

PRELIMINARY  
UNEDITED  
TRANSCRIPT

HOUSE OF ASSEMBLY  
FOR THE PERIOD:  
3:00 p.m. - 6:00 p.m.  
MONDAY, MARCH 10, 1980

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

I am sure hon. members would like to welcome to the galleries today a delegation from the town of Harbour Breton.

HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): Also another warm welcome to a visitor in the gallery, Patricia Preston of Calgary, who is the Calgary YWCA woman of the year, an executive member of the National Action Committee on the Status of Women and who was recently the guest speaker at the Provincial Status of Women Council's Conference in Grand Falls.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): And I wish to bring to the attention of all hon. members that today is being observed as Commonwealth Day throughout the forty-two sovereign states which comprise the Commonwealth and as we observe the occasion of Commonwealth Day it is my belief that this group of nations, with its time honored traditions, rich diversities and strong sense of community, will continue, through its parliamentarians, to inspire and provide leadership in their pursuit of new, co-operative and mutually beneficial relationships among states of the international community.

AN. HON. MEMBER: Hear, hear! Well said. Or well read.

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

MR. G. OTTENHEIMER: Mr. Speaker, if I may, I would like to move, I am sure, seconded by hon. gentlemen opposite that a message of condolence be sent to the widow of the late Mr. Justice H.G. Pudd-ester. As hon. members are probably aware, Mr. Justice Puddéster, who had a very distinguished career at the Bench and Bar of this Province, served during Commission of Government as Secretary of Justice and served also as Deputy Minister for the Department of Justice after Confederation, was also legal advisor to the delegation which went to Ottawa in negotiation of the Terms of Union on Newfoundland's entry into Confed-

MR. G. OTTENHEIMER:                   ation and, of course, was also a Judge of the Supreme Court of Newfoundland. I know that hon. members indeed, would unanimously wish our condolences to be expressed to the widow of the late Mr. Justice Puddester.

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

MR. E. ROBERTS:                   Mr. Speaker, in the absence of my colleague, the Leader of the Opposition, may I simply say that we on this side would wish to become associated with the remarks of the Minister of Justice. Mr. Justice Puddester's passing was sudden and most unexpected and I know a great blow to the legal fraternity and, of course, particularly to his family. The Minister of Justice outlined the late Judge Puddester's career which was one of distinction, of great service to the law and of great service to this Province. He was

MR. E. ROBERTS: one of the small but extremely dedicated and extremely competent group of public servants who worked with the political figures negotiating the Terms of Union. There are very few of them, if any, left in the public service now. There are, fortunately, some of them still alive. The father of the President of the Council (Mr. Marshall) was the financial advisor, I believe Mr. Jim Thompson of Peat-Marwick is still alive, although I am not sure of that. Mr. Jim Channing who retired a year or so past as Clerk of the Cabinet was with the delegation and Mr. Justice Puddester who served both on the trial division and I believe was one of the first judges appointed to the Court of Appeal when that court was constituted three or four or years ago served with great distinction.

We on this side, Sir, would join with the expression of sympathy to Mrs. Puddester and the members of the family including at least one of the Bar, Mr. Jamie Puddester who is practising here in St. John's, again with great distinction.

MR. SPEAKER (Simms): Is it the pleasure of the House to adopt the said motion? Those in favour 'aye', contrary 'nay', carried.

MR. ROBERTS: Mr. Speaker.

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

MR. ROBERTS: I believe the minister has a statement but before he does, I wonder - I am sure it is an oversight and it ought to have been done before because I am sure the House would want to, but would the minister care to ask that the appropriate resolutions be sent to the family of the late Mr. Curtis and the late Mr. Hefferton -

AN HON. MEMBER: That was done.

MR. ROBERTS: - I am sorry, they have? - And Mr. George Hicks as well?

AN HON. MEMBER: Yes.

MR. ROBERTS: Then I apologize, I am out of touch.

MR. SPEAKER (Simms): The first two you referred to were looked after in the House, the other one Mr. Hicks I looked after that in any event.

STATEMENTS BY MINISTERS

MR. SPEAKER: The hon. Minister of Justice.

MR. G. OTTENHEIMER: Mr. Speaker, members will recall that last week I informed the House that the basis upon which the Department of Justice decides to initiate a police investigation is founded on three principles: (1) The decision must be based upon a professional assessment of the information available; (2) - it really follows inevitably from the first - No police investigation will be ordered because there is pressure to do so; and (3) No police investigation will be denied because there may be pressure to so do.

Members will recall as well that I informed the House last week that officials of the Department of Justice had requested from the Auditor General's office a copy of all relevant documentation in his possession referring to paragraphs 27 and 28 of his Report to the House of Assembly. These files were received by the Department of Justice last Thursday afternoon and officials of the department examined the files over the last three days.

Based upon the information available to the department in the files received from the Auditor General's office, the Department has ordered an investigation by the R.C.M.P. into the matters raised by the Auditor General in paragraphs 27 and 28 of his Report.

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

MR. THOMS: Mr. Speaker, I would like to first of all congratulate or say how pleased I am that the Minister of Justice has seen fit to order an investigation into this matter, something that we thought should be done. It is now being done and I think it is the only recourse, really, open to the minister and to the government at this time.

I would assume that of course, this would in no way interfere with the Premier's undertaking to see that all steps will be taken to have the monies recovered and back into the Public Treasury.

Now, Mr. Speaker, if I could be only as successful in getting the Minister of Justice to appoint a royal commission to investigate the whole spectrum of the administration of justice in this Province, indeed I would be very pleased.

MR. SPEAKER: The hon. Minister of Fisheries.

MR. MORGAN: Mr. Speaker, I wish to bring to the attention of this hon. House today my concern in connection with a decision made in Toronto last week, in fact last Friday, by the Northwest Atlantic Fisheries Organization, known as NAFO, the decision to establish a quota of 26,000 metric tons for cod on the tail of the Grand Banks, in an area known as (3N0).

The decision to set the quota and permit a directed fishery on that cod stock was made as I mentioned by NAFO last week and I find it difficult to understand, Mr. Speaker, why this high quota has been set for cod in this area when, just six months ago, the Federal Marine Scientists were recommending that the cod fishery on the tail of the Grand Banks be closed because of the depletion of the cod stocks in that area. In fact no later than the month of December '79 the then federal minister, announced in a press release that he was gravely concerned

MR. MORGAN: over the depletion of the cod stocks and he felt that a ban should continue.

The setting of that quota is, in my view, a complete turn-around by the federal scientists. It is a decision which leaves many doubts and questions unanswered. Questions unanswered, for example; what would it mean to the trawler fleet from our Province which fishes and provides material to the plants on the Southcoast, on the Burin Peninsula in particular? Questions; for example, why in 1978 there were only 15,000 metric tons, total allowable catch in the same area, and now suddenly, despite the ban placed in the last six months, a quota of 26,000 metric tons?

MR. MORGAN: The establishment of that quota, Mr. Speaker, was made despite the fact that the Deputy Minister from this Province, Mr. Gordon Slade, the Deputy Minister of Fisheries was there as part of Newfoundland's delegation. Included with Mr. Slade was the Fish Trades Association of our Province and the Fishermen's Union. The Fish Trades Association and the Deputy Minister of the Department of Fisheries were quite adamant in their opposition of having a quota of that size placed in that area, and were strongly opposed, both, in this case the government and the Fish Trades, on behalf of this Province, strongly opposed to any further allocations to the country of Spain. Now the quota has been allocated to five foreign countries as well as Canada and they are in the following proportions: Canada 9,800 metric tons; Cuba 850 tons; France 210 tons; Portugal 1,100 tons; Spain 9,000 tons; U.S.S.R. 4,340 tons; and others 700 metric tons.

MR. NEARY: Poor old Cuba is not getting very much though.

MR. MORGAN: Now, Mr. Speaker, this administration is strongly opposed to the granting of this allocation to Spain, not only because of the fact that that country continued to pair trawl for cod on the tail of the Grand Banks during the past few months - only, Mr. Speaker, the week before last, Spain agreed to withdraw its illegal fishing activity on the tail and nose of the Grand Banks and the Flemish Cape in order to again hold talks with Canada. These talks were held last week in Toronto despite Canada's request that the country of Spain withdraw its operations because the stocks were then being seriously depleted. We feel that the Government of Canada should not be trading off, Mr. Speaker, not be trading off, number one, cod stocks



MR. MORGAN: in the Grand Banks, but more importantly, number two, trading off cod stocks from the Northern cod stocks off our coast to solve the fishery management problems on the Grand Banks. And I say trading off, Mr. Speaker, because what happened last week was, in order for the country of Spain to be satisfied, Canada decided to trade off 7000 metric tons of Northern cod out of the so-called artificial foreign quota, it is an artificial quota, 25,000 metric tons.

PREMIER PECKFORD: In addition to the Grand Banks.

MR. MORGAN: In addition to the Grand Bank trade off, Mr. Speaker, of upping the quota and allocating 9,000 metric tons from that area, in addition to that they traded off 7,000 metric tons from the so-called foreign allocation, which is an artificial allocation, in my view, of the Northern Cod zone, a further 7,000 metric tons.

MR. NEARY: Traded off -

MR. MORGAN: Traded off to a country, Mr. Speaker, that no longer than two weeks ago were out there illegally fishing, refusing to obey the North Atlantic Fisheries Organization which is now responsible for the administration and management of the stocks outside the 200 mile limit, failed to obey the regulations of NAFO and failed to obey the wishes of the country of Canada. And now suddenly last Friday, despite Newfoundland's opposition, in no uncertain terms, from the Trade and from government,

MR. J. MORGAN: the federal scientists and the federal spokesmen for the federal government decided to trade off 7,000 metric tons of Northern cod and 9,000 tons from the Grand Banks which should not even be there.

In talking this morning with the Trade, Mr. Speaker, the Trade tells me that they are convinced that in less than three months time the trawlers and draggers going out from the Grand Banks, going out from the Burin Peninsula, will not have fish to catch. There are no fish out there, but the scientists suddenly decide to allocate a quota of 26,000 metric tons.

MR. S. NEARY: What did they trade it off for?

MR. J. MORGAN: There were only 15,000 metric tons in 1978. And, Mr. Speaker, I am giving the House more information than what is in this document here. The question is now asked and I will answer it for the information of the House. What was in return?

MR. S. NEARY: Yes.

MR. J. MORGAN: Merely, Mr. Speaker, that Spain would buy 1,000 metric tons of fresh fish and 2,000 metric tons of salt fish from our country. In place of that we have to trade off all these cod stocks and see a very serious depletion.

Now, Mr. Speaker, our position is that we are opposed to the allocation of this amount of cod stocks to Spain, and I mentioned the reasons why. And we feel that the Government of Canada should be extending its fisheries management jurisdiction to the limit of the Continental margin irrespective of distance from the shore - but to the limit of the Continental margin, which would overcome the problem we now have on the nose and tail of the Grand Banks and in the Flemish Cap area. And Canada should be instructing all nations who fish on the Continental margin outside 200 miles that the failure to comply with the expanded fisheries management zone should result - in this case, would result - in arrest and confiscation of fishing vessels, the catches and the gear, and the revoking of all fishing licences, which can be done by Canada, and cancelling of all quotas within the 200 mile limit for any foreign nation,

MR. J. MORGAN: in this case, especially, Spain, plus the denial of any access to any port in Canada, which can be done by the country of Canada, for any resupply of fuel, etc., or other supplies or for any other purpose.

It would now appear to us, Mr. Speaker, that the federal government is being forced to trade off number one, 7,000 metric tons of Northern cod and number two, 9,000 metric tons of cod on the Grand Banks in order to have Spain merely to agree to join the Northwest Atlantic Fisheries Organization and to enable NAFO to control countries like Spain and attempt to manage the fish resources outside the 200 mile zone. In order to try to do that we trade off 9,000 plus 7,000 metric tons of our cod stocks.

MR. J. MORGAN: And our position, Mr. Speaker, is that we should not be trading off our cod stocks in order to get an agreement with the nations to properly manage the stocks outside the 200 mile limit. We should not have to trade off.

Now, Mr. Speaker, in concluding my statement I will say that I am meeting tomorrow with the Fish Trades Association and obviously one of the topics we will discuss will be this very topic, but today the Fish Trades already relayed to me their concerns - they were at the meeting in Toronto - because of the fact they feel that there is going to be a shortage of cod stocks in the Grand Banks in the next few months if these nations I just mentioned are allowed to fish for that size of a quota over the next six month period. So, Mr. Speaker, I will be meeting with the federal minister as early as possible, I have to meet with the Fish Trades tomorrow to put forward our concerns to the federal minister.

SOME HON. MEMBERS: Hear, hear.

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

MR. F. ROWE: Mr. Speaker, first of all, I would like to assure my friend and colleague, the Minister of Fisheries (Mr. J. Morgan) that when it comes to fishing by foreign countries of our fishing resources in this Province, or off the Grand Banks or the Northern cod stocks or what have you, we do, in fact, share any concern that he and his colleagues would have over over fishing or jeopardizing the stocks, particularly the cod stocks in this particular Province. But the minister, Sir, must realize, as we all do, that this is a rather complicated situation and it involves almost ancient international treaties and what have you. It is the sort of thing that is not going to be solved overnight. It is a very, very complicated thing.

And this -

MR. J. MORGAN: There are no treaties involved.

MR. F. ROWE:

There are treaties involved.

MR. J. MORGAN:

There are not.

MR. F. ROWE:

There are treaties involved.

Now, Mr. Speaker, if I am allowed to carry on, it is a very complicated matter and the minister must realize that. In reading through his ministerial statement and having heard what he added to it, one has to wonder whether, you know, it is, 'I wish to bring to the attention of the House', and, 'I find it difficult to understand', and, 'In my view', and this kind of thing. It is always the minister's view or his opinion versus that of a group of federal scientists and what have you. So we have got to ask ourselves the basic question, who determines what in fact is the status of the stocks on the Grand Banks and the Northern cod? Is it the minister without any great research staff or is it, in fact, the research staff and the scientists that are working with the federal government and some of whom, of course, have offices here in this particular Province?

I stated at the beginning, Sir, that I do not wish at all to turn this into a political issue. I think it is far too serious for that and I would suggest that the last paragraph of the minister's statement should be reread to the House of Assembly. "Sir, our concerns on this matter are now being relayed to the federal minister and his authorities and will be the topic for discussion at a meeting to be arranged as early as possible".

