The Fishing And Coastal Vessels (Rebuilding And Repairs) (Bounties) Act" be now read a second time.

The hon. Minister of Fisheries.

MR. MORGAN: Just a brief comment, Mr. Speaker.

These changes in these two acts are in connection with the new regulations and the new eligibility criteria as outlined now to all fishermen around the Province as a result of our brochure being sent to them and these new regulations, of course, now to be incorporated in the actual legislation itself and pointing out the requirements, the qualifications and eligibility required to obtain bounties for repairs and rebuilding which -

MR. MORGAN: of course, bounties are really grants to fishermen for boats now over eight years or older, and also the same applies for the bounties for the Fishing Ships Act which are the bounties applicable to new constructions. So these are the regulations which I indicated to the House some time ago and now these regulations will be in the form of legislation with the passage of two acts.

MR. F. ROWE: Mr. Speaker.

MR. SPEAKER (Simms): The hon. member for Trinity -
Bay De Verde.

MR. F. ROWE: Mr. Speaker, just a few questions pertaining to both bills. This whole business of - well, in Bill No. 58, Clause 1 (a) with respect to having obtained seventy-five per cent of the income from the harvesting sector of the fisheries in the last two years, this is presenting some problems as it does with respect to the Loans Board's Act, which we will see later on. The problem here is how do you define a fishing season or the harvesting sector of the fishing season? Some people's applications are being looked upon as are being interpreted as, you know, they have to get seventy-five per cent of their income for that year and they are being asked to send in a copy of their income tax returns and some fishermen are being denied or being turned down because they have in fact not obtained seventy-five per cent of their income during the year and it is not well defined what the fishing season is in a particular part of the Province. On the other hand, we can have situations in the exact opposite form and that is where a person who is employed full time - and I will use the teaching profession as an example - where a person could be teaching for the ten months of the year and the fishing season is only two months in that particular area of the Province and he goes fishing and he can really under these regulations apply for a bounty and have it approved. Whereas some other chap, in another part of the Province, for some strange reason, who is a bona fide fisherman has to turn in his income tax returns and indicate that he has not achieved

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MR. F. ROWE: his seventy-five per cent and is
therefore denied or his application is turned down.

The other question, Mr. Speaker, is
this whole business of residency, the

MR. F. ROWE:

residency rule, has been a resident of the Province for at least the past year and of legal age. What is the definition of a resident of the Province? Is this similar to the Elections Act or what? You know, I would like to know the answer to that question, and the final point, Mr. Speaker, is that there are a number of inquiries that I have had of people who have gotten a bounty, and I will use an example, a person got a loan from the Fisheries Loan Board in the amount of \$1,600 four years ago and a bounty for \$600, a provincial bounty for \$600, has now made an application for, say, a longliner, a thirteen to fourteen ton longliner, and he was told originally that he could not qualify for a provincial bounty for five years four years ago, so that he has another year to wait, only to find out now that he cannot qualify for the provincial bounty for another three years. In other words, it has been changed from a five year waiting period to an eight year waiting period, so he is told by the Fisheries Loan Board, and therefore he cannot qualify for that \$13,000 or \$14,000 provincial bounty as per the formula of \$1,000 per ton.

So I would like the minister to clarify this whole business of identifying the seventy-five per cent of a person's income, identifying that, identifying the residency requirement, and also what has happened with respect to this change from a five year waiting period for a bounty to an eight year waiting period that the fishermen only found out about when they got an answer back from the Fisheries Loan Board after they had sent their application in. And I believe, Sir, my friend from Torngat Mountains (G. Warren) has a particular question he wishes to ask.

MR. SPEAKER (Simms):

The hon. the member for Torngat Mountains.

MR. G. WARREN:

Yes, Mr. Speaker, I have to speak on this particular act because yesterday in the House in Answers to Questions I asked the Minister of Fisheries (J. Morgan) - I am a little bit disappointed in the minister because the minister did announce on several occasions that there would be consultation with the people, this government would be consulting with the people. Now the minister made statements yesterday, Mr. Speaker, that the minister does not even know how to go to Labrador. He does not even know how to go down there because, Mr. Speaker, here are some examples, here are some things he said yesterday: He said the Fishermens Union is looking after the fishermen down there. I suggest to the minister that the Fishermen's Union is not down past Rigolet, from Rigolet north to Nain there is no Fishermen's Union.

He also said, Mr. Speaker, that the Fish Trades Association and the Independent Fish Processors Association, he had been in consultation with those two groups. Mr. Speaker, the government itself are the people that is buying the fish in my district, the government itself, and the minister has not consulted with the Labrador Resources Advisory Council. The headlines in the Daily News today - the minister does not feel he has to consult with LRAC. Now is that not a shocking statement from this minister? Is that not a shocking statement from this minister. Only just in October the Premier made a statement down in Labrador to all of the Labrador people and says that - I will quote what the Premier said: "It is important that a consultive process designed to meet the needs of all concerned be developed as soon as possible" - this is the Premier's statement in Labrador and he says, "to this end I propose that the Labrador Resources Advisory Council become the primary contact for consultation concerning development issues in Labrador".

Now, Mr. Speaker, the Premier said that in October - no, no August 10th, 1979. Now and here we are. We are paying

MR. G. WARREN:

Labrador Resources Advisory Council

\$120,000 to check and to continue to be addressing issues in Labrador and the main issue in Labrador is the fishery. The main issue in Labrador is the fisheries and the Minister of Fisheries(J. Morgan) has not got the intestinal fortitude of even discussing a change in the act that very much so affects the lives of every fisherman in my district, because, Mr. Speaker, in my district alone eighty-five - ninety per cent of all the fishermen are in boats between the size of seventeen feet and twenty-five feet. You will only find

MR. WARREN: about eight boats, only find about eight people prosecuting the fishery in boats more than twenty-five feet in length. And here the minister comes up and changes this act, and not only that, Mr. Speaker, not only that, but on October 20th., the Premier made a release and he said, "boats under twenty-five feet the bounty will be cancelled with the exception of resident fishermen of Eastern and Northern Labrador from Indian Harbour North to Nain.

Now the Premier said that in October and the minister said yesterday in the House he does not have to consult with them, he has consulted with the Fish Trades Association and so on, but he said, "I do not have to consult with LRAC." Mr. Speaker, this government is paying LRAC \$120,000 for that exact purpose, as an agent between the people and this government. So why not, if we are going to respect LRAC, Mr. Speaker, I believe the minister definitely should have the intestinal fortitude of discussing fish related problems, Mr. Speaker. And also, even the minister, his department, his officials, are going around this Province organizing fisheries committees, or suggesting to every community that has a fish plant or a fishman employer, "Look, organize a fishermen's committee and we will consult with fishermen's committees."

Every director in the minister's department, every employee in the minister's department is saying this. And still all the minister says, "If we have to consult with all of these, we have not got time. We have not got the time." And here we are, we are jeopardizing the fishermen in Labrador. My hon. colleague from Eagle River (Mr. Hiscock) has the same problem, right from Indian Harbour North to Nain, where eighty per cent of the fishermen are using boats between the size of seventeen and twenty-five feet.

So, Mr. Speaker, I will go on record in saying, and my colleague will do likewise, that we will not support any changes in the bounty act in particular to the fishermen in Labrador.

MR. SPEAKER (Butt):

The hon. member for Eagle River.

MR. HISCOCK:

Mr. Speaker, because the Bill is so important to my district, and the changes it is going to have, as the member for Torngat Mountains (Mr. Warren) pointed out, that eighty per cent of the fishermen on the Coast of Labrador have boats from seventeen to twenty-five feet. So I have to register the strongest concern that I possibly can to the minister. I have contacted the development associations, the town councils, and also had the fishermen's committee asking them to get their case together and present it to the minister as well as to the Premier and have this changed. And as a result of this I cannot, my conscience as well as representing my district will not permit me to vote for this bill and as a result I have to register again my strongest protest and hopefully the Minister of Fisheries (Mr. Morgan) will realize it. And again I back up what the member for Torngat Mountains was saying, if we are going to have the LRAC, and we are going to spend \$120,000 on it, then at least we should also use them.

MR. SPEAKER:

The hon. Minister of Fisheries.

MR. MORGAN:

If I speak now I close the debate.

MR. SPEAKER:

If the minister speaks now he closes debate.

MR. MORGAN:

Mr. Speaker, I want to comment on some of the points that were made on the regulations that we are not putting into law in the act. Maybe I will deal with the latter ones first.

I will say to the members for Labrador Resources that I mentioned yesterday there was no consultation with the Labrador Advisory Council but it does not necessarily mean that we should not consult with them, the reason being the union of course, representing all the fishermen around the Province, and in this case where the union does not represent the fishermen North of Henley Harbour according to my friend from the area, I will have no hesitation in saying

MR. MORGAN: that we will review the regulation as it pertains to that one aspect of the small boats.

SOME HON. MEMBERS: Hear, hear!

MR. MORGAN: Because the Labrador Coast is different from the Bonavista Bay area, or Trinity Bay, or Placentia Bay, and if the fishermen prefer to use that size boat we will definitely look at the review of that bounty. But right now the decision is made, it will definitely not apply anywhere else in the Province. So we may make an exception to the Labrador Coast again.

In connection with the matter of the seventy-five per cent, which was mentioned by the fisheries spokesman in Opposition, we had considerable discussion and debate in setting that kind of criteria and I have held meetings with Mr. LeBlanc since that in looking at the licencing system which is now under discussion with the federal minister and how we are going to determine who are bona fide fishermen, and who are not bona fide fishermen in the future.

MR. MORGAN: The seventy-five per cent of income is for the seasons within the different regions of the Province. And if we need evidence of the income, what we ask the fishermen to give us is copies of their income tax report. Now of course when you get an income tax report, if a teacher was teaching and fishing during the season there is no way we will qualify him to get a loan from the loan board for fishing purposes, because income tax will show he was a teacher up until June and then went fishing. And the same with a CNR employee or a postal worker employee, or anybody else. But the seventy-five per cent, there was some thought in the beginning to seventy-five per cent of the yearly income, but that was changed and we agreed upon this one, seventy-five per cent of the income during the fishing season. And the loan board will decide the fishing season in the different regions, like, for example, the fishing season is different on the South Coast of the Province than it would be in Bonavista Bay or the Northeast Coast. But the seventy-five per cent we feel is the fairest way of deciding who can get assistance at this time. And I am convinced that in talking to the federal minister he may very well use this criteria in trying to define a bona fide fisherman.

The fishermen through the union went along with this and agreed upon this and it is the best that we could find at this time. And I agree there may be some questions that may have to be answered by the loan board in making individual assessments of individual applications.

Now on the other matter of the - I think it was mentioned the definition of a resident. We are changing the act now. The act now is even worse in my view because it says 'bona fide resident' and who can determine what a bona fide resident of Newfoundland is? So we are going to get away from this 'bona fide resident'; eliminate these terms and put in resident of the Province.

MR. ROBERTS: Why not settle the matter with 'Canadian citizen'. We are dropping 'British subject' and that is okay.

MR. MORGAN: No, we would not do that because we are not going to make loans to Nova Scotians or to people from outside the Province.

MR. ROBERTS: (Inaudible) a Canadian citizen, resident of the Province. There is no quarrel there.

MR. MORGAN: There is no problem, you know. There is no problem with that. Right now the loan board, for example, looking at a resident would look at somebody living in the Province and making a living from the fishery, and we go along with that. Whereas before there was a question mark, 'Bona fide resident?' - what is a bona fide resident? But now a resident to us in the loan board is someone who is residing in the Province, and if they are earning a living from the fishery they will qualify for a loan under this act.

MR. F. ROWE: What about the change from five to eight years?

MR. MORGAN: So, Mr. Speaker, I think I answered the points made. The five to eight years, Mr. Speaker, yes, we brought down the ceiling from twelve years to eight years for boats to qualify to get repairs, in other words, bounties, grants for repairs. And we said, "Okay, if we are going to do that we will increase the period of time that a fisherman can only get one bounty." So before it was twelve years, we have reduced it down to eight years now for bounties for repairs to vessels for a second bounty, and now also we increase from five to eight years for one fisherman to get one bounty. In other words, he cannot qualify for a second bounty until after the eight year period. That is the reason why. We changed the ceiling, brought it down, changed the low one and brought it up.

On motion, the following bills, "An Act To Amend The Fishing And Coastal Vessels (Rebuilding And Repairs) (Bounties) Act," (Bill no. 57), and "An Act To Amend The Fishing Ships (Bounties) Act," read a second time, ordered referred to a Committee of the Whole House presently by leave.

Motion, second reading of a bill,

"An Act To Amend The Fisheries Loan Act." (Bill No. 56)

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

MR. MORGAN: Again it is the same thing as the other act, so 56, 57, 58 are the same, regulations going into law as it pertains to the new regulations.

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

MR. F. ROWE: Well, I beg to differ from the minister, Mr. Speaker, let there be no mistake about it, that this new amendment to the Fisheries Loan Act has two motivations or two reasons behind it; one I have already mentioned, and that is to clean up the utter and complete mess that was created

MR. F. ROWE: in the Fisheries Loan Board over the last three or four years. Presumably one of the purposes is to clean up those disastrous activities in the Fisheries Loan Board over the last three or four years. But, Mr. Speaker, another purpose is a deliberate attempt on the part of the government to reduce the entrance into the fishing industry. That is not necessarily wrong, Mr. Speaker, as a matter of fact, we have reached the point in this Province where we had to, in fact, put some controls on the number of people coming into the fishing industry, into the fishing boats, because it was getting out of control. The government offices have been encouraging over the years everybody and his dog to get into the fishing boat to solve the unemployment problem, and there is a necessity to put some restraints or control on the number of people entering the fisheries. However, Mr. Speaker, although that principle is sound, what is happening is that I am getting more telephone calls now, and my colleagues have informed me that they are getting more telephone calls from bona fide fishermen who are encountering difficulty and confusion and frustration in trying to get their loans approved for one reason or another. One reason I have already mentioned again is this 75 per cent problem. With the way that it is being handled now, I do not know if it is because of lack of staff or lack of planning or what, but bona fide fishermen who are making application to the Fisheries Loan Board are encountering as much if not more frustration and hang-ups than they did before.

Now, I can understand the reason for limiting new entrants into the fishing industry, but a great many bona fide fishermen, people who have been fishing for ten, fifteen and twenty years, are having replies back from the Fisheries Loan Board informing them that they have not earned 75 per cent of their income in the last two years during the fishing season, and it is proven later on that they have, indeed, earned 75 per cent or over of their income during the past two years. So there seems to be some breakdown in communications. I do not know if it is originating from the applicants' side

MR. F. ROWE: or whether it is originating from the recipients' or the Fisheries Loan Board side of the coin, but fishermen are encountering numerous problems and delays and frustrations in having their applications approved or rejected.

