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PRELIMINARY
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TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD
3:00 p.m. - 6:00 p.m.
WEDNESDAY, JULY 8, 1981

July 8, 1981

Tape NO. 3135

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The House met at 3:00 p.m.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms):

Order, please!

The hon. President of

the Council.

MR. MARSHALL:

Touching upon the statement

made by the Premier yesterday and the House's expression of sympathy with respect to the tragedy in connection with the Arctic Explorer, I think it appropriate, and I know all members will wish to join in this, to make a motion, it is appropriate for the House to make a motion to the effect that flags on public buildings on Saturday and Sunday of this week, this weekend during the period of mourning, should fly at half mast. Mr. Speaker, as we all know we are very much connected with the marine life in this Province and there have been times from time to time that we have been visited with tragedies, and this is one of the real tragedies that I think all Newfoundlanders could share in, and I think it most appropriate that the public buildings in the Province have flags flying at half mast. And I would make this motion and I feel that my friends opposite, who have already mentioned this to me as well - we have discussed this beforehand - would like to join in this motion.

MR. STIRLING:

Mr. Speaker.

MR. SPEAKER:

The hon. Leader of the

Opposition.

MR. STIRLING:

Mr. Speaker, I do concur,

agree and presume that it would be done. I will be in Badger's Quay tomorrow to attend the funeral of the Captain, who was from my district, and I would again urge the President of the Council to agree with the recommendation that I made yesterday in view of the news today that there

MR. STIRLING: is another ship - I do not have first-hand knowledge of this but somebody just mentioned to me that apparently another ship, not a Newfoundland ship and maybe some distance off our coast - is either in difficulty or the crew has abandoned ship. And I would urge the President of the Council to approach the Premier again. I know yesterday in a moment of haste he said no, but I believe very seriously that we should ask the federal government and the provincial government to undertake a study of this whole question of the change in regulations that may be required, in communications for one thing, to require people to maintain contact, and the air/sea rescue fact finding that needs to be done to develop a plan for an effective air/sea rescue communications system as we enter a new era, an era in which we are dealing with all of the expansion in the development of the offshore including now

MR. STIRLING: the situation in which they are going to be bringing tankers from the Arctic along our coast. So I know that in haste yesterday the Premier might have said no, but I would ask the President of the Council (Mr. Marshall) if he at least would take it under advisement to consider whether or not such a request cannot be made. And I can think of no better way that we could express to the families our genuine concern than by a resolution that this house is unanimous in attempting to make sure that this kind of thing does not happen again.

MR. MARSHALL: Mr. Speaker.

MR. SPEAKER (Simms): To the motion, the hon. the President of the Council.

MR. MARSHALL: I am sure the Leader of the Opposition is well-intentioned when he makes these remarks. You know, the hon. the Premier addressed himself to this yesterday. I would prefer that this particular motion right now is a motion with respect to an expression of public sympathy in connection with this tragedy and the motion is that the flags on public buildings fly at half-mast and I think we should fly them Friday, Saturday and Sunday.

MR. SPEAKER: You have heard the motion.

The hon. the Leader of the Opposition.

MR. STIRLING: Mr. Speaker, I certainly agree.

Yesterday the Premier started off with that kind of a motion and then got into the politics of bringing a fixed wing aircraft to Newfoundland. I agree with the President of the Council that the two should be separated, and for purposes today, let us agree on the motion, and I just ask the President of the Council to discuss with the Premier the other thing and he can even bring it in as a separate motion.

MR. SPEAKER: You have heard the motion. Those in favour signify by saying 'Aye'.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Contrary 'Nay'.

MR. SPEAKER (Simms): I declare the motion carried.
So ordered.

STATEMENTS BY MINISTERS

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

DR. COLLINS: Mr. Speaker, just a very brief statement. I want to bring to the notice of hon. members that this morning the purchase and sale of the Come By Chance refinery, that is, the purchase and sale between Petro-Canada Explorations Incorporated and Kleinwort, Denson and Peat Marwick Limited was concluded, which now means that the Come By Chance refinery -

SOME HON. MEMBERS: Hear, hear!

DR. COLLINS: - the Come By Chance refinery is now owned by Petro-Canada. They will be responsible for the continuing mothballing and upkeep of the refinery and they are proceeding with their plans that hopefully will see the rehabilitation and reactivation of the refinery at some point, hopefully in the not too distant future.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the member for Bellevue has about thirty seconds.

MR. CALLAN: Well, Mr. Speaker, in thirty seconds let me say, first of all, in six years I think this is the most positive thing that has happened surrounding the Come By Chance refinery since it closed in March, 1976. It is a positive thing, hopefully, for the people in the area when the refinery can be reactivated and I believe that it has the best possible chance now that it is in the hands of a federal Crown corporation.

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SOME HON. MEMBERS: Hear, hear.

DR. COLLINS: If I might just be permitted, perhaps I can call the attention of all hon. members of the House that there are officers of Kleinwort, Benson; of ECGD and of the Peat Marwick in the galleries and perhaps hon. members might wish to acknowledge their presence.

SOME HON. MEMBERS: Hear, hear.

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

MR. STIRLING: Mr. Speaker, we are following an unusual procedure in welcoming visitors normally done by -

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

MR. STIRLING: - I was responding to the minister -

MR. SPEAKER: Order, please!

Let us see what we are doing here.

First of all, is the hon. Leader of the Opposition (Mr. Stirling) now rising on a point of order or a point of information?

MR. STIRLING: My impression was that the minister invited me to do it by leave

MR. SPEAKER: Well, I did not think he invited anybody to do anything. I presume he was responding to a statement. In any event, he welcomed visitors to the gallery; everybody has done that.

Any further statements?

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

MR. SPEAKER: A point of order, the hon. Leader of the Opposition.

MR. STIRLING: Yes, Mr. Speaker, I think the Minister of Finance (Dr. Collins) was out of order.

MR. LUSH: Completely.

MR. STIRLING: And I use the point of order to carry on with his request, and that is to welcome to the House of Assembly from both sides -

SOME HON. MEMBERS: Oh, oh.

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MR. SPEAKER (Simms): Order, please!

MR. STIRLING: - the visitors who are in town to transfer this sale of Come By Chance out of the provincial -

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

MR. STIRLING: - misuse into a federal corporation that can do something with it.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

I understand what the hon. Leader of the Opposition (Mr. Stirling) is trying to do, but it certainly does not constitute a point of order.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER: Further statements?

The hon. Minister of Justice

MR. OTTENHEIMER: Mr. Speaker, I wish to inform hon. members on action taken by the Consumer Affairs Division of the Department of Justice with respect to the use of urea formaldehyde foam insulation by residents of Newfoundland and Labrador.

In this Province, approximately 6,000 homeowners have used the product in the insulation of their homes. These 6,000 homeowners are now deeply concerned about the health hazards associated with urea formaldehyde. A number of them are now confronted with the problem of removal and replacement of urea formaldehyde and the financial burden this will impose.

I have today, by telex, communicated with the hon. Andre Ouellet, Minister of Consumer and Corporate Affairs in Ottawa, and I have urged Mr. Ouellet to take immediate action to provide compensation to all homeowners whose homes have been insulated with urea formaldehyde and who must have it removed. I have also urged him to get federal Cabinet approval to assign special priority in assisting those who might suffer

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MR. OTTENHEIMER:

resultant health problems.

In my communication to the federal minister, I pointed out that by establishing a Zenith line - toll free - his department was

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MR. OTTENHEIMER: I was sorely provoked, Mr. Speaker, sorely provoked -

MR. THOMS: I must admit that was an unusual display.

SOME HON. MEMBERS: Hear, hear!

MR. OTTENHEIMER: -sorely provoked by the hon. members opposite, Sir. However, in case the hon. members who are interested in the health and comfort of people in this Province and in case the constituents of the hon. members who are interrupting are interested - and I am sure they are - I will repeat that I wish to inform, if not the hon. members who are not interested - and that would just be a couple of them, the rest of them are, I can see that, if not them, at least their constituents - that we will be providing a \$2,000 grant to that recently-formed committee. This Committee has been formed locally in the Province during the past few weeks. And it is to assist this Committee in assessing the health, legal and financial aspects of the problem caused by the use of urea formaldehyde and also to assist the Committee in disseminating information to homeowners in this Province.

I wish to congratulate the Committee on their positive approach towards a very real problem and wish to inform them that the Consumer Affairs Division of the Department of Justice will continue to assist them in the future and to monitor the situation.

Finally, I would point out to hon. members that there is a federal-provincial Conference of Ministers responsible for Consumer Affairs which will be held in Quebec during early September. And at that conference, it is my

MR. OTTENHEIMER:

intention, again, to raise the urea formaldehyde issue and to again urge the federal government to compensate homeowners who may have been adversely affected by participating in this federal programme.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER(Simms): The hon. the Leader of the Opposition has about two minutes.

MR. STIRLING: Mr. Speaker, there was a time when this government could have done something about this. And the Minister of Health(Mr. House) will remember the time, in July 1979, when I had just been elected, when constituents in my area were considering the use of this insulation and I brought it up in this House to say that there had been a TV report about exactly this kind of problem. I asked the Minister of Health to check into it and assure people, and he did. He came back into this House and said, 'There is nothing to be concerned about'.

MR. NEARY: Hear, hear!

MR. STIRLING: This government took the position that there was nothing to be concerned about, no problems, go ahead and insulate.

Now, Mr. Speaker, that was two years ago, when this government did not live up to its responsibilities. Two years ago, Mr. Speaker -

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

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

A point of order has been raised by the hon. the Minister of Health.

MR. HOUSE: Mr. Speaker, when it was brought to my attention, the thing had been done and completed. I advised at that particular time - I made a press release to

MR. HOUSE: the people - that we had been advised by the Federal Department of Health that the sale was discontinued, the sale of the material was discontinued. That is what was relayed. That information had been given.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER(Simms): Order, please!
That does not constitute a point of order. The hon. minister has taken the opportunity to clarify remarks that had been attributed to him.

The hon. the Leader of the Opposition has about forty seconds.

MR. STIRLING: Yes, Mr. Speaker. I am glad that the Minister of Health jumped up to get into it and admit that they had an opportunity to do something. And they took their same tack, 'It is not our responsibility, it is all federal responsibility'. It was Health in this -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!
A point of order has been raised by the hon. the President of the Council.

MR. MARSHALL: Mr. Speaker, the hon. gentleman is getting into the realm of debate on a Ministerial Statement. The hon. the Minister of Health got up and made a point of order. All he is doing is just trying to stir things up, as it were, in a prurient, silly little way.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order!

MR. MARSHALL: Now, Mr. Speaker, there are rules in this House. The hon. the Leader of the Opposition is showing today to the people from away - he is showing everybody in this Province the danger of him ever getting in government and now he is spreading it and showing it to our visitors.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER(Simms):

Order! Order!

To the point of order, the
hon.the Leader of the Opposition.

MR. STIRLING:

To the point of order, Mr.

Speaker. We have now had two examples in a row, one
through ignorance, a man got up on a point of order,
and another by design. The President of the Council
(Mr. Marshall) intended only to use up the time.

MR. STIRLING: He knew it was not a point of order. It comes into the category of spurious points of order used to delay, it falls into the 'Barry Theorem' - when you get close to the truth, you get everybody up on points of order.

Mr. Speaker, it is not a point of order. It was used only to waste the time so that we could not bring to the attention of the people of this Province that it was an opportunity that this department was mishandled by the Minister of Health (Mr. House) and they destroyed the Department of Consumer Affairs -

MR. SPEAKER (Simms): Order, order!

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: - which is the department -

AN HON. MEMBER: Right on.

MR. SPEAKER: Order, please!

With respect to the point of order, first of all the rules are clear for all to observe. In responding to Ministerial Statements, there is not meant to be any opportunity for debate - that is held at another time - a member can make comments, seek clarification and so on. I must admit there have been occasions in the past when members have seem to stray more towards debate, but the Chair has been very tolerant and tried to be flexible and fair.

In any event, with respect to the point of order I can say that the hon. Leader of the Opposition's time has now expired with respect to the response.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Further statements?

The hon. Minister of Environment.

MR. ANDREWS: Mr. Speaker, I make this statement as the Minister of Environment and also as the Minister responsible for wildlife in the Province.

MR. ANDREWS: Mr. Speaker, I wish to advise the House concerning the matter of the Upper Salmon hydroelectric development and its relationship to the Grey River caribou herd.

One concerned group has recently charged that the project is seriously interfering with the annual Northward migration of the caribou herd from its Winter range to its Summer range, and that this interference has resulted in an abnormally high rate of predation among the caribou by bears and lynx. Both of these allegations are false, as I will demonstrate.

Following the environmental assessment of the Upper Salmon project in 1979, Newfoundland and Labrador Hydro was authorized by the government to proceed with the construction of the project on the condition that special measures would be taken to protect the caribou and other components of the environment. One of these measures is a system for monitoring the annual migrations of the caribou and providing for temporary shut-down of work sites in order to avoid interference with the animals. Briefly, it has been agreed between my Environment Department and Hydro that operations at a work site will be stopped if a certain minimum number of caribou are observed to be located within a certain radius of the work site. Throughout the present migration, aerial surveys have been conducted almost daily by the environment monitor and the Hydro officials. In addition, officials of my Wildlife Division and consultants engaged by Hydro have been observing the movements of the caribou and noting their reactions to various construction activities.

MR. FLIGHT: You are going to pay the price now.

MR. ANDREWS: In accordance with the agreement, Hydro has ordered temporary shut-downs at several sites and has imposed

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MR. ANDREWS: temporary restrictions on vehicular traffic using the access roads. This has included the imposition of lower speed limits and the movement of vehicles in convoys rather than

MR. ANDREWS: individually. Vehicle operators have been ordered to yield right-of-way to any caribou which appear to be approaching the road. I have been informed by my environment and wildlife officials that they are satisfied that Hydro has acted responsibly and in accordance with the agreed criteria for restricting project-related activities. There has been no significant interference with the caribou migration and most, I repeat, Mr. Speaker, most of the animals have, in fact, moved through to the project area and on to their summer range.

 The degree of predation among caribou by bears and lynx is perfectly normal for this time of the year, according to the past records and observations of wildlife officials.

 Furthermore, most of this predation has been occurring in areas some distance to the West of the project area and so cannot be regarded as being caused by the project.

 While the project activities may have caused some nervousness in the caribou, and while the effects of the project on the herd may not fully be understood until current studies have been completed, it is untrue to say that the project has seriously interfered with migration or has caused increase predation.

 In summary, my officials have thus far seen no need for a total shut-down of the entire project, and do not anticipate such a need at present. However, they will continue to monitor the movements of the caribou and will ensure that Hydro continues to enforce the protective measures which have been instituted.

SOME HON. MEMBERS:

Hear, hear!

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MR. ANDREWS: In conclusion, I wish to point out that this is the first instance in this Province of a major construction project upon which special conditions have been imposed by Government for the protection of a caribou herd.

SOME HON. MEMBERS: Hear, hear!

MR. ANDREWS: I assure this House that my Department and Hydro are intent on fulfilling the purpose of these conditions in order to demonstrate that the resource developments and environmental protection can be compatible.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER(Simms): The hon. member for St. Mary's - The Capes has about one and a half minutes.

MR. HANCOCK: Thank you, Mr. Speaker.
If there was ever a statement delivered in this House of Assembly before with an admission of guilt, Mr. Speaker, this has to be the one.

SOME HON. MEMBERS: Hear, hear!

MR. HANCOCK: The minister's own department was told what an impact that that road would have on the caribou herd in that area, Mr. Speaker, and went ahead and built the road. They did not care about the caribou at the time. It is only now that we realize, after the fact, Mr. Speaker, that his government is going to do something about it, that indeed parts of that road should be closed down, the entire road should be closed down, Mr. Speaker, to protect the caribou herd in that area. It is an admission of guilt on behalf of the government. How do we tell that a caribou is nervous? The minister says in his statement -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. HANCOCK: - that the caribou are showing signs of nervousness. How do we tell when the caribou are nervous, Mr. Speaker? The caribou in that area -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. HANCOCK: - are going to be destroyed.

MR. SPEAKER: Order, please! I know we cannot expect to have absolute silence but the Chair would like to hear what is being said and I am sure the hon. member would like to be heard.

The hon. member.

MR. HANCOCK: Thank you, Mr. Speaker.
If you only have a minute and a half you have to speak fast.