MR. F. ROWE: Sir, so may I make the simple recommendation and suggestion that obviously this kind of announcement does not come right out of the blue if there is proper liaison between the minister and his counterpart in Ottawa, and if there is proper liaison between his officials and the officials in Ottawa and, presumably, this should be the type of thing that is taken up with the federal authorities prior to such announcements being made.

Now, I have seen in the last session of the House of Assembly and a couple of sessions before that, Sir, a situation

MR. MORGAN: It is too late now, the decision has been made.

MR. F. ROWE: I know the decision is made but what I am recommending to the minister -

MR. SPEAKER (Simms): Order, please!

MR. MORGAN: Blame the minister for it.

MR. SPEAKER (Simms): Order, please! Order, please!

MR. F. ROWE: If the Newfoundland equivalent of Jaws could keep it closed for a while, Mr. Speaker I might

MR. MORGAN: (Inaudible)

MR. SPEAKER (Simms): Order, please! The hon. the member's time is expiring.

MR. F. ROWE: Mr. Speaker, over the last four or five years we saw a situation where, in my opinion, there was a complete breakdown with respect to matters concerning the fisheries between the federal and the provincial government, in this Province, and I could only attribute it to the confrontation tactics that were used by the former Minister of Fisheries. I would hope that this new Minister of Fisheries would adopt a completely new strategy and meet as much as possible and as often as possible with his federal counterpart, and have his officials meet, so that we would not have this kind of a situation arising where really we are into another political scramble, another political fight. So we do share his concerns and those of the administration, but we certainly hope that this

MR. F. ROWE: is not the beginning of yet another series of confrontations with Ottawa when it should be done over the table, talking with officials present and having these kinds of things settled in a civilized manner.

MR. SPEAKER (Simms): Any further statements?

ORAL QUESTIONS

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

MR. S. NEARY: My question is for the hon. the Premier, Sir. In view of the fact that Mr. Allan J. Beesley, and I might say, Mr. Speaker, for the benefit of the House and for the hon. gentleman before he answers the question, that we may argue and fight and disagree amongst ourselves but when an outsider steps in and does something to Newfoundland, well, then, we all gang up on him and that is why I am asking this question about Mr. Beesley. This -- pardon?

MR. MARSHALL: (Inaudible) the outsider

MR. S. NEARY: No, Mr. Speaker, it does not make any difference who the outsider is, not to me.

SOME HON. MEMBERS: Oh. oh!

MR. SPEAKER (Simms): Order, please!

MR. S. NEARY: It does not make any difference to me anyway who the outsider is but once an outsider attacks us or does something to hurt Newfoundland then we all stick together. And I would like to ask the Premier, I am sure that I do not have to ask him, if the lines between here and Ottawa were humming over the weekend after he heard the statement made by Mr. Allan J. Beesley that Newfoundland would have to share its off-shore resources even if they did run out to the edges of the continental shelf.

MR. S. NEARY: I am sure everybody, every Newfoundlander was pretty angry when he heard that. And what does it do to Newfoundland's case? Does it weaken our position? Would the hon. gentleman care to make some comments?

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

PREMIER PECKFORD: Yes, Mr. Speaker, it seems like it is - I agree with the sympathies of the hon. member for LaPoile (Mr. S. Neary) when he talks about somebody outside this Province. It seems like in the last number of weeks there has been a 'Let us get after Newfoundland day' or something across the world.

In any case, to answer directly I have wired the new Minister of External Affairs, Mr. Marc MacGuigan, outlining in detail and I should have a copy of it and should have tabled it without having the question asked. I am sorry I do not and I apologize. I will get a copy of it - it is just that in the thrust of trying to get here at three o'clock, I forgot it, it is on my desk, a copy of a telegram that I sent to the new Secretary of State for External Affairs outlining our position in some detail and one of it being that we want the Geneva Convention of 1958 to remain the agreement by which the various countries of the world will operate as it relates to our mineral resources, and that is the way they are now. Can you imagine, for example, Mr. Speaker, that in essence if what Mr. Beesley says and other people who are taking the position that he is taking, we are being asked to share some revenues, which we do not know if we are going to get any ourselves, anyway as Newfoundlanders and Labradorians to start with, and secondly, that we are going



March 10, 1980

Tape No. 234

DW - 2

PREMIER PECKFORD:

to be asked by countries'  
like Afghanistan, we are going to be asked by countries'  
like - who else?

MR. ROBERTS:

Rhodesia, (inaudible).

PREMIER PECKFORD:

Rhodesia, Zimbabwe and so on  
so that they can buy extra tanks to fight a war somewhere.  
I mean it is getting to be a bit crazy - some of these land-  
locked and otherwise somewhat imperilled peoples of the  
world who are suddenly after a resource which first of all  
we do not know if we own; secondly, we do not know how much  
we are going to be able to control; thirdly, we do not know  
if we are going to get anything of it in large term and yet  
they are already after parts of it. Well, as I say, we have  
officially communicated our concerns to the federal govern-  
ment, represented by the Minister of State for External Affairs,  
and we will be having our delegation from Newfoundland present  
in New York as these talks continue with a view to articulating,  
again in person, our strong, strong objections - and I think  
the word and phraseology used in our communication was  
'unacceptable'-that this new initiative, this idea by the Canadian  
Government to in any way change the present arrangements that  
were agreed to in the 1958 Geneva convention are unacceptable  
to the people of this Province.

MR. S. NEARY:

A supplementary, Mr. Speaker.

MR. SPEAKER (Simms):

A supplementary, the hon. member  
for LaPoile.

MR. S. NEARY:

Mr. Speaker, I hope the hon.  
gentleman will table that telegram he sent off to the new  
Minister of External Affairs. But I would have been more  
strong in my protests, I would demand, and I am asking the  
hon. gentleman to think this one over that Mr. Beesley -  
this fellow Beesley, whoever he is that he be not allowed  
to be the spokesman for Canada in the future because obviously  
the gentleman

MR. NEARY: knows nothing about negotiations; tips his hand right off the bat to the Law of the Sea Conference, to all the countries that are attending that conference, tips his hand. He has nothing now left to negotiate with and in doing it has done an awful lot of damage to Newfoundland's case. Would the hon. gentleman consider, and if the hon. gentleman needs the backing of this House I would move the resolution, that this man Beesley be not allowed to negotiate or to make any more statements on behalf of Canada. And if he made it without the knowledge of the Minister of External Affairs, or whoever he is representing at that conference, then he should be suspended from his job. That is how strongly we feel about it on this side of the House. I would like to get the Premier's views on that.

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

PREMIER PECKFORD: Mr. Speaker, I do not know if it will really do any good. I agree that it will show just how strongly we feel about it but I think Mr. Beesley is just one, I think he is sort of the chief architect of Canada's position at these things and it will just go to somebody else's function to fill in and to say the same thing. I am very, very disturbed not only by that but as it relates to what the Minister of Fisheries (Mr. Morgan) just talked about. Because we have had some observers attend with the Canadian delegation the ongoing negotiations with Spain on the fishery thing and it is astounding to me, absolutely astounding to me that the only commodity in Canada that is treated by itself and differently than all other commodities in Canada is fish. Fish is treated on its own. There are no External Affairs people involved. There are no Industry, Trade and Commerce people involved. The Fisheries Department of Ottawa speaks for and negotiates on behalf of Canadians as it relates to fish and there is no integration with all the other commodities. We do not get any benefits that way. In other words, any time anything has to be done in Fisheries as it relates to any other country outside, then the immediate thing to do is to give them some fish. There is no such talk about whether Massey Ferguson

PREMIER PECKFORD: should get involved in our manufacturing, in our products that we sell overseas to trade off something else that might be more "trade offable" in the long term interest of Canada than fish. It is astounding that that works that way. Here is a copy of the telegram.

So I do not know, in answer to the hon. member's question directly whether in fact it would do any good. I think it would put the flag up and show just how great our concern is but knowing the composition and mix of the federal delegation, I do not think it would have any impact upon the ideas that they are going to put forward at the convention.

The first point, the right of the coastal state to exploit the continental margin. Here is part of my telegram, I will just read part of it and table it for the hon. member's edification.

"Under the 1958 Geneva Convention, coastal states have the exclusive right to exploit the mineral resources on their continental margins out to the limits of exploitability. Under the convention now proposed, the exclusive right of the coastal state to the benefits of mineral exploitation on the continental margin (shelf, slope and rise) are limited to the 200 exclusive economic zone. Beyond EEZ, a system of revenue sharing with the international community has been proposed. Newfoundland would find unacceptable a text which would diminish its rights as they now exist under the 1958 convention. (Enclosed is a copy of

PREMIER PECKFORD: my letter to your predecessor which points out how much is at stake. And then I go on, two, three and so on. It is here and I will table it now.

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

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

MR. NEARY: I hope the word will go out from this House today, if the message does not come through in the Premier's telegram, that we are pretty sore about the kind of statement that this Mr. Beesley, whoever he is, made. What I would like to know is if he had the authority of the Government of Canada to make such a statement or was it just a personal opinion? If it was a personal opinion then the man should be fired - the man is incapable of acting on behalf of Canada.

But coming back to the situation itself, my understanding is that Ben Nevis is outside of the 200 mile management zone. Now, as a result of this weakening our position, will there be any move now on the part of these nations to claim any of the benefits inside the 200 mile management zone? Is there any evidence of that? And who do we have representing us at this conference? Do we have people down there representing Mines and Energy and the Fisheries?

MR. PECKFORD: They are going down.

MR. NEARY: They are going down. Well, the conference has not started yet?

PREMIER PECKFORD: The hearings dealing with what we are talking about here, some people are going down on Wednesday.

MR. NEARY: But these are preliminary meetings that are taking place that Mr. Beesley attended?

PREMIER PECKFORD: Yes. Right. It gets down to the bargaining and whether this goes forward or not starting Wednesday.

MR. NEARY: Well, what I am asking the Premier to assure this House, Mr. Speaker, is that we have the strongest representation that we can muster together to send to these conferences in future.

MR. S. NEARY: Do not send boys to do men's jobs - get the best that we can get in this Province, people who are vocal and who are patriotic and are prepared to stand up for Newfoundland. I ask the Premier to assure the House that that will be done in future and that we will not send out boys to do men's jobs.

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

PREMIER PECKFORD: You have no worries about that, Mr. Speaker. I can assure the hon. member and this House and all Newfoundlanders and Labradorians that as we go forward into negotiations of this sort. Sometimes, of course, we are only on observer status as we were, for example - albeit it was worthwhile because we were able to see the information in the negotiations that went on in Spain a few weeks ago. I got a full report on it from our people, from our side, where we totally objected to the format of the negotiations. Because, as the hon. member says, it is not negotiations at all, you give away your best card before you even sit down to the table. And it is happening every day in the fishery. Almost every day it is happening because for some strange reason, there are a lot of people around Canada who think that we must be the international good boy while at the same time, we see some of our resources being traded off to somebody else to whom we owe nothing.

So we intend to have a very strong delegation in New York to speak up for our part as it relates to this whole question of some revenue sharing outside the 200 mile limit and to somehow change the 1958 Geneva Convention. Secondly, on the whole question of Ben Nevis, my understanding is that Ben Nevis is within the 200 mile zone so that therefore, it is not affected.

The other thing, later on in the week, Mr. Speaker, we will try to enlighten the - I think it was the hon. the member for Windsor - Buchans (Mr. G. Flight) whose comments I read, who somehow does not understand the geology of the Continental Shelf and thought that for some strange reason, somebody could in the future drill some wells outside the 200 mile limit and drain the oil off from inside.

SOME HON. MEMBERS: Oh, oh!

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

MR. STIRLING: Thank you, Mr. Speaker. I am sure every day now we are seeing more and more reasons why the Premier should consider setting up a select committee of the House to look at the whole offshore. However, my question, Mr. Speaker, is over something that we do have control, it is something in our own hands and it is concerning this very vital subject, the fishery, and it has to do with a petition first presented in August of last year by the fishermen from Greenspond. There has been an exchange of correspondence going on since then so I would like to ask the Minister of Fisheries (Mr. Morgan) if he is now in a position to say that the Province will take action in providing emergency funds so that the fishermen who had whale damage, the fishermen from Greenspond, can get back in the business this year?

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

MR. MORGAN: Mr. Speaker, I wish I could say that but the meetings we have had to date with the federal authorities, and also combining the Fishermen's Union who were speaking on behalf of the fishermen, it is felt that the conservation measures on the hump back whale in particular as placed by the federal government, that unless they are willing to lift the ban on hunting for whales they should be able to put into a fund, a conservation fund if you want to call it that, to compensate fishermen who have their gear damaged by the whales. Now during the last two years around our coastline there were more whales than ever before. The placing of a ban on the hunting of whales is not under the jurisdiction of the Newfoundland Government, Mr. Speaker. And I mentioned in the House a couple of days ago that the hon. gentleman should learn something about the fisheries if he is going to represent Bonavista North. I think it is about time he started, because placing a ban on whales has

March 10, 1980

Tape No. 237

AH-2

MR. MORGAN: nothing to do with the  
Newfoundland Government.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: A point of order.

MR. SPEAKER (Simms): A point of order. The hon.  
member for Bonavista North.

MR. STIRLING: The question had nothing to  
do with a ban on whales, I was talking about whether  
or not they were going to pay for the gear replacement. It  
had nothing to do with misleading the House by talking  
about the question.

MR. SPEAKER: To the point of order.

MR. MORGAN: Yes, Mr. Speaker, to the point  
of order. I was answering a question and the question was,  
and I am pretty sure I heard it accurately, the question  
was, what the Newfoundland Government was going to do, the  
Department of Fisheries, with regard to compensating fishermen  
for lost gear or damaged gear by means of destruction by  
whales?

MR. SPEAKER: Order, please! With respect  
to the point of order I rule there is no point of order. If  
a member is dissatisfied with an answer to a question there  
is a procedure he may follow.

The hon. Minister of Fisheries.