Now, Mr. Speaker, I could go down through the details of this particular act. I would like the minister, for example, to indicate to the House what the situation is with respect to these fibreglass longliners. At the beginning, I was going to suggest why the difference of twenty years for steel vessels for the guarantee period and fifteen years in the case of fibreglass vessels. I was going to suggest earlier when this bill was introduced that fibreglass vessels probably have a longevity as long as a steel vessel, and therefore, why not make it the same? But it has been brought to the attention of the House that some of these fibreglass vessels are indeed not seaworthy. The minister has already had this brought to his attention and I would like for him to reply to the situation with respect to the purchasing of fibreglass vessels within the Province and what he intends to do about the safety factor with respect to them.

MR. F. ROWE: Legal age, we have mentioned that; fishing experience, we have mentioned that; downpayment, we have gotten into that: Actually everything has been covered.

AN HON. MEMBER: (Inaudible) hold it up (Inaudible)

MR. F. ROWE: The bounties. The same problem is-

MR. HANCOCK: (Inaudible) did not advise (Inaudible)

MR. F. ROWE: Oh, yes, that is a good point. My colleague from St. Mary's - The Capes mentions a problem where a fisherman goes ahead, say during the Winter months, and starts to build his own little boat replacing the one that he already owns, and makes an application to the Fisheries Loan Board only to find out that he had to advise the Fisheries Loan Board when he commenced construction of his new boat, and because he had not advised the Fisheries Loan Board prior to the commencement of construction of his new boat, he is automatically rejected, disqualified for a bounty or for a fisheries loan through the Fisheries Loan Board. And again we are getting back to the whole question here of lack of communications from the Fisheries Loan Board to the fishermen of this Province. And I go back once again, and I can see the worthwhileness of the principle of controlling new entrance into the fishery, but these are not the guys that we are necessarily keeping out. What we are keeping out are bona fide fishermen who through lack of communications from the government or from the Fisheries Loan Board have gotten caught in this transition period. Now the minister waved his little blue brochure there and presumably this will straighten out the matter for next year and the years to come. But I submit that we do have a very serious problem with respect to this transition period over the last couple of years where fishermen were trying to get loans and we have had seven or eight hundred loans before the Fisheries Loan Board from bona fide fishermen who were not processed while this change was taking place and now they are caught with the new regulations, having done things not according to the regulations, and are caught in the squeeze. And

MR. F. ROWE: I think, Mr. Speaker, some special consideration should be given to these fishermen who, to put it in a simple form, have in fact been caught in the squeeze during the changing from the old to the new regulations. I would ask the minister if he would give these fishermen who have had their applications waiting for the last couple of years and who have just sent in their applications recently, give them special consideration and really crack down with the new regulations next year and give these bona fide fishermen a reasonable and fair break, those people who have in fact were caught in what I call the transition squeeze. So I think, Mr. Speaker, that is about all that I have to say about this. I think the regulations are sound, generally speaking, with the exception of the interpretations of the few regulations that I have brought to the minister's attention. I think the regulations are sound with the exception of the fact that there has been obviously a lack of communications with the fishermen with respect to the new regulations and I just return to this fact that an awful lot of fishermen are not being discriminated against, but are in the unfortunate position of having done things according to the old regulations and would have expected their loan applications to be approved, only to find out that they are being rejected upon the basis of the new regulations that they were completely unaware of until they got a copy of that blue brochure and therefore I think they should be given special consideration by the minister and the Fisheries Loan Board.

MR. HISCOCK: Mr. Speaker.

MR. SPEAKER (Simms): The hon. member for Eagle River.

MR. HISCOCK: Mr. Speaker, I also would like to support what the member for Trinity - Bay De Verde (Mr. F. Rowe) has said particularly with regard to the coast of Labrador. We do not have an inspector on the coast of Labrador and as a result how can you get it inspected and approved in order to get the bounty? Hopefully the minister will take this into account and have an inspector down on the Labrador coast itself so that they do not have to wait for somebody coming

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MR. HISCOCK: from Arnold's Cove or from some other area of the Province that really need one down there if we are going to have the construction season and take use of this bounty.

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

MR. MORGAN: Mr. Speaker, just briefly to comment on some of the points put forward. I want to mention one thing which was brought before the House

MR. J. MORGAN: by one of the members of the Opposition a little while ago in connection with fibreglass boats being built in Nova Scotia and being brought into the Province. The safety of these boats was questioned and I met this past week with the company from Nova Scotia concerned, they came in for a meeting with me as a result of the exchanges here in the House of Assembly, Guildfords Limited from Nova Scotia. They build a substantial number of boats and sell them to Newfoundland fishermen and our new policy now under the regulations is that boats built outside the Province, fibreglass boats, will not receive financial assistance from the Fisheries Loan Board, will not receive financial assistance, period.

So the company was concerned about this, the Nova Scotian company, number one, because they wanted to carry on supplying boats to Newfoundland fishermen and still get assistance from the Loan Board. However, we stuck to our guns, if you want to call it that, and said no, we want the boats built within our own Province. If they are going to be financed by the Loan Board; by the Newfoundland taxpayer, we want the boats built here.

So as a result of that Guildfords is now concerned. I am sure that is good news for the member for Stephenville (Mr. F. Stagg) in particular because and for the Port au Port area, that Guildfords has now confirmed to me that they are now in the process of moving into Newfoundland. They are moving in and establishing a major fibreglass boat building operation in Stephenville, and this is the first time I have indicated this to the House, it is a new industry.

MR. J. HODDER: It has been ongoing for years.

MR. J. MORGAN: Not with Guildfords. Mr. Speaker, the hon. gentleman always seems to know it all out in the Stephenville area and his member next door and -

MR. J. HODDER: Permit a question, for crying out loud!

MR. G. FLIGHT: A'ninny!

MR. MORGAN: Mr. Speaker, look, there he goes again

MR. SPEAKER (Simms): Order, please!

MR. MORGAN: He is way behind in the leadership race, that is the reason why he is so nasty these days.

Mr. Speaker, the company will now move into Stephenville and build the boats, fibreglass boats for Newfoundland fishermen here in our Province: However, there is a question with regards to the safety of these boats brought forward by the member for LaPoile (S. Neary) last week, and quite rightly so. That matter is now under investigation - and I mean investigation, because the first few days of the investigation brought to light some information that worries me and I have now assigned Mr. Carr, a naval architect with the Fisheries Department to give me a full scale report, a full scale investigation into why boats came in from Nova Scotia and were found to be unsafe to be used by fishermen in Newfoundland waters and how and why the loans got approved for these boats, eighteen or twenty boats, in the beginning and who inspected these boats. So that matter is under full investigation. I will be making a public statement on that matter hopefully within the next week or ten days.

MR. ROBERTS: That is something to look forward to now.

MR. J. MORGAN: Mr. Speaker, I want to say one thing, that right now the Fisheries Loan Board has gone through every application on file and every single fisherman who has made application will be notified by a letter within the next four or five days, or by the end of next week at the latest, indicating the exact status of his application so he will know in the future where his application is and what the situation is. Thank you, Mr. Speaker.

On motion, a bill, "An Act To Amend The Fisheries Loan Act." read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 56)

MR. SPEAKER (Simms): While I am waiting for the hon. the President of the Council to indicate the next order of business, would the hon. members like to join in welcoming to the Galleries approximately eighty students, grade six students from The Donald C. Jamieson Academy in Burin from the district of Burin-Placentia West.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Also accompanied by some parents and some of their teachers. And also a grade eight class from St. Joseph's Elementary in Hearts Desire from the district of Trinity-Bay de Verde accompanied by their principal, Mr. Patrick Collins. We hope they enjoy their visit.

SOME HON. MEMBERS: Hear, hear!

Motion, second reading, a bill, "An Act To Amend The Bay St. George Community College Act.". (Bill No. 5)

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

MS L. VERGE: Mr. Speaker, I would just like to briefly outline the provisions of this Bill. It is to put the Bay St. George Community College on the same footing as the two other colleges in the

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MS. VERGE: Province, the College of Fisheries
and the College of Trades and Technology, by giving this institution
greater autonomy and by, for example, establishing a Board of

MS. L. VERGE:

Governors to govern the college rather than the present Board of Trustees by renaming the Director as President and generally to bring the administration and government of the college more in line with sound educational principles.

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

MR. J. HODDER: I would just like to say, Mr. Speaker, this is a housekeeping bill and I understand that the college has been acting as if this bill had been passed for some months now and basically it is okay with us to let her go.

AN HON. MEMBER: Hear, hear.

On motion, a bill, "An Act To Amend The Bay St. George Community College Act", read a second time, ordered referred to the Committee of the Whole House presently by leave. (Bill No. 5).

Motion, second reading of a bill, "An Act To Amend The Memorial University Act". (Bill No. 26).

On motion, a bill, "An Act To Amend The Memorial University Act", read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 26).

Motion, second reading of a bill, "An Act To Amend The Mineral Act, 1976". (Bill No. 8).

On motion, a bill, "An Act To Amend The Mineral Act, 1976", read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 8).

MR. SPEAKER: (Simms) The hon. the President of the Council.

MR. W. MARSHALL: Mr. Speaker, according to my count there is only one other bill that has to go through second reading, and that is the one which was motion one today which was supposed to be in from the printers by now it is not-so what we will do is resolve into -

AN HON. MEMBER: Is this it?

MR. W. MARSHALL: No, it is Bill No. 68.

DR. J. COLLINS: It is just circulating.

MR. W. MARSHALL: Oh, just circulated.

Motion, second reading of a bill, "An Act To Amend The Department of Public Works And Services Act 1973 (No. 2)". (Bill No. 68).

MR. SPEAKER: (Simms)

The hon. the member for the Strait of Belle Isle.

MR. E. ROBERTS:

If I read the mood of the House at all, this is not a matter that will require prolonged debate. I would think the Order Paper could be given three readings at some point this morning and if we are not careful maybe we will.

I simply want to ask the minister - well, let me say, obviously we are for it. I understand this bill will clean up the situation which resulted from Memorial University padlocking a couple of cars one day and they were quite properly taken up on what was a very arrogant act by them and I understand the Supreme Court told them they had no right to do it and so a bill was put through with the Memorial University Act and now this is one to allow hospitals some rights as well.

MR. E. ROBERTS: I will not take the time to go into the rights and wrongs of it, it is going to be done and that is it. I may say I have some doubts about the way in which these bodies conduct themselves in such things as parking. It seems to me that they provide parking spaces for everybody except the public.

AN HON. MEMBER: Hear,hear!

MR. E. ROBERTS: You know, the administrative directors, the chiefs and the bottle washers and the cooks and the Indians alike all get reserved parking spots, but there is never any thought given in almost any hospital in this Province as to where the people who come in and out to see relatives or friends in hospitals park. And there might be some way in which the Minister of Public Works could convey, particularly to hospitals, that if we are going to give them a power - they do not have a power now; it turns out they have no power to enforce their parking regulations. Now if they are going to ask this House, Sir, as they are, to give them, these corporate bodies, the power to make regulations which can be enforced in the courts of this Province, then let them be sure that in using these powers, they do so with some thought to the people they serve, because the hospitals in this Province or, dare I say, the University of this Province, are not laws unto themselves, but ought to give some heed to the people for whose service these institutions exist, and equally importantly, from whose pockets these institutions are paid. And I would suggest that in every hospital in the Province the minister ensure, do it by fiat by ministerial directive, that adequate parking space be made available for the general public. I am told, for example, over here at the Health Sciences Centre that if you are visiting somebody sick in hospital, you are likely to get sick yourself by the time you get from the parking lot reserved for you to the place where the patient is in the hospital, that all the parking spaces around the hospital are reserved for the high mucky-mucks who are drawing salaries for serving the public, and willing to do almost anything except allow the public the opportunity to park within reasonable distance.

MR. E. ROBERTS: Here in this building, we have actually allowed some public parking space. There are spaces reserved out front for members, but there are also spaces which are reserved for members of the public who come and go, and that is only proper.

Let me say one other thing:

I really do not know, and perhaps somebody can tell us, why we are deeming all lands for the purposes of this section, to be part of the lands owned by the Government of the Province? I would ask the minister if he could tell us whether the hospitals have been consulted? Because I may say, in my dealings with hospitals preliminary to the enactment of the Hospitals Act which is referred to here, the last thing in the world any hospital wanted was to have its land - no doubt it is held in trust for the betterment of the public, there is no question in that - but the last thing in the world that any corporate hospital body, any board of governors or any hospital wanted was to have the land used for that hospital deemed as being land owned or occupied by the Government of the Province.

Now, we are talking a very technical amendment here, but I would like the minister to tell us whether he has consulted with the hospitals, because I will tell him, if he has not got their consent then this amendment is nugatory, it is a waste of time, because it will never be brought into place.

Could the minister also assure us that under the regulations which will be enacted by virtue of the authority to be conferred by this act, that provision will be made for such things as a man having the right to appear to contest the parking charge?

MR. L. THOMS:
of Tory - nugatory?

We were wondering if that is a type

SOME HON. MEMBERS:

Hear, hear!

MR. E. ROBERTS: Well, nugatory, that would be a better tory than the kinds of Tories we have, I say to my friend from Grand Bank.

MR. E. ROBERTS:

But, you know, where the University got into trouble was they were arrogant, they simply said, 'We issue a parking ticket and by Devon, you will pay it. You will pay it or else.' And if you did not pay it then they would padlock the car. And imagine taking a man's car and padlocking it! They happened to pick the wrong man, an RCM policeman, and I gather he took them to court and the Chief Justice of the Trial Division, Mr. Justice Hickman, threw out the University, and properly so. Well, I hope the University learned a lesson and they are a little less arrogant in their dealings with the public. But can the minister assure us that under these regulations a person who is given a parking ticket will have at least those rights which he has if a policeman here in St. John's gives him a parking ticket? And those are very simple rights, such as the right to go to court and say, 'I did not do it,' and have a provincial court judge decide whether you are guilty or not. Because if the University had had their way - and what they had been doing for years until they were caught up - if the University had had their way, they would issue the ticket and you were guilty. You were guilty by virtue of the sheer fact the ticket had been issued and you had to pay your fine, like it or not. And that was wrong and they were brought up on it.

Mr. Speaker, it is not the most important bill to come before the House this morning and it is not the longest speech I have made,

MR. ROBERTS:

but perhaps the minister could deal with those one or two points for us.

MR. SPEAKER(Simms): The hon. the Minister of Public Works and Services.

MR. YOUNG: Yes, Mr. Speaker. I thank the hon. member for his remarks. I will endeavour to notify the hospitals concerning the public parking. It is my understanding that the only way this can be enforced is by deeding the land owned by the Department of Public Works and Services. As to the tickets, I am sure that that will be there because everyone has the right to appeal a ticket if they are issued around buildings that are under our control now.

MR. ROBERTS: Is the minister saying he consulted with the hospitals?

MR. YOUNG: I presume the department has consulted with the -

MR. ROBERTS: Mr. Speaker, the question, if I might: The minister presumes the department will. Ever since the Crickle-Downs case, the minister is the department as far as the House is concerned, so I will say to him he cannot presume. But will he assure us that this amendment will not be acted upon until and unless the hospitals concerned consent? Because I will wager him a modest amount, if he wagers me a modest amount in return, that this amendment will not be acceptable to the hospitals. I could be wrong but I would be prepared to make a modest wager, fifteen or twenty cents, say.