MR. HANCOCK: Well, Mr. Speaker, it is true that parts of the road are ordered to be shut down and I think that the entire section, that entire section of road should be shut down, Mr. Speaker. There would be no need for this project at all if his own department and his own government had acted and started on the Lower Churchill when they were told to start on it, Mr. Speaker. This is only a stalling tactic, Mr. Speaker. Indeed the minister admitted today that the caribou herd is in danger in that area, not so much by the lynx as by the road that went in there, that was put in there by his department, Mr. Speaker. It is something that should be dealt with in a proper and a serious manner, Mr. Speaker. This is a very serious situation.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms):

ORAL QUESTIONS

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

MR. STIRLING: Mr. Speaker, I have a question for the Minister of Finance. Now that he reported today that Come By Chance has in fact been sold to Petro-Canada, the question I would ask the Minister of Finance (Dr. Collins) is have there been any changes in the agreements or the commitments made by the Province to Petro-Canada since the minister tabled the letter in the House after the last set of negotiations?

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

DR. COLLINS: Mr. Speaker, I think I can honestly say that there have not been any changes. Now the hon. the Leader of the Opposition will understand that since that time there have been discussions of any number of points and information flows have been going on and so forth and so forth, but there had been no change

MR. STIRLING: Now that the agreement has been completed and there can be no confidential information to prevent the successful sale to Petro-Canada, would the minister now commit himself to tabling for the benefit of this House and in keeping with the Freedom of Information legislation, all the correspondence between Petro-Canada and the Province from the time that negotiations started until the conclusion of negotiations? Would the minister now commit himself to tabling that information?

SOME HON. MEMBERS: Oh, oh!

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

DR. COLLINS: Mr. Speaker, at the time we were communicating with Petro-Canada, I am sure it was understood by Petro-Canada when they were communicating with us it was from that organization to government: I am sure they did not have it in their minds that they were writing public documents. I certainly would not undertake to table any communication from Petro-Canada without first clearing the matter with Petro-Canada. I can assure the hon. the Leader of the Opposition that there is nothing from our point of view that should not be tabled, these were just matters that had to be gone through to reach the successful conclusion we have reached today. So I can assure the hon. the Leader of the Opposition there was nothing in those that is in any way against the public interest or the interests of the Province, but I really do not feel I can undertake to table someone else's correspondence without first checking with them.

MR. STIRLING: A supplementary, Mr. Speaker.

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

MR. STIRLING: Mr. Speaker, do I understand from the President of Treasury Board, in this case in his capacity, presumably, as Minister of Finance -

MR. STIRLING: Would the minister state categorically that he will ask Petro-Canada, if they have no objection from the Province's point of view, that they are quite willing to table all correspondence if Petro-Canada had no objection? That is the first part of the question. The second part of the question is as I understand it from the last correspondence tabled here in the House - Mr. Speaker, the reason that it is very difficult to accept his assurance is that we have been exposed to six months of fed bashing on the power corridor across Quebec. When they eventually tabled the correspondence, the Minister of Mines and Energy - provincially and federally - there was correspondence tabled in which that was agreed to back in December, 1980, and for the last six months we have had nothing but fed bashing.

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

MR. STIRLING: Now, Mr. Speaker, getting back to the question: As I understand it, the Province has no objection to tabling all the correspondence. And as for the last correspondence tabled here, the Province had washed its hands completely of the Come By Chance refinery, that it had given over to Petro-Canada...

MR. STIRLING: a complete understanding that if Petro-Canada were to buy it, this was the last tabled correspondence, if Petro-Canada were to buy it they would be free completely to do with it what they wanted. If they did a feasibility study and found that it could not be -

MR. SPEAKER (Simms): Order, please!

MR. STIRLING: That is the question.

MR. SPEAKER: What is the question.

MR. STIRLING: That is the question, Mr. Speaker,

It requires a preamble because -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: I believe I have allowed a fair preamble.

MR. STIRLING: - the minister was not prepared to table the correspondence, and I am telling him what was in the last correspondence. Is it true - I will get to the question, Mr. Speaker - that the position of the Province is that it is now owned entirely by Petro-Canada, the Province has no interest in it, the Province is not contributing anything to its upkeep, and the Province has given Petro-Canada its complete agreement that it can either rehabilitate it if it is feasible or scrap it if it is not feasible?

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

DR. COLLINS: Well, Mr. Speaker, I do not think it was a long question but it was a long something; there was a question in there somewhere.

I can answer very quickly; Petro-Canada has bought the refinery so they are the owners. Secondly, the Province certainly has interests in the refinery, it will continue to have interests in the refinery, and it will do its utmost to make sure that the refinery if at all possible is rehabilitated and returned to production and that the matters that the hon. Leader of the Opposition (Mr. Stirling)

DR. COLLINS: is inquiring about now, those are all contained in the letter of agreement which was tabled in this House.

AN HON. MEMBER: Hear, hear.

MR. STIRLING: Final supplementary, Mr. Speaker.

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

MR. STIRLING: As I understand it, the minister has now said that the Province has an interest. Does the Province have any ongoing financial interest or has there in fact been a change since the letter which said that if Petro-Canada, in its judgment, does not find it feasible to re-open that it can now be scrapped?

MR. SPEAKER: The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, the Province does not have a direct financial interest. When I say direct, by that I mean that the Come By Chance refinery is obviously if not in, then very near a community so the Province, obviously, has a financial interest in the community in terms of being near the refinery. I mean, we have an interest in every community in terms of putting in infrastructure, in terms of whatever the government is called on to do. So we have a financial interest in the area in that regard, but we have no direct financial commitment or interest in the refinery as such.

In terms of scrapping, that is a purely hypothetical question, I think it is the last thing that is in Petro-Canada's mind, the very last thing.

MR. STIRLING: But you have given up any objection.

DR. COLLINS: I can assure the hon. Leader of the Opposition that Petro-Canada has no intention of scrapping, that would be something that would be forced upon them in the most unusual circumstances, and we would certainly encourage them to do otherwise, very strongly, and we have a commitment from them that if they have to take an action other than to rehabilitate or reactivate that they will consult with the Province.

MR. FLIGHT: Mr. Speaker.

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

MR. FLIGHT: Thank you, Mr. Speaker.

My question is to the Minister of Finance (Dr. Collins) too re, the oil refinery and the assumption, the purchasing of the refinery. My question is to the minister. The minister indicated in his statement that Petro-Canada had indicated that they were - and it is the Province's wish of course - that the refinery be reactivated. Could the minister indicate whether or not Petro-Canada has indicated when any work towards the reactivation of that refinery will start? With regards to reactivation, what is Petro-Canada's intention with regards to the reactivation of the refinery?

MR. SPEAKER: The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, it is not my intention to equivocate, but I can tell the hon. member that Petro-Canada is even now working on rehabilitating and reactivating. In fact, they have been working for months. Now it has been at the sort of study stage, research stage and negotiation stage. It has not been at the active, shall we say, construction stage.

MR. FLIGHT: When will that come?

DR. COLLINS: I do not know when that stage will come. I have no information if Petro-Canada knows, but I know that their intention is to proceed to the construction stage, the physical stage one might say at the earliest possible moment if that moment comes.

MR. FLIGHT: A supplementary, Mr. Speaker.

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

MR. FLIGHT: Mr. Speaker, it is a well-known fact that one of the reasons, one of the problems in reactivating Come by Chance is an oil supply. Has Petro-Canada indicated to the minister and the Province where that oil supply might come from in order to enable

MR. FLIGHT: them to reactivate Come by
Chance?

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

DR. COLLINS: Mr. Speaker, in our previous discussions
with Petro-Canada those sorts of points came up and there
were possibilities discussed and so on and so forth. We
have not had recent discussions with Petro-Canada along those
lines because the court action took an extended period of time
and that really put 'hold' on everything until the court action
was out of the way. We will now expect at some point in the
not too distant future that Petro-Canada will either come to
us to have further discussions with us or we will initiate
discussions. But there have been no recent discussions on
the definitive that the hon. member brought up because
it was not appropriate to have discussions.

MR. FLIGHT: A supplementary.

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

MR. FLIGHT: Mr. Speaker, the Minister of
Finance well knows that the Minister of Energy (Mr. Barry)
some short time ago, a month or two ago, indicated to the
Province that the reactivation of the oil refinery at
Come by Chance had to be part of the development plans
of the operators of our offshore, that no development
plans will be approved by this Province unless those
development plans included the reactivation of Come by Chance.
Now is that the oil supply we are talking about? If
Petro-Canada is not prepared or cannot reactivate the
refinery until is available, which is five or
six years, would the minister indicate what Petro-Canada's
reaction is to that? Has Petro-Canada indicated a willingness
to this government to continue

MR. FLIGHT: mothballing that refinery, keeping it in a shape where it indeed can be reactivated as the Minister of Energy (Mr. Barry) said it would have to be? Has Petro-Canada accepted the responsibility of paying the mothballing costs on that refinery for the next five or six years until Hibernia is available, as was the commitment made by the Minister of Energy within the past month?

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

DR. COLLINS: Mr. Speaker, I do not think that anyone really can say at this point in time when Hibernia oil will become available. I do not think anyone can say when it will become available. And no one has ever stated they know exactly when it will become available. But I think it is everyone's perception that it will not become available for a considerable period of time; it is not going to be next week, it is not going to be next month, it likely will not be next year. Our hope is that the Come by Chance refinery will not have to await the access to Hibernia crude for its rehabilitation, our hope is that there will be activity out there -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! Order!

DR. COLLINS: - and positive action before the Hibernia crude is available.

MR. FLIGHT: A supplementary, Mr. Speaker.

MR. SPEAKER: The hon. the member for Grand Bank (Mr. Thoms) yields for a supplementary.

MR. FLIGHT: Mr. Speaker.

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

MR. FLIGHT: Mr. Speaker, we all hope that Petro-Canada can start reactivating the refinery tomorrow, or next week or whenever, from whatever source of

MR. FLIGHT: oil is possible. But I want to ask the minister again, because the Minister of Mines and Energy (Mr. Barry) was speaking for the Government of this Province in this past month when he said they would not accept any development plans re the offshore unless those development plans included the reactivation of Come By Chance, Hibernia would stay there forever. Now, what I am asking the minister, has Petro-Canada accepted that refinery on that basis? Because the minister has told the people of this Province that there will be no development -

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

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!
A point of order has been raised by the hon. the President of the Council.

MR. MARSHALL: As I understand the question, Mr. Speaker, the hon. gentleman is asking the same question he asked a moment ago which was -

MR. FLIGHT: No, I am not.

MR. MARSHALL: - quite adequately answered by the Minister of Finance. The rules are quite clear that you cannot ask the same question the second time in the same Question Period, or multiply one with slight variations.

MR. STIRLING: Mr. Speaker.

MR. SPEAKER: To the point of order, the hon. the Leader of the Opposition.

MR. STIRLING: It is obviously, again, another attempt to cut into our Question Period. It is not a point of order. It is a separate question and probably the most important question to be answered, dealing with Come By Chance, and they will not answer it, Mr. Speaker.

MR. SPEAKER(Simms): Well, with respect to the point of order, everybody is aware of the rule that you cannot ask the same question twice. However, the Chair will have to plead ignorance because I am not sure if it is the same question or not.

MR. STIRLING: It is not, Mr. Speaker.

MR. SPEAKER: I would ask the hon. the member for Windsor - Buchans to ask his question.

MR. FLIGHT: If it is the same question I will rephrase the question for the Minister of Finance. Does the Minister of Finance support the position taken by the Minister of Mines and Energy when he said that there would be no development plans approved for our offshore unless those development plans includes the reactivation of Come by Chance? And was that policy -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! Order!

MR. FLIGHT: And did the minister make sure that that policy was relayed to Petro-Canada and, therefore, now, the people of this Province have the right to assume that Petro-Canada will assume the mothballing costs of that refinery until such time as we have oil available for the refinery? Now, does the minister support the Minister of Mines and Energy and did he tell Petro-Canada such?

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

MR. MORGAN: He did not say that.

MR. FLIGHT: He did say that.

MR. SPEAKER: Order, please!

DR. COLLINS: Mr. Speaker, this government has stated that the Come by Chance refinery is part of our strategy for the development of the

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DR. COLLINS: offshore. It remains part of our strategy.

Secondly, I am not going to give the hon. member an assurance -

MR. HISCOCK: In other words, you do not know when it is coming on stream.

MR. SPEAKER (Simms): Order, please!

DR. COLLINS: Would you be quiet until I answer the question, please? Your colleague asked it

MR. BARRETT: The crow from Eagle River (Mr. Hiscock) is at it again.

DR. COLLINS: I am not going to give the hon. member an assurance that we will keep that refinery closed until Hibernia comes on. If we can get that refinery open, if there is crude available and there are markets available, and there is expertise available, and the funding available and all these sorts of things, if those are all available before Hibernia goes on, I am not going to give an assurance that we will not rehabilitate and reopen the refinery and just await Hibernia crude.

SOME HON. MEMBERS: Hear, hear.

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

MR. THOMS: Thank you very much -

SOME HON. MEMBERS: Hear, hear!

MR. THOMS: - Mr. Speaker. I have a question I would like to direct to the -

AN HON. MEMBER: Oh, oh!

MR. SPEAKER: Order, order!

MR. THOMS: - a question I would like to direct to the Minister of Justice (Mr. Ottenheimer). As the minister may realize now, a recent decision of the Supreme Court of Canada has effectively stripped the Residential Tenancies Board of all its power and authority -

AN HON. MEMBER: Hear, hear!

MR. THOMS: This is the effect of the decision of the Supreme Court of Canada. Could the minister indicate any plans he now has as far as the Residential Tenancies Board is concerned in this Province, what your intentions are now that they have been stripped of their authority?

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

MR. OTTENHEIMER: Mr. Speaker, it will be recalled that when the House was debating the amendments of The Residential Tenancies Board this matter came up and the position I stated then, and it has not changed, is that certainly the Supreme Court decision in terms of eviction notices, compliance orders, in that area that the Supreme Court of Canada, the effect of that decision is to deny any jurisdiction in these areas to Regional Tenancies Boards in this Province or comparable boards in other provinces -and as the hon. member will know it was an appeal originating out of an Ontario board.

Our decision at the time was that naturally those areas of jurisdiction which had to be transferred to the Court, the District Court, would obviously had to be so done, but this obviously makes it a somewhat longer and more complicated procedure. But that those areas which were not in our opinion affected by the Supreme Court of Canada decision, would not be put in the District Court. And it is our understanding that in the area of the setting of rents that the effect of the Supreme Court of Canada judgment will not affect the jurisdiction

MR. OTTENHEIMER: of the Regional Tenancies Board in this Province for the setting of rents; for matters of eviction, compliance orders, yes, and that whole area has been transferred to the district court. But it is our understanding that in the setting of rents, which is an important and specific area of concern and activity, that specific area, and the jurisdiction of the Regional Tenancies Board in that area was not affected by the Supreme Court of Canada decision. Obviously it is a matter we will have to continue to follow but that the decision as of now would not in our opinion effect the rent setting capacity of the Regional Tenancies Board.

MR. THOMS: A supplementary, Mr. Speaker.

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

MR. THOMS: Maybe I am missing something, but the minister says that it does not effect as far as the setting of rents is concerned. But if the board cannot issue orders to landlords and tenants in connection with the setting of rents, what method is there now for them to make sure that landlords, for example, comply with the orders of the Residential Tenancies Boards, or, for that matter, what method is there for the Residential Tenancies Board to make tenants comply with the decisions of the Residential Tenancies Board? I mean the absence of compliance orders, it seems to me, would effect setting rents and every other aspect of it because they have no authority there.

MR. SPEAKER: The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, it is our understanding, and by that I mean not only mine but the

MR. OTTENHEIMER: professional advisors that we have in the department, that in the area of the setting of rents and also the requirement that a rent set by the Regional Tenancies Board be in fact the rent charged, that there the jurisdiction of the board has not been affected. In other words, let us say that a landlord applies to a Regional Tenancies Board for an increase in rent - this is hypothetical - from \$300 to \$385, and some tenants make known their wish to appear before the board and to argue for a different rent, and the board, after hearing argument, etc., come to the decision that the landlord may increase the rent to the amount of \$350 - or maybe not increase it at all or whatever, but let us say to \$350 - then it is within the jurisdiction of the board, as we understand it, to make that finding and that it would be illegal, because it is within the jurisdiction of the board to make the finding, then it would be illegal for a landlord to charge a rent in excess of what the Regional Tenancies Board decided could be charged. That is our understanding.

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

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

MR. THOMS: Mr. Speaker, there seems to me to be no question now, but that the work that the

MR. THOMS: Residential Tenancies Board and its chairman would have to do would be certainly substantially reduce from what it has been in the past. Now, in view of the fact that we are paying a retainer to a chairman of the board something like \$15,000 a year, plus the fact that we are paying the chairman of the board \$200, or some portion thereof, for every day that he sits and hears meetings, is the minister contemplating either doing away with a chairman of the board as we now find it and reducing the board so that we are not involved in what is a fairly expensive cost to the Province now of the chairman - and I am not talking about the individual, but the position itself which pays \$15,000 plus \$200 a day, plus we have some very expensive offices, I understand, that were set up by the previous -

So is there any intentions on the part of the minister and his department to scale down the Residential Tenancies operation in the city?