MR. MORGAN: Mr. Speaker, continuing the answer  
to the question it is a serious matter though. With all  
joking aside, it is a serious matter. The fishermen around  
Bonavista Bay, in particular, have had substantial damage to  
their fishing gear the last two seasons and we have put  
forward a petition - when I say we, the Newfoundland Government -  
to Ottawa, saying "Look, if you are not going to lift the  
ban on the hunting of whales at least pay for the damage to  
fishermen's gear in some kind of a conservation compensation

MR. MORGAN: fund." And to date both the union in our Province and ourselves are working together on that matter. But to date there has been no programme put in place by the federal authorities. In the meantime, we have put forward a submission, a detailed submission to Ottawa, again approved by the Fishermen's Union, for the implementation of a gear insurance programme. Now that gear insurance programme would cover all kinds of damage, whether it be ice damage, storm damage, environmental damage or damage from whales. But that kind of a programme is a programme we are hoping the new minister now will agree to work on with us and the Fishermen's Union in putting it in place in 1980.

MR. STIRLING: A supplementary.

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

MR. STIRLING: Thank you very much, Mr. Speaker. I would like to ask the Minister of Fisheries (Mr. Morgan) if he has made the distinction between this long-term gear insurance programme that was initiated in 1977, and this emergency which occurred last year and which the federal minister said on December 19th he was prepared to have special handling done if the provincial government would agree? Is he making a distinction between



MR. STIRLING: the long-term permanent gear insurance programme and this special emergency programme.

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

MR. MORGAN: Mr. Speaker, I have no knowledge of a special emergency programme. We asked for it to be established in the Fall of '79 as a result of doing an assessment for the federal government with regard to damage. That assessment was done by the Provincial Department of Fisheries to aid and assist the federal department, and the authorities of that department, in getting information as to the damage that occurred. At various meetings along the Northeast Coast the last two or three months involving the fishermen and the fishermen's union and ourselves and the federal authorities, there was never any mention by the federal authorities, nor by the federal minister to my knowledge, either the present or the past, of any kind of emergency programme to compensate fishermen for damage by whales. But in the meantime, of course, we are pursuing vigorously the idea with the federal authorities, before the new minister came on the scene now, and we will be over the next number of weeks, with the federal minister in meetings, pursuing the idea of setting up a long-term gear insurance programme for fishermen.

MR. STIRLING: A final supplementary.

MR. SPEAKER: A final supplementary, the hon. member for Bonavista North.

MR. STIRLING: What it really boils down to, Mr. Speaker, is that these fishermen have had their gear wiped out. I take it from what the minister said, he has now confirmed it, they had a special committee investigate it and they confirmed damage was done. The total amount is only \$40,000 out of the Fisheries budget, it does not require any federal involvement. Will the minister commit himself to spending the \$40,000 to put those people back into the fishery this year?

MR. F. ROWE: A fair question.

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

MR. MORGAN: Mr. Speaker, we have no intentions of correcting the sometimes decisions made by Ottawa without knowing the ramifications of the decision they are making. The decision was made by Ottawa to place a ban on whales in this Province, the hunting of whales. Now, that decision is a federal government decision and our position is now, and it will be in the future, unless they are willing to change that decision we are not going to compensate the fishermen for the damage done as a result of a decision made by the federal government. In the meantime, the only answer, in my view, is to get a long-term gear insurance programme into place. But we are not going to get involved in compensating the fishermen, which we feel at this time is strictly and totally the responsibility of the federal government.

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

MR. HANCOCK: Thank you, Mr. Speaker. I have a question for the Minister of Health. Shortly after I became the member for my district the drug dispensary in the Department of Health Clinic in St. Brides was closed down, Sir, this was vital to the people of that area. It served the area from North Harbour to Little Barrisway and the people of that area would like to know why it was closed down, Sir?

MR. SPEAKER: The hon. Minister of Health.

MR. HOUSE: Mr. Speaker, the law, of course, in the Province is, I guess, that where it is at all possible that - and I believe there is an act of this Legislature to that effect - where at all possible drugs will be dispensed when it is feasible by pharmacists and a decision was made to dispense with the drug dispensary.

MR. ROBERTS: What act is that, Sir?

MR. HOUSE: It is the present -

MR. ROBERTS: The Pharmacy Act?

MR. HOUSE: - Pharmacy Act, yes. And we are just carrying out the act. There are places in the Province right now where we do have

MR. HOUSE: district nurses dispensing, and where we do have medical officers. But it is deemed that they are too far away from the existing drug store, the pharmacy, to impose the act in these places.

MR. SPEAKER (Simms): A supplementary, the hon. member for St. Mary's - The Capes.

MR. HANCOCK: Yes, Sir. So when did that act come into existence, or when can we expect to see a change in the act or is your department going to change the act to provide the services necessary to that community or that section of that district?

MR. SPEAKER: The hon. Minister of Health.

MR. HOUSE: Mr. Speaker, I do not think there is any intention to change the act to make that accommodation but I have the hon. member's letter and I will be getting back to him with the official answer.

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

MR. ROBERTS: Mr. Speaker, the Minister of Fisheries has been doing so very well today perhaps he could give me some help with this question of the Workers' Compensation benefits for fishermen. I wonder if the minister is in a position to confirm to the House that legislative action will be taken in this session to allow fishermen, all varieties of fishermen to come in for full coverage under the Workers' Compensation Programme?

MR. SPEAKER (Simms):

The hon. Minister of Fisheries.

MR. J. MORGAN:

Mr. Speaker, I will just answer

part of the question and probably concede to my colleague the Minister of Labour and Manpower (Mr. J. Dinn) responsible for the Workers' Compensation Board. At a meeting with the Fishermen's Union, approximately a week ago, it was brought to my attention that it has not been fully resolved as to how the Workers' Compensation payments could be collected, that was their main concern.

MR. E. ROBERTS:

Whose concern?

MR. J. MORGAN:

The concern of the union.

MR. E. ROBERTS:

The union.

MR. J. MORGAN:

They wanted to determine a way by which the payments could be collected. And one possible means that I looked at in talking with the Workmen's Compensation Board, in correspondence with them, is the possibility of designating the processors and the buyers combined as the employers of all fishermen. In other words, the fishermen ship to them and then the buyers would be the employers and they would then automatically collect. But, of course, there are a number of different ways of collecting and who would be paying, whether it would be part-shared by the company, the buyer or part-shared by the fishermen, or the total paid by the fishermen, total paid by the buyers. So what I have agreed to do, Mr. Speaker, in answering the question, is that I advised the union last week to set up a meeting with my colleague the minister responsible, and the Chairman of the Workers' Compensation Board and his officials and to get that meeting established as early as possible to discuss the whole possibility of having all fishermen included in the Workers' Compensation plan.

MR. E. ROBERTS:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. member for the Strait of Belle Isle.

MR. E. ROBERTS:

Does the Minister of Labour and Manpower (Mr. J. Dinn) wish to say a word?

MR. SPEAKER:

The hon. Minister of Labour and Manpower.

MR. J. DINN: Mr. Speaker, just to clarify the hon. member's question -

MR. E. ROBERTS: Clarify the minister's answer.

MR. J. DINN: - or clarify -

MR. E. ROBERTS: Clarify the situation.

MR. J. DINN: - clarify the situation as it is perceived by some hon. members in the House, and that is that it is compulsory - you know, we have compulsory workers' compensation for fishermen who have three or more in a boat.

MR. E. ROBERTS: That is the big 'if'.

MR. S. NEARY: Frank Moores changed all of that. Frank Moores made a private deal.

MR. J. DINN: There was no private deal made that I am aware of, Mr. Speaker, The fact of the matter is that workers' compensation is available to all fishermen in boats of three or more. Not only is it available but it is compulsory. The very difficult situation that we have has a result of the legislation in 1973, is one of collection of the assessment. And we have been discussing with the Fishermen's Union, and this is one of the reasons why I was amazed to find the Fishermen's Union come out and make fairly erroneous statements. The fact of the matter is that they are covered, it is compulsory that they be covered, and that the problem is in the assessment and the collection of same. And we have five proposals that we have talked to the unions about and talked to the companies about as to how we are going to assess and collect the assessments.

With respect to the individual fisherman in the boat, he can also be covered if he pays the assessment. Now, the fact of the matter is in that situation it is strictly voluntary.

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

MR. SPEAKER: Final supplementary, the hon. member for the Strait of Belle Isle.

MR. E. ROBERTS: Final? I did not even have a first one,  
Mr. Speaker.

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

MR. E. ROBERTS: Mr. Speaker, I humbly accept Your Honour's ruling. Your Honour must have been taking answers for supplementaries over there but in any event I am not so sure we are getting to the bottom because we never did get an answer to the question to whether or not full coverage would be extended by which I would mean compulsory coverage. Can the minister tell us whether he will instruct the Workers' Compensation Board, while this matter is under consideration as it is and while there is an attempt being made to try to resolve it equitably, that there will be no action taken against the fishermen who are in the compulsory category? Because a number of my constituents have fallen afoul of the Board and it seems to be almost a very hit or miss thing - every now and then some longliner crew surfaces and some one in the Workers' Compensation Board says, you know, "We really should assess them." And the next thing you know the poor devils are in court or something because, of course, the Workers' Compensation Board has a very effective lien process that can be used. So since, (a) the government does not know what is happening, you know, it is obvious nobody is quite sure what is happening; and (b) the system, by the minister's own words, "Has proven to be ineffective." Will the minister instruct the Workers' Compensation Board, or request them, if he does not want to instruct them, anyway, get the message across to them, to let the matter stand until it is resolved and if legislative is to be taken it is taken, and if Executive action is to be taken by the minister and the Cabinet, then that is taken?

MR. SPEAKER: The hon. Minister of Labour and  
Manpower.

MR. J. DINN: Mr. Speaker, the only people that  
have been assessed by the Workers' Compensation Board are those  
crews that could be easily identified and that is -

March 10, 1980

Tape No. 239

SD - 4

MR. E. ROBERTS:

They hit and miss.

MR. J. DINN:

That is right, to say the least.

MR. E. ROBERTS:

Ten per cent of the ones -

MR. J. DINN: It is very difficult. You might have a crew that is supposed to be together this week and you have a totally different situation next week or the week after or tomorrow. So what we are attempting to do is sit down with the unions, with the companies and the Minister of Fisheries (Mr. J. Morgan) requested last week that I sit down with the union and attempt to reach some conclusion on this and I will be only too delighted to do so. The fact of the matter is it has been ongoing now since - well, certainly, since last March that I have been having these meetings and the Workers' Compensation Board has been having these meetings. And we have people who have come in and made claims for compensation and we have no monies coming in on the other side, on the assessment side.

So it is a very ticklish situation, because the monies that are in there are monies that have been paid by miners in Western Labrador and other companies. So it is a very tricky situation as to, How do you take funds that have been put in by iron ore miners for compensating the miners and fishermen coming in looking for compensation and yet with no monies coming in on that end?

MR. ROBERTS: The same way you take the (inaudible).

MR. J. DINN: Yes, so it is a very difficult situation and the fact of the matter is that we are attempting to resolve that situation right now.

MR. SPEAKER (Simms): Order, please!

MR. ROBERTS: Will we get forbearance until it is resolved?

MR. J. DINN: Well, I will say that I do not think anyone will be taken to court.

AN HON. MEMBER: I would hope not.

MR. SPEAKER: We have time for one quick question.  
The hon. the member for Eagle River.

MR. E. HISCOCK: I direct my question to the Minister of Transportation and Communications (Mr. C. Brett). Last month the minister made an announcement that there would be an inquiry into ferry service



MR. E. HISCOCK: in this Province and also that it would be extended to coastal boat service. Could the minister inform this House of the terms of this inquiry? Number one, who is on this committee? Number two, will this be extended? Number three, will this be extended to include the extension to the ferry service from St. Barbe to Blanc Sablon and also a possibility of a ferry service between Hermitage and Gaultois?

MR. SPEAKER (Simms): The hon. the Minister of Transportation and Communications.

MR. C. BRETT: Mr. Speaker, the terms of reference, I do not think, have been fully decided, but we did point out at the time that there were three possibilities. One was that the Province would operate the ferry system and number two, that private enterprise would take it over.

MR. ROBERTS: And number three was both of them.

MR. C. BRETT: No. And I think that number three was that they would look into all the ferries that are in operation in the Province including the C.N. The committee will be internal, made up of people from my department, the Department of Transportation and Communications. I am not sure - I do not have the information here, but it is an internal committee made up of representatives from various departments. They have not actually met. I do not know if the personnel have actually been appointed at this point in time. But certainly, we are working on it.

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

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

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

MR. N. WINDSOR: Sir, I table the report from Newfoundland and Labrador Computer Services for the period ending March 31, 1979.

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

DR. J. COLLINS: Mr. Speaker, pursuant to Subsection 2 of Section 8 of the Financial Administration Act, I would like to table

DR. J. COLLINS: special warrants covering eight departments.

NOTICES OF MOTION

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

DR. J. COLLINS: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled "An Act Respecting The Garnishments Against Remuneration Of Public Officials" and also a bill entitled "An Act To Amend The Members Of The House Of Assembly Retirement Allowances Act".

MR. SPEAKER: Any further notices? The hon. the Minister of Consumer Affairs and Environment.

MRS. H. NEWHOOK: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled "An Act Respecting The Drilling Of Water Wells And The Conservation And Use Of Ground Water" and also a bill, "An Act To Amend The Department Of Consumer Affairs And Environment Act, 1973".

PRESENTING PETITIONS

MR. SPEAKER: The hon. the member for Carbonear.

MR. R. MOORES: I would like to present, Mr. Speaker, a petition on behalf of 81 per cent of the total electorate of the town of Freshwater in my district.

SOME HON. MEMBERS: Hear, hear!

MR. R. MOORES: There is no need for me to go beyond the prayer of the petition because the minister responsible for this particular type of petition has discussed the matter with me

MR. R. MOORES: and we have gone over the various aspects of this petition so I will just read the petition prayer for the record. Mr. Speaker, "To the hon. House of Assembly in a session assembled, we the undersigned, being bonafide residents and voters of the community of Freshwater, in the district of Carbonear, do humbly ~~showeth~~, that in 1974 a public meeting and subsequent circulation of a previous petition, acknowledged that 88 per cent of our citizenry was in favor of incorporation as a community council, and that we recognize that changes in legislation since that time, have increased our taxation liability from a minimum of five dollars to a maximum of twenty per annum, from a minimum of twenty to a maximum of forty dollars per annum and that even with these increases in taxation we are still prepared to enter into an incorporated community council for the protection, benefit and progress of the future of our community.

