

PRELIMINARY  
UNEDITED  
TRANSCRIPT

HOUSE OF ASSEMBLY  
FOR THE PERIOD:  
3:00 p.m. - 6:00 p.m.  
THURSDAY, MARCH 19, 1981

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

Hon. members would like to join me, I am sure, in welcoming to the galleries today a delegation from the Town Council of Bay de Verde in the district of Trinity - Bay de Verde, the Mayor, Mr. Bren Doyle, the Deputy Mayor, Mr. Don Barter and the Town Clerk, Mrs. Walsh who are seated in the Speaker's gallery.

SOME HON. MEMBERS: Hear, hear!

STATEMENTS BY MINISTERS

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: Mr. Speaker, as was indicated in the gracious Speech from the Throne, my government places considerable priority on an honest and efficient political system.

One aspect of my government's aims in this regard has been the policy of calling by-elections for vacant seats of this honourable House at the earliest possible date.

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: I feel it is important that a district have continuous and good representation in the House of Assembly so that its hopes, aspirations and problems receive the maximum possible debate and consideration.

My government has proven its adherence to this policy by swiftly calling by-elections in the districts of St. Mary's - The Capes and Burgeo - Bay d'Espoir in the Fall of 1979.

PREMIER PECKFORD: Since the resignation from this honourable House of the former Leader of the Opposition in December past, the district of Bellevue has been without an elected representative. Now that the Christmas period is over and hopefully the worst part of the Winter is behind us, although the last couple of days you would not say so, I feel it is incumbent upon me to see that a new member for Bellevue district be elected as soon as is possible. Accordingly, I have asked His Honour, the Lieutenant-Governor to proclaim a by-election for the district of Bellevue on April 10, 1981.

SOME HON. MEMBERS: Hear, hear!

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

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

I am certainly glad that the Premier finally got up enough nerve to call a by-election. It took him a lot longer to get up enough nerve in Bellevue than it did when he wanted to get rid of his friend in -

MR. WARREN: St. Mary's - The Capes.

MR. L. STIRLING: - St. Mary's - The Capes. Poor old Walter Carter found out - twenty-one days notice was given from the time that he decided to get into a by-election and it was all over.

But anyway now that it has been done, Mr. Speaker, the people in Bellevue will get an opportunity not only to speak on behalf of

MR. STIRLING:

themselves, but the people in Bellevue will get a chance to speak on behalf of all the people of Newfoundland and Labrador in indicating to the people of this Province what it is, what kind of a message they want to get across to the Premier and the PC Government. The people in Bellevue would like for us to get on with, as the people in the rest of the Province would like for us to get on with the important issues in this Province, jobs, the creation of work, the municipal services, the paved roads, all of the problems that people have from all over the Province. And the people in Bellevue, Mr. Speaker, will get the opportunity to speak not only on behalf of themselves, as important as that is, but to speak on behalf of all of Newfoundland and Labrador and return a Liberal to this House of Assembly.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): Further statements?

ORAL QUESTIONS:

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: I will yield to my leader.

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

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

I have a question for the Minister of Transportation and Communications.

SOME HON. MEMBERS: Oh, oh!

MR. WARREN: You will be before Question Period is up.

MR. STIRLING: Maybe that is my first question to the minister; has he offered his resignation at any time in the last month to the Premier?

MR. SPEAKER: The hon. Minister of Transportation.

MR. BRETT: No, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. STIRLING: You are anticipating me, Mr. Speaker. A supplementary to the Minister of Transportation and Communications (Mr. Brett). In the last discussion, when he was getting his knuckles rapped as we were told, on television, was it suggested that he might be asked to resign?

MR. SPEAKER: The hon. Minister of Transportation.

MR. BRETT: Mr. Speaker, I did not get my knuckles rapped and there was no suggestion that I would be asked to resign.

SOME HON. MEMBERS: Oh, oh!

MR. STIRLING: Mr. Speaker.

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

MR. STIRLING: The minister in addition to being Minister of Transportation and Communications (Mr. Brett), is a member of the Treasury Board, this infamous Treasury Board that the Minister of Labour and Manpower (Mr. Dinn) has been having so much trouble with, The Minister of Labour and Manpower cannot get that Treasury Board to negotiate with the employees. Now when the minister deleted the portion of the petition that was not deleted by the Minister of Labour - at least the Minister of Transportation read it - do I take it that because you deleted only that sentence about an insult that the minister agreed with everything else that was in the petition?

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Tape No. 472

AH-1

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

MR. BRETT: Mr. Speaker, first of all the hon. Leader of the Opposition should try to get the portfolio straight. I am not the Minister of Transportation and Communications; I am the Minister of Transportation.

SOME HON. MEMBERS: Oh, oh!

MR. BRETT: When I signed the petition on the steps of the Confederation Building-

MR. NEARY: How come you were on the phone talking communications with Mr. Pepin the other day?

MR. SPEAKER: Order, please!

MR. BRETT: Mr. Speaker when I signed the card on the steps of Confederation Building a few days ago, the day the House opened, I did it because I was concerned with what was going on at the College of Trades and Technology and, in effect, it was a request that both sides would get back to the bargaining table.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: A supplementary.

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

MR. STIRLING: As a member of the Treasury Board, have you taken any action since to get your colleagues from the Treasury Board back to the bargaining table? As a member of that Treasury Board, have you taken any action to get negotiations started again?

MR. SPEAKER: The hon. Minister of Transportation.

MR. BRETT: Negotiators are always willing to sit down and negotiate, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: The hon. member for Lapoile.

MR. NEARY: I yield.

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

MR. STIRLING: A question for the Minister of

MR. STIRLING: Transportation. Do you still consider that you are now speaking for the government on matters related to Transportation?

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

MR. BRETT: Yes, Mr. Speaker, I most certainly do.

MR. STIRLING: A supplementary.

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

MR. STIRLING: When the Minister of Transportation is quoted in the press as having offered a subsidy to EPA to continue their operation into Deer Lake, was he then speaking on behalf of the government or was it a personal suggestion?

MR. SPEAKER: The hon. Minister of Transportation.

MR. BRETT: Mr. Speaker, to the best of my knowledge I have never said that this government, or myself personally as the Minister of Transportation, offered a subsidy to EPA. What I said on several occasions was that the matter of a subsidy for EPA was discussed very briefly by Mr. Steele and myself. There was no suggestion that this government would offer a subsidy. I have suggested to Mr. Steele and to the press that EPA is being subsidized via cross-subsidization and as a government we feel that should be sufficient.

MR. STIRLING: A supplementary Mr. Speaker.

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

MR. STIRLING: Well, I take it then that the minister is saying that the government is not prepared to offer a financial inducement to EPA to continue to keep their policy and our policy of two airports on the

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Tape No. 472

AH-3

MR. STIRLING: West Coast. Has he or has he not got the authorization from the government to offer any kind of a financial inducement to EPA to keep both airports open?



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

MR. BRETT: Mr. Speaker, all avenues, every single, solitary avenue will be explored to make it possible for EPA to continue to operate out of Stephenville and Deer Lake but, Mr. Speaker, let there be no misunderstanding, the bottom line is that this is a federal responsibility.

SOME HON. MEMBERS: Oh, oh!

SOME HON. MEMBERS: Hear, hear!

MR. BRETT: We subsidize EPA into Deer Lake today, tomorrow we subsidize the coastal service and the next day we subsidize the service into Gander and on and on she goes. Mr. Speaker, this is a federal responsibility and not a provincial responsibility.

MR. STIRLING: A supplementary, Mr. Speaker.

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

MR. STIRLING: Would the minister of Transportation - and I realize he has already lost half his department and I am glad that he mentioned it to me - would the Minister of Transportation discuss with his Cabinet at least offering the same subsidy to the 100,000 people in Western and Northern Newfoundland and in the Premier's district, the same subsidy as he offers for transportation to the St. John's bus system?

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

MR. BRETT: Mr. Speaker, I have already told the hon. the Leader of the Opposition that every single avenue will be explored and I repeat that.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, would the Minister of Transportation tell the House if he used for his own personal use a tractor trailer or a low bed from the

MR. NEARY: Department of Transportation in Clarendville to transport a boat in late December or early January from - Grand Falls, rather - from Harbour Breton to Clarendville?

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

MR. BRETT: Yes, Mr. Speaker, I hired the Highways float to transport my boat.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: A supplementary, Mr. Speaker.

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

MR. NEARY: Mr. Speaker, would the hon. gentleman care to elaborate on his answer, what he meant by hiring the tractor trailer or the low bed from Grand Falls to send it down to Harbour Breton to bring up his boat?

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

MR. BRETT: Mr. Speaker, I am not sure if she was sent down or if she was down there, I would have to check that out. It is quite possible that she was down there and then loaded a boat and brought it on the way back.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I presume the hon. gentleman is going to check that out to see if the low bed was sent down or if it was down there. Would the hon. gentleman also indicate who accompanied the tractor trailer from Grand Falls to Harbour Breton down and back?

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

MR. BRETT: I have no idea, Mr. Speaker, no idea in this world if anybody - I was there when the boat

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EC - 3

MR. BRETT: arrived. There were two gentlemen,  
but I have no idea who they were.

MR. NEARY: A supplementary, Mr. Speaker.

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

MR. NEARY: Would the hon. gentleman indicate to the House if the salaries and the expenses of the gentleman who accompanied the low bed or the tractor trailer, whatever you want to call it, to Harbour Breton to bring up the boat, were paid by the hon. minister?

MR. SPEAKER: The hon. Minister of Transportation.

MR. BRETT: The total cost, Mr. Speaker, of transporting the boat was paid, I assume that that was in it.

MR. NEARY: Supplementary, Mr. Speaker.

MR. SPEAKER: Supplementary, the hon. member for LaPoile.

MR. NEARY: Would the hon. gentleman indicate to the House what the amount was, what the charge is to the hon. gentleman, and what the policy of the government is for transporting boats and the like for individuals? Would the hon. gentleman tell us what the policy of his department is in this regard?

MR. SPEAKER: The hon. Minister of Transportation.

MR. BRETT: I do not know the exact cost now, Mr. Speaker, but I can certainly get it. Our policy is that we do not make a practice of it; we have done it on occasion, particularly with people who want to move fishing boats. But as a general rule I can say it is not done. If something else were available, then we would try to stick to that, but in some cases where it is not then we have used the floats to transport fishing boats.

MR. NEARY: Supplementary, Mr. Speaker.

MR. SPEAKER: Supplementary, the hon. member for LaPoile.

MR. NEARY: Would the hon. gentleman indicate to the House if his boat was a fishing boat or was it a boat

MR. NEARY: to be used for pleasure?

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

MR. BRETT: No, Mr. Speaker, I do not have a fishing licence so I do not expect I will be going fishing.

MR. NEARY: Supplementary, Mr. Speaker.

MR. SPEAKER: Supplementary, the hon. member for LaPoile.

MR. NEARY: Did I understand the hon. gentleman to say that it is not the practice of his department to do this only in—I presume what he meant was in emergencies when fishermen could not get their boats transported that his department would consider it? Now I presume what the hon. gentleman is saying that where other means are available, where the individual can hire a tractor trailer or low bed, then the department will not allow their equipment to be used. Is that what the hon. gentleman is saying?

MR. SPEAKER: The hon. Minister of Transportation.

MR. BRETT: There are times, Mr. Speaker, when, in the case of fishermen, rather than have somebody waiting for two or three weeks, if our float is in the area, then we would certainly use it to get a boat out.

MR. NEARY: Supplementary, Mr. Speaker.

MR. SPEAKER: Supplementary, the hon. member for LaPoile.

MR. NEARY: Was the float in the area or was it sent from Grand Falls with other equipment, other trucks and accompanied by senior staff of the Transportation Depot in Grand Falls? The hon. gentleman surely must know the answer to that.

MR. SPEAKER: The hon. Minister of Transportation.

MR. BRETT: I have already answered that, Mr. Speaker. I indicated that I was not sure but I said that I would get the information, I really do not know but I have no objections of getting it.

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Tape No.475

EL - 1

MR. NEARY:

A supplementary, Mr. Speaker.

MR. SPEAKER (Simms):  
for LaPoile.

A supplementary, the hon. member

MR. NEARY:

Mr. Speaker, would the hon. gentleman be prepared to table the details of his involvement with this tractor trailer, the details of the cost, whether or not the hon. gentleman sought commercial companies to go and bring up this pleasure craft? Would the hon. gentleman care to indicate to the House whether or not he will table every detail, every bit of information in connection with this matter in this hon. House?

