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Speaker: Honourable Thomas Lush

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The House met at 2:00 p.m.

Mr. Speaker (Lush): Order, please!

With the forbearance and indulgence of hon. members, I would like to make a ruling on the point of order raised yesterday at the end of Question Period with respect to copies of Hansard and some questions relating thereto. By introduction, I would like to suggest that hon. members try to refrain from getting me into new territory - it creates a lot of work. And, I might say, we have not had a similar point of order raised in the House. Though we have had points of order with respect to Hansard, invariably they have been with some member rising to say that what was said was not what was said, or the timely appearance of Hansard in the House, but nothing exactly like this point of order.

The point of order substantially was who was in possession, I suppose, of the right document, the Premier or the hon. House Leader? The simple answer is, I suppose, that both were in possession of the right document. But allow me to elaborate first.

The Editor of Hansard prepared me this document yesterday. I will read it and I will table it, and I will make some comments thereafter. 'Dear Mr. Speaker, Hansard is the official document, the full report in the first person of all speakers alike, a full report being defined as one which, though not strictly verbatim, is substantially the verbatim report with repetitions and redundancies omitted and with obvious mistakes corrected, to quote from one authority on the matter, that is the Manual from Hansard Offices in the House of

Commons, London, England. In that spirit then, yesterday's transcript', and we are talking about yesterday, the letter was written yesterday, 'In that spirit yesterday's transcript was transcribed by the transcribing staff and then edited by senior proofreaders. The actual verbatim transcript as reported to the House by the Opposition House Leader who questioned the edit is as follows:

Mr. Flight: I may have - playing games really. I may have inadvertently -

The Preliminary Transcript that members have on their desk, and that should now be in the past', he was talking about yesterday, 'and referred to by the Premier contains only the edited version which is:

Mr. Flight: They are playing games really. I may have inadvertently -

Because the Opposition House Leader questioned the edit and pointed out that the verbatim transcript was critical in this instance, the document was changed to show the actual verbatim transcript. That is the actual words spoken by Forestry Minister Graham Flight.

I gave the Opposition House Leader a copy of the newly edited version. So the bottom line is this, an editor used a judgement call, as editors do every five minutes in Hansard when preparing the final edit, tightening up the minister's words as he saw fit, and printed the version appearing in today's Preliminary Transcript. It is worth repeating therefore that which I pointed out at the beginning, that Hansard,

though not strictly verbatim, is substantially the verbatim report.'

Now I want to make a couple of comments on the whole incident. I am not going to comment on what was said at this point, because that is open to interpretation and that is the way it has to be, that many times in the report, in the view of the editor he has to look at the context of what was said, and using that many times, hon. members will know, that when we look at it we can read many things into the particular phrase.

Now I think the question is, as I have said before, what is the official document with respect to Hansard? We have no procedure in this House, no precedent as to what it is. But by checking with other Houses, they have an official document. Generally it is not the unedited document. They have another official document. Now in our House we have a more convoluted system, we have the preliminary document that appears on members' desks every day, the official document seldom ever gets done. I do not know how far we are behind on the official document right now, but obviously in view of that, the logical extension is that the Preliminary document, and that is just my view, ought to be the official document that Members are using. Because, otherwise, we would never get a chance to make any points of order if we had to wait until the official document came out, which is - I do not know how far we are behind, but we are considerably behind and, obviously, hon. Members would have to make that extension of what happens in other Houses. But it is just a suggestion.

And because, obviously, we have to

make some rules in that regard, also we have to make some rules with respect to Members' access to Hansard. And to this point it has been up in the air. So with respect to the point of order, I am going to make two suggestions to hon. Members. Because, as I have said, we could question the procedure in the sense - not question the procedure of the Opposition House Leader's right to hear the tape, but questioning the procedure of changing a document. Because, quite obviously, after the Opposition House Leader went up to get it changed, then someone else could go up and get it changed. And that would create chaos, obviously.

So I think there are a couple of things we have to do. One, the House has to decide what is the official document, what is the document of Hansard so that Members can legitimately rise on points of order and make corrections. That is point - number two, I think we have to decide that, and my suggestion is that since we have a Committee on Rules, I think we can look into that. Or either that we could have the Speaker sit down with Hansard and the two House leaders and let's come up with some firm rules with respect to Hansard.

But until then, I am going to suggest to hon. Members that we use Beauchesne until we have developed these procedures. And I say then, because I do not think it is fair to apply rules now when the procedure is quite open. And I think until we have developed one of these rules, or until such time as we have sat down with the Editor of Hansard and worked out a clear procedure, that we ought to apply Beauchesne.

And I will quote for hon. Members what Beauchesne has to say about this, if I can find my references. Page 152, I think, is the first reference, paragraph 497: "A Member may quote from Hansard, but not from the unedited preliminary version known as the 'blues'." Now what that is in Ottawa, of course, it is the unedited version. And so they say 'may quote from Hansard but not the unedited version.' In our case, that would be the Preliminary version.

Secondly, and I think this is the more important one - I do not know about the more important one, but just as important, page 301 of Beauchesne, paragraph 1117, subsection (2). And this outlines to Members how we ought to make corrections, which brings me back to my earlier statement, that maybe we could question the procedure, but since we have had no procedure, I think this ought to be a good way to go. Using Beauchesne, which is page 301, and I read: "Corrections may be made to Hansard." And I might say that this happens in practically every House that we have checked, and I should also say that in every House, again, the Editor is the final arbiter.

But, of course, as I have said, we must establish the procedures for that. Now what Beauchesne says, to follow on: "Corrections may be made to Hansard. If the correction is of a very important nature the Member shall rise in the House when Motions are called to explain the correction. At this time the House gives its approval to the change. However, if the change is minor the Member should inform the Editor of Debates directly, in order to have the correction made. In lieu of

the absence of any rules or precedents, in view of the lack of these right now in our House, those are the two suggestions I make to recap for hon. members: one, that we get together with Hansard and draw up some firm guidelines and publish them for hon. members. There are three actually, I think the Committee on rules might look at it. I will leave that to the House to consider, and thirdly, in lieu of that, while waiting for these decisions, that we follow Beauchesne as I have outlined.

The hon. the Opposition House Leader.

Mr. Simms: I do not want to delay it any longer because it is a fairly lengthy ruling, I guess, and we have to get on with other matters, but perhaps if the Government House Leader and I were to agree to your suggestion about getting together with yourself and Hansard to maybe develop some rules, or suggest guidelines, that is fine with me. The only thing I would like to mention, since Your Honour drew attention to a particular reference, the last page you referred to, Page 301, 1117, you referred to 1117(2) dealing with corrections. Just to further emphasize the point that was debated yesterday, in 1117(1) it will be very clearly noted as well that 'The Official Report of Debates, commonly referred to as Hansard, is the record of speeches in the House; it also contains answers to questions. The debates of the House are reported verbatim, reporting correctly what was said by each member in the House. Slight verbal alterations are allowed to be made by a Member in order to make the meaning more precise and accurate; however, no words or phrases may be inserted

to effect material changes in the meaning of what was actually said in the House.' I think that is an important quotation because the argument yesterday, to my point of view, there is, 'I may have been playing games', versus, 'they are playing games', in my view certainly indicates material changes in the meaning of what was actually said, and it should be pointed out.

Statements by Ministers

Mr. Speaker: The hon. the Premier.

Premier Wells: Mr. Speaker, as hon. members are aware, this morning the Hon. Jake Epp, Minister of Energy, Mines, and Resources for Canada; the Hon. John Crosbie, Minister Responsible for International Trade for Canada; the Hon. Dr. Rex Gibbons, Minister of Mines and Energy for the Province, and I signed the Escrow Release Certificates which cause the various project agreements to be released from Escrow. This ceremony represented the conclusion of the process of finalizing binding legal agreements in respect of the Hibernia Project.

Some Hon. Members: Hear, hear!

Premier Wells: As hon. members are aware, at the signing on September 14 there was a caveat that it was not final and some things still needed to be done, but the two Governments were sufficiently confident that the project would proceed, that they took the risk of being ultimately responsible for any monies spent until this point was received. To do that, Mr. Speaker, we agreed that the funds could be taken out

in advance of the Offshore Development Fund contribution. I am happy to advise the House that it was unnecessary to draw any funds against the Offshore Development Fund in this particular incident because both Governments, and the companies involved, moved expeditiously to get the legislation concluded, and all the agreements concluded and taken out of Escrow so now it is put into operation and it is totally and completely in binding effect at this moment, and all matters are now concluded with respect to the documentation of the Hibernia Proposal.

For the information of hon. members, Mr. Speaker, I have asked the Government negotiators involved to prepare a brief synopsis of the key points in each of the agreements, and I am tabling that synopsis with this statement today. In the future if anybody wants all of the packages that are finally put together, in future if anybody wants to see the documents, the documents can be made available. They are voluminous, so I would not propose tabling them or making them generally available to the public. But we take the position, Mr. Speaker, that any document which undertakes an obligation by the Government of Newfoundland and Labrador, or which waives or gives up any benefit or right that the Government of Newfoundland and Labrador would have, should be made public.

Now, it may well be that some of those documents between the companies, they may prefer to keep private where there is some competitive information or other private arrangements. That is up to the company. But I have taken the position with all of the

companies that any document to which the Government is a party or any part of a document to which the Government is a party that deals with Governments obligations or gives up any benefit must be fully made known to the public of this Province, and we will do so. But so that people will be generally informed, I have tabled a synopsis of the documents.

Mr. Speaker: The hon. the Leader of the Opposition.

Mr. Rideout: Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Rideout: Mr. Speaker, we are very pleased, obviously, that the final agreements have been signed today releasing now in final form the contractual obligations related to the development of the Hibernia project. We said in September when the original agreements were signed here in St. John's that we supported at that time the funding mechanism through the offshore development fund. We were pleased to do so then and obviously we have no difficulty with that. We are also pleased to know that, in fact, none of the funding had to be used. The only hang-up, of course, when the September agreement was signed and the only reason why the agreements had to be put in escrow was the final passage of, I believe, Bill C-21 through the House of Commons and then the Senate of Canada. So, the escrow arrangement was made for that particular purpose. That has now been achieved and therefore we are pleased, Mr. Speaker, that the final documents have been signed; that they are now out of escrow and the project is up and running. We are delighted with that, Mr. Speaker.

Mr. Speaker: The hon. the Premier.

Premier Wells: Mr. Speaker, I rise again to inform hon. members of a significant development in the settlement of aboriginal land claims in the Province.

Tomorrow, I will be travelling to Nain where together with the hon. Tom Siddon, Minister of Indian Affairs and Northern Development and Mr. William Andersen III, I will sign the Inuit of Labrador framework agreement which provides for negotiating resolution of the land claims of the Inuit of Labrador.

This event represents the second milestone in negotiation of the claim of the Labrador Inuit. In January 1989, a ceremony was held in Nain to commence the negotiation of the framework agreement which would establish the agenda, procedures, sequence and time frame for future, detailed negotiations. The negotiation of the framework agreement was completed on March 22, 1990, in Ottawa when the chief negotiators from each party initialled the agreement. The Labrador Inuit Association ratified the agreement at a special general assembly on May 18, 1990, the Provincial Government approved the agreement shortly thereafter and on August 30, 1990, the Federal Government gave its approval to the framework agreement.

The next phase is the negotiation of the agreement in principle which the parties have agreed to complete within forty-eight months from the signing of the framework agreement. Often referred to as the substantive portion of the negotiations, the coming round will seek to find agreement on the

issues necessary to settle the claim. Mr. Speaker, I look forward to the day in the near future when I will be rising in this House to inform hon. members that the agreement in principle has been reached and approved by the LIA and by the Federal and Provincial Governments.

Events in other parts of Canada this past summer have drawn public attention to the very serious problems facing the aboriginal people of Canada. One of the most serious issues to be faced by both orders of Government is the issue of land claims. The claim of the Inuit of Labrador was submitted in 1977 and because of the process then in place, it took twelve years before negotiations on a framework agreement could be undertaken. A framework agreement was achieved within three months of the commencement of those negotiations. When all parties approach the negotiations with sincerity and a commitment to a fair resolution of the issues at hand, an equitable agreement can be reached without undue difficulty.

Mr. Speaker, it is with a great measure of pride and satisfaction shared, I am certain, by all Members of this House and all citizens of our Province, that I will leave for Nain to join with Mr. Siddon and Mr. Andersen in the signing of this historic agreement.

Some Hon. Members: Hear, hear!

Mr. Speaker: The hon. the Leader of the Opposition.

Mr. Rideout: Thank you, Mr. Speaker. Mr. Speaker, again it is with considerable satisfaction that we, on this side of the House, note the significant

signing that will take place in Nain tomorrow.