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

MR. OTTENHEIMER: Mr. Speaker, as the hon. gentleman will recall, of course, the appointment of the new chairman and, if you wish, the reorganization there was undertaken before the Supreme Court of Canada decision and obviously before government had any way of knowing the effect on the jurisdiction of the board. And certainly, that is a matter, you know, the fact that their jurisdiction has now altered is certainly a matter that we are aware of; their jurisdiction has altered and their work has altered, and I would say that what we will do is we will sort of take a six month period and be able to judge to what extent it is altered, and obviously, it may well be necessary then to make these certain kinds of changes in terms of personnel and remuneration. But I think what we should do is sort of have a

MR. OTTENHEIMER: six month period to get a realistic assessment because it is only about a month ago that these changes of jurisdiction became operative.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, my question is for the Minister of Public Works (Mr. Young). He was in his seat there a few moments ago and - here he is, coming back now, so the question -

AN HON. MEMBER: You told him you were going to ask him a question.

MR. NEARY: No, I did not tell him I was going to ask him a question, but he is on his way back.

The question I want to ask the Minister of Public Works has to do with a long tradition of the Safety Council carrying out motorcycle safety programmes on the parking lots of Confederation Building. My understanding is now that the Safety Council and the programme has been kicked off the lots around Confederation Building. Would the hon. gentleman tell the House what was behind this? Why was it necessary to kick this very valuable safety programme off the parking lots around Confederation Building?

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

MR. H. YOUNG: Mr. Speaker, I do not know if it is a long tradition, but I have nothing to do with kicking unless anyone kicked the bucket.

SOME HON. MEMBERS: Oh, oh!

MR. YOUNG: There is no one been kicked -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. YOUNG: - there is no one been kicked off the parking lot, Sir. We did give motor cycle safety people permission to use the parking lot until the 9th of June, it was extended to the 8th of July -

MR. STIRLING: Why can you not extend it again?

MR. YOUNG: I felt that because of security reasons and so forth that it is better not to do it.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order!

MR. HANCOCK: What, were they carrying guns on their bikes, were they?

MR. SPEAKER: Order, please! Order!

A supplementary. The hon. member for LaPoile.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. OTTENHEIMER: It is getting too disorderly.

AN HON. MEMBER: It is a big joke.

MR. SPEAKER: Order, please!

MR. HANCOCK: The speaker was not taken the course, was he?

MR. SPEAKER: Order!

MR. S. NEARY: Mr. Speaker, I feel myself that the Minister of Public Works (Mr. Young), is carrying all this James Bond stuff a little bit too far.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Is the hon. gentleman aware that 200 safety certificates were passed out last year to motorcyclist who took this safety programme? It is one of the best-

MR. CALLAN: They are better drivers, because of it.

MR. NEARY: - and they are better drivers because of it and this programme is considered one of the best in Canada. And what would it have to do with the security? Why kick him off the parking lots for security reasons? How can the hon. gentleman relate this to security? I mean, they are not inside the building, they are outside on the parking lot. And it is open to the public and properly supervised. What is the problem? The hon. gentleman certainly has not given a very satisfactory explanation.

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

MR. YOUNG: There again I feel that the hon. member for LaPoile is misinformed. The car pool, two bays were opened on weekends and when we open two bays, the whole car pool garage is opened, and we felt that for this reason-

MR. HANCOCK: Did you have any trouble with them last year?

MR. YOUNG: They were not there last year, Mr. Speaker, they were on the parking lot of the College of Fisheries.

SOME HON. MEMBERS: They were there last year.

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

MR. NEARY: Mr. Speaker, the hon. gentleman,
now is raising a hypothetical situation.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! Order!

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. HANCOCK: Come up with some money for the
whale problem.

MR. NEARY: Mr. Speaker, I presume that when these -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR.S. NEARY: - I presume when these doors are open
in the motor pool that there are employees in the motor pool,
there are security people around the building and, Mr. Speaker,
they have been on the parking lot now for a number of years
and there have been no complaints, no vandalism, no crimes
committed. Why all of a sudden now? Is it because we just -

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Is the government becoming paranoid? Is that the reason for it? Could the hon. gentleman justify kicking these people off the parking lot, the public parking lot?

MR. SPEAKER (SIMMS): Order, please!

The time for Oral Questions has expired?

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

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

MR. MARSHALL: Mr. Speaker, on behalf of the hon. Minister of Mines and Energy (Mr. Barry), I table the answer to the question raised by the hon. member for LaPoile (Mr. Neary) appearing on the Order Paper of March 12, 1981.

ORDERS OF THE DAY:

MR. SPEAKER: It is my understanding that there is a -

MR. STIRLING: Mr. Speaker.

MR. MARSHALL: Oh, he wants to make the announcement himself.

MR. STIRLING: Mr. Speaker.

MR. SPEAKER: Well, if I may. I have already been advised by the two House leaders to mention this. Does the hon. Leader of the Opposition (Mr. Stirling) wish to add something?

MR. STIRLING: Yes, if I may.

MR. SPEAKER: The hon. Leader of the Opposition

MR. STIRLING: Mr. Speaker, the last four items on the Order Paper are items that are very important and we may not get to them this year if the government follows its normal course.

MR. MARSHALL: Five, five.

MR. STIRLING: So that we approached the government and agreed to give the fifth one is not a city matter - on four items we approached the government

MR. STIRLING: and said we would be prepared to give up Private Member's Day on the understanding that these very vital matters to the city and to municipalities generally would be brought forward before this term expires, and that is why we are giving up Private Member's Day, to deal with this important legislation which the government feels goes to the end of the Order Paper and that is why we have given up Private Member's Day today, Mr. Speaker.

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

MR. MARSHALL: Mr. Speaker, I have to respond. I do not think it is really necessary to respond and neither do I think the remarks the hon. gentleman made were really necessary. The fact of the matter is, whatever the hon. gentleman's impression this is Private Member's Day and of course we are glad; it is not just the Opposition it is all members in the House who have given up Private Member's Day and we will proceed with government business.

But as to the hon. gentleman's fear that we might never have gotten to them, that is completely unfounded because, as we have said, we intend to pass all of the orders of business that the government wishes to pass, amongst which are these.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Now with respect, I understand that there is an agreement to forego Private Member's Day to deal with certain government orders on the Order Paper and also, it being Wednesday, the House will adjourn at six of the clock without question put, as is the usual procedure. Is that agreed?

SOME HON. MEMBERS: Agreed.

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

MR. MARSHALL: Order 42, Bill No. 91.
Motion, second reading of
a bill, "An Act To Amend The St. John's Municipal Elections Act".
(Bill No. 91).

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

MR. MARSHALL: Mr. Speaker, I have a great deal of pleasure in introducing this bill on behalf of the Minister of Municipal Affairs (Mrs. Newhook), who had a long standing engagement in her district and being very concerned about the affairs of her district is out there today and that is why she is not here to present it herself as she most certainly would.

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: You know, Mr. Speaker,

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MR. MARSHALL:

I do not mind replying -

MR. SPEAKER (Simms):

Order, please!

MR. MARSHALL:

- to humour when it is good humour, Mr. Speaker, but I do not choose to when it is bad. I would like to have silence while I introduce the bill, if I may.

SOME HON. MEMBERS:

Oh, oh.

MR. SPEAKER:

Order, please!

The hon. President of the Council (Mr. Marshall) wishes to be heard in silence; that is his right. I would ask hon. members to adhere to the rules.

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, this is a bill which has been brought in to facilitate certain changes that are going to be made within the boundaries of the city of St. John's. It is also a bill, Mr. Speaker, that has been brought in in conformity with negotiations and consultations that have taken place between the minister and the government of the Province and the councillors and the city of St. John's.

What this bill will do, quite simply, it will enable residents of areas which are not presently in the city at the present time but may be in the city at the time when the municipal election is called, to vote in that municipal election. At the present time you have to be a resident, I am not sure whether it is six months or a year, but there is a certain residency period that you have to be within the city limits for that period of time. And one of the main purposes of this bill is to enable those residents who may be taken within the boundaries of the city to vote.

Also, Mr. Speaker, there is a provision here to allow for the implementation and adaptation of a ward system in the city of St. John's. If a ward system takes place in the city of St. John's, that has to be, of course, a matter which is of concern to the council, it has to, first of all, be voted by the council and indeed there has to be a

MR. MARSHALL: two-third vote of the council in order to implement this. The decision of the council, of course, is subject to approval, which is normal, by the Lieutenant-Governor in Council. Now I want to emphasize, so that it does not get distorted, that this is not the adaptation of a ward system as such, but it is enabling a ward system to come into effect in the city of St. John's, if in the wisdom of all people interested and all representatives interested, it is deemed to be appropriate.

There are also provisions in the bill, a companion to the first item that I mentioned about residents being able to vote, people who are within the wider area of the city, who will be paying taxes to the city, should also be entitled to offer themselves as candidates, which is there as well.

There are other clauses - clauses 5 and 6 of the bill dispenses with a practice that has been in vogue in the city for many years and that is you vote by way of voting card. And we have all done this for many, many, many years. The city has requested that this be dispensed with, the government has agreed, and I understand there is going to be a considerable saving to the city as a result of this particular amendment this year, and it will enable the municipal council election to be able to take place more effectively.

Another clause, Mr. Speaker, will

MR. MARSHALL: allow candidates' names to appear on the ballot paper by the names by which they are commonly called. Now, that is not a nickname. I could think of a number of names now, a number of interesting names we could put on if the members opposite were running in the city council, Mr. Speaker, and I know, my friend from St. John's North (Mr. Carter) could do even much better. But in the interest of the co-operation that we have today, Mr. Speaker, I will not try to make small political points, as the Leader of the Opposition did a few moments ago and I will just leave it at that.

I think it enables also very importantly, Mr. Speaker - Clause 8 will very importantly enable again the councillors to be extended to a maximum of ten members from its present compliment of eight.

So that is the gist and the principle of the act, Mr. Speaker. I will not keep the House for any length of time talking further on it. I will make any comments in answering and closing the debate. All I would say to the House in introducing the bill is I would hope that hon. gentlemen would stick closely to the principle of the bill and be relevant. We are into the Summer now and it is getting to be a long, hot Summer, and it will be much hotter, I know, as we get on in the weeks of July and August and into September. But the fact of the matter is, Mr. Speaker, I do not choose - I would hope that this would not develop into, you know, that type of debate - but, of course, we know the way the Opposition is, and I think hopes are vain expressed to that end from this side of the House, but I will sit down and listen to their intelligent comments and respond afterwards.

MR. SPEAKER (Simms): Before I recognize the hon. the Leader of the Opposition, I would like hon. members to join me in welcoming to the gallery today, the Deputy Mayor

MR. SPEAKER (Simms): of St. John's, Deputy Mayor O'Neill and Councillor Innes, both representing the City of St. John's. Welcome.

SOME HON. MEMBERS: Hear, hear!

AN HON. MEMBER: Councillor Duff is there too.

MR. SPEAKER: I am also advised that Councillor Duff is there in the gallery as well. Welcome to her as well.

SOME HON. MEMBERS: Hear, hear!

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

MR. STIRLING: Mr. Speaker, Councillor Duff may go unnoticed by the Speaker, but I tell you, she will not go unnoticed by the people of St. John's.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: Mr. Speaker, I, too, welcome the members of the St. John's council.

This particular act, I do not think anybody will have any serious objection to, except that it is indicative, as the President of the Council (Mr. Marshall) quite rightly says, it is one of those acts where we can point out that the government does not know what they are doing about this, like many other things. They are now anticipating some boundary changes which they are keeping secret. The Powell Commission has recommended some boundary changes; the City of St. John's has to

MR. STIRLING:

anticipate that there are going to be some boundary changes, they have to anticipate so that they can enumerate, and this piece of legislation, Bill 91, provides for the enumeration of these mysterious people who are somehow inside the city limits or will be when the election comes along. Now, Mr. Speaker, I had anticipated that we would have a tabling of the Powell Commission today to get away from this great secret, and it is typical of the approach that the government is using in that they are bringing in this legislation. It might have been brought in after the end of November if we had not spotted it in its place and brought it forward and gave up Private Member's Day in order to deal with it, Mr. Speaker. There is no question that it is the initiative of the Opposition that brought this forward today and the President of the Council should have the good grace to admit it in his long hot Summer day. So, Mr. Speaker, the first problem— and I would expect that the minister has now sent out for copies of the Powell Commission to be tabled so that the great secret as to who these people are that are going to be enumerated, that are going to be brought within the boundaries of the city, will no longer be a secret. The authority for a ward system; of course, nobody has any objection to that. The city is quite competent in making that decision. And there are a couple of other clauses, getting rid of the voting cards, no objection to that, and the same thing with the names. I can remember once when Bob Lewis had to have Clarence Engelbrecht put on the nomination papers. He was better known as Bob Lewis.

I am glad that the President of the Council pointed out that this is only

MR. STIRLING:

that if the government was honestly interested in saving money which they could turn over to the city to spend, that you would find that there would almost be unanimous agreement in the city that the city does not need eleven members and that maybe five or six would be the most that would be required.

So, Mr. Speaker, on this side of the House we are very pleased that the President of the Council (Mr. Marshall) made the point that the clauses in this bill are in agreement with the discussions with council. And I would hope that he can say the same thing as we debate a couple of the other acts, Mr. Speaker. And I would adjourn the debate on our side unless somebody wants to speak on it. But essentially there is no problem with this act and we should pass it without anymore delay.

MR. SPEAKER (SIMMS): The hon. President of the Council. If the hon. member speaks now he closes the debate.

MR. MARSHALL: Mr. Speaker, I would just like to make a couple of observations on what the hon. member said. The Powell Commission Report will be made public, Mr. Speaker, in due course and in quite adequate time, as well as whatever results from the Powell Commission Report.

I want to, though, at this particular time, and particularly I think because certain members of the council are present in the Chamber today, to make one observation. Now I do not know, it has been reported to me, I cannot say that I heard it myself so I am repeating what you call hearsay, but it came to me time and time again from various people, to the effect that one of the areas in the city of St. John's or adjacent to the city of St. John's which had been considered from the point of view of boundary extension, i.e., the East Meadows area which is

MR. MARSHALL: between Wedgewood Park and the boundaries of the city and the Eastern extremities - ninety-nine per cent of the hon. members opposite would not know because they do not know much about the city of St. John's - but anyway, Mr. Speaker, in the East Meadows area there was the popular impression around that if the people from East Meadows went into the city of St. John's their taxes would raise five times, six times, seven times and so forth. And I am given to understand that this - I do not know the source of it, I am not saying that - but the impression around is that the -

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

MR. SPEAKER (SIMMS): A point of order, the hon. Leader of the Opposition.

MR. STIRLING: Mr. Speaker, this question of taxes and East Meadows has nothing to do with this act which has to do with elections. It has nothing to do with the taxes and there is a more appropriate act coming up later that this should be debated under and that has to do with either the assessment Act or the City of St. John's Act. But this is an elections act and, Mr. Speaker, in the interests of sticking with the point I think that the President of the Council should resist the temptation to get into a long debate on this and get on with the debate. He was not being relevant in talking about taxes. This has to do with the elections.

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

MR. MARSHALL: Mr. Speaker, I am not intended to get into a long debate, neither am I intending to take any directions from the hon. gentleman. The fact of the matter is not a bill on taxes, Mr. Speaker, that is agreed, but I am talking about a matter pertaining to boundaries.

MR. STIRLING: This has nothing to do with boundaries.

MR. MARSHALL: It most certainly does. The boundaries -

MR. SPEAKER: Now with respect to the point of order, Beauchesene states "relevancy is very difficult to define, and in all cases the member speaking is given the benefit of the doubt."

The hon. President of the Council.

MR. MARSHALL: Of course, as I said, you know, the impression around, and I just want to point and underscore that this makes it extremely difficult when people are given the impression - now whether they got the impression from council or not I do not know, but the indication was that it came from City Council; that may be right and it may be wrong, but the fact of the matter is that is the situation and that in one area makes implementation of any changes rather difficult. But I am going to leave that point now because that is a matter, as I say, will reveal itself in due course.

MR. STIRLING: On a point of order, Mr. Speaker.

MR. SPEAKER: (Simms): A point of order has been raised, The hon. Leader of the Opposition.