MR. YOUNG: I assure the hon. member, Mr. Speaker, that I will do that. But we are getting quite a lot of pressure from, in particular, St. Clare's Hospital that this amendment be enacted.

MR. ROBERTS: But that is not the answer to my question.

MR. YOUNG: No, I will do that before.

On motion, a bill, "An Act To Amend The Department Of Public Works And Services Act, 1973 (No.2)", read a second time, ordered referred to a Committee of the Whole House presently, by leave.

MR. MARSHALL: Mr. Speaker, I move that the House resolve itself into Committee of Ways and Means.

MR. SPEAKER(Simms): It is moved and seconded -

MR. ROBERTS: Mr. Speaker -

MR. SPEAKER: I am sorry. The hon. the Member for the Strait of Belle Isle.

MR. ROBERTS: - let me say that this requires leave, as I understand it, but whether it does or not we are prepared to consent. And I assume the President of the Council, the House Leader (Mr.Marshall) will explain why we are going back into Ways and Means having got it off the Order Paper earlier.

MR. SPEAKER: Before putting the motion,would hon. members join me in welcoming to the gallery Councillor Fran Innes of the St. John's City Council.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The motion is that I do now leave the Chair for the House to resolve itself into Committee of Ways and Means.

MR. CHAIRMAN (Butt): The hon. President of the Council.

MR. W. MARSHALL: Mr. Chairman, we have resolved ourselves into the Committee of Ways and Means because on going through the records of Hansard in the House it was found that when we came through this proceeding before in Supply that the record showed that we moved into Committee of the Whole where we should be in Committee of Ways and Means. And the purpose of Your Honour being in Committee of Ways and Means with the consent of the committee and the House, is to move that the actions that we confirm in the Committee of Ways and Means, the actions which have been taken in the Committee of the Whole you so report to His Honour the Speaker.

MR. CHAIRMAN: The hon. member for the Strait of Belle Isle.

MR. D. JAMIESON: I was called stupid.

MR. E. ROBERTS: Mr. Chairman, I was not here the other day and I gather there was some discussion in which my friend, the Leader of the Opposition, was called less than intelligent. He uses the word 'stupid' was applied to him - because he raised some objection to the financial procedure.

MR. D. JAMIESON: 'Carter', I think it was.

MR. E. ROBERTS: Well, if the hon. gentleman for St. John's North (Mr. Carter) called my friend, the Leader of the Opposition, stupid then I would say, Sir, that not only was the pot -

MR. D. JAMIESON: I do not know whether it was him or not.

MR. E. ROBERTS: - calling the kettle black, but it is a compliment to my friend, the member for Bellevue, the Leader of the Opposition (Mr. Jamieson)

MR. E. ROBERTS: I simply want to record, Sir, that all of the financial bills, the supply bills enacted by this House this past week are invalid, and what we are now doing is the steps which ought to have been taken last week. And I am not going to make any sort of speech but I simply want to say that it is clear in the records of this House that the Committee of Supply reports to the Committee of Ways and Means, that is what we are now doing. The House Leader has moved, and it will be carried unanimously, that whatever resolutions are needed be adopted. But my friend, the House Leader would be the first to agree, and we had it checked out by the clerks earlier today, that the procedures followed this past week with respect to the expropriation bills were invalid, incorrect and would have resulted in a potentially most interesting situation as the government of the Province would have had no authority to spend about \$1 billion.

I understand my friend, the Leader of the Opposition, raised the matter during the committee stage and did not have his way, his opinion was not accepted. And I did a little checking and raised a couple of questions so there is no point in rrabbing any noses in it - it was just an honest mistake, there was no harm done to anybody - but let it be recorded.

Let me go on to make a positive suggestion growing out of this to my friend, the Government House Leader (Mr. Marshall). The financial procedures of this House, which after all are the most important single type of matter with which we deal, the financial procedures of this House are in chaos. These proceedings here now make it quite clear that we do not know what we are doing when we vote \$1 billion or \$1.5 billion, give the government the authority to spend that kind of money.

MR. E. ROBERTS: It is not any question of illegality or impropriety or anything wrong, there is no question of that. We may question the wisdom of some of the expenditures but that is a different story altogether. I would simply say to my learned friend for St. John's East (Mr. Marshall) that - I believe he is Chairman of the Standing Orders Committee the Standing Orders Committee ought, and I think I am a member of it - it has never met. I do not think it has met in this current, whatever General Assembly we are in - is it is thirty-seventh or thirty-eighth? - or whatever it is. The Standing Orders Committee has never met. I would suggest that it ought to be called to meet for about two seconds and in the two seconds it ought to instruct the Committee or a sub-Committee of it to consult with the clerks of this House with a view to rationalizing our financial procedures and to formulating them in a coherent and an intelligible - I do not know who is behind the Chair, but I can yell louder than whoever is behind the Speaker's Chair. I do not want to. If he would only restrain himself. Now, Mr. Chairman, I am very serious, I mean this is just an embarrassment today and it is a minor embarrassment and it so happens that we have been able to help the government by pointing out that all of their - Mr. Chairman, really I have the ability, I think I can assure Your Honour, to speak loudly if need be. I do not know who is behind the Speaker's Chair, but would he kindly shut up.

MR. CHAIRMAN: Order, please!

MR. E. ROBERTS: And if he is one of our fellow members, let him be quiet for that reason too. I am making what I think is a very important point, and even if I am not making an important point I have the same right as any member of this House to say what

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Tape No. 2156

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MR. E. ROBERTS:

I wish and be heard in silence,
whether I am listened to or accepted or not.

The fact remains that we were
in this position, now we are going to clean it up, ratify
it and well and good, but I do not want to be in it
another year. So I

MR. ROBERTS: would ask my friend from St. John's East (Mr. Marshall) , I do not think it is an unreasonable thing, to say that he will call together the Committee of which I believe he is the Chairman, I believe he should be the Chairman, he is the Government House Leader and the matter rests with him, and let us get the financial procedure set out and let us try to avoid this kind of embarrassment in the future. Our procedure is quite clear, I would submit, whether or not it ought to be changed or not is another story, but the Committee of Supply must report to the Committee of Ways and Means. And I do not know what motions will be needed, what resolutions will be needed. The minutes of the House will have to be changed. The resolutions will have to be changed. The Hansard will not be changed; Hansard is the only record we have got of what is going to go on here. Whatever has to be done will have to be done so that when His Honour comes later this day, as I assume he will, he will be able to give assent. But until that is done, until that is done, Sir, His Honour cannot be asked to assent to the main supply bill, nor to the supplementary supply bill because they have not been lawfully adopted by this House, according to our own rules. And that is serious and that is why we are here now.

That is all I want to say on it, but I would hope that my friend from St. John's East (Mr. Marshall):- and I am not blaming him for what went on. If I had been over there, doubtless the same thing could quite easily have happened. It is just our financial procedures are utter chaos in this House. They are a shame and a disgrace and surely the time has come now with this kind of happening that we ought to get that committee, whatever it is, Standing Committee on the Standing Orders together and ask the officials to prepare a draft with the hope that when we come back in the Fall, assuming we do, we are able to put to the House the necessary changes in our rules. But really it is an embarrassment to all concerned.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Butt): The hon. the President of the Council.

MR. MARSHALL: Can I just say, Mr. Chairman, with relation to the remarks made by the hon. member, and made very forcibly by the hon. member, that I am not completely at one, you know,

that the whole proceedings were invalid the other day, but the point of the matter is if there is any doubt obviously the doubt would have to be resolved. So as far as the Standing Orders go, we did make a demonstrable change in the Standing Orders -

MR. ROBERTS: Not in the financial procedures.

MR. MARSHALL: No, not in the financial procedures and I would agree that a lot of these financial procedures are very archaic. I mean, you know, what a Committee of Supply, or a Committee of Ways and Means, or for that matter a Committee of the Whole, it is still the same people considering it, and they are archaic and certainly that that is one area where I think that the Standing Orders Committee, can and should examine. Because it seems to me to be - it is definitely a technicality. As I say, I am not completely sure that, you know, but if there is any difference of opinion, or there is any different interpretation, well we should not want there to be any problem.

However, we take notice of it and I thank the hon. member for his observations and with that, Mr. Chairman, I move that the Committee of Ways and Means rise and report to the Speaker that it has confirmed the actions in Committee of the Whole.

On motion, that the Committee of Ways and Means rise and report having passed resolutions and recommend that bills subsequent thereto be prepared and introduced, Mr. Speaker returned to the Chair.

MR. SPEAKER: (Simms) The hon. Member for Conception Bay South.

MR. BUTT: Mr. Speaker, the Committee of Ways and Means have considered the matters to them referred and have passed resolutions and recommended that bills subsequent thereto be prepared and introduced, that is bills 51 and 52.

On motion, report received and
adopted.

On motion, resolutions read a
first and second time.

On motion, the following bills were read a first, second and third time, by leave, ordered passed and their titles be as on the Order Paper.

A bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending The Thirty-First Day Of March One Thousand Nine Hundred And Eighty And For Other Purposes Relating To The Public Service".
(Bill No. 51).

A bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Ending The Thirty-First Day Of March One Thousand Nine Hundred And Eighty-One And For Other Purposes Relating To The Public Service."
(Bill No. 52).

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

MR. CHAIRMAN (Butt):

Order, please!

A Bill, "An Act To Provide For An Advisory Council On The Status Of Women".
(Bill No. 15).

On motion, clauses 1 through 6, carried.

MR. CHAIRMAN:

Shall clause 7 carry?

MR. ROBERTS:

Clause 7. I just wonder

if somebody could tell me -

MR. CHAIRMAN:

The hon. the member for the Strait of Belle Isle.

MR. ROBERTS:

- how members, Mr. Chairman, are going to serve without reimbursement but they may be paid such remuneration? That seems to me to be

MR. ROBERTS: just an inherent contradiction in the drafting. And I do not hold myself out as a draftsman but the clause we are being asked to adopt says, "Members of the Council shall serve without reimbursement but may be paid such remuneration for each meeting".

MR. JAMIESON: Maybe that is for out-of-pocket expenses, I do not know.

MR. ROBERTS: No, no. There is a separate one for reimbursement for out-of-pocket expenses. I just do not understand and I think it is - maybe we could let it stand and let the Law Clerk look at it and come back.

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

MR. MARSHALL: The only thing that I can say, Mr. Chairman, on it is that it would be contemplated, possibly, to pay per diems for the extra - you know, disbursements are one thing that one has to account for.

MR. ROBERTS: I have no problem at all with the ladies - I presume they will be ladies - on the council, or the members, whoever they are, being remunerated on a per diem or any other basis that is appropriate, but I just quarrel with the words of the section which read, "Members of the Advisory Council shall serve without reimbursement" and then it goes on, "but may be paid such remuneration for each meeting". Surely the thing is to drop the words, 'serve without reimbursement' unless the draftspeople tell us that that is not correct and perhaps the thing to do is simply to amend that and get rid of it. Because as it now stands, it is inherently contradictory, just those words.

MR. MARSHALL: I guess we can let that stand, Mr. Chairman, and we will consult with the draftspeople.

MR. CHAIRMAN (Butt): Shall clause 7 carry?

MR. MARSHALL: No, stand. Clause 7 can stand. We will go on to clause 8 now.

On motion, clauses 8 through 10, carried.

MR. CHAIRMAN: Shall clause 11 carry.

MR. ROBERTS: Clause 11, Mr. Chairman.

MR. CHAIRMAN: The hon. the member for the Strait of Belle Isle.

MR. ROBERTS: Your Honour, there are a number of clauses dealing with the administrative assistant which seems to be an unusual hybrid and I wonder if the minister - I think it is the Premier's bill but perhaps the Premier could speak to this or one of his colleagues, as he wishes.

First of all, is the Council going to have only an administrative assistant as staff on the Council? Is that the only staff provided? I mean, section 13 seems to give a further power

MR. ROBERTS: to staff and I would find 13 straightforward but I find 11 and 12 unusual. I would like to know why 11 and 12 single out an administrative assistant as opposed to persons being retained under contract by virtue of the power in section 13. And I want to know, as well, why this unusual provision that the Cabinet can fire the administrative assistant and that is what subsection (3), Mr. Chairman, of section 11 would provide.

The Cabinet always have a power, as I understand it, to fire somebody for cause. This person is an employee of the Advisory Council, maybe that is why the Cabinet have to have the power to fire him or her. But if he or she is an employee of the Advisory Council, why are the Cabinet retaining the power to fire, why is it not the Advisory Council? You know, it is just a very curious clause, clause 11, indeed. And I do not say there is no reason for it, there is obviously a reason, what I want to know is what the reason is. And I will say to the ladies and gentlemen opposite that if there is no reason the clause ought to come out. Because, absent a very good reason, it is very offensive as it now stands, it goes against all sorts of very valid principles.

MR. MARSHALL (inaudible) maybe.

MR. ROBERTS: Any member of the ministry would do.

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

MR. WINDSOR: As I understand it, Mr. Chairman, this is a standard clause that is put into all these things where people are hired through the Executive Council so that the Executive Council also has the power to remove.

MR. ROBERTS: Mr. Chairman, I am sorry -

MR. CHAIRMAN (Butt): The hon. the member for the Strait of Belle Isle.

MR. ROBERTS: - that does not wash. I accept the hon. gentleman's answer but I will tell him this is not a standard clause. Why is the administrative assistant treated any differently than any person on the staff, down in section 13? Why? What do the government have in mind? I mean, somebody drafted the clause. The draftsman did not come up with it on his own hook, somebody did it. Why? You know, it is one of these things, the more words and less information the more curious I get. Perhaps the Minister of Education (Ms.Verge), who I am sure has had her hand in this bill, and properly and rightly so, could tell us. What have we got in mind? Is there some particular person? And, also, this firing - why a clause to fire for cause? The Lieutenant-Governor in Council always has authority to fire for cause. The Wick Collins case in the Supreme Court demonstrated that just the other day. The Telegram there did not have cause to fire Mr.Collins and had to pay for the dismissing of him. But what is this administrative assistant all about? And I must say, the more non-answers I get the more suspicious I get.

PREMIER PECKFORD: Mr. Chairman.

MR. CHAIRMAN: The hon. the Premier.

PREMIER PECKFORD: On that clause for firing, I will just have to take notice of it and try to get the information in the next few minutes because it is not clear on it. The Minister of Education, perhaps, can elucidate on the administrative assistant and the employee situation as it relates to the Council.

MR. CHAIRMAN: The hon. the Minister of Education.

MS. VERGE: Mr. Chairman, I am not sure if I am getting the point being made by the hon. the member for the Strait of Belle Isle (Mr. Roberts).

MR. ROBERTS: Well, I (Inaudible).

MS. VERGE: The only point -

MR. ROBERTS: The hon. lady is going to answer my point when she does not understand it or would she like that I try and put it again.

MS. VERGE: What I am saying is that I am not clear on the point that the hon. member is trying to make.

MR. ROBERTS: Well, let me try to put the point again and then the hon. lady can answer me.

MR. CHAIRMAN (Butt): The hon. the member for the Strait of Belle Isle.