Our colleague, the Member for Torngat Mountains, as I understand, is en route to his district where the Inuit are residing and will be there.

I am also pleased to note that the negotiations which led to the framework agreement which will be signed in Nain tomorrow, were begun in January of 1989, an initiative of the Government of the day. We are pleased -

An Hon. Member: (Inaudible).

Mr. Rideout: The Premier admitted that, Mr. Speaker. It is in the statement. We are pleased that within a year or so, a year and a couple of months of that initiative taking place, a framework agreement was reached. It is a very, very significant day for the native people, the Inuit native people of Labrador. We are very pleased with the progress and we hope - we hope - that a final agreement in principle will be reached without any undue delay.

I noticed in the Premier's statement that there is no indication of what the position of the Province is as it approaches those final negotiations for an agreement in principle, in terms of provincial responsibility for the substantive issue of what the Government of this Province is prepared to shoulder, in terms of the responsibility for reaching a settlement with the Inuit, in terms of financial cost, in terms of resource development and so on.

These are very, very substantive issues which I know will be addressed as those negotiations proceed. But, by and large, we

are very, very pleased that the agreement will be signed. And we hope that a final agreement in principle can be reached, because this claim in particular, the claim of the Inuit in particular, has been one which has been in the forefront of land claim negotiations in this Province for a long, long time, and hopefully it will be settled and settled soon, Mr. Speaker.

Some Hon. Members: Hear, hear!

Oral Questions

Mr. Speaker: The hon. the Member for Grand Bank.

Mr. Matthews: Thank you, Mr. Speaker. I think it was on Tuesday that the Minister of Fisheries informed the House that he had advised the Federal Government that the Province would support a total allowable catch of 170,000 metric tons for the '91 northern cod fishery, a possible reduction of some 27,000 metric tons from the '90 TAC. The Minister also made it clear, or he certainly insinuated very strongly, that the Province wanted the reduction taken from the offshore allocations. Given the fact that the 1990 TAC reduction of about 38,000 metric tons was applied almost exclusively to the offshore, can the Minister tell the House what economic effects this further reduction will have on the communities and people that are dependent in whole or in part on the offshore fishery? Will there be any more plants slated for closure? And how many people will lose their jobs as a result of this reduction?

Mr. Speaker: The hon. the

Minister of Fisheries.

Mr. Carter: Mr. Speaker, in the House on - yes, it was on Monday, I think, I did make a statement to that effect and I believe at the time, in reply to a question, I did indicate that I have had meetings with some of the larger companies, in fact, Fishery Products International, at which time the President of that company, Mr. Vic Young, gave me a half hour briefing on the situation and what possible effect a reduction in the TAC would have -

An Hon. Member: (Inaudible).

Mr. Carter: Pardon?

An Hon. Member: (Inaudible).

Mr. Carter: Oh, prior to my visit to Ottawa on Monday, or to P.E.I. There is no doubt, Mr. Speaker, it will have some impact. You cannot remove 20,000 or 25,000 or indeed 15,000 tons of raw material out of the system without it having some impact.

But if and when the Federal Minister decides to reduce the Total Allowable Catch, then, Mr. Speaker, we will have to, I suppose, cross that bridge when we come to it and working with the private sector, try to find ways to spread the pain.

Mr. Speaker: The hon. the Member for Grand Bank.

Mr. Matthews: Thank you, Mr. Speaker. A supplementary to the Minister. In the conversations that the Minister had with Fishery Products International, I am wondering if the Minister was provided with any specifics of what the consequences will be, depending on where the Total

Allowable Catch is set, whether it is 170, 175 or 180,000. I wonder if the minister was provided with any specifics and if he would be prepared to share that with the Legislature and consequently the people? And having said that, I am wondering if the minister could inform the House if the Provincial Government has developed a plan to provide assistance to individuals' families in communities that will be affected if, indeed, the minister's recommendation of a reduction of a possible 27,000 metric tons is accepted by the Federal Minister?

Mr. Speaker: The hon. the Minister of Fisheries.

Mr. Carter: Mr. Speaker, I do not think it will serve any purpose now to cause, maybe, undue alarm by repeating some of the things that maybe were said at that briefing session, because it is all based on speculation. Who knows what the Total Allowable Catch will be? For example, there are a number scenarios. In fact, some scientists will tell you that the Allowable Catch probably should be almost down to 100,000 metric tons. But I think we will all agree that is not feasible. Others will say 150,000 more will say 170,000. In fact, the Federal Minister himself, I think, is operating on three options: I believe it is 150,000 metric tons, 185,000 metric tons, and a TAC of 200,000 metric tons. So until that decision is made, I do not think it will serve any purpose to go into too many details as to what effect it might have, except to say that you do not need to be a genius to figure out that if there is only a 15,000 or 10,000 ton reduction in the TAC, it will have some impact on the industry.

With respect to the latter part of the hon. member's question, Mr. Speaker, I should remind him and the House that, I believe it was in May month, we presented to the Federal Minister of Fisheries and Oceans our plan for revitalizing the fishery and the Newfoundland economy, and at that time offered to cost-share a very substantial program to diversify the Newfoundland economy to offset the possible effects of plant closures, and again the effect it may be having to downsize the fishery by virtue of what has happened to the stocks.

Mr. Speaker: The hon. the Member for Grand Bank.

Mr. Matthews: Thank you, Mr. Speaker. I think everyone in the Province now knows what was contained in the Province's submission to the Federal Government to take care of what was supposed to be a fisheries crisis, and it turned out to be a sort of a shopping list that had been put forward by all the development associations and so on around the Province. Does the minister agree that the prime objective in the management of the fisheries should be to ensure the continued operation of the key offshore and inshore sectors? And if so, does the Minister have any plan during what is going to be a temporary crisis in the industry to retain the assets and the skilled workers that will be necessary to rebuild a viable offshore fishery and inshore fishery in the future? Does he think that is necessary? And does he have a plan to accomplish that?

Mr. Speaker: The hon. the Minister of Fisheries.

Mr. Carter: Mr. Speaker, I think

our first commitment should be to the restoration of the stocks, back to where they are able to provide a decent way of life for those engaged in the fishing industry. And I repeat what I have said in this House many times, that the crisis in the fishing industry today was brought on by and large by virtual bad management on the part of the Federal Government. And I think they are now starting to recognize that and to do something about it. And if there are plant closures or people removed from the fishery because of the downsizing of the allowable catch, then I would expect the Federal Government to come to the rescue of the people affected and to provide them with whatever is necessary to help them carry on until maybe the fish stocks are rebuilt.

Mr. Speaker: The hon. the Member for Grand Bank.

Mr. Matthews: Thank you again, Mr. Speaker. For twelve months now, Mr. Speaker, we have seen this Minister of Fisheries not take any responsibility whatsoever for the fishery. I want to say to the Minister that it is about time he exercised some, besides writing a few letters to his Federal counterpart.

During a speech in Carbonear the past weekend the Minister of Fisheries is quoted, and it was splashed all over the newspapers, both regional and Provincial, as saying that the fishing industry in Newfoundland and Labrador has to be downsized to bring it in line with what we have as a resource. Does the Minister have a master plan for downsizing the fishery? How many fishermen in particular does he propose to take

out of the industry? And what is the optimum number of fishermen who, in his view, can obtain a livelihood from this very important and traditional industry?

Mr. Speaker: The hon. the Minister of Fisheries.

Mr. Carter: Mr. Speaker, I am glad the hon. Member is reading the press clippings to my speech in Carbonear. And I think if he read them carefully he would see that I said that the resource is downsizing the fishery. It is not a matter of downsizing the number of people in the fishery but the resource has done that. We do not have any choice in the matter, Mr. Speaker, when the resource is depleted. For example, we have had a study undertaken - the Fisheries Loan Board working with my Department had a study conducted on the south and southwest coast of our Province into the earned income of inshore fishermen in the past year. And I am almost embarrassed, Mr. Speaker, to repeat what is in the study. Because it shows that the average inshore fisherman on that coast, this year, will earn less than \$5,000 from the fishing industry. Now if that is the kind of an industry that the hon. gentleman opposite wants to perpetuate, I am afraid that I do not agree.

So I think we have no choice but to diversify the economy, provide alternate sources of employment for those who will be displaced, and hopefully at some point in time in the future, when the stocks are rebuilt, then we can have a more professional fishery, and a rationalized fishery, and one that would, in fact, give those engaged in it a chance to make a decent living for

themselves.

Mr. Speaker: The hon. the Member for Grand Bank.

Mr. Matthews: Thank you, Mr. Speaker. Nothing has changed, obviously, in the Minister's thinking or the way he is approaching this very serious issue after about, well, more than twelve months now, trying to deal with a very difficult issue.

What does the Minister see for the inshore and offshore fishery in, I guess, what could probably be termed as sort of his leaner industry? Will the fishery be concentrated in a small number of communities around the Province? And if so, won't most of the rural communities lose their only economic base if the Minister gets his way?

Mr. Speaker: The hon. the Minister of Fisheries.

Mr. Carter: Mr. Speaker, the future of the fishing industry in Newfoundland will be decided, I suppose, over the next few months or certainly within the next few years because it will be determined by and large to what extent we are willing to do what needs to be done to give the fish stocks a chance to rebuild. I am not able to say now how many communities will be able to continue in the fishing industry anymore than the hon. Member can. I do not have a crystal ball that I can look into and find out what is going to happen ten years down the road. I can only say, Mr. Speaker, that the fishing industry in Newfoundland cannot go on the way it is going. In the past it has been a job of last resort. People engaged in it have been treated, at least, of not being

able to rise above the bottom rung in the social and economic ladder of our Province, society, and that is not the way it has to go. I think we have to make certain decisions some of which will be very unpopular, and I expect the Federal Minister of Fisheries and Oceans, if he does what I think he should do, he is going to have to make some very unpopular decisions within the next few weeks and maybe reduce the total allowable catch to where the stocks will then have a chance to rebuild to a point where fishing can become a good industry in the Province, and one that will provide a decent way of life for those in it.

Mr. Speaker: The hon. the Member for Grand Bank.

Mr. Matthews: Thank you, Mr. Speaker.

I say to the Minister that there is so much, I guess, unreliability in scientific evidence and scientific data that my big concern is whether we are going to cause a lot of pain for thousands of people throughout this Province unnecessarily. I am not saying that we should risk the destruction of our stocks but that is something I feel very strongly about. There is just too much cause for concern that what we have seen happen over the last number of years, that there is just not enough reliable data available to make these harsh decisions, so I think we have to somehow try to find some middle ground. Having said that, Mr. Speaker, my final supplementary to the Minister is: since the Province has undisputed jurisdiction over onshore processing of fish products what plan does the Minister or the Government have to expand the

secondary processing of fish so that the Province can get greater returns in terms of employment and earnings from fish landings, from fish that is landed in our Province? Does the Minister have any plans for that?

Mr. Speaker: The hon. the Minister of Fisheries.

Mr. Carter: Mr. Speaker, the hon. Member and the House will know that just recently we undertook to prepare a White Paper on fishery development in the Province. In fact an hour ago I just received the first draft of the first phase of that White Paper which deals extensively with secondary processing and other aspects of the fishery. Certainly, that is something we are going to have to look at, Mr. Speaker, and we will over the next few months be releasing to the House some information, hopefully, on where we intend to go and how we propose to get there in terms of further developing the secondary processing sector, and maybe the under-utilized species, the harvesting and processing.

Mr. Speaker: The hon. the Leader of the Opposition.

Mr. Rideout: Thank you, Mr. Speaker.

My question is also to the Minister of Fisheries. The Minister will know that for well over a century now Newfoundlanders living on the Island part of the Province have developed a historic dependency on the Labrador cod fishery, in particular. That is still the case today with thousands of stationers and others who go to the Labrador to prosecute the Labrador cod fishery. I want to ask the

Minister if he can tell the House whether or not the Province has any plans to interfere in or bring about changes to the traditional and historic rights of Island Newfoundlanders to engage in the Labrador cod fishery?

Mr. Speaker: The hon. the Minister of Fisheries.

Mr. Carter: No, Mr. Speaker, and I am not sure I know what he is getting at. But we all, of course, know the importance of the Labrador fishery and how it has historically managed to provide some kind of a living for a lot of Newfoundlanders. But I do know there will be changes in the structure. In fact, this morning I received a telephone call from my Federal counterpart, Mr. Leblanc, at which time we talked about -

Some Hon. Members: Oh, oh!

Mr. Carter: I do not see the guy enough to even know his name. My good friend Bernard I should have said, my good friend Bernard Valcourt.