MR. STIRLING: A point of order, Mr. Speaker. In this House the City Council cannot take part in the debate nor defend themselves. He has now gone ahead casting aspersions on something that came out of Council and Council cannot defend themselves. I would ask the President of the Council (Mr. Marshall) to withdraw any suggestion that this was spread by the City Council and let him make his simple point -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order!

MR. STIRLING: - that this is a rumour and he wanted to clear it up. And he said he did not know whether it was Council or not.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order!

MR. STIRLING: I would ask him to withdraw that comment about the Council.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

That does not constitute a point of order. There was no remarks made about other members of this House or anything of that nature. No point of order.

The hon. President of the Council.

MR. MARSHALL: You know, Mr. Speaker, that is outrageous. That goes to show, Mr. Speaker, why the hon. gentleman is so small-minded that he is never going to move from the left to the right of this Chamber. I was casting

MR. MARSHALL: no asperations on anyone, I was making an observation , and I make an observation in relation to the relevancy of this which is related to the boundary changes and how boundary changes can become difficult when statements like that are attributed to people.

So, Mr. Speaker, as I say this is a forward act and one that we are glad to bring before the House, after consultation with the Council, after weighting the representations of Council and I think it fully embraces all of the concerns of Council itself. And I have much pleasure in moving second reading.

SOME HON. MEMBERS: Hear, hear!

On motion, a bill, "An Act To Amend The Municipal Elections Act", read a second time, ordered referred to a Committee of the Whole House on tomorrow.

MR. MARSHALL: Motion 41, Bill No. 44
Motion, second reading,
a bill, "An Act To Amend The Municipalities Act." (Bill No. 44).

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

MR. MARSHALL: Mr. Speaker, this is an act that is a great step forward. I think this can be called the Morgan Magnificat, really because it happened - Mr. Speaker, the main thrust of this is to preclude and prevent houses of people being taken and sold for taxes.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: And the main reason why -

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: The main reason, Mr. Speaker, why this bill is before this House today, pretty well the sole reason why it is before this House today, is because of representations made by the hon. member for Bonavista South (Mr. Morgan), the Minister of Fisheries,

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SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

in connection with the matter.

And it is contained,

MR. MARSHALL: Mr. Speaker, in clause 7 of the bill. I want to read this out so that it will be understood. 'Notwithstanding this section, real property that is occupied for fulltime residential purposes by the owner, not including a person deemed to be an owner under section 113' - which is a landlord - 'shall not be sold for tax arrears by council so long as it is so occupied.'

Now, Mr. Speaker. I feel that this is a very good step forward. The fact of the matter is, I think that most councils within the Province of Newfoundland would not sell a house which is owner occupied, for taxes. I do not know myself. Certainly in the city of St. John's - and people look at the ads that have occurred in the newspapers in this city in recent times, because they have made an effort to collect taxes, and I think that you will find, pretty well without exception, that these houses are houses that are owned by landlords, by absentee landlords. It has not been the policy of the City Council, and it certainly has not been the policy, either, of other councils in this Province to sell owner-occupied houses in order to satisfy taxes.

But in order, Mr. Speaker, because of the representation made by the member for Bonavista South (Mr. Morgan), the Minister of Fisheries - the Minister of Fisheries, you explain this to him and he says that is all right, that is fine. But, you know, we are in here now, and we are in here for fifteen, twenty or thirty years, however long it is, and one of these days there might be another aberration that might occur and the hon. gentlemen there opposite might get back in power again and one never knows what will happen at that particular time.

So, Mr. Speaker, in order to safeguard it, and in order to enshrine it - to enshrine it, Mr. Speaker, is almost like a constitutional

MR. MARSHALL: provision. As a result I say, of what the hon. the member for Bonavista South (Mr. Morgan) has done, he has made this provision into law so that now there can be no council take an owner-occupied house and sell it for taxes.

Now, this does not mean, Mr. Speaker, that other safeguards will not apply. There are provisions in these acts that taxes will rank ahead of mortgages, there are provisions for the council to still have the right to same when a house is sold. If a house is sold, council has the right to collect its taxes from the proceeds. That is only fair. But there is not a single family in Newfoundland or Labrador that can now ever be afraid, ever again, that as a result of imposition of municipal taxes within their municipalities, that they can possibly lose the home which they or their families occupy.

Mr. Speaker, that is the highlight of the bill. There are other provisions with respect to it as well. For instance, clauses 1, 8 and 10, provide that an order extending the boundaries of a town or community may have effect on a different date for municipal elections and for other purposes. And this has to be. Sometimes you might extend the boundaries and you extend the boundaries for November elections. You may not be able to get all of the other attributes applicable to it in that particular time.

We also have a provision here that the clause, clause 3, will enable towns, which may use the ward system also, to fix the number of councils there are to be elected at large. At present there is no provision for election of councils at large, where a ward system may be put in place.

MR. MARSHALL: So, Mr. Speaker, there are other provisions there. I will wait and see if hon. members opposite make any comment with respect to these things. But, of course, the main part of the bill, as I say, is this provision to prevent the sale of owner-occupied premises. It is being brought in as a result of the efforts of the hon. the member for Bonavista South (Mr. Morgan). I know the hon. the member for Bonavista North (Mr. Stirling) will perhaps now like to get up in his place when he is speaking in debate, and offer his apologies to this House and to the people of Newfoundland for the scare tactics in which he was engaged in Bonavista Town now too long ago, when he tried to give a different impression.

But the fact of the matter is, Mr. Speaker, despite what the hon. Leader of the Opposition attempted to do at his very small meeting, which was attended by his few supporters in the Liberal Party, and was really an embarrassment to the hon. member, the -

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Simms):

Order! Order!

MR. MARSHALL:

- hon. member did a

disservice to this Province by attempting to -

MR. NEARY:

(Inaudible).

MR. SPEAKER:

Order! Order, please!

MR. MARSHALL:

- stir up fears where

there were no grounds

MR. MARSHALL:

for these fears in the first place, because, as I say, towns have not taken owner-occupied homes to satisfy taxes.

MR. SPEAKER (Simms): Order, please!

If I may, I wish to raise a point of order on my own. I believe it has been ruled in the past that the term 'scare tactics', or to attribute the term 'scare tactics' to another hon. member is not acceptable in this House and has been ruled unparliamentary. I would ask the hon. the President of the Council if he would not mind withdrawing those remarks.

MR. MARSHALL: Quite happily, Mr. Speaker,

I certainly would not want to say anything unparliamentary or to convey anything that was against the rules of this House, but I think I made my point.

MR. SPEAKER: I thank the hon. the President of the Council.

MR. STIRLING: Mr. Speaker.

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

MR. STIRLING: Mr. Speaker, it is not unusual for the President of the Council to be saying things that are unparliamentary. And we have to be very careful, because the President of the Council is an absolute master. The last time I said what he was a master of, it was ruled unparliamentary, but the minister knows what he is a master of. And let us, just for the sake of Hansard - not for the sake of anything else, because the government has gotten so used to being able to get away with a glib propaganda statement; they have maybe one of the best people in media relations and one of the best people in propaganda on their staff, paid full-time, well paid and earns every cent.

MR. STIRLING: Now we are beginning to see the difference between the propaganda and the media hype and the truth. And the most recent example of that in this House, Mr. Speaker, was the case in which, in talking about municipalities and showing the disdain that this Province has for municipalities and the intention to force themselves into the authority of municipalities, the Premier of this Province got up in this House and stated in answer to a question that I asked in the change of government policy, about intruding and interfering and dictating to municipalities - the Premier of this Province got up in this House and said, 'The City of Corner Brook is not a viable municipality.' And then, Mr. Speaker, he went on to talk about the subsidies and the grants given to that municipality - not recognizing that things had not changed - the next morning this public relations team sent out a tape to the West Coast, to Corner Brook, which clearly had the Premier's words saying, 'I do not -

MR. MARSHALL: On a point of order, Mr. Speaker.

MR. SPEAKER (Simms): On a point of order, the hon. the President of the Council.

MR. MARSHALL: Mr. Speaker, the hon. the Leader of the Opposition is not being relevant. The hon. member rose on a point of order a moment ago and said that I was talking on the previous bill about taxes and it was not taxes, it was boundaries. Now, Mr. Speaker, this bill relates to the Municipalities Act, the imposition of taxes and the relief of home-owners from sale, and he is getting into an area, Mr. Speaker, which is not germane to the bill at all and he, himself, is being quite irrelevant in his remarks.

MR. SPEAKER: To the point of order, I had indicated earlier that irrelevancy is difficult to define and you generally give the benefit of the doubt to the

MR. SPEAKER (Simms): member speaking. I will draw to the attention of the hon. the Leader of the Opposition, of course, what the principle of the bill is all about and ask him to try to keep his remarks within the confines of what is found in the bill.

The hon. the Leader of the Opposition.

MR. STIRLING: Yes, Mr. Speaker. We have no problems with the Speaker maintaining the rules of the House, and I would remind the Speaker that we are dealing with changes to the Municipalities Act and we are dealing with the approach of this government to municipalities; and we are dealing with the fact that the last time we talked about municipalities in this House, the Premier said that Corner Brook was not a viable municipality, and the next day, went out to Corner Brook with a tape in which he said, 'I did not say that Corner Brook was not a viable municipality.' He did not lie in this House, that was his opinion in this House that Corner Brook was not a viable municipality. Where he lied was in Corner Brook, in saying that he did not say it in the House.

Now, Mr. Speaker, the President of the Council (Mr. Marshall) is guilty of the same kind of problem that the Premier had, in that he knows nothing about municipalities and has no respect for municipalities, and he has no respect for people in municipalities.

Just to bring things into proper context, the first time in this House that there was a demand for this piece of legislation was when it was brought up by my colleague, the member for Carbonear (Mr. Moores), and that was in November, 1980. It was, in that same debate, agreed to

MR. STIRLING: by the member for LaPoile (Mr. Neary), and in that same debate it was confirmed by me, that this would be Liberal policy and that we would be making this change. Because, Mr. Speaker, up until this time - and the President of the Council (Mr. Marshall) shows his ignorance when he talks about what could have happened outside the city of St. John's. Outside the city of St. John's, Mr. Speaker, they did not have the authority to sell a house for taxes. Now, Mr. Speaker, they were given that authority in the Municipalities Act and we insisted that this change be made. This was something that we said would be the first piece of business that we would deal with on assuming power.

Now, Mr. Speaker, let us deal with the involvement of the member for Bonavista South (Mr. Morgan), because the member for Burgeo - Bay d'Espoir (Mr. Andrews) also takes credit for it, a Cabinet minister who said that he would intercede with the minister. Just to show you the kind of propaganda problem that the President of the Council has, every once in a while they give the people of the Province the proof that they cannot be trusted. The government gives the proof every once in a while when they slip up on their slick propaganda like, for example, when the radio stations in Corner Brook had the official transcript from Hansard saying, "The Premier said, 'Corner Brook is not a viable municipality' and they had a tape from the Premier in which he said, 'I never said that'.

MR. TULK: And she was over and defended him. She said that he was tired.

MR. STIRLING: And then we have the Minister of Education (Ms. Verge) representing Corner Brook saying, "Everything the Premier said about Corner Brook was correct". And then the former Minister of Municipal Affairs also thought that Corner Brook was being subsidized. Then when I told him where to look it up, he went out and looked it up

MR. STIRLING: and came back in and nobody yet has apologized to the city of Corner Brook, nobody from the other side has apologized to the city of Corner Brook.

Now let us get back to the member for Bonavista South (Mr. Morgan) who has been given credit. I am amazed, absolutely amazed, that the President of the Council (Mr. Marshall) says, 'The only reason that this is being forced through the House today' - in addition to the Opposition bringing it up, and he did not have the good grace to say the Opposition brought it up and insisted on it - 'the only reason is that the Minister of Fisheries (Mr. Morgan) asserted his will'.

MR. NEARY: He threatened to resign.

MR. STIRLING: Well, I was coming to that. Now, when did the Minister of Fisheries suddenly get interested in this question?

MR. TULK: Now, that is a good question.

MR. STIRLING: When did he send out his letter?

MR. HOLLETT: He did not even know - (inaudible) May 21st.

MR. STIRLING: When did he send out the letter?

Oh, I wonder, I wonder why it was? A message, May 21st.

It happened to be the week before May 21st.

MR. TULK: Oh, you were out there.

MR. STIRLING: It happened to be when 500 people from Bonavista - Mr. Speaker, we have all attended political meetings in which there have been great crowds. I believe that there was even a meeting that was attended by the President of the Council that had a good crowd.

MR. MARSHALL: There were 500 outside.

MR. STIRLING: Mr. Speaker, it was something that the President of the Council has never experienced in his life. You just have to look at his face and you can see he never had that kind of an experience, to go into a town when the people are lined up, horns blowing, flags flying, welcomed into the town centre and the people get up and express their point of view that

MR. STIRLING: says, 'We will not accept this, we will not accept it and we will call upon our member'. So they asked us -

MR. MORGAN: (Inaudible).

MR. STIRLING: Oh, they invited the member down but he did not have the nerve to go down, and they invited the minister and she did not go down, so they invited three members from the Opposition. Well, Mr. Speaker, they said, 'What can we do?' They said, 'You are the Leader of the Opposition, tell us what we can do?' And the press was there, Mr. Speaker, and I said, 'Look, you have representing you in the Cabinet the most powerful minister in the Cabinet'. I was not being political, I gave them the truth, Mr. Speaker. I said, 'You have the most powerful minister in the Cabinet representing this district and if this is what you really believe - the 500 people that were inside plus whatever was lined up outside - if this is what you really believe you

MR. STIRLING:

put it to your member that either he accomplishes this great Liberal reform or, 'We are going to throw you out and demand your resignation'. And a resolution was passed that night that council resign unless they could accomplish this and a member resign unless they could accomplish this. And now the President of the Council (Mr. Marshall) gets up and admits that the only reason that this is going through is that the Minister of Fisheries (Mr. Morgan) forced it through the Cabinet. And how did he force it through the Cabinet? He forced it through the Cabinet because he said, 'If you do not put this through I am going to tell all'.

MR. TULK: No, he went to the Premier.

MR. STIRLING: 'I am going to tell all', exactly what he said to the Public Accounts Committee. When he was in front of the Public Accounts Committee and we, four members on that side, including the member for St. John's North (Mr. Carter), and three on this side, found that the Minister of Fisheries had contravened the Public Tendering Act he said, "Oh, I wish I could tell all! I wish I could tell all!".

AN HON. MEMBER: A fairy tale.

MR. STIRLING: It may be a tale about a fairy but you will have to judge that yourself. You know the Minister of Fisheries better than I do.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: Mr. Speaker -

AN HON. MEMBER: (Inaudible) good fairy.

MR. STIRLING: A good fairy, Mr. Speaker.

MR. WINDSOR: Well, I am sure it is unparliamentary.

MR. STIRLING: No, a good fairy. I was just responding to the minister.

Mr. Speaker, it may have been that same kind of thing that the minister said at the Public Accounts Committee meeting, saying, "I wish I could tell the

MR. STIRLING: whole story". Well, Mr. Speaker, we give full credit for this amendment to the people of Bonavista South.

MR. NEARY: Right on.

MR. STIRLING: The people of Bonavista South went to their member who is the most powerful member in that Cabinet. And I am glad that the President of the Council (Mr. Marshall) admitted and owned up to the fact that it is not their policy.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: It is not the policy of that government to put through this amendment. Mr. Speaker, I am glad that the Minister of Fisheries (Mr. Morgan) came back to be given the accolade. He may not realize that the President of the Council just said that this is not government policy. The sole reason that it is in here is the Minister of Fisheries forced it through the Cabinet. And, Mr. Speaker, what caused the Minister of Fisheries to force it through the Cabinet? Did it have anything to do with the meeting where his constituents demanded either get this done - and, Mr. Speaker, I think one of my other colleagues is going to deal with this in a little more detail. As I understand it, he actually threatened to resign from the Cabinet. I am not sure that he did.

MR. TULK: Oh, yes, he went to the Premier and said.

MR. STIRLING: No, he said that unless this went through he would have to consider his position

MR. TULK: He went to the Premier though, and told him he was going to resign.

MR. STIRLING: He said, 'I am sure you understand that by my taking this position and action as your MHA, I could be placing myself in a very difficult position as a Cabinet Minister, especially if my recommendations are not

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MR. STIRLING: accepted and approved by government.