MR. ROBERTS: Thank you. Under clause 11 the Governor-in-Council may, in consultation with the Advisory, appoint an administrative assistant. Okay? Now, my first question is why have we got that special power when down below, in section 13, we have what I would call the more usual power, to retain persons under contract? And there it is only under the consent of the Premier as opposed to the Governor-in-Council. But I would think for all practical purposes they are the same and I do not object to that, but why have we created this special administrative assistant position different, carved it out and then assuming we are going to have it, and maybe there is reason, the hon. lady is straining at the bit to tell me why and in a moment she will and I shall listen with interest and - who knows? - may even agree with her if for once she is right, why are we carving out a special power to fire this administrative assistant? I mean, all I am saying is these are unusual clauses, what is the reason for them?

MR. CHAIRMAN (Butt): The hon. the Minister of Education.

MS. VERGE: Mr. Chairman, it is the intention to have for the Advisory Council on the Status of Women a full-time employee called an administrative assistant who will be a permanent employee of that body. It is also intended, as provided in clause 13, to allow the Advisory Council to, from time to time, when it may be found necessary, retain people under contract to do specific research or carry out specific short-term functions. So that is the distinction. The administrative assistant is expected to be a full-time permanent staff member whereas those who might be retained under contract, according to clause 13, would do work of a specific and short-term nature.

As for subsection (3) of clause 11, dealing with removal, I cannot offer any explanation for that. I assume that it is just a regular provision.

MR. ROBERTS: It is not. Mr. Chairman, you know, it really is -

MR. CHAIRMAN: The hon. the member for the Strait of Belle Isle.

MR. ROBERTS: - intolerable for ministers to come before this House and ask for powers, which may be reasonable - I have not said this is not a reasonable power-but surely it is intolerable for the hon. lady to stand in her place and say she does not know why a clause is there. Somebody can tell us. It is there for a reason. Now, it is not a normal clause.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: It is not the normal clause.

AN HON. MEMBER: Yes, it is.

MR. ROBERTS: It is not. I say to the

MR. ROBERTS: minister it is not. The government have the power to remove anybody for cause and any public servant who holds office during the - people hold office under one of two terms, either upon good behaviour, which is the normal public service contract, for good behaviour, or for terms specified. But there is always the power to remove by cause - for cause, I am sorry. Of course there is, it is the normal inherent right of management. All I want to say to the minister is what is the reason it is in here? I mean, if it is simply that the draftsmen dreamed it up, okay?

And also her with all respect, explanation, and I will not quarrel with it, it is sheer garbage, it is nonsense because we are asked to give two separate powers. Why do we not use the power under 13 (1) to hire the administrative assistant by contract? Because the poor lady, obviously, or the gentleman, is going to hold office at political whim which means when the administration changes, as it will - who knows? - sooner or later, the poor lady or gentleman, as the case may be, will be flicked out. It is a very, very offensive clause.

And, also, one other thing - and I am not going to keep the House going on this sort of nonsense - the bill had not been thought through. Because look at clause 12, if I may, Your Honour, the poor administrative assistant is going to be subject to orders from the Advisory Council, the Premier or the Lieutenant-Governor in Council and he or she is going to be down in his or her office with directives and ukases whizzing in from the Advisory Council, the Premier or the Lieutenant-Governor in Council. I only hope, for the sake of the administrative

MR. ROBERTS: assistant, that those orders do not conflict with each other because that is going to be one marvellous mess indeed, is it not? It is a very badly drafted bill that the ministry have put in, whoever is responsible for it.

MR. CHAIRMAN (Butt): Shall clause 11 carry?

MR. ROBERTS: No, the Premier has agreed to let that stand until he gets some information, unless he feels (inaudible) the information.

MR. CHAIRMAN: The hon. the Premier.

PREMIER PECKFORD: I just consulted here with the government House Leader and some of the other people, and I do not know why it is in there if it is just assumed, and obviously it is, that the government or the Lieutenant-Governor in Council had under normal circumstance and case because of -

MR. ROBERTS: And it certainly does.

PREMIER PECKFORD: Yes, but I cannot think of the reason it was put at this time. And the business of this bill - this bill has gone through more drafts than I care to mention, in response to the hon. gentleman saying that it was a poorly drafted bill.

MR. ROBERTS: Well, it is still -

PREMIER PECKFORD: Perhaps it is because it was hammered around so much to try to work out a reasonable kind of an approach to satisfy a whole bunch of different groups who wanted to see different things in it when it was being drafted and that is why it ended up like this, okay?

MR. ROBERTS: Nobody wanted that clause in it I say to the Premier.

PREMIER PECKFORD: It was not that, it was not - You know, we have been at it a long while.

MR. ROBERTS: I accept that.

PREMIER PECKFORD: So I just do not know and I

PREMIER PECKFORD: do not know if the -

MR. ROBERTS: Well, delete it then.

MR. PECKFORD: Yes. It is redundant and perhaps it is not necessary there.

MR. MARSHALL: It is emphatic.

PREMIER PECKFORD: It is emphatic. I do not know -

MR. ROBERTS: I am sorry?

PREMIER PECKFORD: I just do not know -

MR. ROBERTS: I heard the Premier but I did not hear his colleague.

PREMIER PECKFORD: I just do not know and I cannot answer the question (inaudible).

MR. CHAIRMAN(Butt): The hon. the President of the Council.

MR. MARSHALL: I just say I do not disagree with what the hon. member has said about the Lieutenant-Governor in Council obviously having the right to fire, but as there are a lot of clauses in the bill when the draftsmen draft they tend to cover all bases. And if anything, it is just really by way of emphatic, you know, it emphasizes. 'Again, without it the Lieutenant-Governor in Council would obviously have the right to fire, but it talks in the first about hiring and then the draftsman turns his mind to firing. I would submit that there are lots of bills that occur and there are lots of words, really, in statutes that are redundant.

MR. ROBERTS: Mr. Chairman -

MR. CHAIRMAN: The hon. the member for the Strait of Belle Isle.

MR. ROBERTS: - you know, the day is growing long and we are all growing weary so I will not go on. The bill is badly drafted. I accept what the Premier said, but this clause is not the result of any back and forth to satisfy the various interest

MR. ROBERTS: groups, this clause is result of a minister, whoever the minister was who put it together, not paying any attention to the bill. And if it was the Minister of Education (Ms. Verge) she really ought to be ashamed of herself. And whoever it was ought to have asked the questions on that. If we are not going to take it out leave it in. It does not add anything, it does not subtract anything but it just goes to show again the need for a code of civil rights in this Province because our statutes are filled with this kind of thing.

Let me take just a second on it. The Premier is concerned with civil liberties and is building an enviable record in that field. The Minister of Labour and Manpower (Mr. Dinn) has power to send people in to seize books and records all the time. Now, maybe it is necessary, but, you know, there is no court provision and no provision for any appeal to a court, all that happens is the minister signs - he does not even sign a specific writ of assistance as the Mounted Police have

MR. ROBERTS: for their criminal searches, the minister signs a general power to some relatively low-level public servant, a good enough man or woman but relatively low level, and that person can then go in and can demand books and papers and records, the sort of thing that a party to an action the court could not get without an order from a judge.

And all of us ought to be concerned with this. It has not happened to me. Maybe it will, maybe it will not, I do not know. But we have it must be 500 officials running around this Province with the ability to pry into every aspect of a man's business or personal affairs under the authority of one act or another and each of them - you know, you say, 'Well, that is a reasonable thing to do'. But I will tell you, and I served in a Cabinet and I saw it happen there and I am as guilty as anybody else. Maybe that is why I am so sensitive to it now. But we put bills through this House to give powers to officials without anybody having looked at it, without the minister who brings it to Cabinet having considered that aspect of it, without the Cabinet themselves having considered it, without the House of Assembly having considered it, the draftsmen, in the absence of specific instructions to the contrary, just puts in - and the average draftsman, if given his or her way, would simply put in that the Governor-in-Council may do whatever he wishes, period, and this bill says so.

Let me leave it by simply saying to the Premier that perhaps when we get this other stuff out of the way, when the agenda has been cleared on those, let us look at a code of administrative procedure to give citizens in this Province some protection against what is becoming a very overwhelming

MR. ROBERTS: bureaucracy armed with incredible powers. And we have not had many bad examples yet, but we are beginning to see some of them, you know - the one at the University we talked of yesterday where the University padlocked a man's car. If I was suing the Premier in a civil court and got judgement against him, which could not be done in his absence, I would still have to go get a warrant of attachment from the court before I could take the Premier's car to satisfy the debt. And yet the University - arrogant, self-seeking, self-serving - they pass a ticket and then, by Heavens, they padlock your car, put a chain through it and put it on to a parking post or something. I mean, it is incredible and we in this House ought to be aware of these things. So I simply say to the Premier that as important as this bill is, and we support it, we think it is important, but I would say to him that the most important reform we could have in this Province today is a code of administrative rights and a procedure to make them meaningful. And the President of the Council, I am sure, shares this, and the Minister of Justice (Mr. Ottenheimer) who shares it, they could usefully employ their time in the next few months doing this and will.

As to the Minister of Education, I suspect there is no reason for it, I would simply say a word of advice to her; she ought simply to say, 'I do not know why it is there but we are going to leave it in anyway because that is what is going to happen. But anyway, let the thing go and I hope the poor administrative assistant realizes when she takes the job she is going to get the flick the first moment she steps out of line and that is not much of a way to hold a job in any province.

MR. STIRLING: Mr. Chairman.

MR. CHAIRMAN(Butt): The hon. the member for Bonavista North.

MR. STIRLING: Yes, I would just like to record our House Leader was not here yesterday and in the spirit of getting this moved along and with the audience that we had here yesterday, I mentioned those exact same points to the Leader of the Opposition.

The Leader of the Opposition for the second time now, today, consulted with somebody and got exactly the same answer as the President of Treasury Board gave the House Leader and that is that this is a normal clause. And our Leader of the Opposition accepted the word that this was a normal clause and, therefore, should not be debated. I just want to enter in the record that this was noticed and we accepted from the other side that this was a normal clause and that the points made this morning were also the points we were concerned about yesterday.

On motion, clause 11, carried.

On motion, clauses 12 and 12, carried.

MR. CHAIRMAN: Shall clause 14 carry?

MR. ROBERTS: Mr. Chairman.

MR. CHAIRMAN: The hon. the member for the Strait of Belle Isle.

MR. ROBERTS: As a matter of interest on this clause 12 -

MR. CHAIRMAN: Is the hon. member for the Strait of Belle Isle on clause 14?

MR. ROBERTS: Yes, I can tie it to clause 14 if Your Honour wants. You know, do not worry about that, Sir, with respect, I will obviously follow your ruling. But clause 12, what is going to happen if conflicting directives - I do not think the Premier and

MR. ROBERTS: the Lieutenant-Governor in Council are going to issue conflicting directives, I would think that we can assume there would be a reasonable degree of harmony between the Premier and his Cabinet colleagues, or if they have differences they will hammer them out where they ought to be hammered out, behind closed doors, but what happens if conflicting directives are issued by the Advisory Council and by the Lieutenant-Governor in Council? And that is certainly a possibility. The poor administrative assistant is there in the middle and he or she is

MR. E. ROBERTS: getting bombarded, on the one hand - Well, let us suppose, not this Premier but a succeeding Premier or a preceding Premier were to order the Advisory Council to do, shall we say, a political poll, just say a political poll, to take an example out of thin air, and the Advisory Council - and we are talking about Clause 14 and that deals with the Advisory Council, of course, Sir - if the Advisory Council were to resist that and let us suppose the administrative assistant was Mr. Rex Murphy. Now I do not know if the gentleman is currently employed -

MR. S. NEARY - to pick a name out of thin air.

MR. E. ROBERTS: - but to take a name out of thin air. The present administration has shown no undue tenderness to Mr. Murphy, that is fine but the previous administration, I guess, had their own Canada Works programme and the beneficiary of that was Mr. Rex Murphy was temporarily unemployed, and so he came into the service of the then Premier. Well and good. Well, let us suppose the administrative assistant happened to be Mr. Rex Murphy and the Premier - not the present Premier but the succeeding one - were to say to Mr. Murphy as administrative assistant, 'Now you do a political poll for us on what the women of this Province think of the image of the Premier' to take an example, 'the political image of the Premier, the political standing of the government of which the Premier is the head, the leader'. And the Advisory Council says, 'No, we are not going to do it!' Now what does the poor administrative assistant do? What does Rex Murphy in that situation do? Does he pay heed to the Lieutenant-Governor in Council, who has the power to fire him for cause? What is cause? Cause is what somebody deems to be cause.

MR. E. ROBERTS: Section 12 says-or is it 13? Where am I? It does not matter, I am somewhere in the right place. He has to perform such duties as may be assigned to the administrative assistant by the Advisory Council or by the Lieutenant-Governor in Council. What does the poor administrative assistant do? Could somebody tell me, please?

MR. CHAIRMAN (Butt): The hon. the Premier.

PREMIER PECKFORD: Mr. Chairman, it is a point, I do not think it is a very large point but it is a point.

MR. E. ROBERTS: No, it is not very large.

PREMIER PECKFORD: The whole idea is to provide some autonomy to the Advisory Council. Now I cannot speak for whoever else is going to come after me or whatever. There is the possibility and the potential for conflict there. Hopefully, there is enough good will between both areas that have some power to administer the administrative assistant, or to indicate what the functions are and the jobs to do that that would not happen. But the potential is there, obviously, for some conflict. Under the present arrangements we do not see it, perhaps some time in the future it might happen. If it does, well then the administrative assistant resigns or something happens and there is a conflict and they get together and try to resolve it, I suppose. I mean, that would be the normal thing, but the potential is there for it. If in fact there is a difference of opinion about a certain thing, and the group, the Lieutenant-Governor in Council of the Cabinet says one thing and the Advisory Council tells the administrative assistant something else, but obviously, the Advisory Council in the first instance, if in fact the administrative assistant was to do a certain thing

PREMIER PECKFORD: ordered by Cabinet, that the Advisory Council would have some input into seeing whether the administrative assistant would actually carry that out. If they felt it was not a wise and proper use of the time and functions of the administrative assistant then the Advisory Council would make representations to the Premier and to the Cabinet to say that we do not consider this to be one of the functions and duties of the administrative assistant. And hence then Cabinet would say, "Yes, it is", or "No it is not" and it would be resolved

On motion, clauses 14 through 18 carried.

MR. W. MARSHALL: Mr. Chairman.

MR. CHAIRMAN (Butt): The hon. President of the Council.

MR. W. MARSHALL: On clause 7, I have had an opportunity to consult with the draftsmen since, and the way it reads now is, 'Members of the Advisory Council shall serve without reimbursement but may be paid' and then it goes on, 'Such remuneration etc'. I think the way in which to resolve this would be to replace the words 'but may be paid' with 'other than'. So then it would read properly that members of the Advisory Council may serve without remuneration other than such remunerations affixed in accordance with that manner and such disbursements.

On motion, amendment carried.

On motion, clause 7 as amended, carried. A bill, "An Act To Provide For An Advisory Council On The Status Of Women". (Bill No. 15)

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

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A bill; "An Act To Amend The
Education (Teachers' Pensions) Act". (Bill No. 35)

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

MR. MARSHALL:

Order 9 Bill No. 42.