Therefore, we humbly request that the hon. the Minister of Municipal Affairs and his officials and the Lieutenant-Governor in Council, interpret our signing of this petition as our unequivocal wish that the procedure commenced in 1974 to incorporate our community, be immediately reactivated and implemented."

Need I say, Mr. Speaker, whoever composed this, is probably more familiar with parliamentary procedure in this House than I am. But, in any event, Mr. Speaker, just a few short remarks: The minister and I have discussed essentially what the residents of this community require and that is that they be, as soon as possible, without delay, be granted the approval by the Lieutenant-Governor in Council to formulate, to create some type of local government.

Now, I understand that there have been changes as a result of the new Municipalities Act and even with the implementation of that Act, I would hope that the minister will do

MR. R. MOORES: all that he can without delay, that is to say within the next three or four weeks, of first appointing a committee, hopefully so that committee can conduct elections in the community to give them a representative government on the local level as soon as possible. Thank you.

MR. ROBERTS: Hear, hear! Well said.

ORDERS OF THE DAY

MR. W. MARSHALL: Order 11, Bill Number 13

MR. SPEAKER (Simms): Order 11, Bill Number 13. It is moved and seconded that Bill Number 13 entitled "An Act To Protect The Environment Of The Province By Providing For Environmental Assessment" be now read a second time.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): The hon. the Minister of Consumer Affairs and Environment.

SOME HON. MEMBERS: Hear, hear!

AN HON. MEMBER: Come on Gander!

MS. H. NEWHOOK: Thank you. Mr. Speaker, it is with pleasure and satisfaction that I rise to introduce this Bill which is entitled "An Act To Protect The Environment Of The Province By Providing For Environmental Assessment." This has been one of the major commitments of this government. The Premier has indicated on a number of occasions the high priority with which we regard this matter and the Speech from the Throne outlined our intention of introducing legislation which would require the environmental assessment of undertakings prior to their commencement.

We feel that this is a progressive and forward-looking piece of legislation and will have major impact on our efforts to protect our environment. All of us can cite many examples from various projects which have commenced with little or no thought given to the impact of our natural environment on our people.

MS. H. NEWHOOK: I think we could name the ERCO Plant at Long Harbour, Fluospar Mining at St. Lawrence, Asbestos Mining at Baie Verte, Iron Ore Mining at Labrador and others where projects have proceeded only to subsequently reveal significant and undesirable effects. This Bill will ensure that a thorough examination of the environmental impact of any such project

MRS. NEWHOOK: shall be undertaken before final approval is given.

Much of the effort of my department during the past few years has been directed toward correcting environmental problems which arise because it has been revealed that certain undesirable and unacceptable situations exist. While this process must continue, we want to move away from after the fact strategy and towards preventive measures as provided for in the bill.

This is not only environmentally sound but it has also been shown to be more economically desirable, since it is usually less costly to include measures which prevent pollution than it is to correct problems afterwards.

While the mandate of my department, as outlined in the departmental act, provides authority to protect air, soil and water, this bill would provide for a much broader scope concerning the environmental assessments. It has been recognized that the social and economic conditions in which people live are closely related to the characteristics of the natural environment in or adjacent to their communities. Environment in this bill is therefore defined very broadly to include social, cultural, recreational and economic environment, and anything which influences the lives of people, such as the health and safety conditions under which they work.

The impact a project may have, therefore, on any or all of these particular aspects of the environment, must be assessed as part of the environmental impact prediction. The assessment system has been designed to incorporate consultation and policy integration in order to ensure that all interests are duly considered.

I would like, Mr. Speaker, to explain this bill under four headings; Number one, the type of undertakings to be assessed. The bill provides for a very broad interpretation of the

MRS. NEWHOOK: term "undertaking", so that any proposed project which may have a significant environmental impact will be subjected to the environmental assessment process. Every proponent, therefore, of a proposed undertaking must register the proposal with our department so that an examination may take place in order to determine whether or not an environmental impact study is required.

I would point out here that regulations will be developed which will contain schedules of guidelines indicating broad categories of projects which would normally require environmental assessments. There would be, of course, many small projects which would not require such assessments. As I have indicated, however, where the minister is of the opinion that a project will have a significant environmental impact, an assessment must take place. The statement would include a prediction of not only the immediate effects on the environment but also what the effects would be over a number of years as well as a description of what the environment might be like if the project had not taken place at all.

And number two, procedure for the assessment. Terms of reference for the assessment are approved by my department and the proponent commences the preparation of a report referred to in the bill as an environmental impact statement. This statement is to be a public document addressing all environmental concerns identified in the terms of reference. As I have outlined, an essential feature of this bill is the requirement for public involvement.

Section 17 of the bill requires the proponent to meet with the public during the course of the environmental

MRS. NEWHOOK:

assessment in order to provide information and receive the concerns of the local community. Section 23 provides for early public involvement through written expressions of concern to the minister who may then require the proponent to address and respond to the questions raised. In order to ensure that the necessary technical expertise is available to the minister, Section 22 of the bill provides for the appointment of an Environmental Assessment Committee. This committee would draw its membership from all departments of government which may have scientific and professional staff in specific subject areas, as well as other technical and professional people with required expertise on any particular project. The committee would supervise the assessment process and provide advice to the minister on all technical aspects of the assessments, including the terms of reference and the impact statement. The minister may require that the environmental impact statement form the basis for public hearings in order to provide an opportunity for public input into the assessment. Provision is made in the bill for the appointment of an independent board which will be empowered to conduct public hearings in any area which may be affected by the project. These hearings will provide an opportunity for the proponent to be questioned on the environmental impact statement and any other matter relating to the proposed project. He will also provide an avenue whereby any group or citizen having comments or views, can make their positions known and influence the final decision as to the acceptability or otherwise of the proposed undertaking. At the end of the assessment process, the minister is responsible for making a report and recommendation to the Lieutenant-



MRS. NEWHOOK:  
final decision.

Governor in Council for a

And number three; the scope of the bill. This bill will be binding on both the public and private sectors. All projects to be undertaken by government will be subject to this legislation and no permits shall be given by any department of government having jurisdiction in a specific area until an environment assessment has been completed or it has been determined that an assessment is not required. Concern has been expressed by some that this may cause delays and may appreciatively add to the cost of projects. I would contend that inclusion of environmental assessment as part of the initial planning will not significantly delay projects once developers realize that planning in the area must commence earlier as do other aspects of project planning. I would point out as well that we estimate that the cost of environmental assessments will probably be in the area between .2 and 1 per cent of the total cost of the project.

Fourthly, Mr. Speaker, I would like to mention environment legislation in other jurisdictions. At the federal level there was established in 1973, an environmental assessment and review process which requires an assessment prior to any major project involving federal sponsorship. All nine provinces have environmental assessment policies or procedures in varying stages of development. Only Ontario has passed a specific Act.

MRS NEWHOOK: It can be seen therefore that Newfoundland is certainly out front in this area. It has been suggested that industries considering establishment in Newfoundland may be frightened away by the requirements of this bill. Our answer to that is twofold. Firstly, we do not believe this will occur because there will be nowhere else to go. Assessment requirements are already in place, as I have pointed out, and in all likelihood will very soon be equally as stringent in all jurisdictions. Secondly, even though industries may be inclined to go elsewhere, we have no desire or intent of providing a permissive atmosphere where the well-being of our environment is concerned.

Mr. Speaker, to recap: The major features of the proposed legislation are: Application to any undertaking or class of undertakings, public or private, unless specifically exempted; definition of environment to include physical, biological, social, economic and other components; appointment of an inter-agency assessment committee as the internal review body for each environmental assessment; preparation and submission of an environmental impact statement by the proponent at his own expense. This document is made available to the public immediately. Provision for public hearings held by an impartial board; Restriction of the issuing of any permits, approvals, etc., until assessment requirements have been satisfied. Provision for charges relative to offenses.

And in concluding my remarks, Mr. Speaker, I would again express my pleasure in introducing this progressive legislation. I think there are few things as precious to us in this Province as our environment, natural, social and cultural. It is a part of our heritage, and we have a grave responsibility

MRS NEWHOOK: and sacred trust to protect it and indeed enhance it and to pass it on to future generations of Newfoundlanders in a healthy state. This bill goes a long way towards the fulfillment of these objectives and I am sure that all citizens of our Province support this bill and I am earnestly requesting the support of all members of this House.

SOME HON. MEMBERS: Hear, hear!

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

MR. NEARY: Mr. Speaker, the hon. minister who introduced this bill will get her last request. It maybe her last will and testament, but she will get her last request that this bill will get support of members on both sides of the House, because we intend to support the bill.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: It is unfortunate, Mr. Speaker, that the minister saw fit to come in and read a statement, probably prepared by one of the civil servants in her department, instead of coming in in what the minister deems to be such a major reform - and I will deal with that in due course. It is not the reform that the minister said that it is. It will go a long way, to use the minister's own words, to protect the environment in this Province and to give the public some input, but we would have been much more - we would have felt better about this legislation, we would have felt much more comfortable, Mr. Speaker, if the minister brought in a piece of legislation making it compulsory for all projects in the future, whether they be industrial projects or recreation or what have you, right from the offshore oil resources right up to the uranium mine up in Northern Labrador, to the Upper Salmon down in Bay D'Espoir, if the government

MR. S. NEARY: would make it compulsory for all these projects to have public hearings and allow the public to have some input. This bill does not make it compulsory. It puts too much power in the hands of the minister and the civil servants, the bureaucrats and the mandarins in the minister's department.

AN HON. MEMBER: Hear, hear!

MR. S. NEARY: And that is where the bill is weak.

Mr. Speaker, we are going to support the bill, because if there was ever a time in Newfoundland's history when we need to protect the environment, it is now. The minister can make remarks all she wants about how the department so far has merely been sticking their finger in the dyke as far as projects brought into this Province in the past are concerned, that they have not had a real opportunity, according to the minister, to blaze new trails, to pioneer this department.

The department, actually, as far as I can see in the past several years, has gone downhill. I do not believe, Mr. Speaker, that this Department of the Environment should be in with Consumer Affairs, there is no compatibility.

AN HON. MEMBER: Hear, hear!

MR. S. NEARY: Where is the compatibility between Consumer Affairs and the Environment? It was something somebody dreamt up when they wanted to create a new department of government. They wanted to create a new Department of Consumer Affairs and they just did not feel it was significant enough, important enough to say, we are going to have a Department of Consumer Affairs, so we have to toss something else in with it, and they tossed in the Environment.

I believe the Department of the Environment, Sir, should be a separate government department, and Consumer Affairs should be a separate department. We have that foolish Department of Tourism. It should be wiped out. If the Premier is wondering where he can save a few dollars, wipe it out altogether, toss it in with some other department of government, and set up a department responsible for the environment.

MR. S. NEARY:

Because, as I said a few moments ago, if there was ever a time in Newfoundland's history when we needed a separate Department of the Environment, it is now.

It would not have made any difference what party was in power, Mr. Speaker, events would have dictated that we would have had to take steps in this Province, out of desperation if for no other reason, to protect the environment. No matter what party was in power, an act would have to be brought before this House and a separate department responsible for the environment set up because of the way that developments and events and things have happened in this Province.

We have before us today, Mr. Speaker, a problem of major proportions with the offshore drilling taking place. It is one of the most frightening things that is happening in this Province today.

We are all proud and happy as Newfoundlanders to know that we have oil. And I suppose any Premier of Canada, any Governor in the United States, any President or Prime Minister of any country in the world today, who just came into power, if there is one thing that he could wish for, if he could be granted one wish - say, 'Mr. Prime Minister, Mr. Premier, Mr. Governor, Mr. President of the United States, what would you like more than anything on the face of the earth today?' And I bet you the answer would be oil, and the next would be gold.

While we may be jubilant as Newfoundlanders, and while this government and the Premier, the head of the administration, may be preoccupied with oil and can think of nothing else only oil - and they cannot think of anything else only oil, that is all they have been talking about for the last several years; you would not know but God Almighty was a Tory and put the oil out there for the Tories!

AN HON. MEMBER:

Hear, hear!

MR. S. NEARY:

You would not know, Mr. Speaker, to listen to them talk but that is the way it happened. And if you happen to disagree then you are a traitor. We heard a member of this House the other day called a traitor from the other side. In actual fact, Sir, it was the

MR. S. NEARY: Liberals, it was a Liberal Government that issued the first permit and brought the oil companies to Newfoundland. It was the Liberal Government that brought SEDCO I in here, that gave Newfoundlanders a glimpse of the first big offshore oil drilling rig. It was a Liberal Government that flew delegation after delegation from this Province down to Louisiana, down to New Orleans, so that they could take a look at the offshore drilling.

I had the opportunity back - I believe  
it was -

AN HON. MEMBER: (Inaudible).

MR. S. NEARY: I can almost tell the hon. gentleman when it was, because I happen to be an Honorary Member of the Senate of Louisiana and I am also Honorary Fire Chief in Morgan City in Louisiana.

SOME HON. MEMBERS: Oh, oh!

MR. S. NEARY: Mr. Speaker, what more evidence, what more proof do hon. members of this House want that it was the Liberals who started all of this. But, Mr. Speaker, we are no further ahead today, as far as protecting the environment is concerned, as far as ownership is concerned then we were then, back in the late '60s or the mid-'60s when the first permit was issued to an oil company to drill off Newfoundland and Labrador, we have got a different set of regulations, that is the only thing that has changed. And there it is - Louisiana State Senate.

Back in 1971, Mr. Speaker, when my hon. friend was still a high school debate -

MR. L. THOMS: And still is.

MR. S. NEARY: - that had no more intention than the man in the moon of getting into politics in this Province, 'Joey', poor old 'Joey' who is responsible for everything bad in this Province - the Tories are responsible, they take the credit for everything good but they blame everything bad on 'Joey'. In 1971, he was responsible for delegation after delegation going to Louisiana to look at the impact of the offshore oil drilling and the possibility of a commercial oil discovery offshore, the impact it would have on this Province. I happened to be one of that delegation and I was made a member of the Louisiana State Senate and I remember saying to the Governor when he presented this little card to me, I said, "Governor, what can I do with that?" He said, "Well, son -

SOME HON. MEMBERS: Oh, oh!