But anyway, Mr. Speaker, we did talk about the Labrador fishery and maybe what is in store for the Canadian Saltfish Corporation, which, of course, will have a very major bearing on what happens in Labrador. So I expect there will be some announcement on that sometime, well I would think within another, probably within a month anyhow.

Mr. Speaker: The hon. the Leader of the Opposition.

Mr. Rideout: Mr. Speaker, it is so interesting to see that the Minister of Fisheries has the same problems today as the Provincial

Minister of Fisheries in dealing with Mr. Valcourt, as he had in 1975 in dealing with Mr. Leblanc.

Some Hon. Members: Hear, hear!

Mr. Rideout: Mr. Speaker, a supplementary to the Minister of Fisheries.

The Minister of Fisheries knows that it has been a longstanding policy of all provincial governments up to and including the present Government, that fish buyers and processors can purchase fish anywhere in Newfoundland and Labrador and bring that fish to licenced processing facilities anywhere in the Province for processing. I wonder if the Minister could tell the House whether or not there is any change contemplated in that policy by the Provincial Government, particularly with a view to restricting the processing of fish to an area adjacent to where it is being caught?

Mr. Speaker: The hon. the Minister of Fisheries.

Mr. Carter: No, Mr. Speaker. But I can only say that I think most people will recognize the fact that the people of Labrador must be given greater access to the fish that is close to their shores down there, and I think my colleague for Eagle River has made representation. In fact, I think there was a Private Member's Bill discussed in the House some weeks ago calling upon the Government of Canada to set aside, I believe, a quota for the fishermen of Labrador. But certainly I think the people of Labrador should be given some priority based on the principles that Canada used very effectively in convincing the Law of the Sea that there should be a

declaration of, in our case, a 200 Mile Limit to protect the fishery. One of them, of course, being the principle of adjacency. And who can deny that the people of Labrador with the stocks almost on their doorsteps should be able to utilize that resource and get more benefit from it.

Mr. Speaker: The hon. the Leader of the Opposition.

Mr. Rideout: Mr. Speaker, we agree totally with the Minister and it is for that reason the Minister knows that many Labrador user groups are proposing to put forward their legitimate argument for access to northern cod by taking legal action against the Federal Government so that they can hopefully force that access. I want to ask the Minister: can the Minister tell the House whether or not the Province will be intervening in that legal case, should it proceed? And if so, what position will the Province take before the courts on that matter?

Mr. Speaker: The hon. the Minister of Fisheries.

Mr. Carter: Mr. Speaker, I am very, very pleased to tell the House and the hon. the Leader of the Opposition that it was only on Monday in Prince Edward Island in the presence of the Federal Minister of Fisheries and Oceans, my good friend Bernard Valcourt, and my counterparts from the other provinces at which time I made reference to the representation made by my colleague from Labrador and again, expressed the hope that maybe some ways could be found whereby the people of Labrador could be given access to even a small percentage of that total allowable catch. I did made

reference to the fact that probably less than five per cent, in fact, probably two per cent of the total allowable catch of northern cod would make all the difference in Labrador. I have made that pitch to the Federal Minister and I asked him to try to find ways and means even in this years management plan of acceding to the request of my colleague.

Mr. Speaker: The hon. the Leader of the Opposition.

Mr. Rideout: Mr. Speaker, that was a very noble and worthwhile gesture on the Minister's part at the ACFM meeting and we support that. I want to ask the Minister specifically this: has the Government decided to intervene in the court case that is to be brought before court by Labrador user groups wishing access to northern cod, and if so what position does the Government intend to take on that legal matter?

Mr. Speaker: The hon. the Minister of Fisheries.

Mr. Carter: Mr. Speaker, there has been no decision made yet that I am aware of that there will be court action taken. I understand my colleague has talked to certain people in Labrador with a view maybe to doing that if and when it becomes necessary. But certainly there is no decision made yet to take the Federal Government to court, so how can I say what position the Province would take if no such decision has been made?

Mr. Speaker: The hon. the Leader of the Opposition.

Mr. Rideout: Mr. Speaker, the Minister should be well aware that the decision has been taken by at

least two Labrador user groups to pursue this matter legally. In that case then the question to the Minister is appropriate. Will the Province be intervening, and if so what position will it be taking?

Mr. Speaker: The hon. the Minister of Fisheries.

Mr. Carter: That is a decision, Mr. Speaker, that the Province will make if and when the time arises when we have to make it, in due course.

Mr. Speaker: The hon. the Member for Green Bay.

Mr. Hewlett: Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Hewlett: Mr. Speaker, over the past several months or a year I have been saying that the actions of this Government would drive up power rates about fifty per cent during the decade of the 90's. But, Mr. Speaker, I fear I underestimated. Today I received my light bill from Newfoundland Power, and in it I got an energy alert telling me I could expect a 20 per cent increase on January 1, 1991. How does the Minister of Energy like those apples?

Mr. Speaker: The hon. the Minister of Energy.

Dr. Gibbons: Mr. Speaker, I am still waiting for my light bill and I have not received that energy alert. But we all know that if the GST goes through there will be a 7 per cent increase on January 1st. I am not aware of any other increase on January 1st.

Mr. Speaker: The hon. the Member for Green Bay.

Mr. Hewlett: Mr. Speaker, that energy alert informed me that, yes, 7 per cent would be associated with the Federal GST, but the remaining 13 per cent was due to things within the gambit of this Government: 4 per cent to Newfoundland Light and Power, 5 per cent to Newfoundland Hydro this year, and 4 per cent for the stabilization fund. Does the Minister agree with that?

Mr. Speaker: The hon. the Minister of Mines and Energy.

Dr. Gibbons: Mr. Speaker, any change in the rate stabilization fund rate, would take effect in July, and that will be determined leading up to July. I do not think at this time we could say how much that might be -

An Hon. Member: (Inaudible).

Dr. Gibbons: I am not aware of it, Mr. Speaker. I will have to take it under advisement and find out what it is. My understanding is that these increases would come on July 1st.

Mr. Speaker: The hon. the Member for Green Bay.

Mr. Hewlett: Here is the document, Mr. Speaker, and it says January 1, 1991 - 20 per cent. So, I would ask the Minister: would he please check into this and see if, indeed, this particular company is charging people too early? Knowing full well that the Public Utilities Board has been gutted by this Government, maybe they think they can get away with anything.

Mr. Speaker: The hon. the Minister of Mines and Energy.

Dr. Gibbons: Yes, Mr. Speaker, I

will check into it and see what I can find on it.

Mr. Speaker: The hon. the Member for Mount Pearl.

Mr. Windsor: Thank you. Mr. Speaker, I have a question for the Minister of Finance. In the Minister's statement of October 22nd the Minister said that the federal Government had advised him on March 30th of this year of a negative \$63.7 million revision in fiscal transfers.

In the same statement, Mr. Speaker, the Minister indicated that he had been advised that there would be some changes just around mid-October, that there was a positive variance of about \$20 million. Would the Minister confirm, therefore, that the revised estimated revenues from the federal Government available to him as of October 22nd indicated a shortfall in fiscal transfers of about \$44 million?

Mr. Speaker: The hon. the Minister of Finance.

Dr. Kitchen: Mr. Speaker, I have already answered that question. And the reason we are not taking that twenty into account, is that we expect, almost certainly, a further deterioration in the remainder of the year.

An Hon. Member: Where? (inaudible) the question.

Mr. Speaker: The hon. the Member for Mount Pearl.

Mr. Windsor: Mr. Speaker, You know, there may well be a negative, there well may be a more positive. The Minister has a responsibility to use the latest estimates available to him. He

cannot choose numbers out of the air; that is why we have the \$130 million shortfall that we are estimating now, because he cooked the books in the original Budget.

Mr. Speaker, let me ask the Minister this. Yesterday, the Premier indicated to the House that there would be a \$68.8 million shortfall in fiscal transfers, a negative difference of approximately \$25 million since October 22nd, based on the \$44 million number. Can the Minister explain this difference in fiscal transfers from the Government of Canada, since October 22nd?

Mr. Speaker: The hon. the Minister of Finance.

Dr. Kitchen: Mr. Speaker, that \$68 or \$69 million is almost all the 60 - I think, 60.3 - on the equalization that we discussed in great detail in this House before, plus some other adjustments in other transfer payments that we have been hearing about. And I might add that these revisions occur fifteen times during the year.

Mr. Speaker: The hon. the Member for Mount Pearl.

Mr. Windsor: Mr. Speaker, so the Minister is now saying that there were some other adjustments that he has now accounted for. He will not take the \$20 million positive that he was told about in the middle of October, but the Premier can take five, apparently, that have happened negatively since October.

Mr. Speaker, the fact is, that there is indeed a \$44 million difference. Would the Minister confirm also that in that \$44 million, \$34 million of that is as

a result of, among several payables for previous years, that the Minister had the option of paying last year and that he chose to roll over into this year, and that, in fact, the real figure of shortfall for this year is \$10 million, and on the basis of that, why is he cutting health and education funding?

Some Hon. Members: Hear, hear!

Mr. Speaker: The hon. the Minister of Finance.

Dr. Kitchen: Mr. Speaker, we have answered these questions time after time in the House. I cannot help it if the hon. Member does not read Hansard when he is here. I suggest that he dig out the Hansards and read them.

Mr. Simms: The Premier had to slap you on the wrist yesterday to get the answer (inaudible).

Mr. Speaker: Order, please!

The hon. the Member for Mount Pearl.

Mr. Windsor: Mr. Speaker, I do read Hansard. In fact I have Hansard here in front of me, where the Minister said it was \$63.7 million and that he had just been advised that there is a \$20 million positive variance. Now that to me, Mr. Speaker, adds up to \$44 million.

The Minister does not have the right to play with those numbers. Will he now please confirm that the real deficit that we are facing as a result of the change in equalization payments is \$10 million, and would he please explain the drastic action that this Government is taking?

Mr. Speaker: The hon. the Minister of Finance.

Dr. Kitchen: Mr. Speaker, the deficit which this Province is facing at the latest, most carefully calculated and checked on a regular basis by the Government, is \$120 million on current account.

Mr. Speaker: The hon. the Member for Humber East.

Ms. Verge: Thank you, Mr. Speaker. My question is for the Minister of Health. In view of the fact that The Newfoundland Medical Care Insurance Act does not authorize the Medical Care Commission to violate physician/patient confidentiality, in view of the fact that the privacy of personal medical information is protected by the Freedom of Information Act, and in view of ethical considerations, will the Minister instruct the Medical Care Commission to change its audit practice immediately by obtaining the consent of patients to the release of their medical files to the Commission before the Commission demands that physicians provide copies of personal and confidential medical files?

Mr. Speaker: The hon. the Minister of Health.

Mr. Decker: Mr. Speaker, when the Government changed a year and a half ago, there were a whole lot of rules, regulations and laws in existence and the Government accepted most of them and continued to go along with them. Now, one of the Acts we inherited was The Newfoundland Medical Care Act, and Section 23 of that Act gives Medicare the right to ensure that when a doctor bills the Medicare Commission, that the bill

is accurate and that the doctor performed the services.

Now, there is in excess of \$100 million paid out. Obviously the Medicare Commission does not have the manpower, or personpower, whatever the euphemism is today, to go and examine every single bill. However, like other businesses, they do spot checks from time to time.

There has been some suggestion that this particular procedure violates Section 8 of the Charter of Rights. However, Mr. Speaker, I have had that investigated and to the best information I am receiving, from both the Newfoundland Medical Association and from other legal minds in the area, there is no breach of Section 8 of the Charter of Rights. If I thought for one minute that people's rights were being infringed upon, I certainly would make every effort to see that it is not the case. I have examined this.

And, as I said, the hon. member knows that when her Government was in power they used exactly the same Act we are now using. Because there is a fine line between the right of the taxpayer who pays out in excess of \$104 million and the right of the person to confidentiality. You just cannot have extremes on either end, and I think the process is there where we have struck that fine line, where there is a process in place to protect the confidentiality of the patient as well as protect the taxpayer from any abuse which could take place in that system.

Mr. Speaker: The hon. the Member for Humber East.

Ms. Verge: Thank you, Mr. Speaker.

I say to the Minister of Health that regardless of what was done in the past, two wrongs do not make a right. I have another question for the Minister now. Today, two days before World AIDS Day, will the Minister announce that the Government of Newfoundland and Labrador will do the same as six other Canadian provinces, including Nova Scotia and New Brunswick, and continue to pay for the full cost of the antiviral drug AZT, prescribed for patients who are HIV-positive and for people with AIDS?

Mr. Speaker: The hon. the Minister of Health.