A bill, "An Act Respecting An Increase
Of Certain Pensions". (Bill No. 42)

On motion clause 1 through 4 carried.

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

MR. MARSHALL:

Order 10 Bill No. 49.

A bill, "An Act To Amend The Financial
Administration Act, 1973". (Bill No. 49.)

On motion clauses 1 and 2 carried.

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

MR. MARSHALL:

Order 11 Bill No. 53.

A bill, "An Act To Amend Certain Taxation
Statutes". (Bill No. 53.)

On motion clause 1 through 5 carried.

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

MR. MARSHALL:

Order 23 Bill No. 26.

A bill, "An Act To Amend The Memorial
University Act". (Bill No. 26)

On motion clause 1 and 2 carried.

MR. ROBERTS:

Mr. Chairman.

MR. CHAIRMAN (Butt):

The hon. member for the Strait of Belle
Isle.

MR. ROBERTS:

I just would ask the Minister of Education
the same question which I asked of her colleague, the Minister of Public
Works (Mr. Young), earlier. Would she assure us, and I think the words of
the act have this effect - do I have the minister's attention or is she

MR. ROBERTS: deep in converse with her colleagues?
I did not have the minister's attention. Okay, let me start again then.
Could the minister - it is her bill; she might perhaps ask her colleague from Fortune-Hermitage (Mr. Stewart) to wait until the committee deals with her bill. Section 2 of this act brings it into the Summary Proceedings Act and Section 1 is an incredible number of words and all this sort of thing which gives the Board of Regents certain powers, and I wonder if the minister can assure us - and this is the same question which I asked earlier of her colleague, the Minister of Public Works (Mr. Young), with respect to hospitals and he did not know. He just did not know but he said he did not know - I want an assurance, if I could, please, that any regulations enacted by the university under this - and, you know, this is not subject to Cabinet; this is the board now over there at Memorial can do as they wish once this bill gets assent, that these regulations will contain - I will use a phrase with which the minister, I am sure, is familiar - under the rules of material justice that we will not see regulations passed to allow the university to padlock any more cars or to levy fines without bothering to go through the formality of a trial. You know, the little things that men and women have fought for and things like that for the last seven or eight hundred years.

MR. CHAIRMAN: (Butt) The hon. Minister of Education.

MS VERGE: Mr. Chairman, I cannot provide any assurance about any regulations which may be made in the future by the Board of Regents of Memorial University. The Board of Regents comprises a majority of members who are appointed by the Lieutenant Governor in Council as well as representatives of the Alumni, the students and the university's administration. That body, and I think it would acknowledge this, has a duty to respond to the needs of the public which it serves and to strive to make effortable regulations and policies.

MR. ROBERTS: Does the President of the Council not add anything to that, or the Minister of Justice (Mr. Ottenheimer), because the minister's answer is not satisfactory.

June 9, 1980

Tape No. 2163

AH-3

MR. CHAIRMAN (Butt):

The hon. President of the Council.

MR. MARSHALL:

Such regulations, I think, would - you know, any subordinate legislation would have to

MR. W. MARSHALL:

be gazetted but, you know, I think quite frankly the remarks are well taken and before proceeding we will certainly see that these cautionary measures are taken because we are all concerned in giving any power such as this to various concerns, be they hospital boards or university boards, that the people act in accordance with the normal rules of natural justice. Sometimes it is a little bit unfortunate that these very powers have to be given, but they are necessary to be given; however, the remarks are well taken and we will do our utmost to see that they are complied with.

MR. CHAIRMAN: (Butt)

The hon. member for the Strait of Belle Isle.

MR. E. ROBERTS:

Mr. Chairman, I thank the minister and I think he sets the matter at rest for us. I just want to be clear thought that I understand that this Act is not subject to proclamation, which means that it will become law when His Honour gives assent, which will not be more than a couple of hours from now. I think that is, you know, a realistic time for that.

I just want to be sure that I understand the minister: I have this undertaking that if the university's regulations are not subject - I quite agree the university ought to have the power to make some parking regulations, of course they ought - but that they are subject to the rules of natural justice and, you know, the Board of Regents, I say to the Minister of Education (Ms. L. Verge), have done some very arrogant and irresponsible things, in my view, over the years. They only look at the university's interest; this House and the government look at the public interest in this Province, you know, we serve the masters. But if the university for some reason did something foolish, and I will not assume that they will but they have been known to on occasion and they may do it again, that the government will take the appropriate action. If I have that undertaking, let us let the matter go.

MR. W. MARSHALL:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. W. MARSHALL:

If the hon. Minister of Education will allow me, you know, I believe that we can certainly give the undertaking, not only the undertaking but the interest, you know, the real interest in it

MR. W. MARSHALL: because while this comes into law when His Honour gives assent to it, what has been done by the Legislature can be undone and it jolly well will be undone if they are not acting reasonably because -

MR. E. ROBERTS: Hear, hear.

MR. W. MARSHALL: - you know. And at the same time, because of the incidences that have occurred before, I know the university will co-operate with us to have these regulations looked at to make sure that they are not more oppressive than anywhere else.

MR. E. ROBERTS: Well, Mr. Chairman. -

MR. CHAIRMAN: (Butt) The hon. member for the Strait of Belle Isle.

MR. E. ROBERTS: - the matter will rest. I was going to raise the point which Your Honour was going to raise and my friend from Bonavista North (Mr. L. Stirling) had just raised, we better do something -

MR. W. MARSHALL: Stop the clock.

MR. E. ROBERTS: - like stop the clock. Now can we get some understanding of what is involved here. I know what the government's proposal is but the Petroleum Act may require another half an hour or so at Committee, I would suggest, there are a number of points to be raised in the Committee stage. Any idea of what time, because I would not -

MR. W. MARSHALL: Well, it was my -

MR. E. ROBERTS: - want any of us being disrespectful to His Honour.

MR. W. MARSHALL: His Honour, I believe, is on standby. He realizes that, you know, when we said one o'clock it could be, and we will alert him say about, you know, in ample time. Now, in the meantime, what is proposed to be done is to call all of the ones that are now in the Committee with the petroleum one being last, and then when we get that out of Committee with all of them, we will have third readings and -

MR. E. ROBERTS: So we are looking at -

MR. CHAIRMAN: Is it agreed then to stop the clock?

MR. E. ROBERTS: I take it it is agreed. -

MR. W. MARSHALL: Yes.

MR. E. ROBERTS: - otherwise, Your Honour has got to go home right now and come back Monday morning and none of us want that.

MR. E. ROBERTS: I mean, we all want Your Honour back but not Monday morning, that, you know, we are looking at 1:30 p.m. or 2:00 p.m., are we?

MR. CHAIRMAN: (Butt) Yes.

MR. E. ROBERTS: My instructions are we are to get out of here today.

MR. CHAIRMAN: It is agreed then to stop the clock?

SOME HON. MEMBERS: Agreed.

MR. CHAIRMAN: Agreed.

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

MR. CHAIRMAN: Order 24, Bill No. 5

A bill, "An Act To Amend The Bay St. George Community College Act". (Bill No. 5).

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

June 6, 1980

Tape No. 2165

NM - 1

MR. MARSHALL:

Order 34, Bill No. 8.

A bill, "An Act To Amend The Mineral Act, 1976 ." (Bill No. 8)

On motion, clauses (1) through (13),
carried.

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

MR. MARSHALL:

- the Mineral Act.

MR. ROBERTS:

It was called, 'Bill'.

MR. CHAIRMAN (Butt):

It has just been completed, the Mineral Act.

MR. ROBERTS:

Well, maybe it has not been done at all.

MR. MARSHALL:

Order 37, Bill No. 39.

A Bill, "An Act To Amend The City Of St. John's (Loan) Act, 1975-76 And The City Of St. John's (Loan) Act, 1978". (No. 39)

On motion, clauses (1) through (4), carried.
Motion, that the Committee report having
passed the bill without amendment, carried.

MR. MARSHALL:

Order 39, Bill No. 54.

A bill, "An Act To Amend The City Of St. John's Act". (No. 54)

On motion, clauses (1) through (5), carried.
Motion, that the Committee report having passed
the bill without amendment, carried.

MR. MARSHALL:

Order 41, Bill No. 61.

A bill, "An Act To Amend The Generic Dispensing Of Prescription Drugs Act."

On motion, clause (1), carried.
Motion, that the Committee report having passed
the bill without amendment, carried.

MR. MARSHALL:

Order, 43, Bill No. 59.

A bill, "An Act To Amend The Landlord And Tenant (Residential Tenancies) Act, 1973". (Bill No. 59)

On motion, clause (1), carried.

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

MR. MARSHALL:

Order 44, Bill No. 58.

A bill, "An Act To Amend The Fishing Ships (Bounties) Act". (Bill No. 58).

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

MR. MARSHALL:

Order 45, Bill No. 57.

A bill, "An Act To Amend The Fishing And Coastal Vessels (Rebuilding And Repairs) (Bounties) Act". (No. 57)

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

MR. MARSHALL:

Order no. 46, bill No. 56.

A bill, "An Act To Amend The Fisheries Loan Act". (Bill No. 56)

On motion, clauses (1) through (4),

carried.

Motion, that the Committee report having

passed the bill without amendment, carried.

MR. MARSHALL:

Order No. 48, bill No. 66.

A bill, "An Act To Amend The City Of St. John's Act". (Bill No. 66),

On motion, clause 1, carried.

Motion, that the Committee report the

bill without amendment, carried.

MR. MARSHALL:

Order No. 49, Bill No. 63.

A bill, "An Act To Amend The Municipal Grants Act". (Bill No. 63)

Motion, that the Committee report the

bill without amendment, carried.

MR. MARSHALL:

Order No. 50, Bill No. 64.

A bill, "An Act To Remove Anomalies And Errors in The Statute Law." (Bill No. 64)

On motion, Clause (1) through Clause

(6), carried.

MR. CHAIRMAN (Butt):

The hon. the member for the Strait of

Belle Isle.

MR. E. ROBERTS:

On clause 6 - has this been done after

consultation with, presumably, Chief Judge Steele of the District Court and, also, I am not sure who is Chief Judge of the Provincial Court because I never run into the place. Chief Judge Scott. That is right. I appeared for the Daily News when they apologized for having acted in contempt of

MR. E. ROBERTS: Chief Judge Scott, an old teacher of mine. But is has been done in consultation with these gentlemen, has it?

MR. MARSHALL: Yes.

On motion, clauses (7) through (10), carried.

MR. CHAIRMAN: (Butt) Clause 11.

MR. E. ROBERTS: I do not want to skip over clause 11 now.

I am not going to debate it at any length -

MR. CHAIRMAN: The hon. member for the Strait of Belle Isle.

MR. E. ROBERTS: - but nor do I know what attention was paid to the matter - well, in fact the bill was given second reading earlier this morning, so I know no attention was paid to this and it is not unimportant. In fact, it could be of more importance than almost anything else we have done this morning. And I wonder if the Minister of Justice (Mr. G. Ottenheimer) would take just a very few minutes to tell us - I am only referring to subsection 1 of section 11 but this is an important change - not a change, I think an important clarification of a point which has arisen out of the Matrimonial Property Act and I think it is worth, you know - not I think, I am sure it is worth the time of the Committee to hear the minister in brief on it.

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

MR. G. OTTENHEIMER: Mr. Chairman, it will be recalled that when the Matrimonial Property Act itself was given second reading and indeed also during the committee stage, I think there was an agreement and a commitment that any anomalies or areas where clarification was necessary, you know, that we would indeed be open to recommendations

MR. G. OTTENHEIMER: - so there are three here and it is with respect to subsection 1 the hon. gentleman is questioning. I would say that subsection 1 and its inclusion in this bill results from a recommendation made by the Newfoundland branch of the Canadian Bar and the other two result from internal Department of Justice clarification. This one results from the Newfoundland branch of the Canadian Bar and I would say in passing that, you know, we welcome and indeed are very beneficial, in our opinion, suggestion from them. The purpose of it is to clarify what in fact was and is

MR. OTTENHEIMER: the policy and intention, obviously not a change of policy but to clarify it, with respect to a situation where a couple not being divorced or having legal separation agreement entered into, are in fact no longer living together in harmony, and there is a home owned by one of them, may or may not at that time be occupied by either of them but owned by one of them, and in order to clarify the intention of the act that that home would come under the legal regime of a matrimonial home and would be treated as such. That is its intention. I am not sure if the explanation is clear or not, I know the hon. gentleman understands it, but that is its intention, to clarify the policy that in that kind of situation described, that home, owned by one or other of those, even though not necessarily occupied by either of them, is treated as a matrimonial home.

MR. ROBERTS: Mr. Chairman.

MR. CHAIRMAN: The hon. member for the Strait of Belle Isle.

MR. ROBERTS: You know, the minister and I are not really talking to each other on this because I think we have both consulted and we have shared each other's minds on the point, and we are of one mind as I understand it, but what I am trying to do, and I know the minister would agree, is to get on the public record, because this legislation, I assure Your Honour, is infinitely more important than 99.99 per cent of the legislation that is adopted by this House, when we come to consider its effect upon real - you know, upon people's lives, their day to day lives. The minister said what it does; let me simply ask him to confirm what I understand to be the case, that this change does not alter any arrangements which may have been put into effect between people who are not divorced from each other, but who are not living together as man and wife, assuming those terms are embodied in a separation agreement, a document that has been recognized in our law hitherto and will still be recognized. This amendment does not change it. If a man and a wife has gone their separate ways and have agreed in a separation agreement to dispose of certain property, now that I think is straightforward. I want the

MR. ROBERTS: minister, if he can, to go further and say, "Supposing that - " people who drafted agreements subsequent to and after this legislation, would have been aware of the term "matrimonial home" and would have presumably embodied it in the agreement. Right? If not, then one was not being well advised I submit by one's lawyer. But let us assume a year and a half passed before there had been any use in our law of the term "matrimonial home"- and I am glad the Premier is in his seat because this is the kind of practical problem that is going to come up. Some of us have been consulted professionally about these kinds of situations. But supposing a man and a woman two or three years ago went their separate ways from each other, and made an agreement- not just in maintenance but in respect of property; maintenance is not affected of course by this act, nor can it be. That is under the federal jurisdiction and so it should be. And they did not use the term "matrimonial home" nor could they have used it because they never heard of it in this context. Now will the effect of this amendment be to provide the home which those spouses occupied during their marriage, but have not occupied as man and wife for, say, two years to take my example, that that is classified as a matrimonial home? Now I suspect the answer to that is yes. I have not had time to think it through and come to my own view, but I suspect the answer may be yes. And if it is yes, does that not change the agreements which that man and that woman come to, presumably at arms length, presumably within independent legal advice, you know, presumably a fair and open consensus ad idem or not? Because if that is the result, then I suggest that by undoing one possible harm we may be falling into the old trap of quickly considered legislation - which is what this is. This only came up last week when the Bar Association submitted their Brief to the minister. He has responded quickly but perhaps too quickly, because I suggest by doing some good we may be doing equal harm somewhere else.