MR. S. NEARY: - you go down to the next corner, go out of this hotel, turn to your left, walk down to the street corner there and you will see a policeman and you ask that policeman what to do with it and he will tell you what to do with it."

SOME HON. MEMBERS: Oh, oh!

MR. S. NEARY: I did eventually ask him and he did tell me.

And, Mr. Speaker, we did look at the impact that oil will have on this Province and the possibility of

MR. S. NEARY: pollution and how they deal with an oil spill in the Gulf of Mexico. And we saw a tremendous oil spill - a blowout - a well that blew out in the Gulf of Mexico only last year. And that blowout from that oil spewed out, I believe, 30,000 barrels of oil a day and that is in warm water, that is in reasonably calm water in the Gulf of Mexico and that oil, if you remember, drifted - went ashore as far away as Texas. And here we are here in frigid water, in rough water, in water where you have ice and icebergs and in all the jubilation, Sir, and all the excitement and the anxiety about the possibility of a commercial oil discovery offshore, no concern, none at all, no reference at all except what I bring up once in a while in the House and outside of the House and then get the finger pointed at me of being accused of being anti-oil, undemocratic or unpatriotic, but there -

AN HON. MEMBER: Treacherous.

MR. S. NEARY: - and treacherous, but there is genuine concern amongst the people of this Province about the impact of oil on the environment apart from the impact of oil on the social and economic lifestyle of our people, which is not what this bill is all about. I wish I could talk about that.

As far as I can see, Mr. Speaker, this government have no plans, no studies. If they did they would have reacted because God only knows I have given them the broadsides long enough over the danger and the possibility and the potential danger to the fishery of this Province caused by a blowout from one of these wells or from an oil spill from a tanker as we saw happen in the Gulf of St. Lawrence last Winter when the Kurdistan broke in half.

So I am wondering, Mr. Speaker, what effect this little bill, which does not make it compulsory



MR. NEARY: for oil companies to put their proposals before the government. And if the minister so desires, if they do write in and say we are going to start producing oil the minister could say, "Well, that is fine. We have looked at your proposal and we think this is in order." Now, the minister would be a fool to do it but the minister could do it, if that minister so desires. Mr. Speaker, as far as I am concerned I am all for oil, I am all for it. I am all for the big boom. Whether it be a boom or a bust or not, we do not know. It is a non-renewable resource. Our fishery is a renewable resource. I am more inclined to protect the fishery than I am to give in to the big oil companies. But when they come in here, Mr. Speaker, when they arrive, and they already have arrived by the way, these cigar toting oil people with their stetson hats. I meet them every day down at the Holiday Inn.

MR. J. CARTER: What are you doing down there?

MR. NEARY: I go down there every morning, and I have been going there 14 years for breakfast every morning and read the newspaper.

MR. MORGAN: That is how come you are so fat?

MR. NEARY: I read the newspapers. I discuss with my friends the topics of the day, the issues of the day, and hon. gentlemen might be surprised who comes there to discuss various and sundry matters. They might be surprised, and I hope they would not hold it against their buddies if they showed some concern about some of the items in this Province, some of the matters in this Province, especially the offshore. But the cigar toting oil people are in here, they are the most crude, I think they are the most crude gang and the most ruthless of all the people I ever met in any industry, Whether it be the mining industry, the fishing industry or the forest industry, they are the most crude and the most ruthless, and they could not care less. They do not give a damn; they do not give a hoot in hell about the fishery of this Province. They will tell the government -

MR. MORGAN: They had better.

MR. NEARY: - they will tell the government as they told me, and government ministers have taken the little bait; they have taken the hook. They say, "Oh well, down in the Gulf of Mexico, Sir, do

MR. NEARY: you know that the best fishing is around the oil rigs, the best fishing in the Gulf of Mexico - you could sit on an oil rig and throw out your line, throw out your line and you can get all the fish you want?"

MR. MORGAN: (Inaudible) on bubbles.

MR. NEARY: Well, they are not talking about codfish. They are not talking about herring. They are not talking about redbfish. They are not talking about the same species at all as we have out there on the Grand Banks, where the richest fishing ground is located, and right in the heart of that fishing ground you have these oil drilling rigs. That is not what they are talking about. This crowd who are so ruthless, Sir, are sitting back at the moment and laughing, laughing at this government. They are laughing at our Premier. They are laughing at the people up in Ottawa, and they are saying, "This crowd will knuckle under when we are ready, when we are ready to put the boots to them". I have heard it.

MR. MORGAN: They are not charging any (inaudible).

MR. NEARY: We had better start thinking twice. The oil companies, Sir, the richest, the most ruthless, the most cold-hearted on the face of this earth, when they want to get their own way they will get it. And that is why, Mr. Speaker, that I would feel happier and much more comfortable if the minister responsible for the environment would come into this House with a piece of legislation - make it the law of the land - a piece of legislation making it compulsory for the oil companies to put their case before the people of this Province, to hold hearings, to give the people input. Let the fishermen's union, let the fishermen, let everybody in this Province who is concerned, let them have input into whether one gallon of oil should be taken out of these wells.

MR. MORGAN: It is in the regulations.

MR. NEARY: No, Mr. Speaker, it is not in the regulations. Not one single gallon of oil, as much as Newfoundland needs the revenue, as much as Newfoundland needs to strengthen its economy, and as much as we need the jobs, not one gallon of oil should be taken out of these wells until we are reasonably assured - nothing can be perfect 100 per cent - until we are reasonably assured, Mr. Speaker, that we will not ruin the fishery of this Province forever and ever. Even

MR. S. NEARY: if the oil companies said, 'Well'!  
If the Minister of Mines and Energy (Mr. Barry) is right there is \$90 billion worth of oil out there in revenue to Newfoundland. Even if it has to share it is good for \$45 or \$50 billion.

MR. L. BARRY: Not according to Mr. Trudeau's proposal.

MR. S. NEARY: I thought Mr. Trudeau said we would get 100 per cent of the revenue, 100 per cent.

MR. L. BARRY: Of what revenue?

MR. S. NEARY: Well, I do not know what revenue.

AN HON. MEMBER: Of all revenue.

MR. S. NEARY: Of all revenue, yes, Sir, of all revenue until we become a have province. Well, let us not split hairs, I am talking about pollution and the environment. The hon. gentleman said there could be \$90 billion of revenue out there, of which Newfoundland will get \$45 or \$50 billion under -

MR. L. BARRY: Under our (inaudible)

MR. S. NEARY: - well, okay, I will concede that the minister is 100 per cent correct. I am not sure if I agree with the route that the Premier is taking, the minister seems to have a little bit different - his position is a little bit different than the Premier's. The member for St. John's East (Mr. Marshall), his position was a little bit different than the minister's and a little bit different from the Premier's. And, Mr. Speaker, if there is one thing we can be sure of in this session of the House, one thing that we can be sure of is that we have all kinds of experts in Newfoundland on the fishery. Everybody in Newfoundland is an expert on the fishery. And if, Mr. Speaker, there is one thing that I have learnt from the last two weeks of debating in this House, that we now have ten or a dozen constitutional experts in this House, ten or a dozen on both sides of the House.

MR. S. NEARY: We probably have more constitutional experts per capita than any other province of Canada. And I would submit that this issue of the ownership of the offshore will be settled somewhere in between all of the ideas and suggestions and proposals and statements that are made in this House that somewhere in between the offshore jurisdiction, management and ownership lie. So, Mr. Speaker, with all due respect -

MR. W. MARSHALL: What is the hon. gentleman's position?

MR. S. NEARY: Mr. Speaker, I could tell the hon. gentleman but this is not the time to do it.

MR. W. MARSHALL: I can assure the hon. gentleman -

MR. S. NEARY: Well, if I could by leave, Sir, I would be glad to tell the hon. gentleman my position but I am not going to get off the environment because I think this is too important a subject and I would like to find out what the hon. gentleman's position is on the potential danger of polluting and ruining the fishery of this Province. They have distracted everybody in Newfoundland, they have managed to distract everybody in Newfoundland on the ownership question, on a phony issue really.

MR. G. FLIGHT: A red herring..

MR. S. NEARY: Not the ownership but the government's position is a bit weak and a bit phony.

MR. THOMS: Deceptive.

MR. S. NEARY: Because we, Mr. Speaker, if it will put the hon. gentleman's mind at rest, we on this side of the House want Newfoundland to get 100 per cent of the benefits of the offshore resources. You cannot be any more blunt than that.

SOME HON. MEMBERS: Hear, hear!

MR. L. BARRY: You are being alluded by federal (inaudible) sucked in.

MR. S. NEARY: We are not going to be sucked into playing cheap political games with the offshore ownership.

MR. S. NEARY: Mr. Speaker, I heard the hon. member for St. John's East (Mr. Marshall) the other day make a statement, I think even the minister was amazed, about the Alberta case back in 1912. I took the trouble to check it out and in the process I had long conversations with a couple of the top constitutional people in Canada and I discovered that the hon. gentleman was right, I told the hon. gentleman the other day. But what the hon. gentleman did not tell us was it is unrealistic, unreasonable to expect, Well, I mean if the hon. gentleman felt otherwise he would bring a bill into this House, bring in a Bill, We will support a bill, Mr. Speaker. If the hon. gentleman will bring in a bill and can persuade Ottawa to grant Newfoundland, to extend the boundary, if he wanted to, or to give us jurisdiction over the offshore resources, bring in a Bill and we will support it. At least I will support it. I cannot speak for my party because I happen to know that it is our right to do it. If we want to do it we can do it but now whether the Government of Canada will bring in concurrent legislation in Ottawa is

MR. S. NEARY: a matter that I cannot answer.

MR. BARRY: Do you agree with the member for the Strait of Belle Isle (E. Roberts) that they would have to get the agreement of all the other provinces?

MR. S. NEARY: No, I do not.

SOME HON. MEMBERS: Hear, hear!

MR. S. NEARY: That does not mean that there is dissension in the ranks. But I heard the hon. gentleman's case the other day and although he had some very valid points, well, that was one point on which I disagreed with him. And I am afraid there is one point on which the two constitutional people that I consulted with and the hon. gentlemen might take that name, Mr. Scott by the way who -

MR. BARRY: Is it Frank or Stephen ?

MR. S. NEARY: No, Stephen Scott. Well, Stephen Scott, in my opinion, is one of the most learned men one of -

MR. STIRLING: He was a (inaudible) idiot the other day.

MR. S. NEARY: No, no, no, that was fun. The hon. gentleman was poking fun at him because he was the head of a law department in another university.

MR. BARRY: He is a good friend of mine.

MR. S. NEARY: That is right. But the hon. gentleman might be well advised to ask for the assistance, because I think he is right in tune with the hon. gentleman, the governments position, he seems to be, at least that is the impression I got. And then this Newfoundlander of course who is an expert on constitutional matters, although - I do not think he -

MR. BARRY: Come on over.

MR. S. NEARY: No, wait till I tell you now, No, I have to say this -

SOME HON. MEMBERS: Come on over and join us.

MR. S. NEARY: With all due respect to Senator Forsey I have to say this, that Senator Forsey, by the way, up to about a week ago, or ten days ago, felt that there would have to be unanimous consent from the other Provinces.

MR. MARSHALL: That was before the election.

MR. S. NEARY: No, no, no, but he told me and I hope I am not divulging any - well he told me on the phone -

MR. THOMS: Try changing the constitution without the consent of the other provinces. Just try it.

MR. S. NEARY: What he said was this , that he had been told by a top constitutional lawyer in Canada recently that the proposal that the hon. gentleman made the other day, it was possible to do it, it was possible to do it but, as I say, it was unrealistic and very unlikely, very unlikely it would be done . But he also told me this; After the 1930 agreements that were made with the Prairie Provinces when they were given the resources , that most people in Canada feel that it is the law, that you have to get unanimous agreement of the other provinces before you can extend boundaries, before you can give Provinces jurisdiction over resources and so forth.

AN HON. MEMBER: (Inaudible)

MR. S. NEARY: No, No, the Senator told me that that is not so. Only recently he has come to realize that this is a custom that grew up, and the only time that you have to get the unanimous consent of the Provinces is when you are amending the constitution and in this case this would not be considered to be an amendment to the constitution.

MR. BARRY: Only with certain amendments of the constitution, not all.

MR. S. NEARY: That is right, That is right.

MR. W. MARSHALL: Are you going to pressure your brothers in Ottawa to bring in a bill into the House of Commons?

MR. S. NEARY: No, Mr. Speaker, I will tell you what I will do, I will pressure my brothers here to bring in a bill into this House. And the hon. gentleman indicated or the minister indicated that they were preparing a bill. Well, bring in the bill and I guarantee you here is one fellow here who will support it.

MR. MORGAN: The Strait's member (Mr. Roberts) will not be voting, obviously.

MR. S. NEARY:

Well, I think it is a matter of conscience. This matter should be put above partisan politics. It should be a straight matter of conscience. That is why we are asking the government to agree to a select committee of this House, to make it non-partisan, that the committee will be made up of elected members on both sides of the House.

AN HON. MEMBER:

Third speech today.

MR. S. NEARY:

Anyway, Mr. Speaker, these are just a few views that I have on the ownership but I am really dealing with a bill here that has to do with the environment. And I started out really by what I think got gentlemen interrupting therein, my speech, was the fact that I claimed that this bill should make it compulsory, because when the oil barons, especially the ones from the United States, when they are finished with this government and the minister they will not know but they were dragged through a wringer. They will think they were dragged through a bag of nails. And that is when you need the teeth, you need some teeth in this kind of legislation so you



MR. NEARY:

can say to these moneybags from Texas, or wherever they come from, from Mobil, who are not lilly white and Simon Pure when it comes to making an under the table deal we just saw recently, I have here in front of me some clippings from newspapers in the United States where the President of Mobil just set up his son in the shipping business that is being questioned by papers like the Washington Post. "Father, Son Tie In Mobil Oil Shipping Venture." There is detail. Worth reading. It would be worthwhile for ministers to get these. "Kin Linked In Venture from Mobil!" "Father, Son In Mobil Venture", the Washington Post back in November of last year. I do not think I have to tell members of this House about the oil companies, all they have to do is watch Dallas on television. And if they think that is an exaggeration - the oil companies are just as capable. That is small potatoes. That is a watered down version of what they do. "Mobil Denies Reported Improper Link". Mobil is the one now that is drilling offshore here. "Second Washington Post story without foundation, Mobil angrily declares." I read the whole story and they made a very, very weak case.