Now, Mr. Speaker, one my colleagues will be dealing with that in a little more detail. What I want to say is that this Municipalities Act, Mr. Speaker, was forced on many rural communities. The city of St. John's can look after itself. The city of St. John's is a powerful council. The city of St. John's has the power and they are close to the power. And so when they put through an assessment, a change in the assessment, the capital tax system, it is going to be phased in over a period so people are not hurt by it. But in rural Newfoundland, Mr. Speaker, when this new Municipalities Act came in, this new Municipalities Act was brought in and was forced down the throats of many parts of rural Newfoundland and they cannot cope with it, Mr. Speaker. Many parts of this act have not been dealt with by the government. There should be amendments to this act now. The only reason that we have this amendment is that there was an uprising down in Bonavista South and they admit that this is what forced it through. The act should be phased in over a number of years. Property tax should not be forced down their throats. They should be able to implement the tax over a period.

Now, Mr. Speaker, we support these amendments as far as they go, but they do not go far enough. And one of my other colleagues will be dealing at some length with some of the other concerns that we have about this Municipalities Act.

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MR. STIRLING:

Mr. Speaker, to sum up then, this Municipalities Act is an act that I hope they will bring in the same clause-and when the President of the Council gets around to dealing with this, I hope that he will confirm that this same clause will be brought into the City of St. John's Act, so that no council will have the authority to sell an owner-occupied house for tax arrears. You can take them to court, you can attach their wages, or you can put a lien on the building, but if somebody had no other asset you should not be able to take their home, put the family, the children out on the street. And, Mr. Speaker, in all the years that I was on the city council, the council responded and never did take a house for that purpose. But, Mr. Speaker, in the times that we are living in, that is an authority that no council should have. And I agree with the amendment, I want to pay tribute to my colleagues who first brought it up, a great Liberal reform, and it is not coincidental that it came from the people of Bonavista South, in the town of Bonavista, when they insisted that their member either do this or resign. Now, of course, it is too late for him to get re-elected, but again it is something that should have been done by many other municipalities in order to bring to the attention of this government that you just cannot usurp the power of municipalities, and you cannot move into their area and you cannot ignore them. They are a form of government equal to the provincial or the federal levels of government. They are closer to the people. It is the best money that this government gets, the money that is spent and the time that is volunteered by all the municipalities, say, outside the city of St. John's. They are all volunteers. Mr. Speaker, we agree to support the amendments, and pay tribute to the people of Bonavista South who forced this amendment through

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MR. STIRLING: the House.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): The hon. member for
Burin-Placentia West.

MR. HOLLETT: Mr. Speaker, I will be as brief as possible and I think that some of the amendments in Bill 44 exemplifies what was wrong with the original Act, the Municipalities Act of 1979. Mr. Speaker, there are two points I would like to make, one is concerning Section 5, where a council may now allow a discount in respect of taxes imposed up to ten per cent. Once again, in this case, I do not think the bill is specific enough. because what is going to happen is you are going to have variations in discounts from one neighbourhood to the next, from no discount to up to ten per cent and, in my opinion, the amount that any municipality can discount, seeing it is allowed, should be fixed. I think all Newfoundlanders should be treated alike in that respect.

Mr. Speaker, the section that probably exemplifies best the inadequacies of many sections in the Municipal Act, is Section 7 in relation to 'notwithstanding this section, real property that is occupied for fulltime residential purposes cannot be taken during the lifetime of the principle owner and what it really means. Mr. Speaker, I know, and anybody here who has been involve^d with the municipal system, and particularly two exministers of Municipal Affairs over here, know that this particular amendment is nothing more than a sham. Because simply what it means is this, number one, a person either by desire or necessity cannot pay their annual assessment. Most municipalities, Mr. Speaker, will have a deadline date for this assessment to be paid. let us assume is June 30th. After that date, if the assessment is not paid, the municipality quite properly, within their

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MR. HOLLETT: own regulations, will then
bring this owner of the property to court. The magistrate
will impose a minimum of a \$50 fine for non-payment of
taxes which has to be paid to the court. If the owner
pays this amount, of course, it reverts back to

MR. HOLLETT: the municipality. Later on in that year the municipality has a right to resummons that same person. And I can assure all hon. members here that if that owner comes back into court the second time within one fiscal year, the magistrate is going to at least double the fine, which will be \$100. In other words, that would be \$150 for that one year that the owner would be forced to pay to the court.

And, Mr. Speaker. I do not have to remind members here that if those fines are not paid the magistrate has no choice but to say thirty days or sixty days or whatever it is, and this is common practice today in Newfoundland, Mr. Speaker. Now, if you would care to multiply that by however many years the taxes are not paid, the municipality in itself, in a lot of cases, will be gaining more through court fines than the annual levies or assessment on properties, and this is in the process of being done right now, with or without this amendment.

If you want to take that to the far end, Mr. Speaker, what it really means is this: If an owner occupier is unable to pay taxes for an extended period, like, say, ten or fifteen years, and there are annual fines of \$150 a year, that is \$1500 they have either paid in fines or spent, probably, the equivalent of a year in one of Her Majesty's jails or penitentiaries. So let us not kid ourselves that this gets the people off the hook, it is more of a burden than if it was not there. And then, if you want to take it to the extreme, whereas under the act one or the other of a married couple, of course, is designated as the principal owner, what happens if the principal owner becomes deceased? Then what happens, Mr. Speaker? If the husband is deceased and the wife still survives, what simply happens then is that (a) either they foreclose

MR. HOLLETT: at the death of the husband, or they let the widow occupy. But I do not think anybody should kid themselves either; under the new Matrimonial Act, the municipality is going to put a lien on the husband's estate.

MR. MARSHALL: (Inaudible).

MR. HOLLETT: To simply explain it, if the husband and wife is occupying a residence, under the act the council has the right to designate the principal owner who will be billed for property tax. If in that case it is the husband and the husband dies and the widow is still there, then no council is going to turf the widow out so then she becomes responsible, under the Matrimonial Act, assuming there is no contracting out, to assume the responsibility for the taxes on the property. In the meantime, the municipality can still put an attachment on the husband's portion of the estate, whether it be in relation to the house they live in or other assets, for his half of the property tax.

So we take that one step further: Then, when the widow finally becomes deceased, if you look at the amount of property tax assessed over a ten or twenty year period, and accrued interest at the rate which municipalities are allowed to charge, plus the fines that would have been paid over that period, the whole thing is a wipeout. So I do not think that the Minister of Fisheries (Mr. Morgan) should be very proud of himself to just go this far. If this amendment stated that notwithstanding there would be no court action taken by a municipality, I would gladly support it, wholeheartedly. But as long as individual municipalities have the right to make their own regulations in relation to when the tax has to be paid, how many times they care to summons per annum, and this is over an extended period, then this proves nothing.

MR. HOLLETT: As I said before, Mr. Speaker, it only means that the principal owner could well pay more in fines during the year - or serve jail sentences - than the amount of real property tax would have been anyway.

Mr. Speaker, I do not think that the government or anybody else should feel proud. It is a good start, and I certainly agree with the principle of it, but unless people can feel safe in their homes without having this type of burden on their heads - and what I am saying is correct, because I live in a municipality now where the deadline for the payment of property tax was June 30. And unless it is fully paid by - I forget - July 31, or whatever the date is, a summons is going to be issued.

So we did not have to wait for this amendment for the municipalities to start at it right away. Mr. Speaker, I would like to see some hon. members opposite speak to this particular amendment in the same vein that I am. Because it is a serious matter. And do not think for a minute that an amendment such as that is going to get anybody off the hook in relation to some of the worse portions of the Municipal Bill.

The President of the Council (Mr. Marshall) said they are going to be in for thirty years because of this type of amendment. Mr. Speaker, I would like to advise the government House Leader that if these are the types of amendments they are going to bring in, it is going to be the shortest thirty years that he has ever experienced in his lifetime.

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Tape No. 3163

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MR. SPEAKER (BAIRD): Order, please!

I am sure all hon. members would like to welcome to the gallery Councillor Wells of St. John's.

SOME HON. MEMBERS: Hear, hear!

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

MR. MARSHALL: Mr. Speaker, I will not keep the House long on this but there are a few comments I want to make, particularly on what the hon. member for Burin-Placentia West (Mr. Hollett) said. With respect to this, this particular bill goes a long, long way,

Mr. Speaker, towards assuring tenure of all people who occupy homes, to the effect that their homes will not be sold for the purpose of back taxes. Now the hon. gentleman has given a hypothetical case of a -

MR. HOLLETT: Not a hypothetical case.

MR. MARSHALL: Well, it is a hypothetical case at the present time. It has to be a hypothetical case because the bill is not law yet, Mr. Speaker, so it does not apply until then. But it is -

AN HON. MEMBER: It is a concrete case.

MR. MARSHALL: Well, it is a concrete case, okay.

MR. STIRLING: (Inaudible) hypothetical case.

MR. SPEAKER: Order, please!

MR. MARSHALL: Mr. Speaker, you know, I could respond to what the hon. gentleman said. I did not interrupt the hon. gentleman when he was speaking, I was interested in what he said and I presume that he and his leader might be interested in the response. And the response is this, that this bill, as I say, once again, as a result of the efforts

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MR. MARSHALL: of the hon. member for Bonavista South (Mr. Morgan), now precludes a municipality from selling the home of an individual, where the home is owner occupied, for back taxes. And that is a great step forward if there ever was a step forward, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: A great Liberal reform.

MR. MARSHALL: A great Liberal reform.

It was the Liberal government who originally put in the act, Mr. Speaker, that permitted them to sell the homes. The fact of the matter, Mr. Speaker, as to the example - and I will not even say hypothetical, whether it is an example or not of the hon. member, just let me deal with it - it means that the widow to who he refers is able to live in that house in comfort and security for the rest of her days for so long as she shall live without being in danger of the house being taken and sold for taxes. That is what it means, Mr. Speaker. We have made no pretext whatsoever over the fact that taxes accrue and taxes will be owed, taxes have to be owed. You cannot tax one person and not another person, and what have you. But what we are talking about here is the remedy and we are precluding the sale of owner-occupied homes.

The Leader of the Opposition (Mr. Stirling) mentioned that perhaps this should be extended to the city of St. John's, and perhaps it should. The members of the city of St. John's do not feel it is imperative at this particular time because, as we have said, it has not, never been and I do not think it ever would be -

MR. STIRLING: You are not going to change the city act?

MR. MARSHALL: Well we may well change the city act. We could consider it. But what I have said,

MR. MARSHALL: Mr. Speaker, is that there is not an imperative because the City Council of St. John's, to my knowledge, has never sold an owner occupied home for taxes. The ads in the paper, to the contrary, notwithstanding that these ads - the measures that have been taken by the city council in recent years have been with respect to absentee landlords. But we will consider it. But we will consider it, Mr. Speaker, as we always do, in consultation with the city of St. John's and we will not be leading an amendment until we have consultation with them on it.

So, Mr. Speaker, the other point brought up by the member for Burin-Placentia West (Mr. Hollett) that the amount should be fixed - I do not agree with him on that - for discounts. Each council should certainly have the right and the ability to determine the amount of the discount, if any that is being given, up to a certain amount. So, I mean, I am not saying the hon. gentleman's observations are not well taken. I mean, there are no absolutes in this world. All of these things are a matter of balancing and we have put them on the scale, and we appreciate what he said, but we do not really accept it, not at this particular time. And I move second reading.

On motion, a bill, "An Act To Amend The Municipalities Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 44)

Motion, second reading of a bill, "An Act To Amend The City Of St. John's Act". (Bill No. 43)

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

MR. MARSHALL: Yes, Mr. Speaker, now I want to say that this is another act for the amendment of the City of St. John's Act and the purpose of it is - now, clause 2, one of the main purposes being - and this is in expectation of altered boundaries, whatever these altered boundaries may be. Clause 1 provides that an order extending or altering the boundaries of the city may have effect on a different date for municipal election purposes than for other purposes.

This clause is essential if the election procedures are to be carried out for the November general elections. For administrative and tax purposes, it is intended that other provisions in the act can come into effect at another time, for instance, obviously, on January 1st, the beginning of the financial year, but that legislative authority is necessary to do it.

Another provision contemplates, again, the possible enlargement of the city of St. John's and provides for an increase in the council from eight to ten members. Now, I have to advise the House, Mr. Speaker, that it was just no more than five minutes ago that we got a letter from the City Clerk of the City of St. John's which has asked us, as I understand the thing - received at 4:05 p.m. this afternoon, which asks instead of the councillors being a mandatory ten, that you enable the complement of the council to be increased from eight to ten. Now, as I say, we just got that and I am sort of repeating it in the Chamber cold turkey and there does not appear to be anything wrong with that amendment, Mr. Speaker, and, as I say, we always consult with our good friends from the city of St. John's on these things. The Law Clerk has been instructed to prepare an appropriate amendment which, after considering the import of this, we may or may not introduce in committee. I would expect that we would but, as I say, we just got it cold turkey and

MR. MARSHALL: I am just informing the House that this is what may happen. In other words, instead of saying mandatory from eight to ten, we may put it in that the council may be increased from eight to ten and that will be an enabling provision instead of a mandatory provision.

Clause 3 of the act, and that will require a minor consequential amendment, Mr. Speaker, I am informed, to Bill No. 91 that was passed as well, which was that particular amendment in that act pertaining to this, was consequential and incidental to this particular act itself. Clause 3 exempts the city from annexation of any lands now held by the Crown. That is a normal one. But there is another good one here, a very good one that was done in consultation with the councillors and the city members. Now, I might say, Mr. Speaker, for the edification of all concerned, that these bills have been thoroughly and exhaustively debated by the caucus, by the government caucus. The fact that government members may not be speaking on it does not reflect from their part any lack of concern. Many of these provisions have been hotly debated but they have been certainly thoroughly debated and what I am doing now is I am giving, really, a resumé of the total conclusion. So I would not want anyone to assume that the members — of course, as we all know, the city of St. John's are very judicious in their choice of councillors. They are also very judicious in their choice of members. That being so, as the hon. member for Grand Bank (Mr. Thoms) will recognize, all of the members in the city of St. John's sit on this side of the House as, I am sure, most of the hearts of the councillors of the city of St. John's beat over here as well. They are not here in person.

But anyway, Mr. Speaker, clause 5 is a great step forward as well. I do not think we can let

MR. MARSHALL: the bill go through without bringing it to the attention - it enables council to defer a tax for persons in financial need. Now, this is something that I know the Opposition would like us to slough over and we would not mention anything about it. But I think that this is the main purpose of the bill. There is no provision at present in the City Act for tax deferment, and the council wishes to have the power. you know -

MR. THOMS: (Inaudible).

MR. MARSHALL: Well, now, that was in the days. Mr. Speaker, and the reason for that was - that was in the days when the City Council Act was first brought into play after Confederation and the members there opposite were over here, and I think Mr. Vardy and others were down at City Council, and the people here were saying to Mr. Vardy and others, 'You go out and, you know, you whip the people of the city of St. John's. It does not matter how poor they are, you must collect their taxes'. Well, what we are saying, Mr. Speaker, here in this bill, the council and the city members of St. John's and the Cabinet have decided, that there must be a provision in the act for tax deferment. And council will by this have the power

MR. MARSHALL:

to defer taxes owing by special classes of persons, such as old age pensioners, until such time as property is sold or otherwise disposed of?' Old age pensioners, Mr. Speaker, are people whom we are very concerned about. The celebrated School Tax Authority, as hon. members will recall, of course, exempts old age pensioners from it and I think it is particularly with the crucifixion that many of these people experience as a result of inflation and the high cost of living, that this particular clause is very timely and I know will be used as much as necessary by council itself.

So as a result of this bill now, people who - not all old age pensioners, some old age pensioners are fortunate to be able to pay - but in the case of some old age pensioners who are feeling the pinch and, indeed, other people who are feeling the pinch, you will be able to exempt them if they are not able to pay.

Clause 6, the final clause, is an incidental one with respect to the Municipalities Act, Mr. Speaker, and this relates that where there is a - it is the same as in the Municipalities Act, that where there are transfers of employees, particularly as a result of any expansion or what have you from various areas, the redundancy clauses and the pension benefits can be transferrable in equal way.

So, I do not think, Mr. Speaker, at least I would hope that this would not require any extensive debate. It is a forward piece of legislation and I know hon. members - the hon. the Leader of the Opposition is jumping in his seat to get up and enthusiastically endorse it.

MR. STIRLING:

Mr. Speaker.

MR. SPEAKER (Baird):

The hon. the Leader of the Opposition.

MR. STIRLING: Mr. Speaker, when one member says something in this House, it has been ruled by the House that another member saying something entirely opposite does not mean that one or the other lied. Now, you just heard what the President of the Council (Mr. Marshall) said, and I will state here categorically that the President of the Council or no member from any of the districts in St. John's or no member from the government consulted with the City of St. John's, with any of the councillors who are here present today, and I state that categorically. The minister has said that there was consultation. There was absolutely no consultation about Clause 3. Clause 3 has not been discussed with them. The old master is up to it again. He sloughed over Clause 3, and yet, Clause 3 is the most important clause that the government is trying to sneak through in this piece of legislation. Mr. Speaker, I repeat that there has been no discussion. I called the members of City Council. They had not received a call from one of the members, the eleven, the famous eleven, and I think it is significant that all these debates on the City of St. John's Act this afternoon are all being done by one person. And that is about what the City of St. John's needs in representation in this House of Assembly, one person there speaking on behalf of the eleven. They have not contacted the City of St. John's, categorically, they have not contacted the City of St. John's about Clause 3. It has not been discussed, it has never been brought to the attention of council.