I am certainly not objecting to it. I would not object to clarity in the law on any grounds because clarity is to be desired above all else, and I happen to like the policy of

MR. ROBERTS: this act but , you know, I suggest that is a very practical problem and there may be ways to find words around it and I am not suggesting that we do it here because anything we do here now today is not going to be carefully considered as it ought to be. But I can see that as a very practical problem where a man and woman have gone their separate ways ,made an agreement and the law has now been changed and we are changing it retroactively, and that is the danger any time you change a law retroactively, you are affecting arrangements which were made a year or two past. I have no problem with saying that the words "owned and occupied" were giving trouble, as the minister knows, to the members of the bar in interpreting what they meant. In fact, I am aware of cases where instructions have been given to take action after one July with a view to getting it clarified. Maybe that will not be needed. But are we on the verge of doing some good and doing equal harm somewhere else?

MR. CHAIRMAN: (Butt)

The hon. Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, first of all, it is not the intention, nor do I believe will it be the result, to affect property where there has been a previous separation agreement. And I think that in the act itself -

MR. ROBERTS:

I have the act here.

MR. OTTENHEIMER:

Subsection (3) on Page 5. "For the avoidance of doubt it is hereby declared that this act does not apply to (a) persons who have received a decree absolute of divorce; or (b) spouses in relation to matrimonial assets provided for in a separation agreement entered into by those spouses before the first day of July, 1980." So certainly it is not the intention, and it is my understanding that it would not be the effect to alter the situation with respect to assets whether matrimonial or other assets whether there be a separation agreement entered into by July 1st.

MR. ROBERTS:

I will let the matter go at that. I do not quarrel with the minister.

On motion, clause 4 through to 14, carried.

An bill "An Act To Anomalies And Errors In The Statute Law," carried.

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Tape No. 2168

AH-2

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

MR. MARSHALL:

Motion 1 , Bill No. 68

A bill, "An Act To Amend The Department Of Public Works And Services Act, 1973 (No.2)." (Bill No. 68)

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

MR. MARSHALL:

Order 6 Bill No. 50.

A bill, "An Act To Incorporate The Newfoundland And Labrador Petroleum Corporation." (Bill No. 50)

MR. CHAIRMAN (Butt):

On Bill No. 50 shall clause 15

carry?

MR. FLIGHT:

Mr. Chairman.

MR. CHAIRMAN:

The hon. member for Windsor- Buchans.

MR. FLIGHT:

Mr. Chairman, I am going to very quickly deal with a few points. I want to reiterate some of the things that were said here in the debate up to this point in time. This opposition is against putting the kind of power into the hands of the board as this bill indeed does. We are talking about funding this board with \$100 million to start that could conceivably go to 1, 2, 3 or 4 billion dollars depending on the kind of involvement we see over the next year or two or three or four or five in the offshore. I agree totally with the Leader of the Opposition when he indicated that there is no way that a Crown corporation should be able to operate the way this board and Newfoundland Hydro are operating. Their capital budget should have to come into this House on an annual basis. This House of Assembly should have the right to debate and consider the capital budget of a board like this and having the right to look at their capital budget would automatically take care of their operating budget. Nobody cares, I would not think, very much about the everyday operation of Hydro or the Petroleum Corporation, but if this House of Assembly was assured of having the capital budget, the yearly capital budget looked at in this House of Assembly, we would be in a better position to protect

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Tape No. 2168

AH-3

MR. FLIGHT: the credit of this Province because,
Mr. Chairman, in a very short time this corporation can be

MR. G. FLIGHT: and this corporation can be talking about monies that will exceed the provincial budget. We approved a few days ago, I think, a provincial budget of one and one third billion dollars the minister indicated that over the next two or three years it is conceivable that this corporation could be in to capital expenditures exceeding billions of dollars. And, Mr. Chairman, I want to go on record as supporting the views of the Leader of the Opposition in that matter.

Now, Mr. Speaker, when I raised a few days ago or yesterday the apparent desire of this government to rush this thing through, it was construed that I meant rushing this legislation through today or tomorrow. I was not talking about that. The minister has indicated on two or three occasions that he do not see this petroleum corporation actively becoming involved in investment for the next two or three years. He has made a point of saying, 'We are getting a free ride, there is no investment required,' that we will be getting a free ride, that the oil companies are putting up the money.

MR. BARRY: We might.

MR. G. FLIGHT: We might. Well, if that is so, I do not consider \$100 million a free ride. And so again what I would ask the minister why, if it is going to be two or three years down the road before he sees this Board involved from the investment point of view, from the investment end in the offshore, then why is it necessary to rush this legislation through in this sitting? In effect what he is saying is this legislation is creating a Board of the petroleum corporation and capitalizing it with \$100 million now with Legislative authority in that bill to borrow another \$200 million. We will be looking at \$300

MR. G. FLIGHT: million available to that board the day after this bill gets assent. Now why is it then, Mr. Speaker, the minister - unless I misunderstood him in explaining some position on the bill yesterday, he indicated that we were getting a free ride insofar as investments were concerned, that it could be years down the road. In explaining why the oil companies were allowed to take three times their investment before we take one cent, he was saying that we were taking no risk, the companies were taking all the risks on the front end. If that is the case, then why is it necessary, what is the big rush to set up this petroleum corporation? Certainly setting up the corporation is alright but what is the big rush in funding it to an extent of \$300 billion when the minister indicates that that corporation will not have an involvement from an investment point of view? He has allowed them \$500,000, I think, this fiscal year. So why the rush to set them up with that kind of spending authority when as he said himself he will not see the necessity for that kind of involvement by the oil companies in the next year or two or three because the companies are taking all the risks and that we are apparently taking no risks? So, Mr. Chairman, that is about all I have to say at this point. I will wait to get into it at a later clause. But I would like to hear the minister address himself to those points.

MR. CHAIRMAN (Butt): The hon. member for Eagle River.

MR. E. HISCOCK: Mr. Chairman, I would like to speak on this part where we take the power out of the House and put it into the Order in Council. We have seen what has happened in the past with Linerboard and hopefully this is not a recurrence of that problem that we have had in the past.

MR. E. HISCOCK: I would probably like to echo what the Leader of the Opposition said, that we take capital expenditure in each year that it has come before the House and the House approves some grant and then instead of giving it Order in Council up to \$300 million this government itself end up becoming to power with the idea of bankruptcy, that the Province is going in a bankruptcy. And yet, here we are getting into legislation like that, that we say we are not taking any risks and yet we are committing ourselves to \$300 million.

So hopefully the minister will change this from the Order in Council and bring it back to the power of the House and that the House itself will approve so much money each year. If it is \$300 million, sobeit, but at least we should have control over this.

MR. L. STIRLING: Mr. Chairman.

MR. CHAIRMAN (Butt): The hon. member for Bonavista North.

MR. L. STIRLING: Mr. Chairman, I will try to make my points in a very relatively short time. I do not think we should be debating this bill in the dying days, the dying hours of this session. I believe that such an important act should have been given priority early in the session; it could have been introduced at any time during the three week debate on the flag, and I would like to make the point - and I am glad that the Premier is here because in the Public Accounts Committee at the present time

MR. L. STIRLING: We are seeing Cabinet Minister after Cabinet Minister stating that they did not, although in theory they felt that they had the responsibility of the whole Cabinet, they took a particular point of view that 'in my own Cabinet portfolio is where I have the responsibility'. That kind of thing has come up over and over and over, Cabinet documents that are just whipped through that people did not even recall seeing them even though the document said, "No funds were provided". And, Mr. Chairman, it seems one of the things that I have heard many members on both sides of the House complain about is the apparent condition of this House of Assembly become irrelevant and we are now taking another step. The whole concept, the whole approach of this government has been on the last chance, our last chance to do the sort of thing in Newfoundland that they want to do, will develop from the offshore. And now in this Act we are creating a body and we are going all the way. In other legislation there was some discussion about - well, we did not want to go too far and when we asked, "Why is there a discretion of the minister to do this they way, "Well, in introducing a new Act like the Environment Act we did not want to go too far in case we are going to make some changes". Well in this Act I do not think it is too late for you to take advantage of the years of experience and the wisdom and the lessons learned on behalf of Newfoundland by the Leader of the Opposition (Mr. D. Jamieson). He offered to you yesterday what would be a very simple means of keeping the essential control, the control of the capital expenditures, under the control of this House of Assembly. And I detect from the ministers and from the government some kind of a foolish belief that they are always going to be the Cabinet and they are always going to operate in the best interest of the Province. Well we have now before the Public Accounts Committee proof that that has not always happened. And I would ask you to look at it on the basis of if there were a Liberal Cabinet over there today doing this, would you give that full responsibility, would you take all the checking of this corporation out of the House of Assembly? And if the answer to that is no, then, Mr. Chairman, they should put back into this House of Assembly the kinds of controls that

MR. L. STIRLING: the Leader of the Opposition referred to. And he referred to it out of years dealing with similar kinds of operations.

I must confess that I did not know this great Newfoundlander, the Chief Economic Advisor, Pedro Van Meurs, I do not know which part of Bonavista Bay he was born in but I do not recall the name.

AN HON. MEMBER: Flat Island.

MR. L. STIRLING: Flat Island, well he might have been but -

MR. G. FLIGHT: Rattling Brook.

MR. L. STIRLING: - I must admit that I did not know that we had such a Chief Economic Advisor and I happened to be on the Mainland at the time that he made his statement and the headlines - it was not given very much prominence down here - but the headlines in New Brunswick, for example, emphasized that Pedro Van Meurs was talking about legal guerrilla warfare. Now that is not an expression that a native Newfoundlander would normally use, and it is not the kind of expression -

MR. L. BARRY: That is mine.

MR. L. STIRLING: After seeing the Minister of Mines and Energy (Mr. Barry) last night I can understand how he never got -

MR. S. NEARY: He did a great job last night.

MR. L. STIRLING: He sure did. As a matter of fact - well, let us not get into that.

SOME HON. MEMBERS: Hear, hear!

MR. L. STIRLING: That is one point, Mr. Chairman, but the other point is one that in all seriousness I would hope that the minister when he does speak does pay some attention to and give us some assurance. The fact of the matter is we are going into the oil business, we are setting up an oil company just the same as if you set up Mobil or anybody else. We are going into the oil business -

MR. G. FLIGHT: Petro Newfoundland.

MR. L. STIRLING: - but we are going into that oil business as a minority shareholder. Now with all due respect, unless there are some safeguards left in this House of Assembly, as a minority shareholder

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Tape No. 2170

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MR. L. STIRLING: there have been some disastrous experiences of people who have taken minority positions in any kind of company, and we are going to set up this money, the Province's funding, the Province's credit and, Mr. Chairman, there is no such thing as a free ride, there is no such thing as a free lunch. The truth of the matter is that if we want 40 per cent of a company, then we put up

MR. STIRLING: forty per cent of the money. In this case, as the minister has pointed out, we have an option! Somebody else puts up the money. In this case it is going to be the sixty per cent shareholder who is going to get all of his returns before we get involved.

Now, Mr. Chairman, there have been all kinds of examples in private industry, and this is what we are now doing with this bill, we are turning over to a private corporation the money, and the funding, and the right to borrow, and to become a minority shareholder, and we are getting to be a minority shareholder and who is the majority shareholder? Is it the federal government? No, Mr. Chairman, it is going to be the international, richest corporations in the world. Now let us suppose that the majority shareholder, let us suppose the majority shareholder being a sixty per cent shareholder, decides that they want to force Newfoundland out of this corporation. Newfoundland has been in and out of some corporations. The major shareholder can make commitments for expenditures, can make commitments that will then give Newfoundland a choice and say, "Okay, do you put up the money or do you get out?" And Newfoundland may be not in a position of even being controlled by the Cabinet, although that is bad enough. It should come back to the House of Assembly. We will then be in a position of being a minority shareholder in a corporation in which the majority, and the people who out-vote - and Mr. Speaker, this House of Assembly is a good example; in this House of Assembly on this side we are the minority shareholders. And the majority shareholders out-vote us any time they want to. The flag got through on a majority shareholder vote, this bill will go through on a majority shareholder vote. It does not really make any difference. You can agree or you can ask the majority shareholder, but the fact of the matter is that we are going to be in a minority shareholder position. And that is the point that I think from the other side that you should make sure that this House of Assembly is not left out of consideration, that you should make the amendments referred to by the Leader of the Opposition, to keep under the control of this House of Assembly, not a Cabinet, not a government, and not get yourself into a situation where we have already seen,

MR. STIRLING: it will be natural for any government, any Cabinet, to start to try to defend their position, even an indefensible position. The natural position is to try to cover up and to try to defend, and we are seeing that right now before the Public Accounts Committee and I would urge the Premier not to set up the kind of situation in which somebody after his day can really abuse what is going to be the essential, as he himself refers to it, the essential source of income for the future of this Province.

MR. JAMIESON: Mr. Chairman.

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

MR. JAMIESON: I have no wish to prolong this debate and, as has been said, if the government so wishes they can put it through in this fashion. I think you will also realize that insofar as I personally am concerned it is not any kind of vested interest that prompts me to say what I am saying. But I want to caution in the most strong language that I can, and to urge the minister, and the Premier and the Cabinet, to look very hard at what is being done here. It is not only that the House and the Opposition, as my hon. friend from Bonavista North (Mr. Stirling) has said, who are being in a sense taken out of the action, to a very real extent the government itself is going to have extreme difficulty, or conceivably can have extreme difficulty with the control of this corporation.

Now I do not ask people to take my word for that. I ask them to look at the history and the record of dozens upon dozens of similar type corporations that have been established and that have caused extreme difficulties for the government. I do not know if hon. members realize or not, but if the Minister of Mines and Energy (Mr. Barry) is correct, and everyone prays that he is, it is not inconceivable that the budget

MR. D. JAMIESON:

of this corporation will be bigger than the budget of the entire Province has been at least up to now. And that is a situation, it seem to me, that there be some means through which this House has a reasonable opportunity on an annual basis to examine this corporation and what it is doing and I say to you, Mr. Chairman, that the government will come to the recognition that it is desirable to have that, that the best safeguard in many ways to avoid the kind of power complex that can develop in a board of this nature is to say to them, 'Look here, it is not going to be too long before you are going to wind up having to answer for some of this in the House to the people,' And therefore, it does serve as a constraint against the excesses which I can assure hon. members will emerge.

Now I suspect that there is some worry:

Indeed the Minister of Mines and Energy (L. Barry) himself said that he had examined many different models and things of this kind before he came forward with this. But there is a way, I emphasize, and I do not know why and I hope that there will be some explanation of it by bringing in, as the hon. member for Bonavista North (L. Stirling) has said, a requirement that the capital budget must be approved by this House. It is a means through which there is an assurance which the government may very well find to its advantage because if the government has to bring it into the House they then have the opportunity to deal very strongly with the Board of Directors.

But the implicit power here with this board separate and distinct from the government is a very serious move. It may not be in the initial stages. I understand this year we are only talking about the expenditure of a half a million dollars or something like that, \$500,000. But if you start getting up into the position where you are borrowing huge amounts of money, I emphasize once again that it is important that that be put on the record in this House and we have a chance

MR. D. JAMIESON:

to deal with it.