Mr. Decker: Mr. Speaker, up until the present time this Government has been paying for AZT. We have been paying for erythropoietin and some other high cost drugs; we have been paying for some hormone growth drugs, we have been paying for some drugs which are used in cardiac surgery. However, at this moment the policy has not been changed, I would tell the hon. Member, and I do not know why she is speculating that it should be.

However, in view of the mess that we found this Province in when we opened the books in May, we are finding that we are going to have to review what we are doing with high cost drugs. Because we are getting arguments from people who have less expensive drugs. We have people saying, I have to take a drug because I am being treated for whatever illness, which costs \$10 a prescription. Why should that drug not be paid for in full if you are going to pay for the expensive drugs? So I would have to admit, Mr. Speaker, that we are indeed examining whether or not we

are going to continue to pay.

I should also tell the hon. Member that as long as the Government pays for a drug voluntarily, be it a high cost drug or a less expensive drug, insurance companies, where the individual is insured, will not pay. So it might not be proper for this Government, considering the fiscal mess the hon. Member left us in, to voluntarily pay for all drugs, especially if there is an insurance plan in place whereby the insurance company would pay for the drug. To date there has been no change. But I would have to admit, Mr. Speaker, that as we are looking at the whole health care system, we are also reviewing whether or not we can continue to afford to pay for high cost drugs.

Mr. Speaker: Question Period has expired.

Presenting Reports by Standing and Special Committees

Mr. Speaker: The hon. the Minister of Finance.

Dr. Kitchen: Mr. Speaker, I have four precommitments to table. Under the authority of Section 26 (1) (4) of The Financial Administration Act, 1973, and upon the recommendation of Treasury Board, the Lieutenant-Governor in Council is pleased to authorize the Department of Works, Services and Transportation to precommit funds totalling \$2.5 million against its 1991 appropriations to facilitate the commencement of negotiations for the acquisition of private property necessary for right-of-way in respect of the Trans-Canada Highway reconstruction between Corner

Brook and Deer Lake.

And, Mr. Speaker, another one, to precommit funds totalling \$45.4 million against its 1991-1992 appropriations to facilitate the calling and awarding of tenders for highway projects under the Canada-Newfoundland ERDA Agreement and the Trans-Canada Highway Agreement, in accordance with the list on file with the Clerk of the Executive Council.

And upon the recommendation of the Treasury Board and so on, to authorize the Department of Works, Services and Transportation to precommit funds totalling \$750,000 against its 1991-1992 appropriations to facilitate the acquisition of private property on the Curling waterfront road project.

And to authorize the Department of Development to precommit \$2 million against its 1991-1992 appropriations for the purpose of entering into tourism advertising contracts for the 1991 tourist season.

Answers to Questions for which Notice has been Given

Mr. Speaker: The hon. the Minister of Municipal and Provincial Affairs.

Mr. Gullage: Mr. Speaker, about a week ago now I was asked a question concerning the pumper which is located in the East End Fire Station and the fact that that pumper at times could be located at the Central Station. In fact, that is the case. If training sessions are ongoing at the East End Station, the pumper in question could very well be

transferred to the Central Station, and, of course, any response to a fire would be from the Central Station in that case.

That particular pumper, I think, as the question was put to me, is used, in fact, to access the narrow streets of the Battery and Quidi Vidi. That is quite accurate. But that pumper still is able to carry out that particular function from the Central Fire Station in the event of a fire in those locations, if, in fact, training periods are ongoing in the East End Station.

Petitions

Mr. Speaker: The hon. the Member for Mount Pearl.

Mr. Windsor: Thank you, Mr. Speaker.

Mr. Speaker, I rise today to present a petition on behalf of 176 residents of Random Island area who are petitioning the closure of the Motor Registration Building in Clarenville. The petition reads:

WHEREAS the Motor Registration Office at Clarenville provides a very valuable service to the local area;

WHEREAS this office provides a decentralized service to local residents;

WHEREAS this office and the employment it provides is a strong economic boost to the local economy;

WHEREAS the Provincial Government has announced it will close this office on November 30, 1990;

We, the undersigned residents, request that the Provincial Government reverse its decision and allow the local office at Clarendville to remain open.

Now, Mr. Speaker, this is the fourth petition that I have presented on behalf of residents of Clarendville and area dealing with Motor Registration Division closure and with the closure of the Taxation Office branch of the Department of Finance in Clarendville.

Mr. Speaker, both of these closures have a serious economic impact on the community of Clarendville and on the surrounding area. Not only is there a strong financial impact, Mr. Speaker, there is a big impact as it relates to the level of service being provided to residents of that part of our Province. A large percentage, I think probably one-fifth of the residents of this Province, were, indeed, served by those two regional offices. And for the purposes of debating this petition, I put two of them together. One-fifth of the people of the Province, Mr. Speaker, were served by those two regional offices and they will feel very dramatically the effect when these offices are closed down.

I think we have documented in previous speeches here in the House of Assembly relating to the petitions, and in debating these closures, some of the economic impact, the social impacts on the employees and their families, the number of persons whose lives will be greatly disrupted by these two closures, but I think this particular petition relates more directly to the impact on the people of the area, the implications that it has for the

level of service for persons who do business normally with those offices.

As it relates to the Motor Registration, Mr. Speaker, I have no doubt people from the Bonavista Peninsula, perhaps even some from the Burin Peninsula, as well -

Mr. Tobin: Very much so.

Mr. Windsor: - would go to that office. Very much so, my friend from Burin - Placentia West indicates to me. And I am sure he is quite accurate and he knows what he speaks of there, that a large number of persons do indeed do business with that office to renew licences, to renew personal driver's licences and other business that one normally would do.

Mr. Tobin: Sure they are down and back within three hours.

Mr. Windsor: Three hours, the hon. gentleman says, from Marystown and return trip to Clarendville to have the work done, Mr. Speaker.

So there is a big impact on both of those Peninsulas through having these offices closed down. This is well over 4,000 names now that I have presented in this House on behalf of the residents of the Clarendville and area dealing with these two closures. I think it should be painfully obvious, Mr. Speaker, to this Government by now that this is a retrograde step, that the people of the area are strongly opposed to it, and that this Government should give every consideration to leaving these two offices in place and to provide the services that they have been providing.

Some Hon. Members: Hear, hear!

Mr. Speaker: The hon. the Member for Kilbride.

Mr. R. Aylward: Thank you very much, Mr. Speaker. I would just like to say a couple of words on this petition and in reference to the other petitions that were presented in this House of Assembly. Mr. Speaker, we can see the actions of this Government and the reaction from the people in the regions, in the rural and semi-rural regions of this Province who are so disappointed in a government that campaigned only eighteen months ago on decentralization. That was one of the main planks of their campaign during the last election, Mr. Speaker, that I will decentralize government. That was one of the promises of the Premier, one of the now broken promises of the Premier again, that he would decentralize Government services.

Mr. Speaker, that intention or that plank that he presented during the last election is a good idea. It is good to take jobs from larger areas where jobs are available, and if you put two or three jobs in smaller communities, they have a big effect on the economy of those smaller areas. Yet, what do we see, this Government, this Premier, since he has gotten elected, what is he doing except breaking another campaign promise? There is no decentralization, Mr. Speaker. This is the strongest centralist Government that we have ever had in this Province. Mr. Speaker, we will eventually have - and I should be delighted with this, but I am not - most all Government services inside the overpass. That is not what this Province needs, especially in hard economic

times. We need services and jobs spread around the Province, Mr. Speaker, when we have trouble in the fisheries and in Come By Chance. 200 people were threatened to be laid off there a little while ago. That is another problem that we have.

An Hon. Member: (Inaudible).

Mr. R. Aylward: Pardon?

An Hon. Member: (Inaudible).

Mr. R. Aylward: Seasonal or not seasonal, you want some permanent jobs in smaller communities. That is what we are trying to do. A Government job in a smaller community should be permanent. You should keep the Motor Registration office open year round so you got some stability in these smaller areas. The hon. Member, if he had one closing in Placentia or Dunville would be of a very different mind than he is today, Mr. Speaker. If there was a Motor Registration office in Clareville or Dunville closing he would not put up with it. I know he would not put up with it. Not too many -

Mr. Matthews: His mind is closed, that is the only thing wrong with him. His mind is closed.

Mr. R. Aylward: I am just telling you that there are economic problems in the area. Some of the people getting laid off in Come By Chance are working out of Clareville.

Mr. Speaker, you lay off ten people in Come By Chance, what would that relate to of amount of jobs in an area like St. John's? What would ten jobs be? Maybe 1000 to 1, probably. Maybe if he laid off ten in Clareville it is

the same as laying off 1000 people in St. John's. I would say it would be somewhere in that area. I am surprised, Mr. Speaker, that the former Mayor of Dunville is against keeping jobs out in the smaller areas of the Province. I thought he would be standing up here fighting for this, Mr. Speaker. I thought he would be standing up fighting against the centralization policies of his Premier.

Mr. Speaker, he is one of the Members of this House who has been noted to take up for the little guy. That is why he got elected, Mr. Speaker. Now that he has gotten elected we do not hear very much from him anymore unless he is trying to take a shot at John Crosbie. He is permitted to do that. His Premier will allow him to take a shot at John Crosbie or the Feds when possible. But, Mr. Speaker, when it comes to standing up for what is right for the smaller areas of this Province the Member for Placentia is chickening out, he is backing down. His Premier is telling him not to open his mouth about (inaudible).

An Hon. Member: He is a weakling.

Mr. R. Aylward: Mr. Speaker, the big man in size actually, a big strong man from Placentia has become a weakling, a political weakling because his Premier told him to keep his mouth shut.

Mr. Speaker, 4000 names over the past little while have come in from the Clarendville area in petitions to keep this Motor Registration office open in Clarendville. Mr. Speaker, at least keep it open until - what the Government is going to try to get the banks to do the job. They are going to increase the bank

profits a little bit more, the people who make the highest profits in Canada every year whether there are recessions or no recessions, high interest rates or no high interest rates. They are going to allow the banks to increase their profits and they are laying off people who had jobs which were worth \$15,000 to \$25,000 a year, which is absolutely ridiculous, Mr. Speaker. Another person in this House who I would expect to be standing up for decentralization rather than centralization is the Minister of Social Services.

Mr. Speaker: Order, please!

The hon. Member's time is up.

Mr. R. Aylward: Oh, I am sorry, Mr. Speaker.

Mr. Speaker: Are there further petitions?

The hon. the Member for Menihek.

Mr. A. Snow: Thank you, Mr. Speaker.

I am pleased to have the opportunity to present a petition on behalf of 270 residents of Menihek, residents of Labrador City and Wabush. The prayer of the petition is that: we protest the decision of the Government of Newfoundland and Labrador to close the Motor Vehicle Registration office in Wabush. Your petitioners urge the Government to reconsider this decision which will have the effect of eliminating an essential government service in our communities. Mr. Speaker, you just heard an hon. member on this side of the House rise to speak to a petition from another area of this Province that has lost a

similar type of service, the area of Clarenville, and the areas Clarenville services which are the Burin and Bonavista Peninsulas. About 4000 people, I believe, signed the petitions and registered their complaints attempting to change the minds of this dictatorial regime they have elected in this Province. We, in Western Labrador have also been protesting the attitude of this regime - this idea of centralizing all Government services inside the overpass, this principle that they are now espousing. On October 30 the Minister of Works, Services and Transportation made the announcement that he would be shutting down the Motor Vehicle Registration office in Wabush and the one in Clarenville. In the case of Wabush there were two people flicked out the door, so to speak. They were not just laid off, it was worse than that, the jobs were made redundant. The Minister talks about his Department as being a people oriented Department. How silly, how wrong, and how stupid, for the Minister to suggest that it is people oriented and yet remove the service from the people. It is totally ludicrous to suggest, as the Minister suggested in his statement, that they are going to improve the service. Can you imagine, improving the service by shutting it down? Can you imagine if they were to improve the service of health care by shutting down the hospital before they improved it? That is how stupid it is, Mr. Speaker. You see this office being removed from the people of Western Labrador, a district that contributes more economic wealth to this Province than any other electoral district, who have already suffered through a 2 per cent personal income tax increase since this group got

elected. They paid an additional \$3 million in payroll tax from Menihek since this Government got elected. They witnessed the bungling of \$1.5 million thrown out the window by the same Minister, who could not administer a contract properly and wasted \$1.5 million, enough money to keep that particular office in Wabush open for another fifteen years. It could have remained open for another fifteen years if they had been doing their job properly, but, no, they have not been. We have now seen this group jump in bed with the banks instead of looking at delivering more services to the people outside the overpass. We have seen them jump in bed with the banks, remove services from the people of Western Labrador, and give more profits to the banks. That is the type of service this Government has been delivering. We have seen the Cabinet Ministers of this Government not accepting collect phone calls from people outside their district. That is delivering services, is it not, Mr. Speaker? Can you imagine that a resident of Western Labrador can phone a Cabinet Minister in the province of Quebec collect and yet he cannot phone a Cabinet Minister in this Province collect? They will not accept the charges. They hide in their offices, their luxuriously furnished offices in the ivory tower here in Confederation Building and will not accept collect charges on telephone calls from the people in Labrador City. Can you imagine how the people in Labrador feel about that, Mr. Speaker? Can you imagine the alienation that is developing out there when they have to pay extra money? I had a call yesterday from a contractor who wanted to licence their vehicles for a three month period

and it will cost them an extra \$80.00 because the office closes tomorrow, November 30. It will be closed tomorrow.