MR. SPEAKER:

The hon. the Minister of Transportation.

MR. BRETT:

I have no objections, Mr. Speaker.  
I will certainly do that.

MR. BENNETT:

Mr. Speaker.

MR. SPEAKER:

The hon. member for St. Barbe.

MR. BENNETT:

Mr. Speaker, my question is to the Minister of Transportation (C. Brett). Mr. Minister, how high on your list of priorities or your wish list to Ottawa for DREE funding, how high on that list of priorities does Corner Brook harbour development come?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I will answer that because that does not come under the Minister of Transportation's ambit. The harbour development is part of the industrial development that comes under the Minister of Development (N. Windsor) and myself as minister responsible for inter-governmental affairs. Suffice it to say there is already an agreement in effect in the Corner Brook area on industrial development, as there is for Stephenville, the access road to Stephenville, and for the beginning of the industrial park and that in Corner Brook.

PREMIER PECKFORD: The priority that we give Corner Brook is very, very high indeed because there is an existing agreement there. And the reason why the harbour development part of the agreement was not signed a couple of years ago in 1979 was because additional studies, environmentally and otherwise, for the infrastructure near the harbour in Corner Brook, that was the reason why it was not signed and we place a very, very high priority on that whole agreement and that part of it which links itself to an expansion to the existing DREE agreement now in effect in the Corner Brook area.

MR. BENNETT: A supplementary, Mr. Speaker.

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

MR. BENNETT: I will direct my supplementary to the Premier then, Mr. Speaker, if he is responsible in that department. I am led to believe a meeting was held in Corner Brook not too long ago at which time the hon. gentleman, the member for Humber West (R. Baird) attended, and the MP for the area attended and a Mr. Barfoot, I believe his name is, who is an employee of the Provincial Government. Mr. Barfoot led that meeting to believe that the priority list, or Corner Brook's desire to have harbour development on the priority list was so far down the list that unless it were placed higher on the priority list, the East coast would forever and ever and ever and a day get priority over Corner Brook and indeed, Mr. Speaker, there would never come a time unless that was moved up the scale, higher on the priority list, as long as it remained where it is at this time, the East Coast would forever and a day get priority over the West coast like in Corner Brook.

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Let us just

PREMIER PECKFORD: review that, Mr. Speaker; that is a very important point that the member for St. Barbe (Mr. Bennett) brings up. Is the member for St. Barbe aware that the only DREE agreement in effect on industrial development is now a DREE agreement for the West Coast of the Island of Newfoundland? And is he aware that the only agreement in the place - every other area of the Province does not have a DREE agreement on industrial development; Avalon Peninsula, Bonavista Peninsula, Burin Peninsula, Central Newfoundland, the Great Northern Peninsula where the hon. member is from, the Labrador coast, Northern Labrador coast, Southern Labrador coast - Happy Valley - Goose Bay has an existing infrastructural community services agreement, but not an industrial one. It does have a Development Corporation - and Labrador West, so that the only place right now, today, where there is an industrial development agreement with DREE, is the West Coast of the Island of Newfoundland. That is number one.

Number two, I think what, Mr. Speaker, we are now negotiating with DREE, locally with the DREE office, the DREE office through Moncton and through Ottawa, is an enlargement, an expansion of that existing agreement that only now applies to the West Coast of the Island, and that what Mr. Barfoot was referring to, I would suggest to the hon. member, is that it has to do with agreements, not to do with the harbour development. We must get signed, for example, Mr. Speaker, outstanding agreements that have been on the table for four or five years. We have to, for example, get signed the coastal Labrador agreement because that has been there longest.

MR. WARREN: What is wrong with it?

PREMIER PECKFORD: There is nothing wrong with it, I am all in favour of signing it yesterday.



PREMIER PECKFORD: The coastal Labrador agreement must be signed. That has been there a long while.

NORDCO: NORDCO, Mr. Speaker, right now is being financed totally out of the coffers of the provincial government. It has always been under a DREE agreement. We have been financing it by ourselves for the last year and a half.

Land and surveying and mapping, which is another small DREE agreement which has been on the table for three or four years is there, and then there is the industrial development agreement with the Trans-Canada Highway from MOT, with the secondary roads agreement, which is important for all parts of the Province. So the point of the matter, to deal directly with the hon. member's question, is simply this, that the reason why we cannot get into signing and industrial development agreement which will give more expansion to the existing agreement for Corner Brook and Stephenville, and also provide money for Gander, provide money for Pasadena, provide money for the East coast, provide money for all over the Province, is because these other DREE agreements have been holding back our chances to put this one on the table.

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

MR. SPEAKER (Simms): Order, please!

SOME HON. MEMBERS: Shame! Shame!

MR. HODDER: I will withdraw my point of order, Mr. Speaker.

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Tape No. 477

DW - 1

SOME HON. MEMBERS:

Oh, oh!

MR. G. FLIGHT:

Mr. Speaker.

MR. SPEAKER (Simms):

The hon. member for Windsor -  
Buchans.

MR. G. FLIGHT:

Thank you, Mr. Speaker. It is interesting, Mr. Speaker, to see the Premier attempting to take the Minister of Transportation (Mr. Brett) off the hook when he realizes the gist of the question.

SOME HON. MEMBERS:

Oh, oh!

MR. G. FLIGHT:

My question is to the Minister of Transportation. In a recent television interview, the minister indicated to the interviewer that in the first year that compulsory automobile insurance, liability insurance was brought into this Province, that the Registrar of Motor Vehicles received 25,000 notices of cancellations. But now he also said to the interviewer, Mr. Speaker, and all Newfoundland heard, he said that, 'Of course, we do not have any way to handle those many letters. What could we do?' And he indicated that some of them might not have been cancellations, they might have been notifications that they were going to other insurance companies and that kind of thing. How many of the 25,000 - would the minister tell the House how many of the 25,000 were actual cancellation of policies?

MR. SPEAKER:

The hon. Minister of Transportation.

MR. C. BRETT:

I do not know if there is any way to tell that, Mr. Speaker. But, you know, the volume was so great in a period of three months the Registrar of Motor Vehicles received something like 25,000 reports from the different insurance companies. What we saw happening was that we would have to build up a huge staff to handle it. And we knew, in fact, that there were not 25,000 cancellations.

MR. C. BRETT: And, you know, if the hon. member heard the interview, then he also heard me say that for some strange reason, I do not know what it is, Newfoundlanders seem to change insurance companies fairly often. The hon. member also knows that surveys conducted by the RCMP, the Registrar of Motor Vehicles, the insurance companies indicated that in excess of 93 per cent, somewhere between 93 and 97 per cent, of all vehicles in the Province carry insurance. You know, I do not think we could be any more conclusive than that. And I also said in the interview that people will always break the law, you know, There is the law which says you cannot travel any more than 55 miles per hour. The only way I know to check and make sure that everybody has insurance is to have somebody, some police or some staff member somewhere stop everybody every time they get in their car. I know of no other way to do it.

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

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

MR. G. FLIGHT: Mr. Speaker, the indication here is - our motivation here is to make sure that people travelling on the high roads of Newfoundland are protected. We brought in legislation for that purpose and we did not give the legislation any teeth.

Now when the minister became aware that there was 25,000 notices of cancellation for whatever reason, what action did he take and what action did he recommend that the Motor Registration take to make sure that these people were not continuing to drive without public liability insurance?

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

MR. BRETT: I have already indicated to the hon. member that this was one of the reasons that some of the surveys were done, so surveys were conducted, and, I repeat, the Registrar of Motor Vehicles, the RCMP, and the insurance companies involved, and conclusive evidence resulted indicating that between ninety-three and ninety-seven per cent of all vehicles on the road were insured.

MR. FLIGHT: A supplementary, Mr. Speaker.

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

MR. FLIGHT: It may take the rest of the Question Period, Mr. Speaker, and I am prepared to listen to the minister tell us, what surveys is he talking about? The only time that an RCMP officer becomes aware that a driver does not have liability insurance is when he stops that driver for some violation of the Motor Traffic Act. That is the only time. And I am not aware-and maybe now the minister can stand up and in detail explain to us what surveys were done by the RCMP, or any other authority, to determine how many Newfoundlanders were driving without liability. Would the minister please give us the details of the surveys?

MR. SPEAKER: The hon. Minister of Transportation.

MR. BRETT: No, Mr. Speaker, I cannot give the details on the surveys. I do not have them with me. I would gladly table them and get the information the hon. member is looking for. I am almost certain that there were -

MR. NEARY: (Inaudible) table the information (inaudible).

MR. BRETT: I think there were three different surveys done but I cannot be absolutely certain. But I know that the RCMP were involved, I know that the insurance companies were involved, and I know that the Registrar of Motor Vehicles was involved. I do not have it on my desk.

MR. BRETT: I will gladly get it and table it or make it available to the hon. member.

MR. FLIGHT: A supplementary, Mr. Speaker.

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

MR. FLIGHT: Well obviously, Mr. Speaker, the insurance companies would be aware because they are the people who are doing the cancellation. They are the people who know, they are the first to know that people are driving with no liability. Would the minister indicate when - we have had that legislation now for three to four years - would the minister indicate when that survey was done that proved to him and that made him - that indicated to him that there was only less than ninety-three per cent of our drivers were driving without liability insurance, less than ninety-three per cent?

MR. STIRLING: In excess.

MR. FLIGHT: In excess of. When was that survey done? Would the minister indicate that?

MR. SPEAKER: The hon. Minister of Transportation.

MR. BRETT: Mr. Speaker, I just told the hon. member that I do not have that information right on my desk and I would be only too happy to get it, but I would like to inform the hon. member that - I do not know if he has been talking to the insurance companies or not -

MR. FLIGHT: Yes, I have.

MR. BRETT: - but if he would care to - and not just one insurance company, but people who represent the insurance companies - he will find out that they are reasonably satisfied, and I am sure if they can find a loophole they would be happy to, because the more people they have insured the more revenue they get. They agree with us that you are not going to get it down any finer than this.

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

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

MR. FLIGHT: Would the minister care to explain  
to the House and reconcile this fact to me, that the insurance  
companies notified the Registrar of Motor Vehicles that 25,000  
policy holders cancelled. Now did that make the insurance  
companies happy, that they lost 25,000 policies in the first  
year that we brought in compulsory registration? What the  
minister is saying does not reconcile itself, Mr. Speaker?

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

MR. BRETT: Mr. Speaker, the fact that 25,000 people might have called an insurance company and cancelled their insurance does not mean necessarily that they were without insurance. In the first question that I answered, I indicated to the hon. member -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. BRETT: - that for some strange reason - this is a fact; I am not just saying it - Newfoundlanders do change insurance companies. And this, you know, I repeat myself, the fact that the 25,000 people notified an insurance company they were cancelling their insurance does not and did not necessarily mean that they were without insurance. They could have left one insurance company and gone to another. And it is very, very difficult, almost impossible, the way that people are hopping around to trace it, it is extremely difficult.

MR. L. THOMS: Why leave it to chance?

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

MR. T. LUSH: Mr. Speaker, I want to direct a question to the Minister of Transportation and Communications.

SOME HON. MEMBERS: Oh, oh.

MR. LUSH: It is relating to the -

MR. ROBERTS: Fisheries tomorrow.

MR. SPEAKER: Order, please!

MR. LUSH: The question, Mr. Speaker, is related to this committee that the minister established some months ago to study and evaluate intraprovincial ferry services, a move, Mr. Speaker, that gave the minister some breathing time, probably more appropriately a move that allowed him to delay action with respect to improving ferry services throughout the Province. So could the minister indicate what is the status of that report, is the report

MR. LUSH: completed? Does the minister have it in his possession? Just what is the status of this report?

MR. SPEAKER: The hon. Minister of Transportation.

MR. BRETT: Mr. Speaker, the appointment of that committee was not to give the minister breathing time nor was it to give the minister or the government a chance to delay projects. The hon. member, that is an unfair statement because - the hon. member has an extremely bad ferry service in his district. I acknowledge that and he know it all too well because they are down his neck every day and they are down my neck as well.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

MR. BRETT: That commission was set up in good faith -

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

MR. BRETT: - and the hon. member knows, as do a lot of people in this House, that the way the ferry system has been operated in this Province is not proper. People are not getting the best service, we are not getting the best value for our dollars; the hon. member knows why. And hopefully that committee can offer some suggestions to government and help government to do something about the ferry services in the Province. And I am hoping to have a report in from that committee by the end of March. This is what they tell me, I cannot be absolutely certain. I had hoped when it was set up that I would get a copy of the report by the end of April; then the next news I got it was the middle of March and now it is the end of March. But, I mean, there was no deadline put on the committee as such, it was a fair size job and I think they are going to come in with a good report. And to the best of my knowledge it will be in by the end of March.