What I am saying here, Sir, is that the legislation as good as it is, and it is a bit of a reform, but as good as it is it is not as good as making it compulsory for companies like Mobil which are not beyond stooping to any level - and if they want the oil out there they will get it and if we want to argue about the threat to the fishery, whether they are going to pollute our environment, whether we are going to see dead fish and dead birds around this Province - ah, the President of the Council, the Government House Leader (Mr. Marshall) looks at me and says, "Well, we will stand up to them." What famous last words. I have been hearing that for the last six or seven years, how the Premier of this Province was going to stand up to everybody. He stood up all right. He

MR. NEARY:

caved in for a few paltry dollars. For thirty pieces of silver he caved in. I am talking about the Premier's predecessor and I do not mean J.R.

MR. J. CARTER:

That narrows it down quite a bit.

MR. NEARY:

That is right, that narrows it down quite a bit. Mr. Speaker, the big oil companies, when they want to get their own way, they will start bullying and pushing and elbowing and shoving and using whatever influence and patronage they can. They have already done it. I know one case where they have put a person they think can help, they have put one person they think can influence and help them in getting the right decisions in this Province, just put him on the payroll recently for \$75,000, a person they think in Newfoundland can help them, put him on the payroll.

MR. BARRY:

Which company is that?

MR. NEARY:

Which company? Mobil. And I will tell the hon. gentleman later, when I do a little more research, the name of the individual and then we might have a couple of more police investigations. That is the way they operate and if we have a weak Minister responsible for the Environment they are going to get their own way. It is the most crucial thing in this Province right now, Mr. Speaker. And the hon. the Premier (Mr. Peckford), I think, made reference the other day on one of the programmes he was on, his message about the oil does not seem to be getting through. Well, his message is getting through. And people are becoming very concerned at what they are hearing because, Mr. Speaker, even a Kindergarten student knows that with all the technology available on the face of the earth today, and the fact that the oil companies have spent millions of dollars on that technology to cope with an oil spill offshore or a blowout in one of the wells, that the

MR. NEARY:

technology does not exist and the answer - and I have been doing a tremendous amount of research on this - and the answer that I am getting is frightening. The coast guard, for instance, will say, Look, well we can cope with the technology that the oil companies have provided us with,

MR. S. NEARY: which is the latest on the face of the earth, we can cope with an oil spill of 20,000 barrels and you say to them well how about if you get an oil spill of 30,000 barrels?

MR. BARRY: You cannot even quote the value of the (inaudible)

MR. S. NEARY: Exactly, that is exactly what I was going to say.

MR. BARRY: (Inaudible)

MR. S. NEARY: The 20,000 barrels they are talking about, they can cope with under ideal conditions. But if you say can you cope with 20,000 barrels a day like they did in the Gulf of Mexico for, say, fifty days, a hundred days, two and a half months, and they will have to say, "No, we cannot, not in the frigid waters that we have here, not in the rough water we have here, we cannot cope with it." Mr. Speaker, that is a frightening thought, and as much as I want to see the oil coming ashore, and there seems to be some argument about the method of how that oil is going to be loaded into tankers, - Will it be loaded at the wellhead, will there be a pipeline coming into shore? There seems to be a difference of opinion between the government and the oil companies on how that is going to happen. The oil companies apparently favour loading at the wellhead. The government says, no dice you have to bring it into shore. We have not got that problem straightened out. And if there is a pipeline coming into shore, has there been sufficient research, have there been sufficient studies made of the possibility of bringing a pipeline in and the potential danger from icebergs and ice and rough weather? Have there been enough studies done? Have there been any studies done? Well, we do not know because we have been asking questions for the last couple of years from this side of the House and the government has been so pre-occupied playing little political games and political trickery and manoeuvring with the offshore jurisdiction and ownership that they have refused to give us any information. The Premier on two occasions in this House promised me, in answer to questions that I put to the hon. gentleman, that there would be a major debate in this House, soon he said, this session, on the potential danger of a blowout or an oil spill off

MR. S. NEARY: our coast, and we have not seen it. Is it any wonder we come in and ask for a select committee under these circumstances? We have no information before us. I wrote the oil companies, I wired the oil companies, I wrote the Coast Guard, I wrote the minister in Ottawa responsible and all I got, Mr. Speaker, all I got in response was a little booklet on the research that is being done on the movement of icebergs by C-Core. That is all I got. Go down and check my files, I would not waste my time bringing it into the House. An experiment that Bruneau arranged where you go out and you put a cable or run a rope around a large iceberg and you can move it out of its path, say a fraction of an inch, which if it is an oil drilling rig it may just pass by the oil drilling rig. But if you have a pipeline you cannot move it enough to get away from the pipeline. We do not know enough about the movement of icebergs in this Province and how you can deal with that kind of situation.

Mr. Speaker, I think that the fishery and oil can be compatible. We do not know enough about the impact on the environment at the moment of a major commercial oil discovery off our coast and the production of oil on the Grand Banks which is right in the heart of our richest fishery area in this Province. But Newfoundlanders are becoming very concerned about it, Mr. Speaker, they are asking questions about all the Cadillacs and all the Lincoln Continentals and all the four-wheel drives that are going around now looking for land, land grabbers, real estate speculators, they are around this Province like maggots. The government has done nothing about it, not a thing. They told us they are setting up a directorate to deal with this. They locked the barn door after the horse was stolen. These fellows with their brief cases and their Lincoln Continentals and their Cadillacs. You can hardly step outside your door now, you are likely to have the land bought right out from under you. They are just like maggots around the Avalon Peninsula, especially, and in other parts of Newfoundland and the government has done nothing about it, no more than they have done anything about this matter of protecting the environment. Fishermen are becoming very concerned,

March 10, 1980

Tape 251

MB - 3

MR. S. NEARY: fish plant workers, people generally,  
because people realize this is a renewable resource, it is something  
we have had for four or five hundred years, it is something that can  
sustain the economy of Newfoundland for ever and ever and something that  
is being endangered and threatened by all the

MR. NEARY: industrial activity that is going on, especially the offshore drilling. I am not knocking it and I do not want anybody to stand up in this House from the other side and accuse me of being unpatriotic, of knocking the oil. I am so happy. If I was Premier of this Province I would get down on my hands and knees every night and thank almighty God for giving us oil, just the same as 'Joey' used to say - he used to get down on his hands and knees and thank almighty God for the iron ore in Labrador, for the water power in Labrador, for Buchans and for the forest industry and for the warehouse of wealth that we had in Labrador, 'Joey' used to thank almighty God. Well, Mr. Speaker, members on both sides of this House should thank almighty God but more especially the Premier. He should get on his knees and say, 'Oh, God, I know you are not a Tory; I know you love Liberals; I know you love NDPers and Social Crediters; I know you love everybody but we especially want to thank you for allowing these permits and these oil drillings rigs that were brought in here by the Liberals back in the mid '60's. We are glad, we are glad, oh Lord, that you did not allow those oil companies to discover oil when they were in because we would never get them out. Now you have allowed oil to be discovered while we are in and we want to thank you, oh heavenly Father, for being so good and so gracious and so kind. Is it any wonder that we are born again? Is it any wonder that we can sweep seven years of corruption under the carpet when here we have the oil?' Mr. Speaker, I will tell you one thing, I will tell you one thing. If I was Premier of this Province today, if I was Premier, and I could not wish for anything to happen to me better than oil or gold, to discover gold - and there is gold down in Lapoile district by the way. They cannot lose. If they are not there forever, Sir, it would be a queer thing to me. If they are not there for at least 50 years it will be a funny thing -

MR. MORGAN: Come on over here.

MR. NEARY: - Mr. Speaker, they will not be re-elected the way they are going about it now. They have made such a shambles, and this is why the Premier says the message is not getting through, they have made such a shambles of the negotiations for the offshore jurisdiction, they have made such a shambles of the important matter of protecting the

MR. NEARY: environment and protecting the people on low income, the people on fixed incomes in this Province, where right now we are in the middle of an oil boom, everybody has the oil boom syndrome, but there is no boom, and people are paying through the nose for everything. The cost of living is going up. You cannot buy a building lot around St. John's right now, you cannot buy it. How are young couples in this Province going to ever own a house? Their chances before were minimal but now they are worse - because the Premier was out, I think, when I mentioned these fellows with the Cadillacs and the Lincoln Continentals and the four-wheel drives and the briefcases going around the countryside looking for real estate. They are just like maggots out in the countryside. What has the government done about that? No more than they have done about this matter of the environment and this bill is not going to take care of the serious situation that I am referring to. It is a good bill as far as it goes - nothing wrong with it. We are going to vote for it, but I would feel much happier and my people over here would feel much happier if this Legislature made it compulsory for oil companies to submit their applications to an independent commission, where people can have input. [ The people can express their views and their concerns about the possibility of polluting the environment. Why last year, Mr. Speaker, last year down in St. Mary's - the Capes, down in my hon. friend's district, birds by the hundreds, their feathers covered with this sticky, gooey oil from the Kurdistan perished and drifted in on the beaches. And then the minister now who is introducing



MR. S. NEARY:

this bill and the mandarins in the department did not have sense enough to collect the oil and haul it away somewhere and burn it or bury it, burried it on the beaches and all you need is a good rough sea down around Point La Haye and it will be back out in the water again. That is the kind of protection we are getting of the environment - bury the oil on the beaches. Now the minister may get up and argue, "Well, we could not get it up over the rocks or the cliffs." Well, over in Nova Scotia they lift it up in helicopters.

Mr. Speaker, the minister also told us some time ago, in answer to a question that I put on the Order Paper, that the government have selected five sites around Newfoundland - five dumps - they are preparing themselves for the day when there will be a spill offshore, whether it be from a tanker or from a blowout in an oil well - five sites, five dumps they have selected around Newfoundland. Well, Mr. Speaker, did the minister give the people in these areas an opportunity to have input into the selection of these sites; or did the minister and her mandarins just arbitrarily make a decision that there is going to be a dump here for oil that we recover from offshore whether you like it or not? Because I understand that some of the municipalities, and some of the people in these designated areas were not very pleased that that particular dump was selected as the dump for offshore oil in the event there is a major spill or even a medium sized spill off our coast.

So, Mr. Speaker, I did not intend to make a major speech at this particular point in time but I get so emotional and so worked up, Mr. Speaker, over the fact, and I am just an average Newfoundlander, and I am sure that hon. gentlemen can share the concern of the average Newfoundlander as well as the concern of the vested interest, because the point of views that we are getting from the administration is a St. John's business

MR. S. NEARY: establishment point of view, that is what we are getting, the vested interest point of view downtown St. John's, the ones that 'Joey' had to fight so hard against to get Newfoundland into Confederation, that he had to fight so hard against for twenty-three years. Now this administration has caved in and are now in bed with the St. John's business establishment. And that is the point of view they are getting and they are saying, "Oh, Mr. Premier and Mr. Government, pay no attention to fellows like Neary, pay no attention to fellows like Thoms, pay no attention to this one or that one, all they are trying to do is knock the offshore and we can see a chance to make a billion. So the hell with them, pay no attention to them, this foolish nonsense about polluting the ocean and ruining the fishery. Sure all you have got to do, Mr. Premier, is get somebody to go out on the rig with a colour camera and we will tell them all about how we can protect the environment and we will shoot out all of the propaganda that we can and we will show movies and pictures of how we deal with oil spills and how we have not had one in the North Sea and how we have not had one here. We will deal with all that foolish nonsense so pay no attention to them." That is the point of view we are getting from the administration. The vested interest in St. John's, the money grabbers, the greedy - I will not mention names - forming up companies -

MR. G. FLIGHT: Something happens.

MR. S. NEARY: Ah, Mr. Speaker, the hon. the Premier once in awhile shows a little sign of being courageous, says, "Oh, Newfoundland businesses are going to benefit by this offshore resource." And then what do we see? West German companies coming in here and using our greedy moneybags here in Newfoundland -

MR. J. CARTER: Can you name the companies?

MR. S. NEARY: - Yes, I can name the companies using our moneybags downtown as fronts. We know who is going to make the money offshore. We know who has bought

MR. S. NEARY: all of the land and all of the real estate and all of the industrial sites and all of the housing developments. We know who is going to make the money off it, it is not going to be the average Newfoundlander. It is going to be the oil companies and the greedy moneybags in St. John's, it will not be the average Newfoundlander. If the Premier had any sense right now what he would do is invite Petrocan in, kick out the oil companies, bring in Petrocan and let them take control of the offshore development. Petrocan is a Crown corporation owned by the people of this country. That would be a courageous move, Never mind once in a while showing a little spark of courage and then when the oil companies want to take his picture and put it in 'Oil Week' they can do it thirteen times. I get very concerned. Although sometimes I wonder about the Premier - I really have not got him sized up yet. I mean there are times when I have to come in here and have to lash out - and then today when we saw this little act of courage on the part of the Minister of Justice (Mr. Ottenheimer) I wonder if the Premier is for real. I am hoping he is. I am hoping that he does not back down from these big oil companies, that he will not weaken when they flash a camera in front of him, or they put a big jet at his disposal that he will not weaken. It is too important a matter -

PREMIER PECKFORD: Pan Am is holding (inaudible).

MR. S. NEARY: Well, Mr. Speaker, I can tell the hon. gentleman right now that if he maintains his stand, his position, his thoughts and his attitude he might get a supporter where he least expects it.

SOME HON. MEMBERS: Hear, hear!

MR. S. NEARY: Nothing would give me greater pleasure than to join the hon. gentleman in taking on the oil companies of this world.

MR. PECKFORD: (Inaudible) another (inaudible) this morning.

MR. S. NEARY: Yes, I know the hon. gentleman - the hon. gentleman almost resigned from the Cabinet because of the pressure from his colleagues.

PREMIER PECKFORD: What really hurt me was that the next day (inaudible) the hon. member (inaudible).

MR. S. NEARY: No, that is not what I said at all, not what I said.

PREMIER PECKFORD: I remember it.