Mr. Speaker: Order, please!

The hon. Member's time is up.

Mr. A. Snow: Could I have leave to conclude?

Mr. Speaker: Does the hon. Member have leave?

An Hon. Member: Yes, clue up.

Mr. Speaker: The hon. Member has leave.

Mr. A. Snow: Thank you.

In conclusion, Mr. Speaker, that contractor and a person, Mr. Colbert, who made the collect phone calls are very disappointed in this regime and would urge this regime to reconsider this dictatorial manner which they are administering, so called administering Government services to this Province, and change their minds and continue to have the office open.

Mr. Speaker: The hon. the Opposition House Leader.

Mr. Simms: Thank you, Mr. Speaker. I wish to speak in support of the petition presented so ably by my colleague, the Member for Menihek, on behalf of 270 residents or constituents from the district of Menihek.

This is, I think - I do not know how many this has been now, but several petitions with almost 3,000 names protesting this particular decision. And these people in this particular area of the Province have a very, very,

valid criticism and argument.

In the case of Clareville, for example, which is one with which we do not agree of course, and we have presented petitions or the Member for Mount Pearl has on behalf of nearly 4,000, I think it has been. You know, they do have an option I suppose, and that is to drive, but they will have to drive a long distance, so that is bad enough.

But in the case of the people from Menihek district, they do not have the option of driving to a nearer centre or a closer centre, so -

Mr. A. Snow: Quebec City, they can drive to Quebec City.

Mr. Simms: - their situation is different without question.

Mr. A. Snow: That is what he wants them to do. He wants them to drive to Quebec City.

Mr. Simms: I also understand from news reports - I see the Minister there - that the Premier made a commitment, made a commitment to a delegation from Clareville which was in to see him recently, that he would review the decision with respect to the closure of the Motor Vehicle Registration office in Clareville, and I guess the plea today from the Member for Menihek - he is almost coming to the House on bended knee and asking the Minister for Work, Services and Transportation, to at least give the same commitment to review the decision related to the Menihek closure of the Motor Vehicle Registration office.

Now, if the Premier gave a commitment to the people from Clareville that he would review - well, the news reports that he

does, the people from the community are reported -

An Hon. Member: The Department of Finance office not the Motor Vehicle Registration.

Mr. Simms: Oh, I am sorry. It was the Department of Finance Office. Well, the argument still stays. If you are prepared to review that particular decision, would the Premier not give a commitment to review the decision with respect to the closing of the Menihek Motor Vehicle Transportation office, as I said, because of the fact that they are in a very unique situation. A very unique situation.

They cannot drive to the nearest centre, so their situation is quite different. And the other point, since I only have a couple of minutes, I want to address and I would like - The Premier, I would suspect may say a couple of words on the petition, I hope he does, and if he does, could he answer the question which has been raised by the Member for Menihek about the policy of the Government with respect to long distance phone calls to Ministers offices.

There is some confusion which has never been explained anyway, outright, whether or not Ministers will accept telephone calls, long distance telephone calls from various parts of the Province from people who wish to try to talk to the Minister or somebody in the Minister's office.

We hear conflicting reports that most offices do not, some Ministers accept collect calls only from their constituents, people in their constituency we understand, certain Departments, certain Ministers will accept long

distance calls only if the calls are coming from their constituent, say Windsor - Buchans, the Minister will accept those calls, but anybody else who calls him outside of that, the Minister will not.

I just asked the Minister of Fisheries, I am not quite sure if he heard me so to be fair to him, I believe he understood the question, I asked him, does he accept calls, for example, from fishermen who will call his office from around the Province, and I thought he had nodded and said yes, sometimes or whatever.

So it might be a good opportunity perhaps for the Premier, in any way, whatever it is, to explain what the policy is because I am sure people out there would like to know, and the example the Member for Menihek mentioned of course, was a constituent of his, who attempted to call the Minister of Transportation, who would not accept the call. But the irony of it all is that particular individual in his district of Menihek could call the Minister of Transportation in the Province of Quebec -

An Hon. Member: Oh no. He did not, it was another constituent.

Mr. Simms: - another constituent had called the Minister of Transportation in Quebec where they did accept the call in the Minister's office in Quebec, so it seems a little unfair, particularly in the case of a resident of Labrador, so I support the petition.

Mr. Speaker: The hon. the Premier.

Premier Wells: Mr. Speaker, I have been invited to wander away

from the petition somewhat, so with the consent of the House, I will wander away from the petition somewhat, but I also want to deal with what I understand to be the fundamental point of the petition.

The Member for Menihek argues that we are centralizing everything in St. John's. Just the opposite is true. Just the opposite is true. In fact by taking this decision we are making access to motor vehicle licencing and personal driver's licencing being issued, more readily available all over the Province. It is the biggest decentralization to have occurred since Confederation. That is the simple fact of the matter.

Now I do not like to see one job or two jobs go in Wabush. That bothers me greatly. I do not like to see it, and I want the opposite to occur. But still, nevertheless, if that is the consequence of carrying out a policy that is in the overall general best interest, and will not hurt the people of Wabush in terms of the Motor Vehicle Registration service, then clearly we are making the right decision. But I have no doubt there will be other things which will occur in Wabush and Labrador City, Labrador West in general, which will see an expansion of job opportunities. This happens to be one instance where it will not be the case.

Now, Mr. Speaker, the Member for Grand Falls talked about the Clarenville meeting and the commitment and I think I have now made it clear that no commitment was made with respect to the Motor Vehicle Registration Office. The Mayor of Clarenville, the Mayor of Shoal Harbour, the President of the Chamber of Commerce of Clarenville, and two or three

other people holding varying positions, and I am not sure which, were in to see the Minister of Finance and myself, and we sat down and we reviewed the whole thing with them. And they made an argument with respect to the Motor Vehicle Registration Office in Clarenville, and we told them -

An Hon. Member: (Inaudible).

Premier Wells: No, they made an argument with respect to the Motor Vehicle Registration Office in Clarenville, and we told them we did not see any merit at all in their position. We could not agree with their proposition at all, and we reviewed it and they made all their best arguments. And in the end we said to them: we do not see any merit in any argument you have made. And in the end they said, well, we find it hard to argue against your position.

So there was no -

An Hon. Member: (Inaudible).

Premier Wells: Yes.

No commitment given in respect to that at all.

Then they went through a detailed argument on the Department of Finance Office. And they argued, and there were some very capable people there, and they were arguing the merits of the operation of that office in Clarenville, and how it serviced the Bonavista Peninsula and the Burin Peninsula and the western half of the Avalon Peninsula and did some other things, and they argued about how it could be more effective and collect more tax in a more cost effective way. Some of the arguments that they made I

could refute. Some of them that they made I could not refute.

So I said - the Minister of Finance and I agreed, we will call on the officials who gave us this advice in the first instance, on which these decisions were based, because I want to hear them deal with these arguments, because I could not refute the arguments that the individuals made. So the Minister of Finance got his officials, about three or four days later they came up to my office and said, Premier, here is the position we see on these points. Now by then I had sort of forgotten some of the detailed arguments that the individuals from Clarendville made. So I was not able to deal effectively with the position of the officials. But I was not prepared to let it drop there. So I said to the Minister of Finance, let us arrange for the officials from Clarendville to come again and meet with the officials from the Department of Finance, so that they can meet head-on, and the people from Clarendville can make the arguments as persuasively to the officials from Finance as they made them to me.

Now I understand that meeting has taken place or has or is about to?

Dr. Kitchen: (Inaudible).

Premier Wells: That meeting with the officials from Clarendville and the officials from Finance - has that taken place?

Dr. Kitchen: They met some time ago.

Premier Wells: Okay. That meeting has taken place. As a result of that they are taking a look at the whole venture. Based

on what I have heard to date, and I do not know what the final outcome is or is going to be, based on what I have heard to date some of the arguments made by the people from Clarendville, we are satisfied do not have any merit. Some of the arguments they made, I have to frankly admit, were more persuasive, and we have to take a serious look at making sure that we make the decision that will be in the best overall interest of serving the people of the Province and the people of the area affected. We cannot operate on the basis of just maintaining an office because Clarendville wants an office maintained. In fact, other decisions we have made have put more jobs in Clarendville than have been taken out by that. Other decisions that we have made and implemented just recently have

Mr. Speaker: Order, please!

The hon. Premier's time is up.

Premier Wells: I think they want me to continue to go on on this.

Mr. Speaker: Does the hon. the Premier have leave?

Premier Wells: I am just about finished.

An Hon. Member: (Inaudible).

Premier Wells: Oh, there were jobs in the headquarters of the Eastern Community College, and Enterprise Newfoundland and Labrador. Those were new jobs in Clarendville.

An Hon. Member: They were new jobs?

Mr. Furey: Brand-new jobs?

Premier Wells: Yes, brand-new jobs, in Clareville.

Now, the question with respect to phone calls. I heard the hon. the Member for Menihek make this comment last week about the phone call being refused, so I went to the Minister and I said, 'Did anybody in the department refuse to take a call? What is the policy?' And he said to me, 'The department tells me it has always been the policy, it has never been otherwise, that they do not accept - the hon. member may shake his head; I can only tell him that this is what I am told: this has been the policy, it was the policy under the former administration, that they did not accept collect telephone calls. Every member -

Mr. Simms: The Department (inaudible) do not accept it, but ministers always did, and MHAs always did. (Inaudible) over there (inaudible).

Premier Wells: Well, let me -

Mr. Speaker: Order, please!

Premier Wells: The question was asked of me, and if the hon. member can restrain himself, I will give my answer and he can give his view after. But just wait, and he will hear the full answer.

Mr. R. Aylward: The minister is trying to give the right answer (inaudible).

Premier Wells: The minister does not know what he is talking about. But anyway, Mr. Speaker -

Some Hon. Members: Hear, hear!

Premier Wells: The former minister does not know what he is

talking about.

Mr. Speaker, they tell me that the departments, as a matter of policy, do not and never have, and there is no change in that policy.

An Hon. Member: Yes, there is.

Premier Wells: So Works, Services and Transportation - I did not check with the other departments, I can just tell you, because the call went in to Works, Services and Transportation. But MHAs, whether they are ministers or not, always accept collect calls from people who call them, in their own district or anywhere else, because that is part of the political part of service, and I think everybody understands that MHAs must accept collect telephone calls, particularly from their own districts. But a Minister of Health is completely justified in accepting a collect call, I would suggest, from somebody in Burgeo, dealing with a health matter; as well, maybe, the Health critic would be justified in accepting a telephone call from somebody in Port au Choix, dealing with a health matter, and everybody understands and accepts that. But the public service, generally, does not accept collect telephone calls, so I understand. But the ministers, as far as I know, accept them.

Mr. Simms: The ministers do, as far as you know.

Premier Wells: Ministers do, so far as I know. Now, the Minister of Works, Services and Transportation maybe is following and carrying the policy to that extreme where he does not accept it either; in that case, we will have a look at it.

Mr. Speaker: Further petitions.

Mr. K. Aylward: Mr. Speaker.

Mr. Speaker: The hon. the Member for Stephenville.

Mr. K. Aylward: Thank you, Mr. Speaker.

Mr. K. Aylward: I would apologize, Mr. Speaker. It has been awhile since I have been on my feet.

I have a petition today, Mr. Speaker, from the district of Stephenville. It contains upwards of 3,000 names, a little more than 3,000 - 3,400 names of people who have signed the petition expressing their concern about health care and the budget forecast that the Province will be going through over the next number of months.

The concerns that people have out there are that the services be maintained, as they have been in the past, and that when the Minister of Health and the provincial Cabinet are considering the Budget deliberations, they will look seriously on what the implications are for the health care system. Now, the Sir Thomas Roddick Hospital in Stephenville has been there for about thirty-odd years, has contributed greatly to the area, and has provided excellent health care to the people of the region. As a matter of fact, it was only this year that the Province was able to replace an old X-ray unit at a cost of \$250,000. It is now being installed and will provide an excellent service to the people there.