MR. LUSH: Supplementary, Mr. Speaker.

MR. SPEAKER (Simms): Supplementary, the hon. member  
for Terra Nova.

MR. LUSH: Mr. Speaker, the minister just indicated that he was aware of the inadequacies with the ferry services in my own district; I am sure he is aware of the inadequacies of the services throughout Newfoundland. That being the case, Mr. Speaker, why was it necessary to set up the commission in the first place, particularly since the minister previous to that set up an in-house committee to make suggestions to him? And where not these suggestions sufficient enough to give the government, to give the minister, some direction in which to move with respect to improving these ferry services rather than setting up another committee which results in a year's delay?

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

MR. BRETT: Mr. Speaker, the setting up of that committee was the first move towards doing something concrete to the ferry services in the Province.

MR. LUSH: A supplementary Mr. Speaker.

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

MR. LUSH: Mr. Speaker, I am not sure that the minister answered again precisely one part of my question. In case I did not hear it I will put it to him again so that I can hear it this time. And that was I wanted to know, one, in the main, what time the minister expects the report from the committee? Is there a deadline on that? And secondly, will the report be made public?

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

MR. BRETT: Mr. Speaker, Hansard will tell the hon. gentleman that I answered the first part of that question when I said very clearly and very distinctly over the mike - I assume everybody in the House can hear it - that I am hoping to receive the report by the end of March. Now I said that very clearly and very distinctly. Secondly, there is no reason in this world why the report cannot be made public. Why could it not?

SOME HON. MEMBERS: Oh, oh!

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

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

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

DR. COLLINS: Mr. Speaker, under Subsection 3 of Section 28 of the Financial Administration Act, I wish to table a special warrant related to the Marystown Shipyard Limited.

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

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

MR. POWER: Mr. Speaker I would like to table the answer to Question No. 4 asked by the hon. member for Fogo (Mr. Tulk).

MR. SPEAKER: Any further answers to questions?

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

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

MR. NEARY: Mr. Speaker, we have been putting questions now on the Order Paper for several weeks past and so far we have only gotten one answer. I wonder, Mr. Speaker, could Your Honour direct the ministers or the government members to answer the questions? How do we go about getting answers to questions that we put on the Order Paper, Mr. Speaker? Perhaps the Premier can indicate or the Government House Leader indicate what time we are going to get answers to our questions.

MR. SPEAKER: As I have done on many occasions before when the same point of order has been raised by the hon. member, I point out that the Standing Orders are quite clear for all members to read. Ministers may answer questions or may not answer questions, but to raise a point of order such as that is certainly not a point of order.

ORDERS OF THE DAY.

Second reading of a bill entitled "An Act To Provide For The Protection Of The Forests Of The Province From Insects And Disease." (Bill No. 54).

The debate was adjourned the last day by the hon. the member for Carbonear (Mr. Moores).

The hon. member for Carbonear.

SOME HON. MEMBERS: Hear, hear!

MR. MOORES: Mr. Speaker, the final speech by a member from the government side of the House - I think it was the hon. member for Exploits (Dr. Twomey) - outlined a number of very serious matters pertaining to this piece of legislation. And, Mr. Speaker, I am glad that somebody in this Province at the present time is beginning to realize that this piece of legislation has nothing to do with whether we spray or do not spray our forests, whether we combat or do not combat the spruce budworm, or whether we protect or do not protect the forest industry in our Province. As usual this government is up to its tricks again of manipulating this House, of using this House as a means of deceiving the public of this Province by passing legislation or introducing legislation that, in effect, is doing something which we are not being told it is doing.

MR. MOORES: And in the case of Bill No. 54, it is not, as I say, a question of whether or not the spruce budworm is an issue in this Province. It is a very serious question of a violation of individual human rights in this Province. Very clearly, Mr. Speaker, this bill is going to, or is about to deny certain concerned individuals, taxpayers of this Province, their rights under the law. More specifically, this bill will deny those persons who feel that they are going to be endangered by a spray programme from seeking an injunction from the courts of this Province. That is the basic individual violation of human rights that is being carried on, camouflaged under the guise of a piece of legislation which will enable the Province to spray the spruce budworm.

My colleague from LaPoile

(Mr. Neary) very clearly pointed out to this House that this government did not need Bill No. 54 to spray the spruce budworm in 1977 - 1978 and so on. This Province did not need a Bill No. 54 to spray a forest infestation back in 1968 - 1969 under the Smallwood regime. Why now does it appear necessary that government needs a bill to permit them to spray the spruce budworm? Why has it all of a sudden become necessary? It has become necessary because the government of this Province feels that it is its responsibility to prevent persons in this Province from taking rightful action to have an injunction served against agencies or contractors or the government who want to pollute our forests, pollute drinking water and inflict untold damage and uncalculated damage upon persons alive and persons not even born.

Now, where else in the world do we see this type of authoritarianism? What is authoritarianism? Authoritarianism is an act taken by a government, in the general political terminology, that takes away from people rights which they have by tradition or by law. And if that circumstance,

MR. MOORES: if that environment of authoritarianism is continued to expand, or is encouraged or is left unopposed, then it becomes totalitarianism and then we have situations like we had in India with Indira Ghandi, in fact, just eradicating Parliament, or we have something like we had in Uganda with Idi Amin. The responsibility, therefore, of an Opposition is to oppose it now. A responsible Opposition in a democracy stops the buck right here now before it goes any further. You might say, Mr. Speaker, this is the only instance of this government feeling that it is responsible for stopping injunctions or taking away individual rights under the law. Not so! Not so! In the last few years we have seen a number of instances where this government has brought in legislation designed to do exactly the opposite or something counter to what it said it was going to do. The famous Regional Government bill, if you will recall, that we ousted out of this House for six months, was reintroduced as a Municipalities Act, camouflaged, disguised, deceitfully

MR. MOORES:

bringing into this House and trying to do indirectly what they could not do directly. And that is what they are doing here now. They did not have the face, they did not have the courage to bring in a bill saying precisely that we are not going to permit people to be allowed to have an injunction. They did not have the courage to do that or the responsibility - no, bring it in under another disguise, under another heading; let us try to fool the people because the Opposition, even though they may oppose, are not really going to make any marks with this. They are not going to get very much credit because the press in this Province never cover them anyway. And that is exactly what is happening here. But I am glad to see that the people of Newfoundland are wising up because in today's edition of the Evening Telegram in Letters to the Editor, some person on Duckworth Street here in Tory St. John's has wised up and is pointing out exactly for the public of this Province, through letters to the editor, what I am saying here now, that Peckford and his administration cannot get away with this nor can they continue to get away with it; not necessarily the idea of not permitting someone the right to have an injunction, served but the idea that it is, however minor, a violation of human rights, a taking away of something which has been traditionally given to the people, the taxpayers, the citizens of a Province or a country.

And very importantly, Mr. Speaker, traditions like this cannot be just slipped aside, cannot be just taken lightly by an opposition. If we fail to take our responsibilities seriously and try to emphatically impress upon the people of this Province that this has nothing to do with spruce budworms and spraying them, the government is going to spray anyway. They have no intention of not spraying. They

MR. MOORES: sprayed in '77 and '78. They did not need Bill 54 then and they do not need it now, but they do need Bill 54 in its manipulative way to take away from the people of this Province their rights as citizens.

But this is not the first time that we have seen this government act this way. It is unfortunate, Mr. Speaker, that this administration, the Peckford administration, has its own way of viewing democracy. We saw that in the instance of two ministers who were not asked to resign, nor would they resign. And a fundamental principle was involved there, not whether the ministers of the Crown did anything right or anything wrong. It is a fundamental principle hundreds of years old that a minister or a premier knows his responsibility, but when individual human rights in this Province mean nothing to a premier, then what do democratic principles mean? What do the fundamentals of democracy and parliamentary government mean?

The ultimate human right in any society is that of the individual and when that is callously subterfuged -

MR. FLIGHT: Trampled on.

MR. MOORES: - trampled on, cast out or ignored, then you can expect that same administration to have no responsibility toward fundamental principles of a different nature, namely, democracy.

SOME HON. MEMBERS: Hear, hear!

MR. MOORES: And that is what it is all about, that is what we are involved in here, that is the exercise which we are going on with in this House today. We can allow this bill to die, the Opposition. I can sit down now in my seat and not say another word. So what? The bill will die on the Order Paper, it will go through unopposed, but then would it not be true that we would be equally irresponsible in this democratic society by not opposing it? That is what we are getting paid for, that is our role in this legislature and we



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MR. MOORES:  
do it by whatever means is leg-  
itimately necessary.

SOME HON. MEMBERS:

Hear, hear!

MR. MOORES: And that is why I am up here today  
speaking on the spruce budworm when there is not a sawmill in  
my district,

MR. MOORES: sawmill in my district, there is nobody employed in the forestry and it does not matter to me politically, personally, one iota if they spray all the rest of Newfoundland and not one single drop falls on Carbonear and the district of Carbonear, it is not an issue.

Then why should I be speaking on it? Because the issue is not the spruce budworm and the spray, it is a violation of an individual human right. And if it means that I have to repeat that like Joey Smallwood, over and over and over again until somebody in the Press Gallery listens and carries it tomorrow in the papers, that this is a violation of a human right however minor, it has to be checked now by the Opposition or we will have an Idi Amin. It is just another step, boy.

MR. FLIGHT: We are almost there .  
now.

MR. MOORES: Dictatorship is just another step toward totalitarianism, toward total control of society and human beings by government, and we are moving that way. We are moving that way although, albeit, like I pointed out, there are some observant individuals, some deep people who look beyond the surface, like the gentleman who wrote the letter to the Evening Telegram today, who sees beneath the surface what the government is attempting to do here. Tragic, Mr. Speaker, tragic.

The Government of this Province, from the point of view of administering legislative principles, she is gone amuck, she is gone right out of whack. Ministers of the Crown can say and do what they like and get away with it. And nobody cares either. And everybody accepts what the Premier is saying.

MR. MOORES: He was on television the other night with the biggest bluff story that I have heard in years, telling a CBC interviewer that everything is fine and dandy. 'I discussed with these people, they did not irritate the government or the Cabinet of this Province by speaking out against government policy. There was no fundamental right involved there, we just talked about it and we ironed it out'. And it is the same type of deception in this very major incident as you are getting in this minor incident in the spruce budworm Bill, a very major incident that the principle is, the fundamental principle is, that if it does not matter whether a minister said something right or wrong, he must resign, the Premier must ask him to resign. Not because he did anything right or wrong, but because that is a demand of democracy, of our parliamentary system.

Let me give you a very good example: When Joe Clark was defeated on his budget in Ottawa some years ago - it seems like years ago anyway - he did not have to call an election. No law in this country could make him call an election except the requirement of tradition that he do call one and he followed it even though there was no legal requirement for him to do so. He followed it because it was the honourable, traditional, customary thing to do. But it does not matter to the provincial government. All of these fundamental principles do not mean one thing because the people of Newfoundland, it appears, apart from a few, are gullible enough to accept it as long as Premier Peckford says it.

MR. FLIGHT: That will not last much longer.

MR. MOORES: And that will not last much longer. The same with the constitutional debate, Mr. Speaker,

MR. MOORES: The people in this Province now are becoming - and I am so proud to see it - are becoming so aware of all this guff and trash and rubbish and nonsense that is going on between this Province and Ottawa about constitutions, while there are hundreds of people unemployed in the Province; even though the Premier came in with another bluff statement the other day about twelve per cent of the population being unemployed, as if he were responsible for reducing it.

AN HON. MEMBER: And getting away with it.

MR. MOORES: And getting away with that too, getting away with statements like that, that he reduced unemployment in this Province by four full percentage points in the last couple of years. Well, if he believes that he should come to Carbonear where entire communities in my district are unemployed, and without Canada Works grants and unemployment insurance they would starve.

MR. FLIGHT: Central Newfoundland.

MR. MOORES: And I can go through any rural community in this Province.

MR. FLIGHT: The whole of the Central Newfoundland area.

AN HON. MEMBER: The Northeast Coast.