MR. THOMS: Sure, they always consult, I mean, the President of the Council says so.

MR. STIRLING: Well, as I said, in the House you cannot suggest that a lie is being told simply because there

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MR. STIRLING:

is a difference of information.

Now, you heard what the President of the Council (Mr. Marshall) said, and I am saying that categorically, he did not discuss this. He personally -

MR. MARSHALL:

Mr. Speaker, on a point of order.

MR. MARSHALL:

Now, Mr. Speaker, you know, the hon. gentleman -

SOME HON. MEMBERS:

Oh, oh!

MR. MARSHALL:

I have no desire to get involved with the hon. gentleman, Mr. Speaker, but the fact of the matter is, one cannot say in this Chamber

MR. MARSHALL: Indirectly what one may not say directly.
Now what the hon. gentleman is doing when the hon. gentleman gets up and says, I cannot say that the hon. gentleman is telling a lie.

MR. STIRLING: No, I did not say that, Mr. Speaker.

MR. MARSHALL: But then the hon. gentleman is -
what the hon. gentleman said is he correct?

MR. STIRLING: I did not say it. I was very
careful not to say it.

MR. MARSHALL: In effect what he is doing, I submit, is
saying indirectly what he cannot say directly and surely he must
be asked either to withdraw or retract -

MR. STIRLING: No, Mr. Speaker, I did not say that.

MR. MARSHALL: - or to clarify his position with
respect to it.

Mr. Speaker, I can say many things
about the hon. gentleman, but that is one area where you cannot
and I have no intention, I would not have any wish to either,
whether it is parliamentary or not, to make that insinuation
directly or indirectly about the hon. member and I would hope
that he will not see fit to make this type of insinuation in
this House as well.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Baird): To that point of order I think
all hon. members are aware what you cannot say indirectly what
you cannot say directly. I would have to review Hansard to
see what exactly has been said. But I would like to remind
all hon. members of that ruling.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: Thank you, Mr. Speaker.

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

MR. STIRLING: You are quite right. Let
me repeat, Mr. Speaker, directly, let me speak directly when I

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MR. STIRLING: say that the President of the Council (Mr. Marshall) or no other of the eleven members - as to the information given to me by Council, they were not consulted on Clause (3), Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. STIRLING: Mr. Speaker, we are now hearing the mutterings, the mutterings from the members for St. John's who do not have the courage to stand up on their feet and defend the city of St. John's.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: Mr. Speaker, the muttering -

AN HON. MEMBER: (Inaudible).

MR. STIRLING: You are right. The city of St. John's does not need any representation.

MR. TULK: That is what he said.

MR. STIRLING: Yes. Certainly -

MR. SPEAKER (Baird): Order, please!

MR. STIRLING: - the St. John's West representation or the St. John's North.

SOME HON. MEMBERS: Oh, oh!

MR. STIRLING: Mr. Speaker, the truth of the matter is, the reason that they received a letter five minutes ago, Mr. Speaker, is that this was not brought to the attention of Council until I called. I called the Council and asked them whether or not they had been involved in this discussion, and the answer was, no, They had not heard of Clause (3). They had not heard of the other amendments and that is why they sent a letter to say, please change it.

So, Mr. Speaker, we have been led to believe that all of this is done at the request of City Council. Well, Mr. Speaker, that is not the whole story. And in this particular act, this particular

MR. STIRLING: bill the President of the Council (Mr. Marshall) has said there was consultation. And, Mr. Speaker, there was no consultation.

Now what is so important about Clause (3)? What is so important about Clause (3) and why is it important to all the municipalities in Newfoundland, to be concerned about Clause (3)? It is because, Mr. Speaker, this shows what the government's intention is. The government's intention is to get a strangle hold on municipalities everywhere in this Province. They did it with rural councils. The people in Bonavista would not tolerate it and they told their member to get something changed or he would have to resign, and he forced it through council.

Now you have the members for St. John's, the eleven representatives, not a single one took this Bill 43 to debate it and discuss it with the City Council.

MR. HISCOCK: Shame. Shame. Shame. Shame.

MR. STIRLING: The President of the Council says, and I accept his word -

MR. MARSHALL: I am aware of that.

MR. HISCOCK: Shame.

MR. STIRLING: I accept the word of the President of the Council that this bill was debated thoroughly in caucus, every member for St. John's knew every clause -

MR. HISCOCK: Shame.

MR. STIRLING: - every clause that was in it and it was debated thoroughly. So that he cannot take the responsibility, he said everybody from St. John's debated this thoroughly. Now, Mr. Speaker, what did they debate thoroughly? Does that mean that every member for St. John's is in agreement with Clause (3)?

MR. CARTER: Terribly boring.

MR. STIRLING: Yes, Mr. Speaker, it is very boring for the member for St. John's North (Mr. Carter) because he knows absolutely nothing about what is happening in the city of St. John's.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: So that is why it is boring, Mr. Speaker. The man is -

MR. WARREN: He does not care either.

MR. STIRLING: - in a cloud, Mr. Speaker.

MR. CARTER: (Inaudible) for words.

MR. CARTER: He does not care.

MR. WINDSOR: Are you the spokesman on your side for municipal affairs?

MR. TULK: Be quiet.

MR. SPEAKER (Baird): Order, please!

MR. TULK: Be quiet over there.

MR. WARREN: He knows more about it than you do.

MR. STIRLING: This government -

MR. BARRETT: (Inaudible) the real spokesman.

MR. STIRLING: This government, without consultation, was going to increase from eight to ten the number of councillors. They found out about it for the first time today and they said, we are not in agreement because they do not even know what the boundaries are, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: They have insulted the people in the city of St. John's, and the Council in St. John's, have insulted them

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MR. STIRLING: and now they are going to hear about it.

MR. CARTER: Do not be so foolish.

MR. STIRLING: Now, they are going to hear about it. They did not mind, they did not have any objection to councillors all over the Province being kicked in the teeth and being insulted.

SOME HON. MEMBERS: Oh, oh!

MR. STIRLING: The Minister of Labour (Mr.Dinn), I am sure, is going to have, now, to get up on his feet and defend the city of St. John's and defend the council because he has debated it thoroughly in caucus.

MR. DINN: (Inaudible)

MR. STIRLING: Debated thoroughly in caucus, all the St. John's members went over this, and they agreed with clause 3.

MR. THOMS: He is taking off, look.

MR. SPEAKER(Baird): Order, please!

MR. STIRLING: Mr. Speaker, clause 3.

MR. WARREN: Shameful. Shameful.

MR. STIRLING: We have on this side, Mr.Speaker, been suggesting that -

MR. WARREN: Much better than you are for your district.

MR. BARRETT: (Inaudible)

MR. SPEAKER: Order, please!

MR. STIRLING: What is needed, Mr. Speaker, is a spokesman for St. John's West.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: Mr. Speaker, the members for St. John's are now coming alive -

MR. WARREN: He knows more about DAC though.

MR. STIRLING: - because having debated this thoroughly and exhaustively, they are in complete agreement with the government, complete agreement with this clause 3.

MR. STIRLING: Mr. Speaker, what is it? What we have been trying to say on this side, is that if you have any respect for municipalities, you do not interfere in what they are doing. You are not doing what you did in rural Newfoundland, you shoved property tax down the throats of the people in rural Newfoundland. People in Bonavista said they were not going to accept it and we saw a change. Then the people in Corner Brook and the people in Deer Lake were insulted, insulted by this government, they were dictated to and said, hear are what your prioraties are going to be. And, Mr. Speaker, when I was speaking in that debate they said, eventually if he lasts long enough he will get to St. John's. And, yes, Mr. Speaker, it has finally gotten to St. John's. When this government has now gone in the opposite direction from the direction they should be going in, the direction of giving municipalities more authority. In the city of St. John's, here is what they are doing in clause 3. This amendment would exempt Crown lands annexed to the city after June 1st from being managed and controlled by the council. Now, Mr. Speaker, in the past, any time that the city boundaries have been extended, the Crown lands from outside the city that became part of the city came under control of the city. They could use it for housing purposes, they could use it for the general public purposes. And now we have the first thin edge of the wedge, Mr. Speaker, in which the Province is going to start dictating to the city of St. John's. They are dictating to the city of St. John's by saying that Crown lands taken into their boundaries will now be controlled by the government.

MR. MARSHALL:

By the Crown.

MR. STIRLING:

By the government. The amendment would exempt Crown lands annexed to the city after June 1st from being managed and controlled by the city. Because the old Section 80 of the City of St. John's Act had the management and control of all land situated within the city limits and belonging to the Crown, whether in possession, reversion

MR. STIRLING: or remainder shall devolve upon and become vested in the council, In other words, the council had the authority to use the land in the best interest of the public and the interest of the Crown. And that is what should be happening in every municipality in this Province. Instead, Mr. Speaker, what is happening is that this government is reversing that. They are now reaching out to control everything that every municipality does. They tried to get away with it in Deer Lake and Deer Lake rejected it. They tried to say, ' You will do this street, this street, this street'. They tried to get away with it in Corner Brook and Corner Brook rejected it. And the truth of the matter -

MR. MARSHALL: That is not true.

SOME HON. MEMBERS: That is true.

MR. STIRLING: - the truth of the matter Mr. Speaker,-

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER(Baird): Order, please!

MR. STIRLING: - the truth of the matter, Mr. Speaker, is that the attitude of this government about municipalities and municipal government was shown by the Premier of this Province when he said that Corner Brook was not a viable community.

DR. COLLINS: (Inaudible).

MR. TULK: He is awake, he is awake.

MR. HANCOCK: We do not wake him up too often.

MR. STIRLING: No, no, that is about par for the course. Joe Smallwood was right -

MR. TULK: They are playing up to the councillors in the gallery.

MR. STIRLING: - when he said there may be one fellow out there who, after you say something forty times, will wake up and say, 'Oh, is that true'. And there is the perfect specimen, the Minister of Finance(Dr. Collins), of why you have to say something forty times. It just got through to him that the Premier lied in Corner Brook, and that he said that he did not believe that Corner Brook was a viable municipal-

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MR. STIRLING:

ity, as was his opinion in the House.

DR. COLLINS:

Did he lie in the House?

MR. STIRLING:

Oh, no, he

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GS - 1

MR. STIRLING: did not lie in the House. No, no, no, he did not lie in the House. He gave the opinion in the House.

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

MS. VERGE: A point of order.

MR. SPEAKER: The hon. Minister of Education.

A point of order.

MR. WARREN: She is coming to his defence.

MR. SPEAKER: Order, please!

MS. VERGE: The only problem in Corner Brook was manufactured by the Leader of the Opposition (Mr. Stirling) himself when he took out of context, distorted, remarks made by the Premier. That is the only problem that we have heard of in the City of Corner Brook.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: To that point of order, there is no point of order. The hon. minister took the opportunity to clarify remarks.

MR. STIRLING: Mr. Speaker, on a point of order.

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

MR. STIRLING: On a point of order, On a point of order, Mr. Speaker.

MR. SPEAKER: To the point of order, the hon. Leader of the Opposition.

MR. STIRLING: To the point of order, the minister - I know she is very excited and she did not really mean to say that, but she used the expression that I had distorted and that imputes motives and that is not a parliamentary expression, and I ask the Speaker, if he needs to, to check Hansard or to check the record and ask the minister to withdraw those remarks.

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MR. MARSHALL: Mr. Speaker, on that point.

MR. SPEAKER (Baird): To that point of order, the hon. House Leader.

MR. MARSHALL: I suggest -

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: - I suggest -

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: - I suggest the hon. member -

MR. SPEAKER: Order, please!

MR. MARSHALL: - before he gets up on inane points of order, should check the authorities which determine. To use the word 'distort' is not unparliamentary, Mr. Speaker, but to say somebody 'deliberately distorted' is, and I quote page 106 of Beauchesne - the hon. gentleman does not know the authority.

MR. STIRLING: Well, would you quote it? Quote the authority.

MR. MARSHALL: Page 106, Beauchesne.

MR. STIRLING: Read it.

SOME HON. MEMBERS: Read it.

MR. BARRETT: Read it yourself.

MR. MARSHALL: Listen to them, Mr. Speaker, listen. The prurient -

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: Now, would you like to - distort, page 106, Mr. Speaker, Beauchesne, Fifth Edition. It is out of order. The word is highlighted as being 'distort' but down below it says 'deliberate distortion, deliberately distorted'. Lots of people can get up in the House, Mr. Speaker, and distort things and make a different colour of it, and so they may and they may do it inadvertently. If somebody does it inadvertently or if somebody does not do it deliberately, that is not, Mr. Speaker, a point of order - you are not out of order. But where you are out of order is

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MR. MARSHALL: where one accuses another one of deliberately doing it and that is what it comes down to.

MR. SPEAKER (Baird): To that point of order, there is no point of order. It is a difference of opinion between two hon. members.

The hon. Leader of the Opposition.

MR. STIRLING: Mr. Speaker, I can understand -

MR. BARRETT: (Inaudible) deliberately distorting, there is no (inaudible).

MR. STIRLING: - I can understand -

MR. SPEAKER: Order, please!

MR. STIRLING: Mr. Speaker.

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

MR. STIRLING: The member for St. John's West (Mr. Barrett), Mr. Speaker -

MR. BARRETT: (Inaudible) your vocabulary over there.

MR. STIRLING: - the member for St. John's West, having been encouraged by the Speaker's ruling to the member for Humber East (Ms. Verge), has now used the expression 'deliberately distorting' and the member for St. John's West knows how difficult the problem that he is in, and you would have to ask him why he is defending the government, what great decision is he waiting from the government that causes him to be using expressions like 'deliberately distorting'. He will have to answer that for himself, I am not going to enter into that, Mr. Speaker.

Now, Mr. Speaker, let us deal with Clause 3 which is something that the member for St. John's West should have as his primary concern, and that is a change by this government that reflects the kind of attitude as expressed by the Premier of this Province when he said that Corner Brook was not a viable municipality. and then went on to give information that indicated that

MR. STIRLING: Corner Brook was receiving subsidies which it was not receiving and which no member for Corner Brook has yet -

MR. WINDSOR: What subsidies are they supposed to be receiving, do you know?

MR. STIRLING: - Corner Brook is not receiving any subsidies at all. Corner Brook is getting - Corner Brook -

AN HON. MEMBER: Not true. Not true.

MR. STIRLING: Well, then, let us have somebody get up and declare them.

MR. WINDSOR: Yes. Mr. Speaker, I will gladly declare them.

MR. SPEAKER (Baird): The hon. Minister of Development.

MR. WINDSOR: The City of Corner Brook received \$2.4 million last year under the Municipal Grants Act. It also -

MR. STIRLING: Oh, Mr. Speaker.

MR. TULK: That is a subsidy.

MR. WINDSOR: It also received a subsidy of \$100,000 on its water and sewer debentures.

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

MR. STIRLING: Mr. Speaker, now we should look at who is distorting what. When this minister went to the Federation of Municipalities and said, 'For greater autonomy you bring in property tax and we will give you municipal grants', now he gets up and treats them like second-class citizens, talks to them as if they were getting subsidies -

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: - downgrading them, treating municipalities as if they have to be beholden to this government, calling it a subsidy.

MR. WARREN: He is worse than the Minister of Fisheries.

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MR. STIRLING: Mr. Speaker, they have absolutely -
MR. SPEAKER (Baird): Order, please!
MR. STIRLING: - they have absolutely no respect
for municipalities and that is why, Mr. Speaker -

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MR. NEARY: Go up in the Deer Park, boy.

MR. WARREN: That is where he is, oh!

MR. SPEAKER (BAIRD): Order, please!

It is very difficult for the Chair to hear. The next thing we will be complaining that the Chair cannot hear what is going on with continuous noise from both sides.

MR. STIRLING: Mr. Speaker, what is happening in the city of St. John's, and the people of St. John's better watch it, because for the first time, Mr. Speaker, they are beginning to see the thin edge of the wedge, how they are going to be treated in the same way as this government has been treating municipalities all over this Province.

MR. WARREN: Hear, hear!