The concerns being expressed are concerns that have to be taken,

hopefully - and I am sure they will be - very seriously by the minister and the Government. I have met with the minister to present him with these concerns, and I am sure that as deliberations continue over the next number of months, they will be taken into account as the difficult decisions that have to be made are made, based on the best policy for the people. Now, that is what this Government will do. We find ourselves in a recession, Mr. Speaker, and many people out there understand very much so what the Government is going through. They understand the Government has to make some decisions, but they also want to express their concerns and, from my area, they outline their concerns for the hospital and the services to be provided.

In the last year or so, a number of new services have been introduced, and I am hopeful that the minister and his officials will look seriously at these concerns throughout the health care system, and that whatever cost can be saved will be done at the least possible harm to the people of our area and of the Province.

So I rise today, Mr. Speaker, to leave this petition here and bring it to the House, and I will be discussing it further. I have already met with the minister, and I am sure the officials will look seriously at it and, hopefully, in future we will see what the outcome will be. Thank you very much.

Mr. Speaker: The hon. the Member for Humber East.

Ms. Verge: Thank you, Mr. Speaker. I wish to support the

prayer of the petition presented by the Member for Stephenville. I have to confess that I had difficulty hearing his remarks, but I assume he was presenting a petition of residents of the Stephenville area, calling on the Government to provide an adequate level of funding for the Sir Thomas Roddick Hospital in Stephenville. Because I did not hear everything he said, I am not sure if his remarks also dealt with funding of other health care institutions in the Stephenville area, such as, for example, the nursing home in Stephenville Crossing.

But I do know that residents of the Bay St. George area are very concerned about the future of those two health care institutions, the Roddick Hospital in Stephenville and the nursing home in Stephenville Crossing. I doubt if the Member for Stephenville, when he was campaigning for re-election in the winter of 1989, expected that should his Party form the Government that he would ever have to present such a petition, since his leader and his Party were campaigning on a platform of expanding funding for health care and opening more hospital and nursing home beds.

It must come as quite a disillusionment to the Member and supporters of his in Stephenville District that this real change administration has made such a change in its principles in the space of only a year and a half. Something like 47 per cent of the people of the Province voted Liberal in the last election, not quite as many as voted PC, but enough to give the Liberal Party a majority of seats in the House. And many people who voted Liberal

did so based on the commitment of the Liberal Party to fund health care and also to create more jobs so every mother's son on the mainland could come home for work.

Now, Mr. Speaker, it is absolutely critical as our population ages and requires more health care and accommodation, as well as with the rising of the cost of operating institutions associated with negotiated salary and benefits packages, pay equity implementation and worker's compensation premium increases, that the Government increase the budgets of health care institutions next year. The Government, instead, is proposing a freeze. Now I do not think the Government is seriously contemplating such a budget measure, I think this is part of a psychological scare campaign. But the scare tactics are having serious damage, because they have created needless fears, health care workers are demoralized, many are looking elsewhere outside the Province for jobs, productivity is down, and health care workers and their families are restraining spending heading towards Christmas. And all of this negative psychology and limiting of spending is having an unnecessarily depressing effect on the economy of the Province.

So, Mr. Speaker, I certainly support the petition of the Member for Stephenville. I note that the petition was supported and signed by about 3,000 residents, and I agree with them that it is critical for the health care institutions in the Bay St. George area to be provided an adequate level of funding, including a significant budgetary increase for 1991-1992. Thank you, Mr. Speaker.

Mr. Speaker: The hon. the Premier.

Premier Wells: Mr. Speaker, it is difficult to believe that anybody with any concern for the people of this Province could make statements, the kind of unfounded comments and statements that the hon. Member for Humber East just made.

Now the prayer of this petition is: We, the undersigned, hereby petition our Government to reverse their decision to cut funding to your hospital, Sir Thomas Roddick Hospital, in Stephenville.

There is no decision to cut funding. The decisions made by the Government in the two years that have brought in a budget increased funding at a far greater rate than that government did in any year that they were there in the prior seventeen years. Now that is the commitment of this Government and we lived up to it.

Now, Mr. Speaker, what the hon. Member for Stephenville did not know - there were two things he did not know when he campaigned. One was what a God-awful mess the former administration left this Province in. Now we discovered that. We were, nevertheless, able to cope with it. We were able to deal with that, and deal fairly effectively with it. And we are in the process of trying to get the Province back on the straight and narrow again, and try and overcome some of the terrible policies and the terrible results that they achieved with seventeen years of mismanagement.

But, Mr. Speaker, what the hon. Member for Stephenville also did not know was that the national government would put this country into an economic recession.

Nobody knew that. We are not cutting expenditures on any hospital, we are dealing with the economic and financial consequences of the economic recession into which the national government has thrown this nation. Those Tories in Ottawa, that the hon. members opposite so warmly embrace and so strongly support, their policies have destroyed the economy of this nation, and the people of all provinces of Canada have to cope with the consequences of it. Now that is what we have to do to deal with a virtually impossible situation made more difficult - made difficult enough by the bad management of the former Government in this Province, but made infinitely more difficult by the national fiscal and monetary policies of the Federal Government that have imposed on the nation a national economic recession that results in the revenue of this Government in the next fiscal year being possibly reduced by as much as \$200 million or more.

Now, Mr. Speaker, any Government worth its salt must deal effectively with that problem and that is the problem we are dealing with, how to make sure that we provide the adequate level of hospital services that Sir Thomas Roddick Hospital in Stephenville is entitled to, and should have, but so should the hospital in St. Lawrence.

Ms Verge: (Inaudible) you already closed it.

Premier Wells: - the hospital in St. Anthony, the hospital in Grand Falls, the hospital on the Burin Peninsula, the hospitals in St. John's. And every other hospital in the Province is entitled to a similar thing. Maybe the member

would say you close this hospital and give the other one more. We do not operate that way. We operate on the principle of fairness and balance, what is right, proper, fair and balanced for all the people of the Province. I know that members opposite do not understand that and they have never understood that principle. Just look at what they did to the Province in seventeen years and it will show how little they understood that principle, Mr. Speaker. So I have no quarrel with rising in this Chamber to support the prayer of this petition and ensure that Sir Thomas Roddick Hospital will be provided with the same fair and balanced treatment that every other hospital in this Province will be provided with in these difficult financial times. Thank you, Mr. Speaker.

Orders of the Day

Mr. Baker: Motion 5.

Motion, the hon. the Minister of Development to introduce a bill, "An Act To Reconstitute Newfoundland And Labrador Development Corporation Limited And Certain Divisions Of The Department Of Development As Enterprise Newfoundland And Labrador Corporation", carried. (Bill No. 72)

On motion, Bill No. 72 read a first time, ordered read a second time, on tomorrow.

Mr. Baker: Motion 6.

Motion, the hon. the Minister of Justice to introduce a bill, "An Act To Remove Anomalies And Errors In The Statute Law", carried.

(Bill No. 71)

On motion, Bill No. 71 read a first time, ordered read a second time, on tomorrow.

Mr. Baker: Order 3, Mr. Speaker.

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

A Bill, "An Act To Amend The Assessment Act, 1986". (Bill No. 22).

A Bill, "An Act Respecting The Department Of Education". (Bill No. 3).

Mr. Baker: Mr. Speaker, I wonder if the Leader of the Opposition could look down through the third readings and indicate if there is one with which he may have a problem. If not, we could just simply call Orders 5 to 17.

An Hon. Member: Orders 5 to 17.

Mr. Baker: Orders 5 to 17 is what we are talking about, if we could give him a minute to look down through them and see. The indication was that there was not, but I just wanted you to make sure.

Mr. Rideout: Okay, orders 5 to 17.

Mr. Baker: Orders 5 to 17, Mr. Speaker.

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

A Bill, "An Act To Amend The Day Care And Homemaker Services Act, 1975". (Bill No. 10).

A Bill, "An Act To Amend The

Criminal Injuries Compensation Act". (Bill No. 35).

A Bill, "An Act To Amend The Registration Of Deeds Act". (Bill No. 49).

A Bill, "An Act To Amend The Child Welfare Act, 1972". (Bill No. 51).

A Bill, "An Act To Amend The Urban And Rural Planning Act". (Bill No. 9).

A Bill, "An Act To Amend The Fish Inspection Act". (Bill No. 18).

A Bill, "An Act To Amend The Freedom Of Information Act". (Bill No. 6)

A Bill, "An Act To Amend The Welfare Institutions Act". (Bill No. 20).

A Bill, "An Act Respecting The Department Of Social Services". (Bill No. 4).

A Bill, "An Act To Amend The Livestock (Health) Act". (Bill No. 19).

A Bill, "An Act To Amend The Income Tax Saving Plans Act". (Bill No. 29).

A Bill, "An Act To Amend The Department Of Health Act". (Bill No. 45).

A Bill, "An Act To Amend The Highway Traffic Act, 1988 (No. 2)". (Bill No. 65).

Mr. Baker: Order 20, Mr. Speaker.

Motion, second reading of a Bill, "An Act To Amend The Municipalities Act", (Bill No. 23).

Mr. Speaker: The hon. the Minister of Municipal and

Provincial Affairs.

Mr. Gullage: Mr. Speaker, this bill contains several amendments to the Municipalities Act. The Clauses 1, 9 and 10 deal specifically with the annexing or amalgamating of communities, towns, cities - communities and towns I should say - and providing that an adjustment would take place in the assets and liabilities, of course. When communities come together by way of amalgamation or by annexation, the assets and liabilities have to be merged between the various municipalities in question and these three clauses, 1, 9 and 10 deal with the order and with the sections that provide for the adjustment of these assets and liabilities. Clauses 4, 5 and 6 deal with - are tied into the Department of Environment and Lands Act and they deal substantially with wording, really, and dealings that The Municipalities Act and my Ministry would have with Environment and Lands on various issues concerning municipalities, and this is just some changes in the wording.

Clause 2 provides for minimum business tax and gives the municipalities the power to impose a minimum business tax on individuals, partnerships, associations and corporations carrying on business in a given municipality or town.

Clause 3 allows a council to exempt a property from water and sewerage taxes, where the property is not connected to that service. This is not unusual of course, either by way of exemption or by way of a separate tax for water and sewer, either both or separately. Adjustments can be made by a given municipality, a

council for a community or a town to adjust the taxes payable where properties are not connected to either water or sewerage or, in fact, both.

Clause 7 deals with the power to define what constitutes waste and litter, and it gives the wording for the definition of waste and litter for the purposes of that particular section.

Clause 8 deals with the offense of littering itself and the regulations that would pertain in a given municipality in the event that littering would take place - the offense and regulations that are tied into the offenses in question.

Clause 11 is dealing with a minimum monetary penalty where no such minimum existed before. We are now under clause 11 adding the minimum of not less than \$50. Of course, a maximum which is in place right now at the present provides for a maximum monetary penalty of \$1000. So, with that \$1000 we now have a minimum in place or are proposing to put a minimum in place of \$50.

An Hon. Member: (Inaudible).

Mr. Gullage: Yes, that is correct. When the bill came back that was a change in the actual bill itself. That is a new number, if you like, on that particular clause.

Clause 12 is amending the act to further clarify the procedure that the Lieutenant-Governor in Council may order in the event that a town or community becomes insolvent. So it is dealing with the insolvency situation and what procedure has to be followed in that case.

13 and 14 are tied into clause 12 and deal with the clause that pertains to receivership and insolvency, and are really just amendments that further deal with the wording and the disestablishment of a community in the event of receivership.

Clause 15 provides a municipality with flexibility in establishing a date for advanced polls preceding an election, allowing accounts of the whole and advanced poll not earlier than fourteen days immediately preceding the day established as polling day, and may hold a second advance poll on the Saturday immediately preceding polling day. So, those are proposed additions to the act.

Clause 16 would add non-recreational hunters and trappers to the list of impeditive voters able to vote in the Municipal election by a proxy vote; a hunter or trapper, in the course of his or her occupation.

So, Mr. Speaker, all these clauses really are necessary amendments dealing with various sections of the Municipalities Act, and allowing for amendments that mostly deal with the assets and liabilities in the case of amalgamation, as I mentioned, amalgamation of communities or regions or, in fact, it could also be an annexation of a community, one community to another where we are not necessarily amalgamating on equal terms and where a new town has been created by way of amalgamation - a new town or community. But we could very well be annexing, we are simply adding one community to another, and disestablishing the community in question that has been added, disestablishing that second community by way of adding the

properties and the land in question of the annexed community to another community. Which is not amalgamation, of course, it is annexation, and is different in the sense that we are not causing a new community to come into being, we are simply adding one community to another.