MR. MOORES: Fundamental rights -

MR. FLIGHT: Not a man working only with Price (Nfld.).

MR. MOORES: You talk about fundamental rights in this Province; it is a fundamental right, a theory that has been accepted by capitalism for 125 years that it is a fundamental right for a man to have a job.

MR. FLIGHT: Yes. Think about oil and gas, Do not think of anything else, just oil and gas.

MR. MOORES: And they are no more worried about jobs in this Province than I am about Ethiopia.

MR. FLIGHT: Do not think about your problems, think about oil and gas.

MR. FLIGHT: Do not talk about the government.  
Talk about oil and gas.

MR. MOORES: Tragic, Mr. Speaker, is the only all-encompassing word that I can use. It is tragic that the Premier of this Province and his government have to resort to a manipulation of the people's House by bringing in a bill which is, in effect, going to do something indirectly that they do not have the courage to do directly.

MR. FLIGHT: Hear, hear!

MR. MOORES: That is the tragedy. And I can stand up here and ballyrag the government all day, and half of it, I suppose, to give fairness to anything, half of it is political jargon, half of it is designed in my role as an Opposition member to just be negative toward the government, but if we just looked at it philosophically for a moment and try as best we can to inject some intellectualism into this, however minor, this instance of taking away rights of the citizens is in this bill, it is bound to mushroom itself if it is not checked now. And that is why, as a caucus, this Party has chosen to sit on this bill as long as it needs be to get this section of the bill taken out.

Now that is not going to happen, and it is not going to happen because the government holds a majority in this House, and that is a fundamental weakness in itself of our legislative system. We can hold down this bill until next Christmas by a series of manipulative manoeuvres in the House and it will be called filibustering -

MR. FLIGHT: We might.

MR. MOORES: - it will be called obstruction, harrassment, intimidation -

AN HON. MEMBER: Anti-Premier.

MR. MOORES: But it is in effect the only way that we can provide evidence to the people of the Province that we mean business, that this is not a bill that is being taken lightly by us. The government holds the majority and will eventually put this bill through without any amendments, and we can stay here for another five years, to exaggerate the situation, and there will be no change. But that is a set of circumstances that is caused by the way our system works, and that is why the government of this Province can bring in a bill that is going to take away individual rights and there is essentially nothing that we can do about it except educate the people of this Province that it is going on. And the only way that we can educate the people that it is going on is to continue to hold it up here in the House until somebody listens.

MR. MOORES: The issue, I repeat again, is not the spruce budworm or spraying, it is that the bill is not necessary to spray. It was not necessary ten or fifteen years ago, it was not necessary in 1978 and 1979 and it is not necessary now. Now, if that is true - and it is true because the evidence supports it - then why is the bill here before the House? And we come right back to my central point, that it is here to do something for which it is not designed. It is here to do something indirectly which the government does not have the courage to do directly, and that is take away the right of citizens who could be affected by the spray to have an injunction served by the courts to stop it.

Mr. Speaker, to continue any longer, because it is very difficult on this bill, If I get into talking about the spruce budworm and all the reasons why I am personally opposed to it because I happened to read a few things, because I happened to read reports coming out of the Province of New Brunswick and the State of Maine, because I happen to take the time to do what 90 per cent of Newfoundlanders never do and that is read, I am opposed, definitely opposed to spraying our forests with any chemical.

MR. FLIGHT: Are you not, 'Charlie', really? Do you not regret that we have to spray?

MR. MOORES: I have no time for it. There will be mothers in this Province and children yet unborn who will suffer as a result of it. But if I get into the spray and all the facts surrounding it - I have lots of facts in front of me, Mr. Speaker. I went through my private filing system and came up with some facts and figures on the spray programme in other provinces, the effect of the spray programme in Newfoundland - I could go on and on myself, alone, for five or six hours at least, giving the people of this Province through the facilities of this House,

MR. MOORES: all the reasons why the decision to spray never should have been made. But that is not the issue. The issue is not spraying and I do not want to talk about the spray, I do not want to talk about the spruce budworm, I want to talk about the one fact in this bill that makes it unacceptable to us as an Opposition and should make it unacceptable to the people as an integral part of a democracy. No right that we have as individuals should be allowed to be taken away from us without a fight. If you have a right to fish in a pond somewhere, to use a trivial example, or you have the right to defend yourself in a court of law, to use a very major fundamental right, neither of them should ever be taken away from you without a fight, because once a right is taken from you, you are open to all kinds of abuse as a human being. And I could extrapolate many examples that have been bandied about in international affairs and national matters for the last fifty or one hundred years. And they all started - for instance, in Third World Countries; El Salvador, Chile, Venezuela, Ethiopia, all these Third World countries- the final destruction of human rights started in many of them with the suppression of a free press. And once the press, which traditionally is the eyes of the public, was out of the way - that is the role of the press, they are the eyes of the public in terms of government. There are three essential parts to our society, there are the people, there is government and there is the press. Now, some theoreticians would argue that there are many more, but there are three basic ones. Now, once you get the press out of the way, you have no eyes for the public and the public becomes gullible and green and the propaganda is so one-sided that they remain unprotected. Then government becomes



MR. MOORES: the one supreme factor. And once it becomes a supreme function, the supreme intity in society with nothing to check it and an unlearned, uneducated public, then you have dictatorship, you have totalitarianism. And in all countries in the world where dictatorships vis-a-vis totalitarianism exist, it started with trivial little taking away of human rights, taking away of human rights like the right to defend yourself in a court of law, like the right to face your accusers, the right to be told what you are being arrested for, etc. etc., small little things that mean nothing to the general populace as a whole until you come to confront it yourself. Nobody cares about the hot stove until you touch it and then when you get burned with it you realize, by God, it was hot. And that is what we are talking about here: allowed to go unchecked, this government will continue to take away individual human rights because if they can get away with it once, they can get away with it again and again. Well, they are not going to get away with it in this House, Mr. Speaker, without the Opposition, the very vocal, vociferous Opposition on this side of the House.

I say to the minister, Mr. Speaker, the Minister of Forest Resources and Lands (Mr. Power) that this is a bad piece of legislation, it is a bad piece of legislation, it is an embarrassing piece of legislation and it should be withdrawn because you simply do not need it.

Thank you very much.

SOME HON. MEMBERS:

Hear, hear.

MR. SPEAKER (Butt):

Order, please!

Before I recognize the hon. minister, I would like to rule on a couple of points of order and a point of privilege that were previously raised.

MR. SPEAKER (Butt): With respect to the point of privilege raised by the hon. member for LaPoile (Mr. Neary), it is the Chair's responsibility to determine if a prima facie case is established. In this particular case it was not, so therefore there is no point of privilege.

With respect to a point of order raised by the hon. member for Carbonear (Mr. Moores), where he suggested that the hon. the President of the Council (Mr. Marshall) was imputing motives, I have checked Hansard and found that unworthy motives were not imputed by the hon. the President of the Council. Therefore I rule there is no point of order.

With respect to a point of order raised by the hon. the Leader of the Opposition (Mr. Stirling), I have had an opportunity to review Hansard and to check the context of the remarks by the hon. the Minister of Mines and Energy (Mr. Barry) that gave rise to that point of order. The hon. Minister of Mines and Energy stated, 'We have had a clear statement of intent from the Leader of the Opposition that his tactics and the tactics of that of the Liberal Party of this Province will be a fascist tactic'. Noting in Beauchesne on page 109 the expressions 'Canadian Mussolini' and 'Nazi' have been ruled unparliamentary, therefore I rule that the comments of the Minister are also unparliamentary.

I recognize that the minister referred to tactics as being fascist and it would be too fine a line to draw to distinguish between fascist tactics and fascist motives. Therefore I would ask the hon. Minister to withdraw.

SOME HON. MEMBERS: Hear, hear.

MR. BARRY: Mr. Speaker, I am only too happy and I think it would suffice to say that they were Liberal tactics. I need not qualify it any more than that.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Butt): The hon. Minister of Forest Resources and Lands.

If the hon. minister speaks now, he closes debate on the bill.

SOME HON. MEMBERS: Hear, hear.

MR. C. POWER: Mr. Speaker, with regard to Bill 54, "An Act To Provide For The Protection Of The Forests Of The Province From Insects And Disease", Mr. Speaker, it is almost unbelievable what we hear sometimes in this House and certainly some of the comments that have been made in the discussion of this bill are in many ways unbelievable as far as the misinterpretation of fact is concerned and how misconceptions will cause persons to make their minds up about voting against the bill when, in fact, the premise upon which they base their beliefs is totally and absolutely false or misguided.

Mr. Speaker, in relationship to the bill itself, the common argument against it is that many persons are saying that it has nothing to do with the forests of the Province, it has nothing to do with the budworm, it has nothing to do with protection - all it has to do with is human rights, all it has to do, Mr. Speaker, is with human rights.

MR. POWER: Mr. Speaker, nothing in this bill affects the human rights of anyone in this Province other than the fact that if this bill was not presented, the human rights of eighteen thousand or so Newfoundlanders who make a living from the forest industry would be affected.

SOME HON. MEMBERS: Oh, oh!

MR. POWER: Mr. Speaker, I suppose we must -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Butt): Order, please!

MR. POWER: - we must reiterate for the persons who seem to have very thick skulls, and it does not seem to sink in, that we have a very serious forest problem in the Province. We have a very serious problem in the form of having 16 million cords of wood that have been destroyed, 8 million cords which are going to be totally lost to any productive industry in this Province, Mr. Speaker.

MR. THOMS: How is this bill going to change that?

MR. POWER: This bill is an act to protect the forest, what is left of it, on the Island and which members opposite are opposing, Mr. Speaker, which the members opposite will not support, a protective programme, where members opposite, many of them individually have said, again showing, I suppose, some weakness in their ranks, that they cannot have a combined approach to anything, that they seem to have again, Mr. Speaker, individuals getting up on the one hand and saying, 'we are going to be against this bill, and I am against the spray programme.' In other cases they get up and say, 'I am going to be against this bill but I am for a spray programme.' Mr. Speaker, it is very, very difficult to get a handle on the actual position of the Liberal Opposition in this case.

MR. POWER:

As in many other cases in the Province they seem to have a wishy-washy approach to things, they seem to like to sit on the fence till the last possible minute, they seem to like to play both sides of the coin, if you want, and they are incapable of making up their minds, especially when it relates to such a serious issue as this.

Mr. Speaker, we have in the last six months done a tremendous amount of work to put the forests of this Province on a managed basis, something which has never been done in the past. We have got a silviculture programme of \$45 million which will be in total jeopardy. Anybody on either side of this House who thinks that it is wise or sensible or feasible to spend \$45 million to make trees grow better, to get better types of trees, to get a better yield from the forests, Mr. Speaker, and at the same time to spend all that money and not protect it, it is simply not a sensible approach, or a good, sound, rational approach to forest management. The approach expressed by some members opposite that all you have to do is manage, all you have to do is do better harvesting programmes, all you have to do is do better management, but you do not have to spray, I am against the spray programme. The words the member for Carbonear (Mr. Moores) just used, pollution of the forests, pollution, that he is against the spray programme.

Mr. Speaker, it is -

AN HON. MEMBER:

Hypocrisy.

MR. POWER:

Hypocrisy is certainly a word that we cannot use in the House, but, Mr. Speaker, it is absolutely beguiling to understand how members opposite can stand up individually and say they are opposed to a spray programme, opposed to a protection programme,

MR. POWER: opposed to protecting the lives and the livelihoods of 18,000 Newfoundlanders, and on the same day they will get up and ask questions of the Minister of Labour and Manpower (Mr. Dinn); why are you not creating more jobs? What are you not protecting more jobs? Why do we have people unemployed? - when on the other hand, Mr. Speaker, they get up and speak in debate a half hour afterwards and turn the other cheek completely and say, we do not, we are not, will not be, will never be, under any circumstances, in favour of a protection programme. And if they are not in favour of a protection programme, Mr. Speaker, they certainly are not in favour of protecting the livelihoods of 18,000 Newfoundlanders.

And you cannot have it both ways. You have to be able to look at the situation, especially the very serious situation in this case, and be able to make a sound, sane judgement as to what decisions you must make, what course of action you must take, and then go about and do it. Mr. Speaker, that is what the government has done. We have been faced with one of the most difficult situations that we could possibly be faced with when it comes to a renewable resource. There is an insect which attacks the renewable resource which causes that renewable resource to become non-renewable, causes that renewable resource to be wiped out, causes the persons who make their living from that resource to lose their source of livelihood, their source of making a living. Mr. Speaker, we have made a decision for a spray programme.