I just want to make one other observation here and it has to do with the so-called minority position, and it is an important one. There is in Canada - I have forgotten the exact name of it now. I should remember - the one that deals with Northern gas and exploration for oil and so, Pan Arctic the consortium and there is a requirement there, for instance, that since the government of Canada is a minority shareholder that Pan Arctic cannot, cannot acquire new equity or match its partners, as the hon. member for Bonavista North (L. Stirling) has said, without Cabinet and government approval. And that is an extremely important requirement to have in the act and in that particular arrangement because on three or four occasions that I can remember the conclusion was reached that the Board of Directors had made a poor recommendation and that it was better to reduce the equity relatively speaking to the total than to go out and to borrow the additional funds in order to bring that corporation is percentage up to what it had been before.

Now I do not see in this as far as I am aware any requirement that the Cabinet of this Province would have the right or would indeed have the responsibility to authorize or to say no to those kinds of activities. I hope I have misread it. I hope there is something to that effect in there. But the situation is, and I had a private word with the hon. President of the Council (W. Marshall) with regard to the Auditor General, I think that is a good move to have this corporation subject to the Auditor General but, as we have discovered in the past, that of course is locking the door after the fact. So what I am saying is, and I sincerely recommend it, that the minister consider having the capital budget of this organization referred to this House. My recollection is that, if I can recall it that far back, that I believe the President of the Council at one point said that anything having to do with the government ought to at some stage or other come through this House

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MR. D. JAMIESON: whether it was a crown corporation or
whether it was not. But if the capital budget were to be

MR. JAMIESON: but if the capital budget were to be required to be presented annually here it has two advantages, it has the advantage first of all of permitting a general review once a year. But it has another advantage for the government. And that is that if the capital budget has to be approved by Cabinet and brought into this House you also have some control on the operating expenses. That the minute that you establish the limits, as it were, on the capital expenditure you can at the same time ensure that the operating side of it is not going to get out of hand. And so therefore it is a simple, straightforward matter. There is ample precedent for it. Indeed I am not sure that there is any exception to it in many of these corporations. There are in Newfoundland and the minister said it has not been the practice here. But we have never had anything of this magnitude before. And so on that basis I strongly recommend that consideration be given to this particular suggestion which came in directly from me and directly from the member for Bonavista North (Mr. Stirling).

MR. CHAIRMAN (Butt): The hon. Minister of Mines and Energy.

MR. BARRY: Mr. Chairman, I have listened with interest and I have no disagreement with the philosophy of the ideas expressed by the Leader of the Opposition (Mr. Jamieson), which he communicated to me yesterday afternoon following the closing of the House. And I can say, I will give this assurance, Mr. Chairman, and I am afraid I cannot make it any more definite than this at the present time, because I will have to give some consideration to the problem of to what extent the business operations of the corporation might be impaired in terms of the confidentiality of the information that with respect to capital planning, and so on, that may take place in any one year.

MR. JAMIESON: The CBC has held onto that argument for ten years.

MR. BARRY: I respect that myself and the hon. member would not be that far apart in terms of a desire to have the facts out before the public. Because I believe the only way you can get an honest, efficient, effective government is by the public having the knowledge, and the Opposition having the knowledge of government plans, Crown corporation

MR. BARRY: plans, so that there can be effective criticism. And that is the whole value of democracy, to have an open and free supply of information so that government can be kept on its toes. And I would submit, Mr. Chairman, that if we do this properly, and if we keep the Opposition supplied with information, they will keep us on our toes to the extent that this government will be in indefinitely.

MR. JAMIESON: That is your particular problem then - I am trying to debate this - you are creating a real monster for yourselves.

MR. BARRY: For ourselves, for ourselves, and I think I expressed to the hon. gentleman that we have gone through this before with other corporations. I was interested to hear his experiences with federal Crown corporations, and I will give the assurance that I will look at this quite closely, keep an open mind on it, and I will report back to the House and be prepared to have the matter debated in the House in the event that I should recommend not to go the route that the hon. member is proposing. But I would ask that I not have to commit, and I am just not in a position to commit to adopt off the top of my head an amendment of that magnitude in this piece of legislation.

Mr. Chairman, I guess the point that follows from that was, well, why proceed with the bill at this stage? And it was a point raised by the member for Windsor-Buchans (Mr. Flight), who says, "What is the big rush?" Well we want to have this corporation set up and ready to operate and ready to start participating in the management committee meetings, the operating committee meetings, which the companies offshore are having at the present time in terms of developing ultimate plans for the Hibernia field as one example.

Now, the member I think misunderstood the point that was made yesterday, and misunderstood the regulations. It may be that we go the carried interest

MR. BARRY:

route, in which case investment decisions would not - or I should say, in which case a significant operating role might not take place for this corporation until a number of years hence. But it may be that we decide, and we probably will decide, to take some small working interest as soon as the companies come to us and say, "We want to go to lease."

MR. JAMIESON:

Come to the board.

MR. BARRY:

No, the companies under the regulations must come to the government and this has to do with the filing of their-

PREMIER PECKFORD:

(Inaudible) licence applications.

MR. BARRY:

Under the oil and gas regulations they have to come and they say - and it could be next month, it could be two months time; I suspect it will be sometime during this Fall, but it could be before the House sits again - and they may come and say they are prepared to go to lease and at that point in time government may want to commence taking a certain interest as were are entitled to under the regulations.

MR. STIRLING:

You mean that kind of subject would be debated in the House. The government would be prepared to give a lease and make that kind of commitment over the Fall before we again meet in the House and debate it?

MR. BARRY:

Mr. Chairman, there is nothing to debate in the House as far as the granting of a lease is concerned. Under the permits which the companies hold they are entitled by law of this Province to a lease when they show that they have fulfilled the conditions of their permits and that is the only way you get companies to spend hundreds of millions of dollars on going out and exploring. What will be debated throughout the length and breadth of this Province in public hearings and in this House will be the development plan which they must file before approvals are given to produce. That will be thoroughly debated. But it may be necessary to have this corporation commence its activities in the oil industry before this House sits again in November. Granted, it will be on a small scale. I think I made it clear yesterday afternoon, although there is authority to borrow and there is capitalization set out here, we do not anticipate going anywhere near, in

MR. BARRY: the short term, the limits that are set out under the Act, and I think I mentioned I anticipate subscribing to a maximum of five shares of \$100,000 each, \$500,000 in terms of the initial funding of the corporation, and to a certain extent the corporation will become self-funding as it obtains interests in offshore areas and as it gets involved in farm-ins and so on.

So I am, I have to say, prepared to give the assurance that I will report back to the House on my investigation as to the propriety of having the capital budget of the corporation debated in this House and I will be prepared to recommend to the House Leader at that time, and I will be at his mercy and he is a tyrant, particularly today for not giving me the opportunity to adequately debate my bills. He is whipping my back here, under severe pressure from members opposite, I understand -

SOME HON. MEMBERS:

Oh, oh!

MR. L. BARRY:

-who have pressures from their con-

stituents -

MR. D. JAMIESON:

And not to mention a few people sitting

outside.

MR. BARRY:

He makes Attila the Hun, Mr. Chairman,

appear positively beatific.

MR. D. JAMIESON:

If you keep this up you may find him up

agreeing with me.

MR. BARRY:

So, Mr. Chairman, I have nothing further

to say.

SOME HON. MEMBERS:

Good.

MR. BARRY:

I just ask members opposite to let us get

on with the job.

MR. E. ROBERTS:

Well, Mr. Chairman, at the risk of -

MR. CHAIRMAN (Butt): The hon. the member for the Strait
of Belle Isle.

MR. E. ROBERTS: - complete rebellion by all concerned,
I will take thirty-nine and one quarter seconds. In view of the love
feast between the Minister of Energy (L. Barry) and the member for
LaPoile (Mr. Neary) with which we began today and now this yawning chasm,
this gaping chasm that has opened in the wall of Cabinet solidarity between
the learned gentleman from Mr. Scio and the learned gentleman from
St. John's East (W. Marshall).

MR. ROBERTS: You know, that speaks for itself. I
simply want to suggest to the minister that he might in his consideration
have a look at another aspect of it. We are creating a large corporation
and let us not blindfold the devil and the dark. The only reason this bill
is before the House is to make this corporation, an agency of Her Majesty.
Otherwise the Ministry could have caused the company to have been incorporated
under the companies act. So let us not confuse ourselves — we are
going on the back of everything and that is why it has to be an agent
of the Queen and that is the only reason this bill is here. The only
reason the bill is here is to hook this House, this Province and I have
no argument to that, no argument against it, But, I mean, let it be
recorded that that is what it is. But let me suggest to the Minister
that in the consideration which he has agreed

MR. E. ROBERTS:

to give to the suggestions put forward by my friend from Bellevue, the Leader of the Opposition (Mr. D. Jamieson), that he give some thought as well to a Standing Committee of this House to have a look on a regular annual basis at this corporation; I would suggest Hydro as well. These are two big ones, both of which are absolutely central to the future of this Province, both of which have ramifications that extend into almost every part of this Province, both of which operate on a financial scale that is, I would think, Hydro's operations are comparable to those of the Treasury of the Province in terms of overall dollars committed and involved, even if not in terms of complexity or variety of the operations. My thought would be to suggest a Standing Committee that, hopefully over the life of a House of Assembly or succeeding houses one could get a number of members from each side who would become quite expert, and I agree with what the minister says about open government and all that sort of thing, I think he is right, publicity is the answer to the perils and to the problems. Publicity may not provide a quick answer, but over a period of years it will work, and the kind of legislative format that we have, we can not provide for detailed examination of the annual report of the Petroleum Corporation or Hydro. It just does not fit into the legislative scheme of things, it is foreign to the purposes for which legislatures come together, but it is of great importance surely not simply that the ministry know but that the members of the House know because in the long run it is the people of the Province who are affected, the people of the Province who pay and, you know, the whole purpose of this bill, as I said, is to make this corporation an agent of the Queen in right of Newfoundland and therefore to put us on the back. So, I would say to the minister, I think the Standing Committee has a lot of merit, I accept the arguments of business confidentiality but he would agree with me, I am quite sure, that there is a limit to that and, you know, we do not want to go so far down the line because the next thing the ministers will not be told, the next thing down the line not even the Board of Directors of the corporation will know, next thing we know all we will be doing

MR. E. ROBERTS: is signing the notes, paying the shot, seeing our future involved but having no practical control. These corporations have the ability to exercise incredible power without being responsible to anybody and the Crown corporations that we have seen over the years sometimes head straight into that. So I would say to the minister quite simply, could he give consideration to this thought as well. I think it is a very practical one, it would need to be worked out carefully, it would need to be experimented with over a period of years but a great deal of what we do in this House would be greatly enhanced and a great contribution to be made by a number of members over a period of years becoming intimately familiar with the petroleum world, with the oil company world, with the operation of what is going to be Petro Newfoundland to go along with Petro Canada and whatever - acronym is it? Acronym when you have all the first letters?

AN HON. MEMBER: Acronym.

MR. E. ROBERTS: Well, I do not know what acronym will be for this corporation, but there will doubtless be one and since this corporation is going to be a very powerful, very influential one, I think it is crucial that the citizens of this Province, through the elected members - and we are all they have got, maybe that is not very much, we are all they have got.

AN HON. MEMBER: (Inaudible) Cod Oil Co.

MR. E. ROBERTS: Cod Oil Co. I would hope it is as funny as Codco and the minister may hold himself out as 'The Godfather' but he will never make it. But I think it is a suggestion well worth looking at; this is not the time to go into any greater length, there will be an opportunity and I would hope the government will be able to respond in a kind of positive way the minister has indicated and I realize the minister can not make a commitment nor would I expect him to at this stage.

PREMIER PECKFORD: Mr. Chairman.

MR. CHAIRMAN: The hon. the Premier.

PREMIER PECKFORD: Mr. Chairman, the hon. member for the Strait of Belle Isle (Mr. E. Roberts) said that he would be thirty-nine and one half seconds and he really was not, I will try to keep my commitment at being a minute.

PREMIER PECKFORD: One, just let me say that this is a very substantial piece of legislation and a very major move by the Province and I do not diminish its importance; unfortunately we are doing it at the last minute now, and on that score just let me say to highlight what the minister has already said is that the reason we have had to move quickly is because we perceive that between now and November we might lose valuable time, otherwise we would have waited. And we debate amongst ourselves whether we would because it took a while to get this through the system, that was the only reason, with a whole bunch of other things there. But it was important, otherwise

PREMIER PECKFORD: it was important, otherwise we would have done the same thing as we have done with the privacy legislation and the freedom of information legislation. because I think it is important to get that kind of input. And if there are substantial suggestions come forward, we are willing to amend those two pieces of legislation, we would have done the same thing here. But we are caught in a time squeeze here that is not of our own making, obviously. We are very, very concerned about what is happening and we might need some leverage between now and November and make no bones about that.

Thirdly and most importantly, perhaps, is the capital budget business and I am as concerned as the Leader of the Opposition, and I undertake, as the minister has done, not only this corporation that we are now establishing, but others and to take into full consideration the recommendation by the member for Strait of Belle Isle (Mr. Roberts) and to give this assurance that when the House reopens we will immediately outline our position as to how we are going to proceed with this corporation and others as it relates to capital budgets and how it is going to be handled so the people who represent the people of Newfoundland can have more of an input than they are now having.

AN HON. MEMBER: Good.
On motion, clause 15 carried.
On motion, clauses 16 through
19, carried.

MR. CHAIRMAN (Butt): Shall clause 20 carry?

MR. ROBERTS: One question on clause 20.
Could the minister confirm that a subsidiary of the corporation - I am in 20(2)(b) - that that subsidiary does not carry with it the guarantee of the Province?

MR. BARRY: 20(2)(b)?

MR. ROBERTS: Yes.

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

MR. BARRY: Shall (inaudible)
amount without a Crown guarantee or that a subsidiary of the
corporation may borrow -

MR. ROBERTS: There is no limit on what -

MR. BARRY: There would be no intent to
have a subsidiary of the corporation borrow with a
Crown guarantee under that section.

MR. ROBERTS: I agree there would be no
intent but the words are used above that the corporation
may borrow without a Crown guarantee. Might it not be
a little more clear to put in 'the subsidiary of the
corporation may borrow without a Crown guarantee'?

MR. BARRY: I would have no -

MR. ROBERTS: That is the intent.

MR. BARRY: I do not think it is necessary
but, again, I have no objection to that.

MR. ROBERTS: I will not argue.

MR. BARRY: Mr. Chairman, I would move
that 'a subsidiary of the corporation may borrow' I
would move that we add after that the words 'without
a Crown guarantee' and replace the period at the end of
that sentence.

On motion, amendment carried.

On motion, clause 20, as
amended, carried.

On motion clauses 21 through
23 carried.

MR. CHAIRMAN: Shall clause 24 carry?

The hon. the member for the
Strait of Belle Isle.

MR. ROBERTS: Clause 24, a reasonable thing. The financial year ends of 31 March, the corporation really have a report into the minister within thirty days thereof?

PREMIER PECKFORD: (inaudible) thirty-five (inaudible).