But in any case, we deal with the assets and liabilities under clauses 1, 9 and 10. And as I mentioned, the rest of the clauses deal with various issues, of exemptions for taxes and what constitutes waste and litter, and other clauses really that are a little more than housekeeping but certainly are - the intent there is to clarify many of the sections and to add necessary wording, necessary additions to the Act to further clarify and strengthen these various clauses.

Mr. Speaker, I would move second reading.

Mr. Speaker: The hon. Member for Burin - Placentia West.

Mr. Tobin: Mr. Speaker, with respect to this bill I (Inaudible) to the Minister. On clause 11, section 297, you said that 297 is not the... it says there, clause 11, without a minimum monetary penalty of \$50 to section 297 which at present maximum monetary penalty of \$1,000. Now there is no indication here that 297 has anything in the Municipalities Act to deal with that.

Section 297 there but, Mr. Speaker, on the bill in general, we have gone through it and I have looked at it. I have spoken to some councils throughout the Province as it relates to it and there is a sort of a mixed bag, I guess, in terms of some of the

clauses there. There are some of them that think it is alright and there are more of them that have some problems with it. If he could just touch on it, I guess clause 3 would allow a council to exempt the property from water and sewer taxes where the property is not connected to those services. And I would assume, Mr. Speaker, that there are probably some municipalities that that is taking place in right now, I guess. And probably what the Minister is trying to do there is make legal, I guess, what is not in law? Is that the intent of that clause there?

Mr. Speaker: The hon. the Minister of Municipal and Provincial Affairs.

Mr. Gullage: The Member is quite correct, Mr. Speaker, that the intent is to further clarify, or put into language and into the Act, what actually takes place now in any case. The fact that you can be exempted by way of a community, a council deciding that because you are not accessing a service, whether it is water and sewer or both, can decide to exempt your property from taxation in those cases.

Mr. Speaker: The hon. Member for Burin - Placentia West.

Mr. Tobin: Okay, Mr. Speaker, I thank the Minister for that. Well, there are some of my other colleagues who have some statements to make on it, but I would just like to say that the Act does permit the Cabinet to make orders respecting assets and liabilities where towns and communities and regions are to be amalgamated. And the Minister talked about the annexation. So I would suspect, Mr. Speaker, that

over the next several months I think the Minister has a number of groupings yet that he is going to be proposing to Cabinet or to the House of Assembly as what they relate to. And I would suspect that there will be at least some recommendations or approvals of amalgamation or annexations out of those numbers of groupings that he has left.

And while the Act is not specific in some of the areas there, I am just wondering about the assets and liabilities. I know that, Mr. Speaker, when you are dealing with the assets and liabilities here you have got to wonder what is going to happen. Particularly, Mr. Speaker, where regional service boards and that are going to be brought into play in terms of assets and liabilities, and I would assume that this amendment here that deals with the assets and liabilities for annexation and for amalgamation would also be the same one that would be applied to the regional service boards if and when, God forbid, the Minister ever gets his way on it.

Mr. Speaker, I would just like to say to the Minister that I strongly suggest to him that he look very seriously at the fairness and the balance, as the Premier says, as it relates to the appropriate spreading out, if you may wish, of the assets and liabilities to the various councils throughout the Province. But I think at least one of my other colleagues has a word - I do not know if anybody else - but one of my colleagues wants to speak on this bill as well.

Mr. Speaker: The hon. the Leader of the Opposition.

Mr. Rideout: Mr. Speaker, I just

have one quick question for the Minister when he stands to close debate, and that is Section 12 in the amendments here in Bill 23. Repeal Section 490. Now if the Minister will look at section 490 in the 1979 Act he will see that section 491 is exactly the same as the new section that he wants to put back in. Word for word, no change at all.

The difference therefore being that section 490 in the old Act will have section 492 and 493 taken out in the amendments. That is the only difference. It is repealing section 490 and putting back what is now 490 section (1). So therefore the obvious effect of this clause is to do away with 492 and 493.

Now the only difference I can see by looking at that is that section 492 as it currently reads: where the Lieutenant-Governor in Council disestablishes or disbands a municipality he shall by order appoint a receiver. That is going to come out of the Act now and it will be replaced with what you have here, section 490, which says 'may'.

Is that what the Minister wants to do? To be able to disestablish or disband communities who have financial difficulty without appointing a receiver? Because under the old Act it was mandatory. It said the Minister shall appoint the receiver. Under the proposed amendment, by letting go section 490 subsection (2) and (3) it leaves the Minister bound by the word 'may'. And of course, may does not mean shall. I want the Minister to address that when he closes debate.

Mr. Speaker: The hon. the Minister of Municipal and

Provincial Affairs, if he speaks now, will close the debate.

Mr. Gullage: Mr. Speaker, yes, to that question that was posed. The intent is in fact to allow in certain cases the winding up of a community without having to appoint a receiver. And there are situations where a receiver is not necessary. The fact that, especially in very small communities in particular, the winding up and the receivership can be handled without a receiver being appointed.

An Hon. Member: Who would handle the winding up (Inaudible)?

Mr. Gullage: Well, we could appoint an accountant or some other person who was qualified, but not actually a receiver per se, but we could appoint another person to go in and handle it, or staff could do it. I think it is entirely discretionary but it would not necessarily mean having to follow the formal procedure of a receiver being called in.

These amendments obviously are important, and as I said earlier, are different and made for various reasons throughout the Act, respecting assets and liabilities and certain powers with respect to waste and litter and some tidying up of clauses dealing with voting procedure and other amendments. And, Mr. Speaker, I would move that this bill be given second reading.

On motion, a Bill, "An Act To Amend The Municipalities Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow by leave. (Bill No. 23).

Mr. Baker: Order 21, Mr. Speaker.

Motion, second reading of a bill, "An Act To Provide For The Regulation Of Motor Vehicles Used In The Transportation Of Persons Or Goods For Compensation". (Bill No. 12).

Mr. Speaker: The hon. the Minister of Works, Services, and Transportation.

Mr. Gilbert: Thank you, Mr. Speaker. This is a bill that embodies the new Motor Carriers Act really and it puts in a policy that goes along with the new deregulation that the federal Government have become involved in as far as the motor carry industry is concerned. It has three key elements to it really. First of all it shifts the burden of proof on entry, from the applicant to the respondent. Previously you had to prove your case if you wanted to get in and now it is up to the people who are in the industry to keep you out. It eliminates rate approval. In other words the free enterprise system will dictate the rates that are going to be charged under the Motor Carriers Act and it is going to streamline the operation of obtaining certificates and applications to proceed because here is no great long and drawn out hearings. That is basically what the intent of it is but, as I say, it is basically to go along with the deregulation of the motor industry that was introduced by the federal Government some years ago. This Province had signed some agreements so it is just a follow-on. The main emphasis of the bill is to make ease of entry into it, so I move second reading.

Mr. Speaker: The hon. the Member for Kilbride.

Mr. R. Aylward: Mr. Speaker, just

a few words on this bill as critic to the Department of Works, Services and Transportation. I spoke with the Minister on this bill yesterday, or the day before, and he explained to me the purpose of the bill. It is not explained very well on the page of the bill that usually explains it. Although the Minister says this is a fairly straightforward bill there are major changes in it that are going to occur in the trucking industry. One of them, I think, would benefit the industry and that is the one where, if a person wishes to get a motor carrier vehicle permit: right now, as I understand it, people in the business can now object to it and he has to prove his right to get in. Now, Mr. Speaker, I do not think that to be fair. If a person wants to get into a business the people in that business should have to show cause, and go to the expense to prove that he would be detrimentally affecting the industry, so I think that is a good change. The other change, Mr. Speaker, I am not too sure about. Being a free enterprise person I cannot disagree with it too much because he says the rates for the trucking industry, or the motor vehicle commercial carrier industry, will be dictated by a free enterprise system which is hard to argue against. That is the type of system that we all try to operate under, but because of the difficulties we have been having in that industry, particularly with the dumptruck industry on highways it is probably a very big change to make in one fell swoop. I am not sure this was to the Committee. I know I have not had any presentations from the trucking industry. I believe the dumptruck operators are now represented by the

Teamster's Union, so I guess they would have some very strong views on this that I have not heard yet. I do not say that they will agree with them for their membership but I would imagine there is some sort of protection going to be built in because they have this representation through a fairly well organized union. Mr. Speaker, I would not object to what the Minister is doing because I have some feeling of security that there will be a protection built in the same as for workers in every other industry so they will be able to organize under fairly well organized unions. Mr. Speaker, I do say that the first major change certainly is important. I have some reservations about the second one, but because of the organization being involved in this trucker's union now, I would expect that the protections would remain as far as rates. I know the dumptruck operators who operate on the highways now because of competition, and they have always had problems with rates, I believe a lot of contractors have been underpaying the Public Utilities Board rates anyway. So probably this is a good way to straighten it out and let the free enterprise system look after it.

So with those few words, Mr. Speaker, I shall take my seat.

Mr. Speaker: The hon. the Member for Green Bay.

Mr. Hewlett: Mr. Speaker, I would like a few words before we pass second reading on this bill. The hon. Minister will realize that a week or two ago in the House I raised the concerns of a number of truckers in my District who came to see me at a weekend clinic, since then I have had other

calls. Most of the truckers who have been calling me, for the most part, are people hauling wood on the Trans-Canada from my area, the Baie Verte Peninsula area to the mills at Corner Brook and Stephenville. I guess they are already feeling the effects of free enterprise and, as their Member, I am duty bound to bring their concerns to the floor of this House. They are caught in a squeeze between rising costs of fuel, no rises in the monies they are being paid for delivering wood, and what they find is tougher enforcement of highway traffic laws by the authorities and the calls I had recently today had to do with what a couple of drivers thought was uneven enforcement of the highway traffic rules with regard to these licenced motor carriers.

In particular, Mr. Speaker, there is periodic checking of vehicles on their way to the Corner Brook mill, I think, in the St. Judes area between Deer Lake and Corner Brook. But between Corner Brook and Stephenville mill there is, as I understand it, around the clock check of these trucks and they are, of course, weighed and checked as to their load, weights, configurations and so on. Truckers are finding that getting into the Stephenville mill they are finding their costs are rising, their income is constant, many of them are taking chances with their load weights. Going into the Stephenville mill they are almost guaranteed to be checked by the authorities. Going into the Corner Brook mill the checking is more periodic. That was the essence of one complaint that the enforcement was not consistent with people travelling to both mills.

Shortly after I received that call complaining, and I say the individual who called to complain also complained to the authorities in the area, I received another call from a trucker who normally drives only to the Corner Brook mill, this time the periodic check in the St. Judes area was not in effect, and the authorities, catching him on the road to Corner Brook made him go past Corner Brook to the weigh scales on the way to Stephenville, get his vehicle checked there, and then he had to drive back to Corner Brook. But the point of the first caller was simply that that happens rarely, whereas someone hauling wood to the Stephenville mill is almost invariably checked. As I say because of rising costs and fixed incomes, for the most part, drivers are taking chances and obviously, as a member of the House I cannot espouse their bending the rules, breaking the highway traffic laws, but they are finding themselves in a squeeze. In the last little while a number of individual families companies, individuals with one truck or two trucks, have gone bankrupt in my District. The logging industry is the major employer, the trucking of wood is also a major employer in my area, and the people involved in that business are finding it very difficult to survive. They are finding themselves caught in a bit of a squeeze. And while I do not obviously advocate that they should drive with loads heavier than what the law prescribes, they are complaining to me of inconsistencies in the enforcement of these laws providing for, therefore, inconsistencies in the fines and penalties that these individuals have to pay, and as a result some of them are finding themselves going bankrupt.

I told these people I would bring their concerns to the floor of the House and I invite the Minister of Transportation to respond.

Thank you, Mr. Speaker.

Mr. Speaker: If the hon. the Minister of Works, Services and Transportation speaks now he closes the debate.

Mr. Gilbert: Thank you, Mr. Speaker. Well, the concerns raised by a couple of members who spoke on the opposite side concerning this bill, and as the Member for Kilbride pointed out, he has some concerns about the free enterprise system. However, it is one that the truckers themselves asked to be included, and then the Federal Government decided they were going to deregulate the industry and put the free enterprise system in.

Now, he referred to the dump truckers in particular. I am very familiar with the operation of the dump truck industry as it pertains to road work in this Province. I might say that I feel I am somewhat responsible for getting the dump truckers to form themselves into some kind of a union, which they now have, and no doubt that will protect the members of that union in their dealings with the contractors who traditionally hired those people on a piecemeal basis, causing the rates to be cut and getting the people to get around the PUB board in other ways. This way now, as I understand it, the truckers will be represented by the Teamsters, they will sit down and deal directly with the Road Builders Association, and I think that in the long run we will see a little more harmony in the starting up of the road construction projects

around the Province each year because of the fact that we have arranged this now. Again, where we have gone towards the free enterprise system, we will have to see what happens and we will have to monitor it to see how it works. I hope it will be better than the previous one.