MR. S. NEARY: Oh, yes I remember it too. And that is not the first time the hon. gentleman mentioned it. The hon. gentleman almost resigned because of the pressure from his Cabinet colleagues that the oil companies would not come back here because of the regulations, the stiff regulations. But they came back and they will be back again. They are laughing now, they are sneering now, I hear it all the time. They are laughing at the hon. gentleman, they are laughing at us on this side, they are laughing at the politicians up in Ottawa. They are saying, 'When we are ready to deal with that crowd, we will deal with them'.

PREMIER PECKFORD: As long as we have control and power (inaudible) that is what concerns me, that is why I would like to (inaudible) perhaps this week or next I will spend as much time as the rules allow me to persuade the hon. gentleman that if he is serious in what he is saying now he not only is going to cross the House and come over here and join us in this great battle, but he is going to do a lot more than that when we have to sit down and talk seriously about whether we have any power to do anything.

MR. S. NEARY: Oh, well, now that is a different matter but I do not know.

PREMIER PECKFORD: But that is the key to it.

MR. S. NEARY: Mr. Speaker, I think from my seat in this House and from my own vantage point that I can help the Premier and the government and the people of this Province just as much as I could if I sat in a seat over there. Because what I feel over here I would feel over there so it does not make any difference.

PREMIER PECKFORD: I would ask the hon. gentleman over the next few days to contemplate very seriously -

MR. S. NEARY: Do not play politics.

PREMIER PECKFORD: - no. - to contemplate very seriously that idea. Forget about politics and forget crossing floors and forget about supporting anybody. Just think very importantly about that idea because everything the hon. member says is valid, what you are talking about now is valid and your points are well made but what I am scared of is that what you do not see is that all you are talking about has no bearing on this House, on this government, on nobody in Newfoundland unless we have some power.

MR. S. NEARY: Yes, okay I understand that.

MR. L. STIRLING: Do you agree to (inaudible) to do that.

PREMIER PECKFORD: No, no.

MR. S. NEARY: I understand completely.

PREMIER PECKFORD: Otherwise we might as well close shop now.

MR. S. NEARY: That is right.

PREMIER PECKFORD: Close her down. It has nothing to do with a select committee at all, nothing to do with a select committee.

MR. S. NEARY:

As a

matter of fact, I thought earlier, only I did not want to be accused of playing politics, of bringing in a resolution along these lines. But I did put a private members' motion on the Order Paper, as you can see, for the select committee. And I do not know why the Premier does not go for that. He might be pleasantly -

AN HON. MEMBER: (Inaudible) up that resolution.

MR. S. NEARY:

All right, okay, but anyway

I look forward to the Premier's participation in this debate because as he knows the protection of the environment. As the hon. gentleman told me last year on two occasions -

PREMIER PECKFORD: That is why that Bill No. 1 (inaudible).

MR. S. NEARY:

But it does not make it

compulsory, that is the thing that worries me.

AN HON. MEMBER:

Read it.

MR. S. NEARY:

I read it. Where the minister

decides that an environmental impact statement is not required

MR. NEARY: the proponent may proceed with the undertaking. The minister shall examine or cause to be examined the information. It is always the minister. It is not compulsory and that is why if the hon. gentleman would really want to prove something today, **to say** 'Well, forget this, **Look down here, 'The board where** the minister receives indication of strong public interest in any undertaking.' The other thing, by the way, that I might point out for the Premier's information is that, sure, you can make the gesture as we did with the Public Utilities Board, that the people can have input and they can make presentations to these commissions and these committees but they do not have the resources to do it. Will the Premier place at the disposal of the people of this Province the resources so that they can make an intelligent presentation, so that they can make a very worthwhile and meaningful presentation, and not just go in with a little brief that they have had to sit down amongst themselves and prepare? They want to have technicians; they want to **have expertise at their disposal** the same as the oil companies, the same as the uranium - as BRINCO have. Then the other thing, Mr. Speaker, will these reports be brought to the House and tabled in the House? Will we get the report, for instance, that was recently done by Mr. Powell and his committee on the environmental impact on the uranium mine up in Makkovik. Will that report, if it is in, will it be tabled in the House? So, as I said a few moments ago, I do not really know how to take the Premier but I am prepared to give him the benefit of the doubt, and if he is prepared to level with me and the people of this Province then I am prepared to level with him and give him all the support that he deserves. We are going to support this piece of legislation, Mr. Speaker. It is a step in the right direction, but it does put too much power in the hands of the minister and the mandarins in that department, and that is the weakness of it. The minister can get up and tell us, "Oh, well, I will do the right thing", but we have heard that before in this hon. House. **And** who decides whether it is the right thing or not, the minister? It should be compulsory, Mr. Speaker, it should be made mandatory upon every company, every individual, every concern, everybody who wants to proceed with a project in this Province.

MR. NEARY: It should be compulsory, it should be the law of the land that they have to put their proposal before an independent environmental impact committee. That should be mandatory. It should be the law of the land. It should be a law passed by this Legislature.

MR. MORGAN: What about public hearings?

MR. NEARY: Pardon?

MR. MORGAN: (Inaudible) public hearings be held?

MR. NEARY: And public hearings held, that is what I said, should be -

MR. MORGAN: Regulations (inaudible).

MR. NEARY: Beg your pardon?

MR. MORGAN: Regulations (inaudible).

MR. NEARY: The regulations, we do not even see the regulations in this House.

MR. MORGAN: (Inaudible) regulations.

MR. ROBERTS: The regulations can be changed overnight.

MR. NEARY: Regulations can be changed by the Lieutenant Governor in Council -

MR. ROBERTS: Any time.

MR. NEARY: - any time they feel like changing them. But what I am saying is that this sort of legislation, as good as it is, is really, in effect, weak because it does not make it compulsory for these companies and individuals and concerns to put their proposals to the test and the test is public opinion, and put the resources at the hands of the general public so that they can make - if they going to have input let it be meaningful input. But having said that, Mr. Speaker, I am sure other members on this side of the House would care to speak on this bill. This is probably one of the most important items to come before this House in recent years. We are going to support the bill. We only wish that the minister had seen fit to give the legislation a little more teeth and make it compulsory for these companies to put their proposals before an independent commission and let the public have input before they are approved.



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

MR. BARRY: Mr. Speaker, it is a real pleasure to sit across the House from the hon. member today and listen to the reason and logic and the desire to see that the public interest is protected and to see him agree, Mr. Speaker, with the efforts of this government and to hear his comments that he and hon. members opposite are prepared to support

MR. BARRY:

the bill, which has to be one the most momentous ever to be brought before this hon. House, will definitely do more to protect the traditional **lifestyle** of our people, to protect very important things in this Province which have not received adequate protection in the past. In our haste to see development, in our haste to see mines developed, hydro projects developed, other economic opportunities brought forth because there is always tremendous pressure on government, Mr. Speaker, to provide jobs in a province of high unemployment, there will always be tremendous pressure for a government to see developments proceed as quickly as possible and we need, Mr. Speaker, as a counterbalance to this pressure which is legitimately there on government, we need legislation such as the one we now have before us, **and** I say that as the Minister responsible for areas of resource development where the job is going to be made more difficult because of this type of legislation. It is going to be more difficult, Mr. Speaker, to get a hydro project developed. It is going to be more difficult to get a mine developed. Well, Mr. Speaker, that is a price which we must pay and which we believe the people of this Province are prepared to pay to make sure that our environment, our wildlife, the very essence of this Province is not so changed, so caught up in this headlong rush to industrialize that at the end of the day while we might have full employment, while everybody might have a good income, Mr. Speaker, they have lost something which makes their dollars not that much worthwhile anymore. They have lost, Mr. Speaker, that irreplaceable way of living, that irreplaceable and priceless environment which in this Province, I believe, you will find a lot of people, the majority of people point to as one reason for putting up with the weather on this rock, as one reason

MR. BARRY:

for putting up with the isolation, the being out of the main stream. People like to live in an area where they can snare their rabbits and shoot their caribou, cut their thumb. Mr. Speaker, they like to be able to go in the country and they like to have a country that is worth going into. And that is the purpose of this bill, to make sure that while we do our best to provide employment, while we do our best to see that resources are developed to provide jobs, to provide income, to provide revenue to governments, that we in turn can have better schools, better hospitals, better highways, all of the good things of the modern world. At the same time we do not want to go further than is absolutely necessary in disturbing, in modifying, in changing the natural environment which is so very important to keeping man attuned with nature, to avoiding as the philosophers say, man being alienated. And when I look across this hon. House I have to come to the conclusion that the member for LaPoile (Mr. Neary) must be becoming a little bit alienated with some of the other members opposite, a little bit alienated.

I was happy to see the depth of his legal research, the depth of the research that has gone into his conclusion that the hon. member for the Strait of Belle Isle (Mr. Roberts) was in grievous error in his constitutional opinion. And in fact, Mr. Speaker, I was hoping

MR. BARRY:

to have a Ministerial Statement to the point today and I will tomorrow. I have it prepared but because of another meeting I had I was unable to get here in time. Because I want to point out that - and this is quite serious as well, Mr. Speaker, because this notion that the federal government needs to get the consent of all the provinces in order to do what is right for Newfoundland, Mr. Speaker, that is a widespread opinion and I was shocked and saddened to see the hon. member for the Strait of Belle Isle (Mr. Roberts) supporting what is a fundamental error, that the federal government requires the unanimous consent of all provinces in order to confirm Newfoundland's ownership of the offshore in order to proceed, to obtain a constitutional amendment, in order to -

MR. FLIGHT:

(Inaudible).

MR. BARRY:

And the hon. member agrees that he said that the federal government would have to seek the consent of all provinces in order to request a constitutional amendment. Well, Mr. Speaker, on the morrow we will set out just how completely this is in error. And I will support it with a precedent, Mr. Speaker, with numerous precedents. And just to whet the appetites of hon. members for the morrow, we have some precedents where only four of the fifteen important amendments to the British North America Act, only four, had the unanimous consent of the provinces. There were ten that were requested by the federal government and enacted by the U.K. Parliament without even consultation, much less the agreement, of the provinces. And there was at least one where the federal government went ahead - no there were more than one - one in particular where they went ahead despite the outraged opposition of one province. Mr. Speaker, I will give further chapter and verse of this on the morrow.

SOME HON. MEMBERS:

Oh, oh!

MR. MORGAN: Now we know why 'Steve' is on the right track over there.

MR. BARRY: Well, Mr. Speaker, that is an example of how the water is being muddied, either deliberately or in error, but it is an example of how the water is being muddied on this crucially important matter of this Province having adequate control of offshore resources. And we will have to carry this on further at another time, same place, another time.

MR. MORGAN: Muddied intentionally too, I would say.

Mr. Speaker, with respect to just the environmental aspects of the offshore this bill - I just noticed, by the way, that we are probably going to have to look at some slight modification at Committee stage of the definition of water. It is somewhat ambiguous there now where it says, "Includes coastal water within the Province".

MR. ROBERTS: Wherever that may be.

MR. BARRY: That is right. I think we are going to have to clarify that point a little bit in the course of the debate on the bill, and at Committee stage.

Now, Mr. Speaker, I would like to refer you to, from an environmental point of view, what is already in place in law in this Province with respect to offshore resources and this is set out

MR. BARRY: in the Newfoundland and Labrador petroleum regulations. Before a company can produce oil from any discovery offshore, Section 62 of the regulations requires that a developmental program be submitted to government, be made public and that there be public hearings. That development program shall contain a detailed impact statement describing the possible environmental, economic and social effects of the proposed development program, including a detail description of the existing biological and renewable resource systems in the area of the proposed development program.

Mr. Speaker, Section 65, regulation 65 says after this commission has been appointed to inquire and to study this company proposal there shall be public hearings, and at such public hearings the permittee shall and any member of the public may present written or oral evidence with respect to alternative development programs and the probable environmental, economic or social effects of the development.

MR. S. NEARY: Can I have a copy of these?

MR. BARRY: And a copy of these were distributed to all members in the House a few days ago, so -

AN HON. MEMBER: Not over here.

MR. BARRY: Well, Mr. Speaker, yes I would ask whoever does this sort of thing in the House to just make contact with the department and we will see that copies are given to all hon. members opposite. Mr. Speaker, this government has already shown its willingness, even before this environmental assessment act was brought in, has shown its willingness to provide financial support to groups who have an interest in putting the opposite point of view across. This, Mr. Speaker - financial - that is, you know, the green stuff that is made round to go round - dollars - money. Mr. Speaker, this commitment was made from the very beginning by this government. This commitment has always been observed by this government and will continue to be observed, the commitment being that we shall see that there is adequate public input and that the financial resources are there to permit the public to give this input. For example, Public Utility Board

MR. BARRY:                   hearings with respect to Hydro increases; This government established the very laudable practice of paying the legal fees of the Federation of Mayors and Municipalities, seeing that they were entitled to obtain their costs, the costs of obtaining legal advice to intervene against a Crown corporation, because we believe that it is only by setting up this type of tension, this type of competitiveness, this type of adversary system, that the truth comes out, and that governments are kept honest and government Crown corporations are kept honest. Mr. Speaker, this government has nothing to hide. This government is as honest as a dog's tooth - is that what is honest?

PREMIER PECKFORD:           A hound's tooth.

MR. BARRY:                   A hound's tooth, Mr. Speaker. I have never understood the relevance of a hound's tooth and honesty but, Mr. Speaker, this government is an open government. It is prepared to have its policies debated to see the heat of day in the red-hot heat of combat, whether it be before a Public Utilities Board or whether it be before, as is set out in this very laudable bill, an environmental assessment board. And, Mr. Speaker, we have seen, even before this act was made law, we saw with respect to the Kitts Michelin project which I am going to move on to in a moment, we have seen the intent of this bill already being put into practice, and financial assistance given.

MR. STIRLING:               Adequate financial assistance.

MR. BARRY:                   Mr. Speaker, has anybody ever gotten adequate financial assistance? Does the hon. member get adequate compensation at his job? Has he ever seen a

MR. L. BARRY: situation where he has had enough money? Mr. Speaker, there is nobody ever going to be satisfied with the amount of money that government gives them but I would submit, Mr. Speaker, that we have come a long way since 1972 when it comes to environmental assessment. We have come a long way since 1972, Mr. Speaker, a long ways and Mr. Speaker, here we have another giant step forward.

SOME HON. MEMBERS: Hear, hear;

MR. L. BARRY: A giant step forward with the Peckford administration.