Now, if, Mr. Speaker, on that hand we have to have a spray programme, then we introduced Bill 54 which gives us a certain means of protection, that you have to have some long-term planning, you have to plan seven or eight months in advance for a

MR. POWER: spray programme.

MR. THOMS: You did not need that legislation (inaudible), and you do not need it now.

SOME HON. MEMBERS: Oh, oh!

MR. POWER: Mr. Speaker, another fallacy which - it is not a fallacy, it is just a misunderstanding based upon a lack of understanding of what the bill is about, and a lack of understanding of what took place in 1978, Mr. Speaker, when several members, including the Liberal Opposition spokesman for Forestry, get up and say was the spray programme illegal in 1978? Anyone who took time to do a little research before they spoke in the House of Assembly - and that is another problem we have opposite, Mr. Speaker. Obviously, we have one person who spoke and said, I am sorry, I apologize. His words were, "I apologize to the House. I have not read very thoroughly the Royal Commission Report. I must apologize for not having read it". But he gets up and takes an hour of the House's time talking about forestry matters when he has not taken the time or effort or interest to go out and read the Royal Commission Report. But he is willing to get up.

MR. POWER: He has not read the most important document that has taken place in the last twelve months in Newfoundland relating to forestry matters, but he can get up and speak for half an hour or more about forestry matters. Now, Mr. Speaker, I will tell you something; if some of the members opposite are not going to be diligent enough or energetic enough to do a little bit of research, to do a little bit of work, then it is very easy to see why some of the premises upon which they make their judgements are misguided and ill-founded.

So in particular, Mr. Speaker, as it relates to the 1978 programme, the programme was perfectly legal then, as will the programme be perfectly legal now. The only thing that could have happened in 1978 is that some person could have gone out and, after several months of planning, after having a very severe infestation could go out and get an injunction and stop or cause that programme that year not to go ahead.

MR. FLIGHT: There was no spray programme in 1979.

MR. POWER: We did not have a spray programme in 1979? The poor member for Windsor-Buchans (Mr. Flight), who assumes that there is a certain amount of logic, Mr. Speaker in saying that we had a spray programme in 1978 and therefore you did not have a spray programme in 1979 because we were going to have an election and this government does not do things which are unpopular. Wonderful logic, Mr. Speaker. But anyone who is in the political system should also know that governments do things which are unpopular the year after an election. Now if there is any logic to that argument, then obviously, Mr. Speaker, we should have



MR. POWER: had a spray programme the year after the election, 1980. Now why did we not spray in 1979, the year of the election, and why did we not spray in 1980 the year after the election? Because this administration and this government was not absolutely, positively convinced that the only course of action to take was a chemical spray programme. We established a Royal Commission, picking out three of the best Newfoundlanders we could find, Mr. Speaker, three extremely creditable persons who travelled throughout this Province. As I understand it, it was only one member for the Opposition, there was only one person who even bothered to go and make a brief - he did not make a brief but sat at least and listened to some of it, that many of the other persons Opposite who spoke so supposedly eloquently about the spray programme and about the forest situation never went to a Royal Commission briefing, they never read the Royal Commission Report, but now all of a sudden they are masters of the forest industry. They know all the answers, Mr. Speaker. They are going to solve all the problems.

MR. NEARY: Talk about the bill. Never mind the spray programme.

MR. POWER: Mr. Speaker, the bill I will talk about because the bill relates to forestry, it relates to forest protection. If the forest is in the situation that the Royal Commission and that everyone who knows anything about forestry has told us that it is in, then you have to have a spray programme - albeit the Liberal Opposition has not made up its mind about that yet as it has not made up its mind about many things.

MR. THOMS: (Inaudible) said quite categorically (inaudible).

MR. POWER: You did. The member for Torngat Mountains (Mr. Warren) is against, the member for Carbonear

MR. POWER: (Mr. Moores) is against, the member for Windsor-Buchans (Mr. Flight) will not say whether he is for or against the spray programme.

MR. FLIGHT: What will I not say?

MR. POWER: Will not say whether he is for or against the spray programme.

AN HON. MEMBER: He does not know what he is for.

MR. FLIGHT: (Inaudible) in 1979.

MR. POWER: He says that he now begins to believe it because the Royal Commission tells him certain things. The next paragraph in his Hansard speech, anybody who cares to read it, says, "The Royal Commission accomplished nothing but upon the basis of that I will change my mind." It defies all logic to sit down, Mr. Speaker, as I have done for the last few days, and read Hansard and take the opposite opinions and the opposite positions that are being taken by members opposite.

Now, Mr. Speaker, we have to have a spray programme. Therefore we have got to prevent-if you go through seven or eight months of planning, if you go through an investment of \$4.5 million, an investment being paid only one third by this government today which saves us many hundreds of thousands of dollars, if you go through all that planning process then, Mr. Speaker, you have got to prevent the use of an injunction. Now the argument that should have been held opposite, if you are talking about human rights, is the fact which nobody brought up and nobody mentioned, the fact that you cannot get an injunction against the Crown.

MR. THOMS: That is not true.

MR. POWER: Now if there is an infringement of human rights -

March 19, 1981

Tape No. 488

AH-4

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Butt):

Order, please!

MR. MARSHALL:

A point of order.

MR. SPEAKER:

A point of order. The hon. President of the Council.

MR. MARSHALL:

Appropos the ruling that was made yesterday, Mr. Speaker, the hon. gentleman had an opportunity to speak in the debate - he spoke and he gave his views - the hon. minister is closing the debate at the present time, and the hon. minister is entitled to be heard without interruption and speak without interruption. Not only that, Mr. Speaker, all members of this House are entitled to hear the member speak without interruption.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

To the point of order, I rule there is a point of order and I would ask all hon. members to adhere to the rules of the House.

The hon. the Minister of Forest Resources and Lands.

MR. POWER:

Thank you, Mr. Speaker.

AN HON. MEMBER:

(Inaudible).

MR. BARRY:

Throw him out. Throw him out.

MR. SPEAKER:

Order, please!

MR. POWER:

Mr. Speaker, you cannot get an injunction against the Crown. That is a fact of law in this Province as it is in, I guess, all other Canadian provinces. Now what are the alternatives to Bill 54 to prevent the giving of injunctions against companies or individuals or employees who are doing work on behalf of the government? What are the alternatives? The alternatives are, as the Opposition says, do not have Bill 54 at all. Allow injunctions,

MR. POWER: for instance, if some judge decides it necessary, allow an injunction to stop the spray programme and cause the loss of the spraying programme that year - which may or may not jeopardize the livelihood of many, many thousands of Newfoundlanders. That is one alternative. There is another quite simple alternative which I suppose the members opposite could easily suggest to us: Why not simply just let government employees do it all. Let the staff of the Department of Forest Resources and Lands go out and do the spray programme. Then, Mr. Speaker, there is no need for Bill 54, then no injunctions can be gotten, then, Mr. Speaker, nobody can stop the spray programme because it is being done by employees of government. Only one small problem with that kind of logic, Mr. Speaker; then the government has to buy all the necessary equipment and the planes, only sort of a minimal cost of about \$20 million for something you are going to use for two weeks, Mr. Speaker. Is that the kind of good management that these people tell us we should run our government with, to go out and buy \$20 million worth of planes and machinery and equipment for a two week spray programme, to leave it lying around then for fifty weeks of the year, at that kind of cost, Mr. Speaker? That was another logical alternative.

We have decided on a very simple approach to make sure there are no injunctions, to make sure a very necessary spray programme is continued -

MR. NEARY: (Inaudible)

MR. BARRY: Give it to him. Give it to him.

MR. POWER: Mr. Speaker, and that is simply -

MR. BARRY: Lay it on him.

MR. SPEAKER (Butt): Order, please!

MR. POWER: - to present Bill 54 which covers contractual persons who are doing work for the department or the government to be covered under this act so that no injunctions can be taken out.

Mr. Speaker, nobody in this Province who has any damage done to themselves out of personal injury, or who has any damage done to their property as a result of the spray programme or anything else that government or an employee does, every single person who may have actual damages or actual personal injury can take this government or any other government or person to court.

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

MR. POWER: That is as simple, Mr. Speaker -

you talk about human rights - that is a fact of life in this Province, that this government intends to use the courts, intends to allow people to be treated fairly before the courts if there is actual damage, if there is any kind of personal injury, Mr. Speaker. What we are after, Mr. Speaker, is -

AN HON. MEMBER: (Inaudible)

MR. SPEAKER (Butt): Order, please!

MR. POWER: - to prevent injunctions of a nuisance type, to prevent injunctions which can jeopardize the livelihoods of 18,000 Newfoundlanders. Now, Mr. Speaker, that to us is a very, very important consideration.

MR. FLIGHT: He cannot do that (inaudible).

MR. SPEAKER: Order, please!

MR. POWER: So the necessary spray programme we should not do because you have some environmental concerns. You do not tend to believe every environmental expert who came to the Royal Commission, you will not accept the

MR. POWER: findings of the Newfoundland Medical Commission, you will not accept the findings - you will not accept the findings of any experts but all of a sudden the persons opposite, some who never read the Royal Commission, know everything about forestry, you know everything about the environment, you know everything about human rights - and you have not taken the time and effort to do the simplest kind of research to see why things are being done.

SOME HON. MEMBERS: Hear, hear!

MR. POWER: Mr. Speaker, as an example of the kind of research that is being done, one of the big arguments opposite was that the minister has too much power, the minister has all of the power. Mr. Speaker, anyone across opposite who was not too lazy, and I am beginning to wonder how lazy some members in the Opposition might be when they cannot do some simple research, when certain hon. members opposite get up -

AN HON. MEMBER: (Inaudible)

MR. SPEAKER (Butt): Order, please!

MR. POWER: - and they tell me that, all of a sudden the Minister of Forestry in 1980 has all kinds of strange and foreign powers that were never held by another minister in Newfoundland before. Mr. Speaker, they did not take the simple effort of going back and reading the Forestry Act which was brought in in 1973, which has exactly the same wording in it, they did not go back to 1952, which gave the minister of the day full control over all regulations and management and supervision of all matters related to the forest resources. All you have to do is pick up the Forestry Act and read it. But some members opposite get up and they want to use a lot of rhetoric and they want to say the minister now has powers that were never held before, when the

MR. POWER: Forestry Act brought in in 1952 gave exactly the same powers to the ministers from then till now.

Mr. Speaker, in concluding this part of the debate, I just want to say again that this bill is imperative to the forest industry in Newfoundland, that it is crucial and necessary to make sure we have a spray programme this year because of the condition of the forest resource. Mr. Speaker, we have had tremendous input from the forest commission, from the Royal Commission on the forestry, we have had tremendous co-operation from the Canadian Forestry Service who have done a fantastic amount of work in examining and exploring all the alternatives to chemical spray programmes, who do some monitoring work for us. We have had a fantastic effort and I do not mind saying it on behalf of the forestry officials of this Province, men who work in the field in Windsor-Buchans and Grand Falls and Corner Brook and all over the Province, men who work in administration and research here in the city. These people have done a fantastic amount of work. These people are not going to recommend something which jeopardizes the livelihood of their friends all over Newfoundland. They are not going to do something, Mr. Speaker, which is callous and careless. They will do things only after a very lengthy and considerate deliberation about a very serious forestry industry.

Mr. Speaker, I would like to move second reading of this bill, "An Act To Provide For The Protection Of The Forests Of This Province From Insects And Disease."

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Butt): Is it the pleasure of the House that Bill 54, a bill, "An Act To Provide For The Protection Of The Forests Of The Province From Insects And Disease", be now read a second time? All those in favour 'aye', contrary 'nay', carried.

SOME HON. MEMBERS: Divide.

DIVISION

MR. SPEAKER: Call in the members.  
The hon. the Premier,  
The hon. the Minister of Mines and Energy, the hon. the Minister of Forest Resources and Lands, the hon. the Minister of Fisheries, the hon. the Minister of Social Services, the hon. the Minister of Municipal Affairs, the hon. the Minister of Labour and Manpower, the hon. the member of Development, the hon. the Minister of Justice, the hon. the President of the Council, the hon. the Minister of Transportation, the hon. the Minister of Education, the hon. the Minister of Health, Mr. Walsh, Mr. Rideout, Mr. Stagg, Mr. Collins, Mr. Barrett, Mr. Carter, Dr. Twomey, Mr. Patterson, Mr. Aylward, Mr. Woodrow, Mr. Baird.