MR. ROBERTS: Yes.

MR. BARRY: Which section now?

MR. ROBERTS: 24(1).

MR. JAMIESON: Yes, they have thirty days.

MR. BARRY: 24(1) 'Shall not later than the 30th day of April in each year'. Oh, we will just have to test their efficiency that is all.

MR. DINN: There will be an amendment.

MR. ROBERTS: The minister will bring an amendment back.

MR. JAMIESON: Or his successor will.

On motion, clause 24 carried.

On motion, clause 25 carry.

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

On motion, that the Committee rise and report having passed bills nos. 5, 8, 26, 35, 39, 42, 49, 53, 54, 56, 57, 58, 59, 61, 63, 64, 66 and 68 without amendment and bills nos. 15 and 50 with amendment, Mr. Speaker, returned to the Chair.

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

MR. CHAIRMAN: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and direct me to report having passed bills no. 5, 8, 26, 35, 39, 42, 49, 53, 54, 56, 57, 58, 59, 61, 63, 64, 66 and 68 without amendment.

On motion, report received and Adopted bills ordered read a third time now by leave, Committee ordered to sit again on tomorrow.

MR. SPEAKER: The Chairman of the Committee reports also that it has directed him to report bills Nos. 15 and 50 with amendment.

On motion, report received and adopted amendments ordered read a first and second time now, by leave.

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

On motion, the following bills were read a third time, ordered passed and their titles be as on the Order Paper.

A bill, "An Act To Provide For An Advisory Council On The Status Of Women". (Bill No. 15).

A bill, "An Act To Amend The Education (Teachers' Pensions) Act". (Bill No. 35).

A bill, "An Act Respecting An Increase Of Certain Pensions". (Bill No. 42).

A bill, "An Act To Amend The Financial Administration Act, 1973". (Bill No. 49).

A bill, "An Act To Amend Certain Taxation Statutes". (Bill No. 53).

A bill, "An Act To Amend The Memorial University Act". (Bill No. 26).

A bill, "An Act To Amend The Bay St. George Community College Act". (Bill No. 5).

A bill, "An Act To Amend The Mineral Act, 1976". (Bill No. 8).

A bill, "An Act To Amend The City Of St. John's (Loan) Act, 1975-76 And The City Of St. John's (Loan) Act, 1978". (Bill No. 39).

A bill, "An Act To Amend
The City Of St. John's Act". (Bill No. 54).

A bill, "An Act To Amend The
Generic Dispensing Of Prescription Drugs Act". (Bill No.61).

A bill, "An Act To Amend The
Landlord And Tenant (Residential) Tenancies Act, 1973".
(Bill No. 59).

A bill, "An Act To Amend The
Fishing Ships (Bounties) Act". (Bill No. 58).

A bill, "An Act To Amend The
Fishing And Coastal Vessels (Rebuilding And Repairs)
(Bounties) Act". (Bill No. 57).

A bill, "An Act To Amend The
Fisheries Loan Act". (Bill No. 56).

A bill, "An Act To Amend The
City Of St. John's Act (No.2)". (Bill No. 66).

A bill, "An Act To Amend The
Municipal Grants Act". (Bill No. 63).

A bill, "An Act To Remove
Anomalies And Errors In The Statute Law". (Bill No. 64).

A bill, "An Act To Amend The
Department Of Public Works And Services Act, 1973 (No.2)".
(Bill No. 68).

A bill, "An Act To Incorporate
The Newfoundland And Labrador Petroleum Corporation".
(Bill No. 50).

SERGEANT-AT-ARMS: Mr. Speaker, His Honour The
Lieutenant-Governor has arrived.

MR. SPEAKER: Admit His Honour The
Lieutenant-Governor.

Your Honour, it is my agreeable
duty on behalf of Her Majesty's dutiful and loyal
subjects, Her faithful Commons in Newfoundland, to
present to Your Honour Bills for the appropriation of
Supply and Supplementary Supply granted in this present
session.

A bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending The Thirty-First Day Of March One Thousand Nine Hundred And Eighty-One And For Other Purposes Relating To The Public Service". (Bill No. 52).

A bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending The Thirty-First Day Of March One Thousand Nine Hundred And Eighty And For Other Purposes Relating To The Public Service". (Bill No. 51).

HON. GORDON A. WINTER(Lieutenant-Governor): In Her Majesty's name, I thank her Loyal subjects, I accept their benevolence and I assent to these bills.

MR. SPEAKER: May it please Your Honour, the General Assembly of the Province has at its present session passed certain bills to which, in the name and on behalf of the General Assembly, I respectfully request Your Honour's Assent.

A bill, "An Act To Amend The Tobacco Tax Act, 1978". (Bill No. 37).

A bill, "An Act To Amend The Income Tax Act". (Bill No. 43).

A bill, "An Act To Amend The Insurance Companies Tax Act". (Bill No. 38).

A bill, "An Act To Authorize The Raising Of Money By Way Of Loans By The Province". (Bill No. 48).

A bill, "An Act To Amend The Loan And Guarantee Act, 1957". (Bill No. 41).

A bill, "An Act To Amend The Local Authority Guarantee Act, 1957". (Bill No. 41).

A bill, "An Act To Amend The Public Service (Pensions) Act". (Bill No. 34).

A bill, "An Act To Ratify, Confirm And Adopt An Amending Agreement Entered Into Between The Government And Burgeo Fish Industries Limited And Others". (Bill No. 30).

A bill, "An Act To Amend The District Court Act, 1976". (Bill No. 7).

A bill, "An Act To Provide For An Advisory Council On The Status Of Women". (Bill No. 15).

A bill, "An Act To Amend The Education (Teachers' Pensions) Act". (Bill No. 35).

A bill, "An Act Respecting An Increase Of Certain Pensions". (Bill No. 42).

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A bill, "An Act To Amend The City Of St. John's Act (No.2)". (Bill No. 66).

A bill, "An Act To Amend The Municipal Grants Act". (Bill No. 63).

A bill, "An Act To Remove Anomalies And Errors In The Statute Law". (Bill No. 64).

A bill, "An Act To Amend The Department Of Public Works And Services Act, 1973 (No.2)". (Bill No. 68).

A bill, "An Act To Incorporate
The Newfoundland And Labrador Petroleum Corporation".
(Bill No. 50).

HON. GORDON A. WINTER(Lieutenant-Governor): In Her
Majesty's name, I assent to these Bills.

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, this, I suppose,
will be the last time that we sit in our present places
in the House and particularly that is true of one hon.
member, the Leader of the Opposition (Mr. Jamieson),
who, after today, by the next time that this
place opens, will not be in the position he is in now,
as I understand the hon. the Leader of the Opposition
has expressed his wish to his party that he wishes to
step down from his present position as Leader of that
party and, therefore, I think I would be very remiss
in my duties as Leader of the party on this side, and
as Premier, and I am sure I speak for all members on
this side of the House, in saying

PREMIER PECKFORD: to the Leader of the Opposition (Mr. D. Jamieson) that we have appreciated his time as Leader of the Opposition. I think it is fair to say that he has brought to his side of the House a decorum and a positive attitude which has not been seen on the Opposition side of the House since I have been a member of this House, since 1972, and I say that sincerely. May I interject that I hope that kind of positive attitude will continue, well, for the next two or three or four years, as long as we find ourselves where we are right now.

So I would like to, personally and on behalf of the members on this side, wish the Leader of the Opposition well. There have been rumors and speculation from Vancouver Island to Bonavista as to what his future endeavours will entail, but I am sure that there will be future endeavours and I am sure that they will be highly successful and whatever the Leader of the Opposition puts his mind to that he will be highly successful and make a contribution to his Province and to his country.

SOME HON. MEMBERS: Hear, hear.

PREMIER PECKFORD: I am pleased as a citizen of the Province to be young enough to remember reading about the Leader of the Opposition and now having the opportunity to thank him for his contribution in his present position, for things he has done in the past back before Confederation and since, and, as I say, wish him well in whatever it is the Leader of the Opposition does and wish all the hon. members on the other side of the House, who take up the cudgel in a few days or weeks time, the best of luck in their campaigns to try to fill the shoes and the seat that the Leader of the Opposition now leaves. And I shall say without fear of contradiction to any hon. member opposite and to those outside of this Chamber who might aspire to that chair that they have awfully big boots to fill.

SOME HON. MEMBERS: Hear, hear.

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

MR. D. JAMIESON: Mr. Speaker, it is not often, I suppose, that I am stuck for words but I am not at all certain as to what I ought to say today other than to begin by thanking the hon. the Premier and telling all members of this hon. House how very moved I am by what

MR. D. JAMIESON: has been said and by the response to those remarks from members on both sides of the House.

I remember being at Beaumont Hamel a few years ago on the 11th of November and there were with me a number of veterans and one said to me, "You know, unless you have been a member of the forces, unless you have been battle tried, you will never have a rapport with anyone similar to the one you will have with the person with whom you went over the top". In other words, it is a peculiar kind of memory, it is a peculiar kind of relationship that develops in that kind of atmosphere.

I use that analogy because there is another one. John Diefenbaker once said to me that no one will ever really understand what the political process is all about or the camaraderie that develops between politicians unless he has actually put his name on a ballot paper and invited the public of his Province or his country to support it. It is a breed apart, regardless of the philosophies that we may have regardless of the differences that may emerge in one way or the other. Whether one sits in the press gallery and observes from afar, or issues all manner of profundities, correct or otherwise as I and perhaps the Minister of Mines and Energy (Mr. L. Barry) may on occasion have grounds for complaint, no one who has failed to say to the people, the humblest of our citizens, "I am putting myself in your hands and you are the judges of whether or not you wish me to serve you," no one who has not done that can understand the camaraderie

MR. JAMIESON: And, you know, having served now at both the provincial and the federal levels, it is I think satisfying in retrospect to realize how very few serious confrontations of a personal nature develop. And as I leave this task or this job, and look back to all of my years, there are a number of things about which I think I can take some satisfaction and some pride. But hon. members will understand perhaps more than anything else, that the most satisfying thing to me is that in all of those years I have never made a political enemy. That may be a weakness. It may be one of the things perhaps that is lacking in a character who seeks to be leader, but the truth of the matter is, that in Ottawa, I think anyone who knows the scene there will know that whether they were Conservatives or NDP or Liberals, the biggest satisfaction I got was in seeking to do what I could for them and in debating in a fashion that was not, in fact, full of invective or anything of that nature. I do not wish to go on too long. We have been here and it is a long, long day, but any advice that I would have to give to those who aspire to political office is to realize that, in the last analysis, reason and common sense will prevail invariably, in the last analysis over pure rhetoric or, if you like, the kind of thing which sometimes we can fall into and I suppose we are all guilty of it in the short run but thank goodness it passes by very fast.

Mr. Speaker, one last word, I do not know where I am going from here. I believe sometimes that as a Presbyterian we were wrong to give up the doctrine of predestination -

AN HON. MEMBER: Hear, hear!

MR. JAMIESON: - because I have the feeling sometimes that you are really no more in control of events than the man in the moon. But wherever I go, the one thing that I would like to see for Newfoundland more than anything else, and I will try to keep this very, very brief, and I would address it particularly to those who at this moment in time have the responsibility and the opportunity of serving as government the people of this Province, that it really will not make much difference whether our per capita income is high, the highest in Canada, it will not make all that much

MR. JAMIESON: difference what our material wealth is in Newfoundland unless we bear in mind that a way of living, and a standard of living are totally different things. Your financial activities, the amount that we in this House do with regard to the standard of living, will be fruitless in terms of a more satisfied population if we do not always keep our eye on creating a way of life that is satisfying. Because you can be just as unhappy, believe me, and I have seen reason and know that I am right when I say this, just as unhappy on \$1,000 a week as on \$100 a week, and indeed in some instances you can be unhappier.

And so I leave the position which I have had the honour to hold, thanks to my colleagues, and I dare to presume to advise members of this House not to simply think in terms of what the per capita income is going to be, but to ask themselves constantly in everything that they do, 'What kind of Newfoundland do you want? What kind of Newfoundland do we want?' And whether I happen to be in Canada or somewhere else, in Newfoundland or somewhere else in Canada, this House can be assured that the best interests of the people of this Province will continue to be, as they always have been, the main motivation of everything that I do.

Thank you all very much indeed for the warmth of your reception.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Simms): If I may have the privilege of adding my own personal comments to those expressed by the hon. the Premier, I would like to thank the Leader of the Opposition (Mr. Jamieson) for the co-operation, assistance and advice that he has given me as a long time parliamentarian and I believe it is fair to say that you have added a great deal to the honour and dignity and decorum of this House and I wish you very well and much success in whatever your future endeavours are going to be.

Before adjourning I would also like to, on behalf of all hon. members, express appreciation to all those who have assisted during this session of the House. In particular I would point out the Clerk Assistant, Mr. Rowe, who will be leaving us shortly to take up a new position in Ottawa. We wish him well in his new endeavour and thank him for his service to the House of Assembly. As well to all the staff of the House, the clerks and the officers at the table, the pages, the tape and sound operator, the staffs in both the Speaker's and Clerk's Office, the Sergeant at Arms, the duty constables, the commissionaires, all the staffs of the Government and Opposition offices, the Legislative Librarian, and her staff, the Editor and staff of Hansard, and particularly the Hansard typists who sometimes have a most difficult task I am sure. And finally, members of the Newfoundland and Labrador Press Gallery, not to forget them, and as well anyone else whom I might have missed. All members, I am sure, would like to thank those people for their assistance and co-operation. And if I might finally thank all hon. members of the House for their co-operation to the staff and myself personally, and in particular your patience and your understanding with respect to having to make certain rulings. It has helped to make my job a little better and in appreciation of course there will be a little gift for everybody which they can obtain from my office on the adjournment of the House.

SOME HON. MEMBERS: Hear, hear!

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

MR. MARSHALL: Mr. Speaker, I move that this House when it adjourns today stand adjourned until Tuesday, November 11th., 1980, at 3:00 in the afternoon.

PREMIER PECKFORD: Armistice Day is the 11th. but it is held on the 10th.

MR. NEARY: Armistice Day is on the 11th., and has to be held on the 11th.

PREMIER PECKFORD: The holiday is held on the 10th.

MR. OTTENHEIMER: I am not sure. Is it?

MR. MARSHALL: Well, just to be sure, Mr. Speaker, I move that the House at its rising adjourn until Thursday, November 13th., 1980, at 3:00 P.M. provided ' always -

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: - that is real power for you! -
provided always that if it appears to the satisfaction of Mr. Speaker, or in the case of his absence from the Province the Chairman of Committees, after consultation with Her Majesty's Government, that the House should meet at an earlier time than the adjournment, the Speaker, or in his absence the Chairman of Committees, may give notice that he is so satisfied and thereupon the House shall meet at the time stated by such notice and shall transact his business as if it had been duly adjourned to that time.

MR. SPEAKER (Simms): You have heard the motion. The motion is that this House now adjourn. Is it the pleasure of the House to adopt the motion? Those in favour "Aye", contrary "Nay", carried.

This House stands adjourned until Thursday, November 13th., at 3:00 P.M.