MR. STIRLING: And what they are doing, Mr. Speaker, is they are taking out of the control of the city any Crown land that comes in as a result of the extension of the boundaries. And there may be minor extensions this time but, Mr. Speaker, there may be major extensions sometime in the future and they have put those in now. They are taking away the control from the city of St. John's. And, Mr. Speaker, they did not consult with the city. They tried to pretend, and they may have in an earlier innocent bill, they tried to pretend that they had consulted with the city and they did not, Mr. Speaker, that is clause 3. It shows the attitude that this government has.

And let us sum up what their attitude is, and what the member for Humber East (Ms. Verge) calls a distortion. You would not know but I used the expression. I said, "Is it government policy that you are going to interfere with the city?". And the answer was, "Does the Leader of the Opposition realize that Corner Brook is not a viable municipality?". Now, how could I distort that? His

MR. STIRLING: answer in Question Period. And then he goes on to talk about all the subsidies. And how could I distort that? What distortion? I quoted his words. What is the distortion?

MR. NEARY: The voters will deal with that in the next election.

MR. STIRLING: The distortion came, Mr. Speaker, when the Public Relations Department here taped the voice of the Premier and sent it to Corner Brook. And the voice of the Premier in Corner Brook - it was not sent to St. John's, was not sent to any of the St. John's stations. Why was that done? Maybe the minister can explain why it was that the Premier sent a tape to Corner Brook ten o'clock the next morning in which his own voice -

MR. WARREN: Trying to protect him.

MR. STIRLING: Why was it that it was sent to Corner Brook?

MR. SPEAKER (BAIRD): Order, please!

I believe we are straying from the bill that we are discussing.

MR. STIRLING: We are talking about the overall attitude of the government, Mr. Speaker.

MR. MARSHALL: You can talk about whatever you want but the bill (inaudible).

MR. STIRLING: Oh, Mr. Speaker, I can understand the President of the Council is embarrassed because the Premier made a mess of it in Corner Brook. I can understand that the President of the Council is embarrassed because he said that all of the St. John's members discussed this thoroughly and not one of them talked to the city of St. John's. I can understand why he is embarrassed when he says that this was great consultation and the people from the city say they never heard of clause 3 until today.

MR. WINDSOR: You are embarrassing your colleagues.

MR. STIRLING: I can understand. Yes, I can understand why they are embarrassed and squirming and they do not have the nerve to stand up and defend the city. They do not have the gall to get up and say, 'Look, we did not look at clause 3. Never heard about it until today'. Well, let them get up and tell, let the St. John's members get up and say, 'Yes, we believe that the Province of Newfoundland, the Province that we represent, the government, the P.C. government should take this authority away from the city of St. John's, should have no control over the Crown lands coming into the boundaries and tell us what other things they have planned. What other acts do they intend to bring in? Was it possible that one of the reasons we are not debating the Urban and Rural Planning Act, is one of the reasons that we are not debating Bill No. 42 which has not been printed, still on the Order Paper, is that because the city of St. John's was going to be made subject to that Rural and Urban Planning Act? Is that a possibility, that the truth of the matter is that is what that bill is all about and that they do not have the nerve to bring it in this Fall, that enough to do this Fall is to slip the thin edge of the wedge into the city of St. John's? Or is it that the members in St. John's have not even got a clue as to what was in Bill 42. Is that the truth, Mr. Speaker?

MR. WARREN: You are exactly right.

MR. STIRLING: And now what is happening is coming all across - yes, there is no question about what the attitude of this government is to the people in Nain because all of Nain is not living around the steps of the Confederation Building. They were insulted, Mr. Speaker, they were insulted and dictated to. And that is the way it has been with every municipality. Sixty municipalities were told that we are cutting your grant, you have to bring in property tax.

MR. AYLWARD: You are embarrassing your colleagues.

MR. STIRLING: Yes, yes. You can see how embarrassed they are, you can see how embarrassed they are. Because, Mr. Speaker, on this side of the House we understand about the problems of municipalities and we understand about the problems of people in the municipalities -

MR. WINDSOR: (Inaudible).

MR. STIRLING: - and we understand - oh, yes. Yes, Mr. Speaker. We have a government who had a chance to do something for the people in the City of St. John's. When they switched over to a capital tax system, when they switched the rental properties, did they bring in an automatic bill giving the benefits back to the tenants?

MR. WARREN: No.

MR. STIRLING: No, Mr. Speaker, they certainly did. Those benefits are not going to the tenants, those benefits are in the windfall profits. That is what they created in that legislation. So, Mr. Speaker, we are not - I, for one, am not voting for Clause 3 and when we get to Clause 3 I will not be voting for it, I would say, now that they have consulted with the city and they have agreed to change that eight to ten to may. Mr. Speaker, I do not agree with Clause 4. I do not see any reason why the Court of Revision cannot reduce or exempt taxes. I do not understand why the Court of Revision cannot do it. It is a tradition in the city and it worked very well. Why it was taken away from the Court of Revision I do not understand. If the city requested it, then I will accept it because, in accordance with our belief and theory, people in municipalities and people in city councils, people in town councils know best how to run their affairs and they must answer to the people for it.

MR. STIRLING: So, Mr. Speaker, in summing up, this bill, certainly Clause 3, was not done in consultation with the city. And the fact that we have a letter introduced today indicates it is the first that they heard about the bill. Because when I called them yesterday they had not heard from a single St. John's member or from the government on Clause 3, not a single member. Now, Mr. Speaker, it is typical of the sloppiness and the lack of management that this government has over everything that it took. It took the Opposition side to give up Private Members' Day to get these bills considered by the government. It is the last order of importance, the last item on their agenda. And, Mr. Speaker, I would expect that maybe one or two of my colleagues may want to have something else to say about this bill and, Mr. Speaker, with that I conclude my remarks.

MR. SPEAKER (Baird): The hon. member from Grand Bank.

MR. THOMS: No St. John's member wants to speak. I would be only too happy, Mr. Speaker, to sit and let one of the ten or eleven members from St. John's who wish to speak on the bill speak but, Mr. Speaker, I would also reserve my right to speak. Is that clearly understood?

MR. SPEAKER: The hon. member from Grand Bank yields to the member from St. John's.

The hon. member from St. John's North.

MR. CARTER: Mr. Speaker, what a pile of rubbish we just heard.

MR. SPEAKER: The hon. member from Grand Bank.

MR. THOMS: Mr. Speaker, that is what you call pure, unadulterated arrogance of those who sit in this House of Assembly and represent the good people of the City of St. John's.

SOME HON. MEMBERS: Hear, hear!

MR. THOMS: This is the arrogance. You will find the same arrogance, Mr. Speaker, from the member for St. John's North (Mr. Carter), from the President of the Council (Mr. Marshall), and the others who sit and represent the City of St. John's. The one possible exception, Mr. Speaker, would be the Minister of Mines and Energy (Mr. Barry). The Minister of Mines and Energy is the one possible exception to the arrogance that we see on the other side of the House as far as the City of St. John's - they do not deserve, Mr. Speaker, they do not deserve to represent the people of St. John's in this House of Assembly. And there, Mr. Speaker, we saw a typical example, a typical example. Mr. Speaker, it is not easy in this city to be a city councillor, it is not easy. It is a very difficult position. It is a thankless position. I do not think I am telling any councillor, who might be within hearing at the present time, there is not much sympathy on the streets for city councillors or for town councillors or for community councillors or for anybody who is prepared to take on a thankless job such as this in this day and age. I attended, only last week, last Wednesday, a meeting of the town council

MR. THOMS: of the Town of Grand Bank, which is an extremely responsible council in this Province. It is one of these towns that is viable, that does pay its own way, that does have good councillors.

MR. NEARY: A good mayor, boy.

MR. THOMS: But it is not easy. It is not easy. This administration or this government did not give them one crumb, Mr. Speaker. Not one single, solitary crumb came from the Tory administration's table to the people of this district of Grand Bank. The roads programme came down, not a cent.

SOME HON. MEMBERS: Oh, oh!

MR. THOMS: The Municipal Capital Works, not a cent. So under these circumstances, Mr. Speaker -

MR. HANCOCK: Do not let them tell you what to do, Mr. Speaker, you make up your own mind.

AN HON. MEMBER: Is that relevant?

MR. THOMS: And it is very relevant.

It is very relevant.

MR. YOUNG: The members do not do it that way.

SOME HON. MEMBERS: Oh, oh!

MR. THOMS: But under these circumstances -

MR. HANCOCK: What is the undertaker saying now?

MR. THOMS: Under these circumstances, Mr. Speaker, these councillors have to carry on. They have to carry on, and they do it and it is a very thankless job.

MR. NEARY: Shocking.

MR. THOMS: And they are, everyone of them - I have said in the House of Assembly before, Mr. Speaker, that I would not serve on a town council or a city council in this Province under our present Municipalities Act.

MR. YOUNG: You would not get elected in town.

MR. THOMS: I would not do it. I would not go to a council meeting, I would not sit in a council chamber, I would not make a decision without a battery of lawyers to tell me what to say and when to say it under our present Municipalities Act -

MR. YOUNG: (Inaudible).

MR. HANCOCK: You should have stayed there, boy.

MR. THOMS: - where the liability, direct and indirect liability is there.

MR. NEARY: • The man hater is looking at you over there.

MR. THOMS: Mr. Speaker, as I said, to serve on a town council, especially a town council that serves a city the size of St. John's, it is not an easy task.

I would like to touch on a few things in this particular piece of legislation that we are discussing now. And I think my friend, the Leader of the Opposition is absolutely correct about the fact that we are debating these bills this afternoon at what I hope, Mr. Speaker, is the tail end of this particular sitting.

MR. NEARY: Go way, boy!

MR. THOMS: ^{what} I hope is the tail end of the sitting because I am anxious, Mr. Speaker, to be quite honest, and to be quite frank with you, to get out of here.

MR. NEARY: Another six weeks yet.

MR. THOMS: It is too warm -

MR. NEARY: Speak for yourself, boy.

MR. THOMS: - to be in the House of Assembly this time of the year. We are all cracked, we should be out of here, and the people out there think we are cracked for being here.

But, Mr. Speaker, my friend, the Leader of the Opposition was absolutely right when he said that the fact that we are discussing this legislation on a Wednesday afternoon which is probably, in all probability, two or three days before we close up this House, shows what the St. John's members think of the city of St. John's. The problem, Mr. Speaker, - do you know what the problem with the city of St. John's is when it comes to elections? It is that the people who are elected, those who represent, and those who represent the city of St. John's, know or believe that they can run a yellow dog in this city as a Tory and get him elected. And as long as the city of St. John's permits those members to believe that, as long as they permit them to believe that, then they will get the kind of consultation that they got on this particular bill.

MR. TULK: They are taking them for granted, 'Les'.

MR. THOMS: They are being taken for granted.

MR. TULK: Yes.

MR. THOMS: That is right. They are being taken for granted.

Mr. Speaker, I do know I was looking at this bill as the Leader of the Opposition was speaking

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MR. THOMS: and Clause (3) of the bill says that "This section shall not apply to the property known as Fort William." Now, under The City Of St. John's Act the Crown land contained within that area known as Fort William

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MR. L. THOMS: did not devolve to the city. All other Crown land became vested in the city of St. John's with the exception of the Fort William. Now, I do not know why this has not been looked at and changed because as far as I know, and I think I have done searches on every piece of property in that area known as Fort William, I do not think there is a piece of Crown land left in that area known as Fort William. I do not think there is a piece of Crown land there. There is one possible chance that there is a piece of road that runs in front on what they call Fort William street, the one that goes from Factory lane over to the hotel, that a piece of that road may still be considered to be Crown land. I know the section from about the corner of the Terpstra Engineering building, and that section that will now go right directly through the CN Hotel, that part of the road was transferred and conveyed to the City of St. John's in this past eight or ten days, so that the other section of that road from the, Oh, I guess, Western end of what we would call the Terpstra building out to Factory lane might still be Crown -

AN HON. MEMBER: That is a road.

MR. THOMS: - it is a roadway but it might still be Crown property. But as far as I know, that is the only possible piece of Crown land within Fort William. So why we keep referring to Fort William is - well, maybe it is just no more than a little bit of laziness on the part of those who draft legislation. As I say, Mr. Speaker, as far as I know, there is no more Crown land in the area of Fort William. Mr. Speaker, I would like to speak for a moment, and bearing in mind that I appreciate the difficulties experienced by city and town councillors in this Province, but I would like to speak for a moment on the amendment to Section 18 of the Act,

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MR. L. THOMS: which is now amending the Act by striking out the word 'eight' and substituting the word 'ten'. Now, I understand from the President of the Council (Mr. Marshall) that an amendment may come in which would give the council itself the authority to expand to ten people. I cannot support, I cannot support increasing the size of the City Council at this time. Mr. Speaker, the people of this city, by a referendum that was called for by the City Council and which was held during the last municipal elections, voted in favour of a ward system for this city. At that particular time, I believe it was some 60 per cent voted for a ward system. Another survey done since that time, shows that about 80 per cent of the people of St. John's wish a ward system. Now, here we have City Council arrange to have the referendum, arrange to have another study done, paid somebody \$1000 for doing it, to find out what the wishes of the people of this city were. Mr. Speaker, I personally, back in 1977, the last municipal elections, I was one of those 60 per cent, and I did not vote for any partial ward system or ward system of some sorts,

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MR. THOMS: I voted for the ward system and I voted honestly and sincerely believing that if the wishes of the majority of the people of this city was that there would be a ward system, then there would be a ward system. But what do we find? We find that we had the referendum, when some 60 per cent voted either for the ward system or a partial ward system. We had another study done that shows 80 per cent or 85 per cent of the people in St. John's wanted a ward system. And the council itself, who went through the expense of both of these, the referendum and the survey, decided that there would be no ward system and voted against it. And I challenge, Mr. Speaker, the - sure they had the legal right. I would not go into court on the legalities of whether or not they could vote for or against the ward system, but I do challenge the moral right of any councillor to vote against the ward system when in one case 60 per cent and another case 80 per cent voted for the ward system on a referendum initiated by the city of St. John's.

Now, the President of the Council (Mr. Marshall) can sit over there and shake his head and moan and groan all he likes, but I am taking my thirty minutes and talking on this particular bill, Mr. Speaker, taking my thirty minutes.

MR. BARRETT: A complete waste of time.

MR. THOMS: At least I am prepared to stand here and waste my time speaking on behalf of the people of the city of St. John's. And the only reason I had to do it is because members like the member for St. John's West (Mr. Barrett) will not get up and speak on behalf of the people from St. John's. The member for St. John's North (Mr. Carter) is asleep. He is asleep, that is what he thinks about St. John's North.

SOME HON. MEMBERS: Oh, oh!

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IB-2

MR. SPEAKER (BAIRD): Order, please!

MR. DINN: Why do you not run there?

MR. THOMS: The member for Pleasantville,
I will talk to him when he has got the integrity to sit
in the backbenches where he should be. I will talk to him.

MR. DINN: Why do you not run there?
You live in the area and you do not have the courage -

MR. SPEAKER: Order, please!

MR. THOMS: Why do you not run down in
Grand Bank.

MR. SPEAKER: Order, please!

MR. THOMS: Do not be so silly! Do not
be so silly!

MR. SPEAKER: Order, please!
I would ask the members on my
left to restrain themselves.
The hon. member for Grand Bank.

MR. THOMS: Thank you very much, Mr. Speaker.
I must be saying something that gets to the quick.

MR. DINN: You do not have the guts.

MR. THOMS: Do you have the guts to go down in Grand Bank?

MR. DINN: I do not live there but if I did I would.

MR. THOMS: Oh, you would?

MR. DINN: Yes.

MR. SPEAKER: Order, please!

MR. THOMS: How many of the St. John's members
live in their districts?

MR. DINN: I do.

MR. THOMS: How many? You will find just
as many who live outside their districts as who live in
the districts. The President of the Council (Mr. Marshall)
does not live in his district.

MR. SPEAKER: Order, please!

MR. THOMS: The member for St. John's North (Mr. Carter) does not live in his district.

MR. SPEAKER (SIMMS): Order, please!
Let us be relevant.

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

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

MR. MARSHALL: You know, who lives in whose district is immaterial.

MR. THOMS: I did not bring it up.

MR. MARSHALL: The hon. gentleman was making some points about the ward system which is germane to the bill, but what he is now talking about is not.

MR. SPEAKER: I think the hon. member would agree that he was beginning to get a bit irrelevant, even though he may have been provoked, but I would ask him to try to be relevant to the principle of the bill.

The hon. member for Grand Bank.

MR. STIRLING: Why do you not stand up and get involved in the debate.

MR. THOMS: Thank you very much, Mr. Speaker.

MR. STIRLING: Nothing but arrogance.