MR. SPEAKER: All those against, please rise.

The hon. the Leader of the Opposition, Mr. Moores, Mr. Flight, Mr. Lush, Mr. Hodder, Mr. Roberts, Mr. Thoms, Mr. Frederick Rowe, Mr. White, Mr. Bennett, Mr. Hollett, Mr. Warren, Mr. Tulk, Mr. Neary, Mr. Hancock.

MR. SPEAKER: Order, please!  
Twenty-four for, fifteen against; I declare the motion carried.

SOME HON. MEMBERS: Hear, hear!



MR. SPEAKER (Butt):

Order, please!

Motion, second reading  
of a bill, "An Act Respecting The Freedom Of Information".  
(Bill No. 3).

MR. SPEAKER:

The hon. the Minister  
of Justice.

SOME HON. MEMBERS:

Hear, hear!

MR. OTTENHEIMER:

Mr. Speaker, I am very  
pleased to introduce this bill, "An Act Respecting The  
Freedom Of Information". I think it is an important, a  
significant, a very worthwhile piece of legal reform.  
It will create a right, a statutory right for all the  
citizens of this Province which does not now exist. It  
is not a common law right, it is a right which, when  
this bill is enacted, will be created by statute, a right  
created by this Legislature.

It is important, I  
think, that we as members of a legislature recognize,  
along with a lot of the, if you wish, nonsense that we  
have to hear and, indeed, that some of us perpetrate,

MR. OTTENHEIMER: some of us perpetrate that there are also some extremely important and worthwhile and valuable things that we can do and I think in the creation of a right for the citizens of the Province, we are doing something of real value. Because with the enactment of this bill and its coming into force, there certainly will be the potential for much more informed involvement by the citizens in the exercise of the citizens' judgement and duty, a much greater accessibility to participation in the democratic process because in theory, at least, and I think it is true in practice as well, one's judgement is always exercised in a better manner when that judgement is informed.

It will also be an important contribution in the concept of the accountability of government and obviously the principle of greater access to government information. The basic purpose and aim of the bill is made clear in section (3); "The purpose of this Act is to provide a right of access by the public to information in records of departments." So it is the creation of a right which does not today exist. And when we hear, in another context obviously, in another context, allegations that this administration is insensitive to people's rights, that this government puts people's rights on any kind of a secondary or subordinate level, then I think the emptiness of that allegation becomes evident when we consider that there have been governments in Newfoundland as a Province since 1949, but it is this administration which has taken the initiative in inviting the House of Assembly to create a right for all the citizens of this Province.

So the basic nature of the right is one of access of the public to information, a new right which does not now exist. Much of this information now can be asked -

MR. OTTENHEIMER: obviously it can all be asked for. There is no requirement, no legal obligation to give it. This bill will create a legal obligation upon government and quite a number of public agencies to provide that information. Obviously there are exceptions both discretionary and non-discretionary and we will get into those. It is the general principle of the legislation which I am now referring to.

It will apply to all of the departments of government and it will apply to Crown corporations and public agencies of various kinds, and a list of them is on the schedule of the legislation which hon. members no doubt have read and studied arduously as is their habit. And there is also a provision, naturally, for additions to this schedule because new corporations, or new public agencies, obviously, can come into existence and then the means of adding those would be through regulation which could be done, as hon. members know, in a very short period by an Order in Council and would not require waiting until the Legislature opened and an amendment to the bill.

So if members look at the schedule, first of all, it applies to all the government departments, seventeen, I believe, at the latest count, and a great variety of

MR. G. OTTENHEIMER:

public agencies of various kinds, such as Memorial University of Newfoundland, the Bay St. George's Community College, the Medicare Commission, the Municipal Finance Corporation, Liquor Licensing Board, Workers' Compensation Board, the various housing authorities, St. John's Metro Board. I am not going to read through all of them but it can be seen that it is very broad ranging. Newfoundland and Labrador Hydro Corporation will be, as well, obliged to provide this information under this Act. So all government departments and a large number of public corporations including the university, including Newfoundland and Labrador Hydro, including a great number of other municipal and financing and various other agencies which are listed there.

So having identified what the basic right is and the various departments and agencies for which it will apply, I would like to point out to hon. members who enjoys the right. The right to this information would vest in every person who was a Canadian citizen domiciled in the Province, that is one category. The second category, a permanent resident of Canada within the meaning of the Immigration Act, in other words, a permanent resident, obviously a non-citizen who is a permanent resident, a non-citizen who is a permanent resident within that meaning, and a corporation incorporated under any law of Canada, provincial or federal. So those are the persons who enjoy the right.

Now, I would like to point out to hon. members what the exceptions are. There are non-discretionary, and I will do these under three categories, non-discretionary exceptions, then a bit on personal information and then, also, discretionary exceptions.

MR. G. OTTENHEIMER: Now, the non-discretionary exceptions as outlined in the bill-and I am not going to read through the clauses that are there - refer basically to information obtained in confidence from another government of Canada, whether federal or provincial, in an intergovernmental context, information obtained in confidence under an agreement or an arrangement or whatever from the Government of Canada or the government of another Province. I think that is quite clear, that information -

MR. S. NEARY: (Inaudible) other country (inaudible).

MR. G. OTTENHEIMER: No, that would not come under this. That certainly would not come under this. This is very specific, this one.

MR. S. NEARY: (Inaudible) information. The Mounties (inaudible) here in this Province have information in their files that I would like to get.

MR. G. OTTENHEIMER: Well, all I can say is that this particular section has, you know, nothing to do with that.

MR. S. NEARY: You would not get that?

MR. G. OTTENHEIMER: Well, I am not even sure what it is, specifically, the hon. gentleman wants. I am not in the process now of, you know, tabling information, I am just trying to point out what the non-discretionary exceptions to the Freedom of Information Act are.

MR. S. NEARY: You mentioned other provinces of Canada, what about other countries outside of Canada?

MR. G. OTTENHEIMER: They would not be affected by this. The situation is not affected by this. This non-discretionary exception - non-discretionary meaning, obviously, that nobody has, you know, there was no choice involved - information may not be made available. To the discretionary, it may or may not, a question of judgement. Here it may not by statute, may not. And obviously that first one is pretty much self-evident; information which is

MR. G. OTTENHEIMER:           obtained in confidence through an agreement or an arrangement with another government of Canada, whether it is a province or federal. I would think the vast majority of items there would be federal but not necessarily totally so. So that is the non-discretionary exemption. That is under A.

Let me now go to G and come back to B, from B to F, and hon. members will note there is a method to my madness when I do that, at least, I trust they will. So progressing from A to G, the next non-discretionary exception is information which is required to be kept confidential under the provisions

MR. OTTENHEIMER: of any act. For example, information with respect to retail sales tax - and I am sure there are stipulations in the Retail Sales Tax Act. And I would think, you know, with relation to where there are a number of statutes which -

MR. NEARY: How many acts are there?  
What are the acts?

MR. OTTENHEIMER: The Retail Sales Tax Act would be one, I am pretty sure. Within the vital statistics there are probably some, I am pretty sure, with respect to social welfare, guardianship, custodianship, in those areas I am sure there are, you know, statutory requirements of confidentiality. The very nature of the thing, certainly under confidentiality, certainly in terms of, you know, adoptions. Change of name, there are certain areas there where information not be made available because obviously, you know, it could satisfy, if you wish, prurient or irrelevant curiosity, but the information is of such a personal and confidential nature that the statute gives a person a right to such confidentiality.

MR. NEARY: Could we have all those identified for members?

MR. OTTENHEIMER: Yes, I will endeavour to give a list.

Within the non-discretionary exceptions I have indicated those two kinds, one, information made available from another government, Canadian Government, federal or provincial, under an arrangement or an agreement which requires confidentiality and also information which, because of the provisions of another act, must be kept confidential. Now, the ones in-between are non-discretionary exceptions and they are listed in the bill as non-discretionary exceptions, but I want to say something which is a slight qualification with respect to them. All of those others from (b) to (f) pertain to information in the context of

MR. OTTENHEIMER: Cabinet decisions and pertain to the agenda of Cabinets, papers submitted to Cabinet, discussions taking place in Cabinet, documentation prepared and submitted for discussion in the context of Cabinet decision at some particular time. Obviously, it is a well-known principle in the whole British parliamentary system which, I do not think, has ever been disputed, that the proceedings of Cabinet are totally confidential. Obviously every member takes an oath to that effect, that the proceedings of Cabinet are totally confidential - what is discussed, whose opinion is what, who is for or against, who suggests this, and any material submissions, opinions which are part of that process of Cabinet's decision-making, are also within the ambit of non-discretionary exceptions.

In that area, however, there is a permissive element. In that area, such information may be made available upon the decision of the Premier. So there is a qualification there.

In review again, in the non-discretionary exceptions, the intergovernmental area, information obtained from another government where there has been an arrangement, an agreement, a requirement for confidentiality, and information required to be kept confidential, provisions of another statute. Then we also have that area with respect to the proceedings and debates and discussions and decision-making of Cabinet within the non-discretionary exceptions as well, except there, it may be made available by the Premier.

MR. BARRY: That is the Statutes of Canada, is it?

MR. OTTENHEIMER: I would certainly think so. Actually, we are the third province to be bringing in Freedom of Information legislation. The other two are Nova Scotia and New Brunswick. It is not my wish to



MR. OTTENHEIMER: comment, obviously, on the legislation of those provinces and I am not going to, but I understand in one of them, at least I am told, that there was less information available after the passage of the act than there was before, that it is far from satisfactory.

This particular bill has, of course, been the subject of a lot of work by the government. We have had some valuable suggestions from the Newfoundland branch of the Canadian Law Society, we have had some input by individuals in an individual capacity,

MR. OTTENHEIMER:

we have had suggestions from people at the university and from, you know, a fairly wide range of people and, also, we have very carefully studied a draft act done up by the Uniformity Law people sometime ago and that has been a very good document to be aware of as well.

Okay, we will leave non-discretionary exceptions. Moving on now to personal information: I think the reason for the exception of personal information should be self-obvious and I will not list all of it because it is here and hon. members can read, at least as well as I and perhaps better, But information, you know, regarding a person's race, their religion, their marital status, things such as finger prints and blood types of the individual, a medical or employment or criminal record, any information with respect to personal opinions that an individual might hold, correspondence, for example, sent to a department by an individual that is explicitly or implicitly of a private or confidential nature and, obviously, replies to that. Another area of exception would be information regarding the opinions of one person in respect of another. And I think it is quite obvious that these areas of personal information, obviously, along with the right to access of information, there is a corresponding right to, personal privacy. As is the case in so many things, what one has to endeavour to do and, I suppose, what could well be said law is all about, is endeavouring to balance competing and legitimate rights or interests and obligations, to balance them, to attempt to find a means of, in this case, creating the right of access to information by the citizen while recognizing, also, the right a person has to his or her privacy. So that is why those areas of personal information are exceptions.

I should point out there that this area of exceptions, personal information, does not include

MR. OTTENHEIMER: matters pertaining to a public official in the exercise of his or her public duties, or of terms of a contract of employment of somebody employed by the Crown.

Now, the next area is discretionary exceptions and this, obviously, is the area where a judgement must be made. And there are, basically, six categories of discretionary exceptions. This is where information may be denied and I will go into the appeal procedure later. If a citizen feels aggrieved; If a citizen feels aggrieved there is a procedure provided in the bill. Okay? Within the discretionary exceptions would be information which one could reasonably expect would adversely affect federal/provincial negotiations. So that is one category where there would be reasonable expectation of an adverse affect on federal/provincial negotiations. As hon. members are aware, throughout a certain course of federal/provincial negotiations there is confidentiality. When it is completed it is not, because it becomes an intergovernmental agreement of whatever kind or whatever nature, whether it is fiscal or jurisdictional or in terms of providing a service or whatever it is. But there is a period of negotiation, as such, depending on the nature of what is under discussion,

MR. OTTENHEIMER: when to make public at that period could well fall within the category of, 'reasonably expected to adversely affect those negotiations'.

The next area of discretionary exceptions refers to the conduct of lawful investigations; police investigations, law enforcement areas, and the security of correctional institutions. This is, I think, fairly self-evident. Obviously investigations by the police are matters which have always been considered confidential, but here it comes under discretionary exceptions and, also, security of correctional institutions.