MR. L. STIRLING: I knew you would say that.

MR. L. BARRY: I have heard that particular slogan somewhere before. Now, Mr. Speaker, you can see that already as far as, and I am proud to say that I had a little bit to do with the beginnings of these regulations, and that before any environmental assessment bill was drafted, we had as far as our petroleum regulations were concerned provision for public hearings, provision for public input with respect to environmental matters, and Mr. Speaker, this has to do with once a field goes into production. Let me tell you a little bit about what happens before drilling commences. A company is only entitled to drill after receiving approvals from both the Province and the Federal Government because whenever the Federal Government, and it will not be very long now, whenever the Federal Government sees the light and goes along with our having ownership and .

AN HON. MEMBER: It already does.

MR. L. BARRY: Ownership?

MR. J. MORGAN: Oh do not be so silly. Are you ever confused.

MR. L. BARRY: Oh my, oh my, has he done a job, has he done a number, Mr. Speaker, on hon. members opposite. Even if the Federal Government, as they will, confirm ownership and jurisdiction in this Province there will still be legitimate areas of jurisdiction for the Federal Government. They will still have the External Affairs Authority to fight off the vultures who are going to start crowding around as soon as they see that black gold flow.



MR. L. BARRY: The defence jurisdiction, and I might add by the way, that we are not asking for something all that unreasonable when we ask the Federal Government to go down to the Law of the Sea Conference and fight to protect and preserve our rights there. We are only asking the same thing the great Province of Ontario asks when it asks the Federal Government to go out and fight for its tariffs.

SOME HON. MEMBERS: Hear, hear;

MR. L. BARRY: These are the other nations of the world. So do not anybody say to me, 'Oh, you are trying to have your cake and eat it too. You want your ownership and jurisdiction and still you are running to the Federal Government to protect you.' That is what the Federal Government is there for, Mr. Speaker, that is why they are there fighting for Ontario for Ontario tariffs. That is why, Mr. Speaker, they go down to the U.S. to fight for Saskatchewan potash. That is why, Mr. Speaker, the Federal Government is there fighting to protect uranium markets for other provinces.

MR. E. HISCOCK: The Federal Government gave us the 200 mile jurisdiction of (inaudible)

MR. L. BARRY: The Federal Government had to be hauled yelling and screaming into the 200 mile limit.

AN HON. MEMBER: Hear, hear;

MR. L. BARRY: And this Province was putting it to them for four years before they had the guts and it was only after -

SOME HON. MEMBERS: Hear, hear;

MR. L. BARRY: - it was only after little Iceland, about the size of Newfoundland, showed that in fighting for the fair livelihood, fair protection for the livelihood of its people that a Province or a country that size that had right on its side could stand up against the nations of the world.. It was only after Iceland fought

MR. BARRY:

in the forefront, you then had the United States seeing that, yes, that made sense, that the stocks are being raped, are being ravaged, are being destroyed by this uncontrolled greed of the nations of the world and it is necessary to have an extension of limits to protect the stocks. And the United States went for it and then, only then, did the federal government feel that it was able to do it. The United States had indicated that they were going to do it before the Canadians did it. So, Mr. Speaker, we are on record, this government has been on record for a number of years before and, as a matter of fact, we had a resolution and it was a joint resolution of this House and the member for the Strait of Belle Isle (Mr. Roberts) and myself presented it and we went further than they ended up going, we went for the tail of the Banks as well, we went for protection on the -

MR. ROBERTS: The whole Continental Margin.

MR. BARRY: We went for the Continental Margin.

MR. MORGAN: Which is the only answer to the problems we have today.

MR. BARRY: And we are still today, Mr. Speaker, a Ministerial Statement by the Minister of Fisheries (Mr. Morgan), we are still trying to put the same thing forward and in a few years the federal government will see the light in this area as well. But do not anybody say that the federal government is out there paving the way for this Province. This Province had to push them into the 200 mile limit, had to push them. This government had to drag them yelling and screaming, Mr. Speaker, drag them kicking and bawling and screaming because they wanted to be the international good guys. They did not want to do anything that somebody could say, Oh you are being greedy, you are not being a good international citizen.

Now, Mr. Speaker, I want to go on and talk about this tremendous bill we have in front of

MR. BARRY:

us today. Under the drilling that goes on out there now it has to obtain federal and provincial approvals and this is done on a well by well, programme by programme, in fact, day by day approval basis. And under their permits the authority is there to suspend operations at any time that an environmental hazard might develop.

MR. STIRLING:

Is that federal or provincial?

MR. BARRY:

That is both. We both follow the same procedures which is basically an ad hoc well by well, foot by foot, in drilling, approval process. Now -

MR. NEARY:

Do you have people aboard twenty-three, twenty-four hours a day?

MR. BARRY:

No, Mr. Speaker, we do not have them aboard twenty-four hours a day but we have them aboard at any time we decide that they should be aboard there. And we have -

PREMIER PECKFORD:

Without prior knowledge of the companies.

MR. BARRY:

Without prior knowledge of the companies. We do not seek their approval. We do not need their approval. They go out there whenever they want to go out there and, Mr. Speaker, we do have day by day reports and we receive a day by day, blow by blow description as to how the drilling -

MR. STIRLING:

Who is we?

MR. BARRY:

Both us and the federal government, both governments. It comes in by telex to the Department of Mines and Energy to now the Petroleum Directorate.

MR. NEARY:

Why not have someone on board the rig all the time?

MR. BARRY:

Mr. Speaker, maybe in all probability we will develop to that stage as financial resources permit. We will probably go that route. But right now, Mr. Speaker, it is also spelled out in these regulations that should

MR. BARRY:

at any time an environmental hazard develop, then all operations can be suspended by the Minister of Mines and Energy.

MR. STIRLING:

Do the federal people agree with that?

MR. BARRY:

We do not really care whether the federal people agree to it or not. In fact, they have the same regulations under theirs and their minister can suspend operations under their environmental jurisdiction. And we do not quarrel with that. They have a responsibility to an environmental jurisdiction which we are not challenging. It is a joint area. It is an area of joint responsibility and we have not had any problems. We have co-operated. We have supplied information. We have co-operated with each other, Mr. Speaker, and no problems have developed.

MR. STIRLING:

Then it is a joint committee?

MR. BARRY:

No, Mr. Speaker, it is not a joint committee, it is not an agreement other than an informal agreement or understanding.

AN HON. MEMBER: Was there an exchange of letters on it.

PREMIER PECKFORD: It is in practice, it is part of the Constitution.

MR. L. BARRY: Mr. Speaker, if there was it was  
in -

PREMIER PECKFORD: (Inaudible) Constitution  
(inaudible)

MR. J. MORGAN: He would not understand what is  
in practice or not in practice that is the reason why he is a back  
bencher.

MR. L. BARRY: Mr. Speaker, I would like to move  
on and the hon. member will have his day in the House to show us his  
enlightened views as to how drilling should proceed and so on.

I would like to point out that  
myself and the Minister of Fisheries (Mr. J. Morgan) only last week  
brought together representatives of the fishing industry, the oil  
industry to have them sit down and start talking now before problems  
start developing because as activity increases there is going to  
be encroachment upon traditional fishing grounds and so on unless  
the system is properly co-ordinated. And we have had the  
representatives brought together and there will be an ongoing  
Advisory Council with representatives from the fishing industry  
and the oil industry speaking to each other and to government  
so that we can see two industries develop side by side.

MR. J. MORGAN: Hear, hear.

MR. L. BARRY: Now I am not going to get up here  
and try and say that there is no risk, no hazard - there is. As  
the member for LaPoile (Mr. S. Neary) quite properly, correctly  
said, "There is no technology available right now under certain  
weather conditions to confine or hold a blowout, that if there is  
a large blowout under certain weather conditions, then there is  
going to be considerable environmental damage."

MR. G. FLIGHT: Weather conditions  
(inaudible)

MR. L. BARRY: Mr. Speaker, the safeguards and  
the protection are in the procedures that these companies must follow.

MR. L. BARRY:

And the only problem is that no matter how good your laws, no matter how good your practices and procedures, there is always going to be the possibility of human error. And that can never be removed and, therefore, there will always be the risk but if you look at the statistics they indicate that there is a very small risk. There is a risk that is there and if it occurs then it could be a serious problem but the risk of the blowout occurring is a small one. And I believe that the people of this Province, I believe hon. members in this House have had, over the years, cause to concern themselves about this, to worry about this and to reconcile themselves to the fact that this poor Province has to try and develop whatever resources it has. And it has to take certain risks and it boils down to trying to minimize the risks and trying to make sure that you plan as fully as possible, that you take as many safeguards as possible. And this type of legislation that we now have, Mr. Speaker, is designed to do just that very thing.

Just to move on from the offshore, I had the opportunity - the reason I was late today was because I, together with the Minister of Tourism, Recreation and Culture (Mr. R. Dawe) and the Minister of Consumer Affairs and Environment (Mrs. H. Newhook), were having meetings with native groups who are concerned about the environmental impact of the Upper Salmon Hydro Development. And, Mr. Speaker, specifically their request was for an environmental advisor, independent of government, who could be made available to monitor the programme out there. And we have some i's to be dotted and some t's to be crossed to work out the financing and so on but, Mr. Speaker, this government has committed itself to providing an environmental advisor to these native groups. Now, Mr. Speaker, I think that that is a significant step forward and it shows the commitment of this government of making sure that developments proceed in a manner that is harmonious with our environment, our hunting, trapping, fishing requirements of our people and so forth.

March 10, 1980

Tape No. 261

SD - 3

MR. L. BARRY:

Mr. Speaker, with respect to the  
development of the uranium deposits, the Kitts Michelin deposits  
in Labrador,

MR. L. BARRY: here is where we saw the first formal application of the principle of this bill applied in practice. And we saw an Environmental Assessment Board and I think Mr. Speaker, I did not hear too many people in this government or in this Province or in this House criticize the composition of that board. I am glad to hear the hon. member opposite saying it was a good board. That was not a tame board Mr. Speaker, And I think the Rev. Buckle in terms of a local person with a feel for local conditions and Mr. Davis again an objective -

AN HON. MEMBER: (Inaudible) agree with it.

MR. L. BARRY: I think, Mr. Speaker, that we put a good board there, we showed that we were not trying to just go through a charge that we were sincere in our desire to have a serious look at all environmental aspects of this development and I have to say, Mr. Speaker, I have some serious concerns. I had the opportunity of meeting with this young man who was down speaking to the Human Rights Association the other day and realizing he has got a particular interest, he represents an antinuclear group, but he left us some literature that we are going to be looking at very closely. And basically our concern is not so much with the debate as to whether uranium should be mined in Newfoundland because it is going to go into nuclear reactors or going to go into nuclear weapons. That, Mr. Speaker, I do not think is a debate that should hinge around this particular project. It is one I would be happy to have in this House, it is one that we all have moral concerns about. But, Mr. Speaker, the debate on this particular project I would submit should be a more specific one, namely whether it can proceed in a way that is safe for the people working in the mine and also whether it can proceed in a way that will be safe to the environment, not just while it is in operation but twenty thousand years down the road, Mr. Speaker. The problem being Mr. Speaker, with the waste disposal in a uranium mine, with the tailings disposal and I am going to be very interested in seeing the report of the Environmental Assessment Board and we will be looking very closely believe me, Mr. Speaker, at making sure that the proposal of the corporation here



MR. L. BARRY: is one that can proceed in a way that is harmonious and safe.

MR. SPEAKER (Butt): Order please, Order Please!

The hon. ministers' time has expired.

MR. L. BARRY: Mr. Speaker, I could not have timed it any better. Just to briefly conclude, by leave if I might, just a closing comment Mr. Speaker, the problem is that with a uranium mine is like the cemeteries, you know, where you have provisions for perpetual care. It is the same thing that is going to be necessary as far as a uranium mine is concerned, you have to have perpetual care of the tailings, of the waste that comes from the mine and that is a very serious concern, There is a lot of work being done, a lot of proposals being made as to ways that you could have adequate protection. For example, in Northern Ontario there is a proposal that you drill down into the granitic rock or the most secure rock that you can find, in terms of withstanding earthquakes and so on, you cavern down there and you put your nuclear waste down there.

MR. NEARY: You know where (inaudible).

MR. L. BARRY: It extends right up to the coast of Labrador .

MR. NEARY: (Inaudible) Labrador (inaudible) waste was going in Labrador.

MR. L. BARRY: That crazy proposal came across when I was minister before. But the member is right that the rock conditions do extend into Labrador and that is one form of proposal that has been made for a safe way of containing the tailings and the waste from a nuclear mine . Now, Mr. Speaker, just to end, this government do not get up, stand up with respect to any proposal and try and pretend that it has all the answers. This government, whether it be in environmental assessment bills or whether it be in offshore oil and gas regulations or whether it be in Public Utilities Board legislation, Mr. Speaker, this government believes in public input, this government believes in having the fullest possible debate. This government

MR. BARRY:

believes in having the opposing views conflict and combat with each other. Mr. Speaker, as one of the famous American judges said, the hon. members in this House, when that particular type of debate proceeds, would do wisely if they tried not to descend into the arena, lest the dust of the conflict blind their eyes. Mr. Speaker, this is the way, I think that we should proceed. We should encourage and permit the special interest groups, the public, generally, to debate this type of proposal, and let the truth come up the middle. Let the truth come up to this hon. House and we shall refine the truth and perpetuate it in appropriate legislation.

Thank you, Mr. Speaker.

MR. SPEAKER: (Simms)

The hon. member for the Straits of Belle Isle.

MR. ROBERTS:

Mr. Speaker, it is about ten minutes to six.

I do not know whether - my opposite number in the government is not here - whether we could adjourn the House say, you know, perhaps a few minutes before six or call it six a few minutes early which would mean I can have the half-hour allowed me under the rules in an uninterrupted spasm, as it were. I do not know. Perhaps in the absence of - the Minister of Justice (Mr. Ottenheimer) concurs. In that case I will move the adjournment of the debate at least, Sir, and then we will go on from there.

MR. SPEAKER:

Is it agreed to call it six o'clock then?

MR. OTTENHEIMER:

I move that the House do now adjourn until tomorrow, Tuesday, 3:00 p.m.

On motion, the House at its rising adjourned until tomorrow, Tuesday, at 3:00 p.m.