MR. THOMS: I would be very happy if I could provoke some of the St. John's, so-called St. John's Tory representatives to stand on their feet and speak for the people of St. John's. I would be happy if I could accomplish that. I would stay here until - and I would stay here until the end of the Summer if I could do that. But, Mr. Speaker, I was saying why I would not support clause 2 of this particular bill, because I believe that this particular act should be talking about a ward system. I believe that the city council, after having the referendum; after getting the feelings of the people through the referendum, they should have certainly felt a moral obligation if not a legal obligation to ask for an amendment to the City of St. John's Act

MR. THOMS: so that they could have brought in a ward system. And I say, Mr. Speaker, and without knowing how - as I said before, anybody who might be within hearing distance - how they voted on the thing, I do not know, but I would say shame on those who voted against it. Mr. Speaker, under a ward system it may be necessary to have ten councillors, it may be necessary to have twelve councillors, I do not know. And I would be only too happy to support the raising the number of councillors from eight to ten or twelve or fourteen or however many is necessary. If the City Council of this city will, I feel, live up to its moral obligation, the legislation is there, they can go ahead, they can set up a ward system, but I, for one, Mr. Speaker, will want to know from those who plan to run in this year's municipal elections, their position on the ward system. Because, as I said, I feel they have an obligation to the people of this city to bring it in.

Mr. Speaker, I, as well, cannot see why the section which gave the authority to the Court of Revision to reduce or exempt taxes of indigent persons, I do not see why it is taken out of act. And in relation to that, Section 5 of the act which says that the council may in cases of financial need agree to defer the payment of a person's taxes. I believe that the City Council, I believe that all other councils should have the authority, should have the power to forgive taxes for those who are in need or indigent persons, as it was referred to in the old section.

MR. NEARY: Who should have that authority you say?

MR. THOMS: The town councils should have the authority, they should have it to forgive the taxes because -

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MR. NEARY: They have it.

MR. THOMS: Yes, but it is - does it? Oh, no, no. You see, the member for St. John's West (Mr. Barrett) has not even read this little piece of bill that we have going through the House.

MR. NEARY: What number is that?

MR. THOMS: Number forty-three.

It is amended by adding,
"The councils may, in cases of financial need, agree to defer the payment of a person's taxes for such period and upon such conditions as it deems". Now, does that mean, does that -

MR. BARRETT: They will be deferred forever.

MR. THOMS: - oh, no, no. Do not worry, do not be so gullible, do not be so stupid as to think that anybody is going to think that if that indigent person should sell his house that you are not going to have to pay off the back taxes to get a tax certificate. So it is not going to be deferred forever, and I see no real advantage to deferring a person's taxes to the point where it builds up and up and up; all of the value is gone out of the House anyway. If they ever went and tried to sell the property, it would be huge amounts. So, maybe the President of the Council (Mr. Marshall) can tell us that under this particular amendment that a person's taxes can be forgiven and I believe that the town councils should have the authority to forgive taxes. Okay? But it does not say that here. What it says here is that the council may in cases of financial need agree to defer the payment of a person's taxes. Okay? The authority for the Court of Revision to reduce or exempt - okay? - the taxes of indigent persons is being repealed. That is being taken out of the act. This act is repealing that particular

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MR. THOMS: section. Like I say, maybe I am
not reading it properly but that is also unlikely.

MR. THOMS:

But at least I have read the bill. I am unlike the members for St. John's, at least I have read the bill.

MR. NEARY: 'Les' what are they repealing?

MR. THOMS: Okay. They are repealing the authority of the Court of Revision to reduce or exempt the taxes of indigent persons.

MR. NEARY: Putting it in the hands of the council.

MR. THOMS: Okay. Now - no, it does not. The council may in case of financial need agree to defer. Okay? My question is can a council forgive the taxes.

MR. DINN: (Inaudible).

MR. THOMS: Now, that is the opinion of the member for Pleasantville. He may be right, he may be wrong. I do not know. I would like to know an answer to this before this particular legislation goes through.

Mr. Speaker, I also think and also believe that just as we amended the Municipalities Act to protect a person's house from its being seized and sold for taxes, we should make the same amendment to the City of St. John's Act. It is true, Mr. Speaker, I have -

MR. MARSHALL: Is the member saying (inaudible) previous bill?

MR. THOMS: I am saying that there should be an amendment to this act - okay? - to this one, saying that, as we did previously, we should make an amendment to this particular act. Now, I realize, at least in my sixteen years of practicing law in the city of St. John's, I cannot recall any house being sold for taxes that has been owner occupied. I cannot recall. I have seen the notices that have been in the paper, that is a practice that has basically, I guess, arisen this last couple of years and I have my suspicions why that is.

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MR. NEARY: It has happened.

MR. THOMS: Has it happened?

MR. NEARY: Yes.

MR. THOMS: I do not know of a single case where it has happened, that an owner-occupied house has been sold for arrears of taxes. It may have happened, but I have never seen it. I have not seen it in the sixteen years that I have lived in the city.

MR. NEARY: You have not had a case but it has happened. Houses have been sold out from under people.

MR. THOMS: But the point is this, that it gives a person - and I do not expect it to happen, if I am living here until I retire from the practice of law, which is as long as I will be living in St. John's, but I do not expect that it will happen in the years to come, that council will sell and take away a home from a family for arrears of taxes. But I think what the amendment actually does, it gives people - and I do not want to say - it gives them a feeling of comfort, comfort knowing that somebody who is in City Hall, to whom they are just a number, cannot order their house sold. So it gives them that certain feeling of comfort, that they are not going to be out on the street.

But you know the strange and ironic thing, maybe, about this whole question of council not being able to sell, is that councils are the ones now that this authority, although it may never have been exercised and, like I say, I do not know of it ever being exercised, but that right is being taken away from councils. But do not forget that a mortgage company, for example - we would not even think about taking it away from a mortgage company, the right for a mortgage company, to sell a person's home for arrears of mortgage. So, you know, it is an odd situation that way. And I am not sure that it is totally,

MR. THOMS: totally right that councils should be given that - that right should be taken away from councils. Because even though councils never use it, well at least not to my knowledge have never used it, there is still that element of pressure that can be brought on a person to pay his or her property taxes, as long as that possibility is there.

Mr. Speaker, I should apologize to the House. I had not intended to speak for the full thirty minutes but when I am asked to sit down by the President of the Council (Mr. Marshall), Mr. Speaker, that sets the devil in me -

MR. DINN: Then stand-up.

MR. THOMS: - and if I could go for an hour now I would. Thank you very much.

MR. SPEAKER (Simms): Order, please!

I hope the same thing will not happen if the Speaker asks you to sit, because your time has now expired.

The hon. member for -

I am sorry, before I recognize the hon. member for LaPoile (Mr. Neary) may I ask hon. members to join me in welcoming to the gallery today, also Councillor Don Langdon from the town of Pasadena.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I am not going to delay at all the passage of this bill. I would say the sooner we get rid of the amendments to The City Of St. John's Act the happier members of this House, especially members who represent rural parts of this Province, will be.

AN HON. MEMBER: (Inaudible).

MR. NEARY: But I do.

There is something that I want to say about this particular bill before it goes through and

MR. NEARY: I hope in a few minutes that I can get it off my chest. Number one, all these bills that we have been talking about this afternoon, there are still one or two more bills on the Order Paper to come, to amend The City Of St. John's Act, the way they are worded indicates to me that we have the cart before the horse, that what we should have had was the Powell Commission report first and then the bills after. And so the wording of these bills is designed in such a way that when the recommendations of the Powell Commission become known, then we have already passed the bills dealing with the recommendations made in that report. And so, therefore, we are debating really in the dark, Mr. Speaker.

MR. WARREN: Shame.

MR. NEARY: These bills anticipate something that may or may not be in the Powell Commission report. And I think that is wrong and I resent having to sit here and listen to debate on bills -

MR. TULK: It is wrong.

MR. NEARY: - based on a Commission report that we have not seen. When will that report be tabled in this House? When will it be given, if it has not already been given, when will it be given to the City Council to study?

MR. NEARY: The Powell Commission report now has been in the hands of the government for four or five weeks, it was submitted to the government last month. There is a municipal election coming up in November and a certain aspect of that report, certain recommendations of the Powell Commission report, may have a direct bearing on the election.

AN HON. MEMBER: Has the hon. member seen it?

MR. NEARY: No, I have not seen it. I have to confess my spy system, my usual reliable source of information is pretty good, but I have not seen the Powell Commission

MR. NEARY: report for the simple reason, Mr. Speaker, that it is being kept under pretty tight security and under pretty tight wrap.

MR. STIRLING: Because they are going to chop it to pieces
MR. NEARY: Pardon.

MR. STIRLING: They are going to chop it to pieces.

MR. NEARY: Maybe the reason they have not tabled it as the Leader of the Opposition just indicated, maybe they are going to cut it to ribbons, maybe they are going to chop it to pieces.

MR. STIRLING: They will never table it.

MR. NEARY: And maybe it will never see the light of day. But if they are going to table it, and taxpayers money was used to hold hearings and compile that report, and I would suspect that that report cost several thousands,

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MR. S. NEARY: probably hundreds of thousands of dollars, and the people, especially in the areas around St. John's and in the City of St. John's, have a right to see that report at an early a date as possible, certainly before these bills were brought before this House. I think every bill with the wording in it- for instance, 'This amendment would provide that an order changing the boundary of the city may have effect for the purpose of the city election on a different date than for other purposes'. The mumbo-jumbo double talk, -

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Mr. Speaker, the design, just in case the government decided to go ahead with some of the recommendations of the Powell Commission, then they have the wording - the legislative draftsmen were directed to put the wording in such a way in the amendment that they could cover practically any situation. And that is wrong and I am sure other hon. members of this House resent having to debate bills under these circumstances, in that particular atmosphere. And I would like to ask the President of the Council (Mr. Marshall), when he closes the debate, to tell the House and tell the people of the City of St. John's and the people who are on tender hooks waiting to hear the recommendations of the report to see if they are going to be put within the boundaries of the City of St. John's against their wishes. Mr. Speaker, I believe my colleague, the member for Grand Bank (Mr. Thoms) and the Leader of the Opposition (Mr. Stirling), both of them referred to the silence on the part of the members who represent St. John's districts. We have eleven districts in and around St. John's represented in this House and seven out of the eleven members elected in St. John's district are in the Cabinet, seven are in the Cabinet and yet, Mr. Speaker, on matters pertaining to the City of St. John's, relating to the City of St. John's and the boundaries and taxes, not one of them speak, not one of them stand in their place in this

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MR. S. NEARY: House and express an opinion, all of a sudden they become dummies.

MR. HOUSE: They got their work all done.

MR. S. NEARY: They got their work all done. Well, not according to the remarks I heard coming from City Hall there several weeks ago, they do not have their work all done. Before the Powell Commission was appointed, I heard severe criticism of the city members coming out of City Hall and justifiably so, Mr. Speaker, the way they played politics before the Powell Commission was set up to consider changes in the boundary of the City of St. John's. The way they were playing politics with it, the member for Mount Pearl (Mr. Windsor), the member for Pleasantville (Mr. Dinn), the member for St. John's Centre (Dr. McNicholas), the member for Kilbride (Mr. Aylward), the member for St. John's East Extern (Mr. Hickey) the way they played politics with the proposed boundary changes, Mr. Speaker, left an awful lot to be desired. When the tax bill was brought into this House, changing the rental value to the capital value system in the City of St. John's, not one city member commented on it, not one. I do not know if the Premier issued instructions that they were to keep quiet, remain silent on these matters or not. But it would not surprise me at all, the way the hon. gentleman tries to operate, everything has to be done on a timetable as if he was in a classroom, and if it does not fit into the timetable well, then, nobody is allowed to say anything.

MR. HOLLETT: Budget first.

MR. NEARY: First order of business will be religion.

MR. TULK: That is right.

MR. S. NEARY: Second order of business will be a forty minute lecture by the Premier in the gym, and everybody will gather in the gymnasium -

MR. HOUSE: (Inaudible) wasting the time of the House.

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MR. NEARY: - forty minutes on history, forty minutes for the new math -

MR. CARTER: Do not be so foolish.

MR. NEARY: - and if does not fit into his timetable -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order!

MR. NEARY: - and that is the reason, Mr. Speaker, the House is in the mess it is in, by the way, everything has to be done the same as it is done in the classroom. If it does not fit into the timetable

MR. NEARY:

well, then, that is it. And so, Mr. Speaker, the question that I have to repeat again is when do we get the Powell Commission report. When do we get it? We should get it while we are in the middle of these debates.

MR. HANCOCK:

What is the sense in passing this legislation if the Powell Commission Report is not here?

MR. NEARY:

There is no sense in passing it. We are asked to give the government a blank cheque. Just look at the wording of the legislation. Give them a blank cheque so that they can have changes brought in to suit themselves. The ones that they want to bring in before the election in the Fall, in November, they will bring them in. The other changes will be buried. I suspect that the majority of recommendations of the Powell Commission Report will be buried.

Mr. Speaker, another reason why the Powell Commission Report should be tabled at an early a date as possible is that people for, instance, in the area where I live, in Airport Heights, are -

AN HON. MEMBER:

Are they afraid (inaudible)?

MR. NEARY:

I beg your pardon?

AN HON. MEMBER:

Are they afraid (inaudible)?

MR. NEARY:

Well, I do not know if they are afraid. I do not know if that is the right word or not. But they certainly feel that before they are included in the boundary of the city that they should have a vote, that the people themselves should decide whether or not they should become a part of the city of St. John's. I used to live inside the city boundary. So I have a taste of both worlds. I lived in the city of St. John's. I paid my taxes.

MR. CARTER:

Why did you move out?

MR. NEARY:

I beg your pardon?

MR. CARTER:

Why did you move out?

MR. NEARY: Well, one of the main reasons I moved out, Mr. Speaker, I like the country life. I like to get up in the morning and hear the birds chirp. I would like to have a little garden, if I could have it. I would like to have a little garden because in this day and age it is pretty difficult to make both ends meet and I would like to grow a few vegetables.

AN HON. MEMBER: You are not growing weed down there, are you?

MR. NEARY: No, I am not growing any grass down there if that is what the hon. gentleman thinks. And I might say, Mr. Speaker, that one of the reasons, one of the many reasons I moved outside the city boundary is that I did not like what was going on in the city. I did not like some of the things that were happening. I did not like the way the City Council was performing. And I did not like the idea of bringing in the capital value system, practically tripling my taxes in the city of St. John's. I had no say in it so I moved out. One of the many reasons I moved out was to get clear of that situation and to get clear of that crowd.

MR. MARSHALL: That is not true.

MR. NEARY: That is true. And now, Mr. Speaker, they are talking about taking us in again without allowing us a vote, without doing it in a democratic way. I can understand the city trying to get their clutches on the airport, to try to get the taxes from the federal property down at St. John's Airport. Well, that is fine. If that is what they want let them carve out the airport. But they want to take in the whole area, right from Bell's Turn right up to the head of Winsor Lake, the city water supply. And that is fine. I do not mind them doing it if the people agree to it. The people are against it. The people want to vote. The people want their own municipality

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MR. NEARY: in that area or they are satisfied to be left under the Metro Board or they want to vote. If they are going in they want to go in with their eyes open, they want to go in in a democratic way, Mr. Speaker. It is one minute to six, I move the adjournment of the debate.

MR. SPEAKER (SIMMS): The hon. member for LaPoile (Mr. Neary) moves the adjournment of the debate.

Is it agreed to call it six o'clock?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Agreed.

It being six o'clock the House stands adjourned until tomorrow, Thursday at three of the clock.

I N D E X

ANSWERS TO QUESTIONS

TABLED

July 8, 1981

July 7, 1981

*Tabled by Hon.
President of the Council
on behalf of Minister
of Mines & Energy.
8 July, 1981*

The following information is supplied by the Honourable Minister of Mines and Energy in reply to a question put forward by Mr. Steve Neary (M.H.A. LaPoile) in Order Paper 8/81 dated Thursday, March 12th, 1981.

Questions:

- (a) List of employees of Newfoundland and Labrador Hydro Commission who are receiving more than \$25,000 annually.
- (b) Names, classification and actual salary paid to these employees.

Answers:

SALARY STATISTICS OF PERMANENT HYDRO EMPLOYEES

<u>ANNUAL SALARY RANGE</u>	<u>% OF TOTAL</u>
\$10,000 - \$24,999	84.9%
\$25,000 - \$29,999	7.8%
\$30,000 - \$34,999	3.1%
\$35,000 - \$39,999	1.7%
\$40,000 - \$49,999	1.5%
\$50,000 - \$59,999	0.7%
\$60,000 - \$81,000	0.3%

The Board of Commissioners of the Public Utilities Board has reviewed the salaries of Newfoundland and Labrador Hydro's senior management and has found them to be reasonable.