The next area would be information, the disclosure of which would have a substantial adverse effect on the economic interests of the Province, substantial adverse effect. Now, that does not mean an annoyance or an irritant or that, but a substantial adverse effect.

The next one, the next area of discretionary exceptions deals with respect to legal opinions by a law officer of the Crown to, say, a government department, his or her minister, or privileged communication between solicitor and client, there was that.

The next two, then, are information with respect to proposed regulations and legislation and information of a financial, commercial or scientific or technical nature, the making known of which would affect the competitive position of a person or result in an undue financial loss.

So they are there are they are pretty easy for hon. members to read over under "Discretionary exceptions." They deal basically with federal/provincial negotiations. They deal with investigations, legal investigations, police investigations, security of correctional institutions.

MR. OTTENHEIMER: They deal with areas where there could be a substantial adverse effect on the economic interests of the Province. They deal with legal opinions offered by a law officer of the Crown, or privileged information between solicitor and client. They deal with proposed legislation ireregulations and then, finally, information of a technical or scientific or commercial or financial nature, disclosure of which would affect the competitive position of a person and could result in an undue financial loss.

We come now to what is the recourse of a citizen if the citizen disagrees with a department. And, I suppose, there are a couple of ways that could happen. A department could come back and say, "What you have asked for is within the non-discretionary exceptions so we cannot give it to you." Or a department could come back and say, "This is personal information which under the act we may not give you." Or a person could come back and say, "I do not think you have exercised your discretion properly, we should get that information." I would say if one were to generalize there are the three basic ways a citizen could disagree with a decision not to give information. What then is the procedure? Because if that were the end of it, if that were final, if there were no appeal then the creation of this right would - its exercise would be seriously impeded, if there were no way of appealing such a governmental decision or decision by a public corporation.

Where a person is not satisfied with the decision, he or she may appeal to the Ombudsman, the Parliamentary Commissioner. The Parliamentary Commissioner, within a period of thirty days, will make known his recommendation. As everything which comes from the Parliamentary Commissioner, it is recommendatory in the annual reports to the

MR. OTTENHEIMER: Legislature. It is recommendatory and it would be recommendatory here, not mandatory, I want to make that clear.

So where a person is aggrieved the appeal is to the Ombudsman, to the Parliamentary Commissioner, who then makes recommendations, and it is, I repeat, recommendatory. If a person is then not satisfied,

MR. G. OTTENHEIMER:           either with the decision of the Ombudsman or with what that government department or agency has done as a result of the Ombudsman's recommendation. I think it is very important to be clear there, that a person appeals from the next level of appeal from the Ombudsman, the Trial Division of the Supreme Court. And I think eventually under two headings they would take place.

Number one, if the person were not satisfied with the Ombudsman's recommendation or number two, the person were not satisfied with whatever action or inaction resulted from the Ombudsman's recommendation. The appeal then is to the Trial Division of a Court of Appeal. And it is important here, I think, to note that the Trial Division will determine the matter de novo, from the beginning, new, in its totality. I think those are the things all implied by that because this is the first judicial examination, the first judicial determination. The first is administrative, it comes to the department head or the head of Memorial University, Bay St. George Community College, the Newfoundland Liquor Corporation, Newfoundland and Labrador Hydro, Workers' Compensation, whatever, that is an administrative action, decision, judgement.

At the Ombudsman, the Parliamentary Commissioner level, it is a recommendatory input and the next level, for those who wish to pursue it, would be a judicial determination by the Trial Division of the Supreme Court. So, that outlines in general, and I hope sufficiently, the general principle of the legislation. If the hon. members have specific questions, obviously I will make a note of them and reply to them in closing the debate. In a nutshell, then, the Act would create a right, a statutory right to information, a right which does not now exist, binding on all government

MR. G. OTTENHEIMER: departments and on a vast, a very significant number of public agencies of one kind or another, educational, resource oriented, various kinds, service performing whatever. Then the legislation, proposed legislation indicates the non-discretionary exceptions, indicates exceptions in the area of personal information, indicates exceptions which are discretionary. Then it outlines the procedure that a person not satisfied with the judgement at the, if you wish, governmental level - the procedure that they follow through an appeal to the Ombudsman, and then the Ombudsman's obligation of making a recommendation. And then, if the person is still aggrieved by the nature of the recommendation, or because of the action which has followed it or inaction which has followed it, a judicial determination by the Trial Division of the Supreme Court. I should point out, too, that the last clause in the Bill points out that it will come into force on the first of January 1982. As hon. members will recall, actually, we had hoped to bring this in in the last session of the Legislature then obviously, the time period was different and that was not possible, so we have brought it in now. So the reason might be asked why not have it become operative the day after the legislature passes it, type of thing - let us say legislature passed it in a week, - you know, the day after? I think the reason is obvious there, that all of these various agencies, Labrador Resources Advisory Council, Marystown Shipyard Limited, Labour Standards Board, Public Libraries Board, all of these public agencies have a new and specific statutory duty as, indeed, do the government departments, and it is the government's



MR. G. OTTENHEIMER: wish that this legislation be -  
that the obligations imposed on government and the public  
agencies here, these obligations be fulfilled not only in  
the letter but in the spirit of the legislation and it will  
be necessary for these various agencies to become, number  
one, thoroughly familiar and to think out and to articulate  
their policies.

MR. SPEAKER (Mr. Baird): I do not wish to interrupt  
the hon. minister but it being 5 o'clock, pursuant to  
Standing Order 31 I can inform the House I have received  
no notices for debate at 5:30 p.m., therefore, a motion to  
adjourn will be deemed to be before the House at that time.

MR. SPEAKER (Baird): The hon. minister has two minutes left.

MR. OTTENHEIMER: So, Mr. Speaker that is the reason that it is coming into force in January, because we do not want

SOME HON. MEMBERS: (Inaudible)

MR. OTTENHEIMER: I will wait for the hon. gentlemen to -

MR. SPEAKER: Order, please!

MR. OTTENHEIMER: I will ask for the protection of the Chair. We do not wish there to be, you know, a sloppiness or a lack of knowledge, a lack of realization or recognition of the obligation imposed, and we wish the public agencies to co-operate fully, not only with the letter but with the spirit and that is why we have the date of January first when there will be, as far as I can see, no legitimate explanation or justification, then, for any group which has this obligation not to be prepared to fulfill it. So, that is essentially it, Mr. Speaker. I think it is a very worthwhile legal reform. It will give people a greater opportunity to participate in the democratic process, involvement of the citizen, provide for greater knowledge. And although, in some cases, people may be tempted to say that they do not wish to be confused with the facts, we think that for the vast majority of the people of Newfoundland and Labrador who obviously exercise judgement and participate more meaningfully in the political process in its broadest context, in the social process, if you want to call it that, there will be a greater emphasis on accountability of government departments and these various other public agencies with this enhanced accessibility. I think it is very worthwhile. I am very pleased to have the honour on behalf of this administration to introduce the bill. I am also pleased to have the opportunity to

MR. OTTENHEIMER: invite hon. members to, something that does not necessarily happen all that often, participate in the creation by this Legislature of a statutory right, a very worthwhile exercise.

SOME HON. MEMBERS: Hear, hear!

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

MR. THOMS: Thank you very much, Mr.

Speaker. At least I only have a half an hour this afternoon, I guess the press is all gone to bed now, but I will get another half an hour tomorrow morning so that might help.

MR. MORGAN: There is a reporter up there.

MR. THOMS: Oh, we do have some press.

MR. HANCOCK: Hey, hey, hey watch it now (inaudible).

MR. THOMS: I may be accused, Mr. Speaker, of getting on the bandwagon, as the hon. minister has accused me in the past on several -

MR. OTTENHEIMER: I never said that.

MR. THOMS: - on several occasions.

MR. OTTENHEIMER: Did I say that?

MR. THOMS: However, it is not very often that the minister and myself see eye to eye, and before anybody gets any wrong ideas, we do not see eye to eye entirely on this particular piece of legislation.

MR. HANCOCK: Is that because you are taller than him?

MR. THOMS: However, Mr. Speaker, in as far as it goes, this is a good piece of legislation.

SOME HON. MEMBERS: Hear, hear!

MR. THOMS: And again, as I say, without being accused of being on the bandwagon, I would like to advise the minister that my recommendation to my caucus was that we would support the bill.

SOME HON. MEMBERS:

Hear, hear!

MR. HANCOCK:

See how co-operative we are ?

We are not like the Tories.

MR. THOMS:

Mr. Speaker, unlike bill

54, and unlike the Minister of Forest, Resources and Lands, (Mr. Power) who today created a right for the people of this Province that they already had- they had the right to sue the Crown and he very magnanimously gave them that right to sue the Crown, a right they already had - this particular piece of legislation, Mr. Speaker, does create a right that the citizens do not presently have in this Province .

SOME HON. MEMBERS:

Hear, hear!

MR. THOMS:

And in that respect it is

an excellent piece of legislation.

SOME HON. MEMBERS:

Hear, hear!

MR. THOMS:

Now, I have certain concerns,

Mr. Speaker, -

SOME HON. MEMBERS:

Oh, oh!

MR. THOMS:

- and I will be expressing

those concerns during my few brief remarks on this particular piece of legislation.

Mr. Speaker, one of the problems that I find in speaking on what is a very important piece of legislation to be brought before this House, is that I do not have an opportunity to examine the progress of similar legislation in other provinces and other jurisdictions. It may well be, Mr. Speaker, that the ministers had this opportunity.

MR. BARRY:

Why have not you had it.

MR. THOMS:

Because we do not have

the resources, we do not have the people.

AN HON. MEMBER:

You can read.

MR. THOMS: Yes, but you cannot read how it is actually working. Unless you can get to those places, you cannot see how it is working. I do not know how the legislation is working in Nova Scotia. I do not know how this legislation is working in New Brunswick, but in all probability a great deal of it is modeled after these two provinces. How does it work? I would have liked to have had an opportunity to examine this legislation in other jurisdictions.

Mr. Speaker, I would suspect that there is a great deal of information within the public service that automatically has a particular stamp on it, it is marked either confidential, secret, or top secret.

MR. BARRY: For minister's eyes only.

MR. THOMS: Is there another one for minister's eyes only?

MR. BARRY: Eat after reading (inaudible).

MR. THOMS: Eat after reading. Mr. Speaker, they automatically stamp every envelope. You can get in the elevator any day in Confederation Building and you see young girls or men or what have you going up and down on the elevator, or you can see the fellow who pushes the cart with the mail in it, and you see all those big brown envelopes, Your Honour has seen them, I see him nodding his head, Your Honour has seen them, and they are all marked 'Secret' or 'Confidential' or 'Top Secret'.

AN HON. MEMBER: They are Cabinet papers.

MR. THOMS: Now, the hon. minister says they are Cabinet papers, okay? Now, I happened to be in the Supreme Court Registry about two weeks ago and in came one of these big brown envelopes.

MR. STAGG: Empty envelopes.

MR. THOMS: Marked on it was 'Secret'. One of the court clerks there took it and laughed at it and said, "Just look at that, look, marked 'Secret'", opened it up and this top secret, this thing that had to be marked 'Confidential' and 'Secret' and 'Top Secret' happened to be the dates on which the court was going to sit on circuit in Corner Brook, Labrador City or wherever.

MR. STAGG: Or Grand Bank.

MR. THOMS: Or Grand Bank or wherever it was.

But this was the thing that was marked 'Top Secret'.

AN HON. MEMBER: Ah, boys will be boys.

MR. THOMS: But, Mr. Speaker, you know, it has to do a great deal with the way in which public servants see themselves and the normal relations that exist between individuals. It may well be, Mr. Speaker, that officials at a certain level, like the Minister of Mines and Energy (Mr. Barry) or the Minister of Justice (Mr. Ottenheimer) or some deputy minister or the ADMS, it may be, Mr. Speaker, that these people will only read documents or only have the time to read documents that are marked 'Top Level', 'Top Secret' and others will only read documents that are marked 'Confidential' so that if somebody wants to have an input, then you have to make sure that your documents are stamped with the appropriate level stamp.

Freedom of information legislation, Mr. Speaker, will go a long way, I believe, if the right things are done towards eliminating some of these problems. We have to acknowledge that the whole requirement for freedom of information really has to do with human nature, not so much with the evil public servants or the evil civil servants, it has to do, Mr. Speaker, with the way people see themselves, it has to do with one person saying, 'I have some information you do not have and I am more powerful than you.' It has to do with the kind of

MR. THOMS: individual games that we all play with each other, which go on in the public service as it does in any large organization.

Mr. Speaker, the importance of this bill is not so much in the way it defines freedom of information, it is not so important in the way it defines freedom of information or the way that it defines exemptions, it is the fact

MR. THOMS: that when it is passed it will say that all information should be made available to the citizens of Newfoundland. It creates a statutory right that all information is available to the people of this Province. Having said that, there are certain exemptions, but the underlying principle of this particular bill is that all the information is available.

Mr. Speaker, it is a psychological factor that we are dealing with. The importance of the bill is the psychological impact that this ought to have on the public servant. I believe, Mr. Speaker, that whether or not this bill is to be successful, whether or not it is going to accomplish, Mr. Speaker, what it is supposed to accomplish, then there has to be an educational process, and it has to start from the top and it has to go down.

The principle, Mr. Speaker, as I have said, is that the taxpayers who, after all, pay for the gathering of all the information; every bit of information that is gathered the taxpayers of this Province pay for it, and they are entitled to the information that is gathered by public servants.

Mr. Speaker, the public servant has worked in a system that has grown up over the years, in which he has come to be regarded, and he considers himself, only to be a servant of the government, to provide only the government with information. That is the mentality - he has become adjusted to that way of thinking. Now, we have to unindoctrinate him. I cannot do that, except in a very minor way, of becoming very upset when I am getting the information that I will be entitled to under this legislation.

But, Mr. Speaker, your Cabinet ministers, your government members, these are the people who have the greatest deal of influence on the public servants, and if this legislation is going to work, then it is incumbent



MR. THOMS: upon all of us to educate the public servant to the idea that they are servants of the people of this Province. We pay their cheques every two weeks. We pay for the collection and the gathering of the information. But I am afraid that we are going to have to go through an educational process. It is not going to happen overnight. It is going to take a while to hammer home the fact and the principle and the statutory right that this bill creates, that all information gathered, the people, the taxpayers, are entitled to it.

And then we get into our exemptions. I have no basic problems whatsoever with the exemptions that are in the present bill.

Mr. Speaker, this Freedom of Information bill and freedom of information itself, is a laudible goal. And again, without being accused of being on a bandwagon, I think the Minister of Justice (Mr. Ottenheimer) is to be congratulated for bringing it before the House. But, Mr. Speaker, I do not want to see the cost of that borne by the consumers. The government should not hesitate to provide the necessary manpower to get information out as expeditiously as possible and not pass on the cost to the consumers.

Mr. Speaker, information contained in any one of the seventeen departments of government or in the Liquor Licencing Board

MR. THOMS: or in the Newfoundland and Labrador Housing Corporation is useless to the consumer, is useless to the people of this Province, if the cost of getting that material is beyond their reach. That will defeat the purpose and the principle of this bill. Manpower must be made available to disseminate the information, to get the information out. I am not concerned about the big entrepreneur, I am not concerned about the big business interests of this Province, they can afford whatever dollars are necessary to extract the information that they are looking for, what I am concerned about is the little fellow from Lawn or St. Lawrence or Grand Bank or Garnish or Ming's Bight or wherever, who wants some information and finds that it is too costly. Then the whole principle - we might as well not have the bill at all if that is the case.

Mr. Speaker, I differ with the minister who introduced this bill in one very important aspect in that the final decision is taken not by the politicians but by the courts. I do not think that is necessarily a wise move.

MR. OTTENHEIMER: Should there be any appeal to the (inaudible).

MR. THOMS: No, I am not convinced of that. I am not convinced that that is necessary.

I accept the fact that no matter what way we determine the final decision, it is not going to be perfect. My own feeling as a person who believes in the concept of responsible government, is that it is the government which ought to make the final decision. Because in many cases these decisions, as to what will be released and will not be released, will be questions of political judgement. And the government ought to make these decisions. They ought to report them to the House of Assembly and then provide an opportunity for the House to be heard on it - some form of

MR. THOMS: opportunity, I do not know what it is but - not necessary. And one of the reasons why I feel that we should make every attempt to do this is the fact that under this particular piece of legislation, the first appeal is to the Ombudsman. And you have to apply within thirty days, and the first appeal is to the Ombudsman. But then the appeal is to the Trial Division of the Supreme Court of Newfoundland.

Now, here is where we get into cost again. Mr. Speaker, there are very few people in this Province who will appeal a decision to a Supreme Court of Newfoundland without first obtaining the services of a lawyer. I am a lawyer. I know how expensive they can be. I know what it costs for a lawyer to spend a day in court. So I think that we should try to find some other method of appeal than to the Supreme Court of Newfoundland. And apart from that, Mr. Speaker, the Trial Division of the Supreme Court of Newfoundland is one of the busiest spots on this globe. Last year they had 135 more civil cases than they had the year before. I was in court eight or ten days ago, well, the first week in March, and I wanted two uncontested divorce cases set down. Depending on which judge you get, it takes five minutes at the most. They are

MR. THOMS:

uncontested. There are no contests, it is a matter of going in and showing domicile and just a very few things that just do not take very long and you are out again. Five minutes each would have been a maximum. I was advised by the judge that the only possible time these could be heard would be June. In the same court that day the judge - whilst there were notices of motion to have matters set down for hearing during this term of the Supreme Court, the judges were setting over these matters until October the 1st. They would not even hear the motion until October the 1st, let alone set down the case. It is practically impossible. Now, I have some notices of motion on this coming first week in April. I know that I am not going to get a trial set down for this. The President of the Council (Mr. Marshall), I am sure, can appreciate what I am saying, that I am afraid that anybody who wants to appeal just will not - it will be so far into the future that maybe the information will be no good to them by the time they get it.

The Canadian Bar Association has suggested that appeals be to the Appeal Division of the Supreme Court of Newfoundland. Well, I am not quite sure what their calendar is like but I understand, from talking with the minister, that they are almost as busy as the Trial Division. I would not think they would be as busy as the Trial Division, but the worst possible court that you could pick to appeal to is the - purely from a crowded calendar point of view - would be the Trial Division of the Supreme Court of this Province.

Now, Mr. Speaker, you know, again getting back to what I said about - I think we should accept the responsibility, I think the government

MR. THOMS:                    should accept the responsibility, I think mechanisms can be put in place whereby appeals can be heard without resort to the courts. I believe that for the government to go to the courts is for it to take an attitude that it does not feel strong or powerful enough or maybe does not have the courage to deal with the responsibilities it has. I think it is the government that should make political judgements, not the courts, and, as I said, in many cases these are not going to be judicial decisions but the courts are being asked to make political judgements. I just do not think it is necessary. I do not lack the confidence in the government. I think they are perfectly capable and able to discharge their responsibilities. I have no problems from that point of view. The hon. members across the House, they might have their own doubts in their own confidence but I do not share that point of view. Mr. Speaker, I do share many of the views which the minister obviously skimmed over this afternoon. I am disappointed that the minister did not tell us that there was going to be some amendments to the legislation. Again, I guess, I should not be surprised because the attitude of this administration and this minister, in particular, has been to ignore suggestions, good suggestions, that are made to him. The Canadian Bar Association, the Newfoundland Branch, recommended that the appeal be to the Appeal Division of the Supreme Court rather than the Trial Division of the Supreme Court. I agree with that. If we are going to have

MR. THOMS:

our appeal or appeals to a court, then, Mr. Speaker, it should be the Appeal Court and not the Trial Division of the Supreme Court of this Province because I think that will defeat the principle of this bill, the whole reason for the bill, and on two grounds, the cost and particularly on the workload of the Trial Division.

But having said that, I see no reason why this government could not come up with a better system whereby the consumer did not have to go to the courts and expend monies for lawyers, but they are going to have to under this present legislation. Mr. Speaker, to me the suggestion by the Canadian Bar - you know, I do not expect the minister to accept the recommendation that I would make to amend this legislation, I do not expect that, that is not going to happen. They are too partisan for that. But at least look at a reputable organization such as the Canadian Bar Association. They are concerned and I see no reason - obviously, the minister has not mentioned it, he did not in his introductory remarks, did not say a word, so I can only assume that he is not accepting the recommendations. But, Mr. Speaker, it is very important.

MR. OTTENHEIMER: (Inaudible).

MR. THOMS: No. No. No, it is not. In as far as it goes, Mr. Speaker, the bill is not wishy washy. It is not wishy washy in as far as it goes. But the bill does not go far enough and there are concerns. And as I -

MR. BARRY: (Inaudible) the bill.

MR. THOMS: I am not saying that but I think even the Minister of Mines and Energy (Mr. Barry) will agree with me that the bill can be improved.

MR. HANCOCK: (Inaudible) improve what (inaudible) better than that.

MR. THOMS: That is right and there are very few things that cannot be improved. But this bill, Mr. Speaker, is not new, it has been done before. And the hon. minister said that there was a Freedom of Information Act in Nova Scotia, in New Brunswick. I believe in parts of the States as well, there is a Freedom of Information Act.

MR. FLIGHT: A guilty conscience complex.

MR. THOMS: My Lord - I was just talking about the courts, Your Honour, and it just came right out. It is five-thirty and I move adjournment of the debate.

MR. SPEAKER (SIMMS): The hon. member adjourns the debate.  
On motion the House at its rising adjourned until tomorrow, Friday, at 10:00 a.m.

VOL. 3

NO. 13

I N D E X

ANSWERS TO QUESTIONS

TABLED

MARCH 19, 1981



ANSWER TO QUESTION #4 ASKED BY THE HONOURABLE MEMBER FOR FOGO  
DIRECTED TO THE HONOURABLE MINISTER OF FOREST RESOURCES AND LANDS  
ORDER PAPER DATED MARCH 3, 1981.

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- (a) How much of the insecticide Matacil does the Government presently have inventoried?

ANSWER

There are 689 barrels of Matacil in storage at Stephenville. Each barrel contains 45 gallons of Matacil formulation which is approximately 80 lbs. of active ingredient.

- (b) Where is this insecticide stored?

ANSWER

The Matacil is stored in a U.S. Air Force Ammunition Bunker at Stephenville. The bunker is underground and only partly exposed on one side. The floor is concrete. The insecticide is under lock and key and is inspected daily.

- (c) How much of this insecticide has been lost due to leakage?

ANSWER

There has been no leakage of the insecticide at this location.

- (d) If any leakage has occurred what damage has been done to the environment?

ANSWER

As noted above no leakage has occurred.

- (e) What has been the cost of storing the insecticide?

ANSWER

The security person inspecting the Matacil is a regular security man employed by the Department of Public Works who inspects the building in addition to his other duties. The rental on the building is \$50.00 per month.

The inventory cost of holding the Matacil has been more than compensated by the appreciation of value of Matacil which has increased from \$7.75 per lb. in 1978 to approximately \$10 - \$11 in 1981. (An appreciation in value of approximately \$165,000).

- (f) Has the stored insecticide been rebarrelled as often as approved safety procedures dictate?

ANSWER

Yes

- (g) If rebarrelling has not taken place as often as safety precautions dictate, does this pose any danger when movement or rebarrelling of this insecticide takes place?

ANSWER

Rebarrelling has taken place as often as safety precautions require.

- (h) What quantity of the insecticide Matacil will the Government be purchasing for this year's spray program?

ANSWER

It is planned to purchase approximately 700 barrels of Matacil in 1981.

- (i) Where will the insecticide being used this year be stored and at what cost?

ANSWER

The insecticide under storage at Stephenville will be moved approximately two weeks before spray to the mixing site. Approximately 3/4 will be moved to Central Newfoundland and the remainder will be used in the Stephenville area. The insecticide to be purchased in 1981 will be delivered to the mixing site directly and there will be no long storage involved. Any cost associated with this storage is negligible and is part of the total cost of the spray program.

- (j) What precautions will the Minister be taking to see that there is no damage to the environment and the health of citizens in the storage area?

ANSWER

No long term storage of chemical should be necessary this year. During the few days of storage at the airports before the spray all precautions required by the Environmental agencies will be taken to ensure safety of the environment and human health. The Matacil will be stored inside the fenced area of the airports concerned with a 24 hour security surveillance present. Safety embankments will be constructed around the barrels to control any leakage. Appropriate solutions such as caustic soda will be kept on hand to neutralize the insecticide if necessary. All

the personnel handling the insecticide will be trained in the safety precautions and will be provided with protective clothing. Any spills will be immediately absorbed and appropriate absorbing materials will be decontaminated with prescribed materials.

March 12, 1981.