The Member for Green Bay brings up a point concerning the people who are hauling wood in the Province. I recognize that there are some concerns about the weigh scales between Deer Lake and Corner Brook. I have addressed the problem and looked at it, because I realized there were some inequities in the system by virtue of the fact that the portable weigh scales that operated at Deer Lake were regulated to the point where it would be there every day sort of; they went out and put the scales down, and I had reports that truckers were waiting in Deer Lake until the weigh scales were taken up and then they were going through to the mill in Corner Brook, while their brothers who had to haul to Stephenville were faced with a weigh scales outside of Corner Brook.

Now, I do not know if that was happening, Mr. Speaker. I see the Member for Green Bay nodded; he had heard the same complaints I think. So what I have done as a result of that, is I asked the people in my Department, in charge of the Motor Registration Division, to stagger the times of this weigh scales between Corner Brook and Deer Lake so that now people cannot take a chance and wait until the weigh scales are not operating. We have deregulated the schedule somewhat, and we hope by doing this there will be some degree of fairness and balance for the truckers who

are hauling to the Corner Brook mill. With that, I move the closing of this debate.

On motion, a Bill, "An Act To Provide For The Regulation Of Motor Vehicles Used In The Transportation Of Persons Or Goods For Compensation", (Bill No. 12), read a second time, ordered referred to a Committee of the Whole House, on tomorrow.

Mr. Baker: Order 24.

Motion, second reading of a bill, "An Act To Repeal Certain Obsolete And Spent Statutes." (Bill No. 21)

Mr. Speaker: The hon. the Minister of Justice.

Mr. Dicks: Thank you, Mr. Speaker. The Act before us is very straightforward. It deals with obsolete and spent statutes and it basically is a cleanup chore that the office undertakes each year to do away with Acts that have lost their relevance or have been, in many ways, superceded. Other than that, Mr. Speaker, I do not have too much to say, and I leave it to learned friend, my colleague for Humber East, if she has any comments.

Mr. Speaker: The hon. the Member for Humber East.

Ms. Verge: Thank you, Mr. Speaker. It is not very often that anyone in this Chamber calls me learned, or a friend for that matter. But it is rather nice to have that quaint legal term of endearment mentioned in the House.

Mr. Speaker, I just have a couple of comments and questions to make about this Act To Repeal Obsolete And Spent Statutes - speaking of quaint phrases. I know that one

of the statutes being repealed is the Upper Churchill Water Rights Reversion Act. That represented a valiant effort on the part of the Peckford Administration to undo the atrocity of the Upper Churchill contract, which provides such an unconscionably low rate of return for the people of Newfoundland and Labrador. That Act was ultimately ruled by the courts to be ultra vires, or beyond the powers of this Legislature, and one of the advocates for the ruling of unconstitutionality was none other than our current Premier, at the time practicing law and representing one of the bond holders - Royal Trust, I believe. The Premier then, and in many other instances in various capacities has acted against the best interests of the Province of Newfoundland and Labrador.

A couple of questions, Mr. Speaker. I would ask the Minister of Justice in his closing remarks to explain why The Death Duties Act and The Succession Duty Act, 1972 are being repealed? I read recently that the Province of Ontario is looking at introducing death taxes, since over the next several years people in their 70's and 80's will be dying with sizable estates and bequeathing large amounts of money and property to the yuppy generation, whom some see as having already too much. Thank you, Mr. Speaker.

Mr. Speaker: If the hon. the Minister of Justice speaks now, he will close the debate. The hon. the Minister of Justice.

Mr. Dicks: Thank you, Mr. Speaker. Just to deal with one comment, one question of our colleague from Humber East. She referred, first of all, to the

Upper Churchill Water Rights Reversion Act as a valiant attempt by the former Government to deal with some inequities in the Bill. I think misguided would probably have been a better choice of phrase, as had it been handled differently, one might question as to whether or not the effort, as laudable as it might have been, might have been more successful.

On the second point, Succession Duties Act, historically succession duties were a way of raising significant revenue as a result of a person's death. The Act in question was superceded in the country by the implementation in 1971 of the Capital Gains Tax and the Income Tax Act, which, of course, brought revenues to the Province as well. Across the country, I believe, it was seen and followed at that time that the capital gains and provisions of the Income Tax Act would supplant and replace succession duties, and that was followed in virtually all the other Provinces.

The member is quite correct. Ontario is planning or at least suggesting that it is going to bring back the succession duties, or some form of estate taxes. I am not sure that that meets the general acceptance in Ontario, let alone elsewhere in the country. I suppose you can say that of many of their suggested initiatives, whether or not they will follow through on them remains to be seen. But specific to the question, I think, would have to be the comment that the 1972 Act would not be in form for us. If we were to implement any succession duties, we would want to reconsider the issue. And I think it would be just as well to clean off the books, and even if that initiative were to come

forward, to rethink it in current terms, taking into account the current laws and the many tax changes that have ensued since that Act was first promulgated. And the thing goes back almost prior to Confederation, because the forms prior to 1973, I think, actually were originated in 1947. In any event, the Province, I would just like to add, because of (inaudible) has no plans to implement succession duties at the present time.

On that basis I do not think I perceive any objection of any sort whatever, and I would therefore move second reading, Mr. Speaker.

On motion, a Bill, "An Act To Repeal Certain Obsolete And Spent Statutes," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 21).

Motion, second reading of a Bill, "An Act To Revise The Law Respecting Securities". (Bill No. 15).

Mr. Speaker: Before I recognize the hon. Minister of Justice, I would like to inform hon. members that by agreement, the Late Show was delayed or postponed for this afternoon, in case hon. members were wondering.

The hon. the Minister of Justice.

Mr. Dicks: Thank you, Mr. Speaker.

The Act now before the House is a complicated piece of legislation that in this Province at least has very narrow application in that we have very few individuals in response or in proportion of the general population who have any involvement with securities. However, there is a securities

market in the Province, in a sense, through the agents who sell on behalf of the various brokerage houses, and as well some of our companies, in recent years, have begun to become publicly traded, which entails a certain amount of work in the Province.

Traditionally companies that have been doing business in Newfoundland have been offering securities in the country have been obligated to file prospectuses which set forth the basis of the companies offering of shares to the public. Because we did have a Securities Division within the Registry of Bills of Sale and the Registry of Deeds and so forth. In fact, there was a separate individual responsible for securities. These types of prospectuses and so on because they were of a general offering in Canada had to be filed provincially.

However, what has happened in recent years is that besides the indigenous growth in Newfoundland, it is becoming more a part of our general financial wherewithal, that as individuals we are beginning to take advantage of shareholdings as opposed to other forms of investment.

Consequent upon that particular development, Mr. Speaker, we perceive the need to improve our existing securities measures which were not very comprehensive. You therefore have before you a significant Act, which was drafted some years ago, and has finally been brought forward to this House and it is based primarily on the Ontario Act with some modifications which has been pretty much the bench mark in Canada, and which has been the pattern upon which other security

legislation in other provinces has been based.

It provides significantly, I think, for the most part, for the eventual establishment of a securities commission to review matters that have been really done by our Director, Mr. Kennedy. And at this point I may say a word that I think he has performed yeoman service for the Province, in that he is virtually the only individual who has been receiving prospectuses, who has been governing share offerings, who has been filing security documentation with the Government, and frankly it is at the point where it has outgrown he and his staff to really properly govern and as well to perform certain audit functions.

That I think on a procedural basis will improve the situation for investors in the Province and provide a system compatible with other jurisdictions. There are many substantive provisions in this, Mr. Speaker, which I do not think I need (Inaudible), the provisions of the act are lengthy and go to some 145 provisions.

It does provide significant protections to individuals in this Province dealing with distributions of shares, requirements on prospectuses and disclosures of information. It deals with proxies and solicitations, take over bids which, of course, we hear much about in the New York market and the many abuses there. But perhaps which fortunately have not been a common occurrence in our Province in our general economic and financial structure.

There is an important section in part 20, dealing with insider trading and self-dealing which is

essentially a protection, two shareholders of a company where individuals at the executive or other level and, in fact, beyond that, and the general public received confidential information which would indicate to them whether they should sell or buy shares. That type of information, and the trading in it, Mr. Speaker, is responsible in many places and on many occasions for significant profiteering at the expense of the ordinary members of the general public. I am sure that anyone who knows about securities, matters and dealings would welcome such provisions. There is, of course, a general law dealing with this, but I think specific provisions here have much to commend themselves for and to enlarge on that.

It also deals with the civil liability where you have misrepresentations that would make the individuals responsible, liable to those who would choose to purchase shares and may lose as a result of misrepresentations. And there are as well general provisions dealing with enforcement and so forth.

Other than that, Mr. Speaker, I do not really think there is much that I would add, if my colleague for Humber East has any specific questions I will perhaps deal with those when I close.

Thank you.

Mr. Speaker: The hon. the Member for Humber East.

Ms Verge: Thank you, Mr. Speaker.

This, from my recollection, is only the second significant justice law reform measure sponsored by the new Government in

their year and a half in office. The other that I can recall is the Enduring Powers of Attorney Act. This law revising our securities legislation is significant. It is an important law reform measure and I congratulate the Minister and his staff and their advisors for producing this bill. The Social Legislative Review Committee of which I am vice-chairperson dealt with this bill a few months ago and that process was quite useful, and I think illustrated the value of the legislation review committee system.

The Review Committee invited interested groups in the Province to look at the draft bill and make comments to us. And we were pleased to have appearances and submissions from the Newfoundland Law Society, the Investment Dealers Association, as well as having comments made by members of the Newfoundland branch of the Canadian Bar Association. Finally we were pleased to have a meeting with Mr. Nelson Bennett of the Pasadena Economic Development Committee. All of these groups and individuals made useful comments to us, and I might add that there were representatives of the Department of Justice and their contractual advisor, Mr. George Cummins, present at our Committee meetings. And we had useful exchanges.

Through the course of the deliberations the Department of Justice made some changes to the draft bill. This bill is essentially in the same form as securities legislation in most of the other Canadian Provinces. One of the positive features of the measure is that it will bring our securities law in line with the law throughout most of Canada.

That is advantageous for people investing in securities throughout Canada, as well as corporations seeking equity investment. This bill, I think, does a reasonable job of balancing competing interests and in the course of the discussions at the Committee these interests were highlighted and people had different points of view over which interest should predominate at certain points.

One of the interests is that of protecting members of the investing public, protecting individuals - and corporations for that matter - who invest in securities. It was stressed that the people most in need of protection are individuals investing relatively small amounts, however, amounts that are significant to them personally. There was mention made of the kind of tragic loss suffered by individuals in the Corner Brook area at the hands of an unscrupulous investment dealer there a few years ago, so one of the primary purposes of this Act is to protect investors.

The other interest of course is facilitating the raising of equity capital by businesses, or stated another way, in promoting the expansion of the economy. Now advisory business groups in the Province, including the Provincial Economic Advisory Council, appointed by the Peckford administration, have underlined the need for more equity investment in our Province. When the Provincial Economic Advisory Council under the leadership of Harold Lundrigan reported to the Peckford Cabinet three or four years ago, they made as one of their chief recommendations, that the Government adopt measures to facilitate the raising of equity

capital. Responding to their advice the Government of the day set up the Venture Capital Program as well as the Newfoundland Stock Savings Plan and my colleague the Member for Mount Pearl, who is the finance critic, has commented on the value of the Stock Savings Plan lately and warned against the Government's desire to erode that plan. We have these two competing interests that this bill attempts to deal with, protecting members of the investing public, on the one hand, and facilitating the expansion of the economy, promoting more business activity in the Province by making it easier to raise equity capital. Mr. Speaker, the point made by Mr. Bennett of the Pasadena Economic Development Committee was a good one. The point was that the bill perhaps goes overboard on the side of protecting members of the investing public by imposing too onerous and too costly requirements on businesses seeking to raise equity capital. He made the point that in our Province most businesses are small, and for most endeavors in our Province the raising of equity following the requirements of this legislation would really be too expensive to be feasible. Mr. Bennett urged the Government to consider provisions tailored to the needs of local small business. In the course of the Committee's deliberations there was mention made of an experiment being mounted in Washington State designed to foster a small rural economy. Of course Washington State is much larger in population than Newfoundland and Labrador but nevertheless there are parallels and we might do well to watch the experiment in Washington State and borrow whatever can be usefully applied to the local scene. I am glad the Minister of Justice paid

tribute to Mr. George Kennedy and the other members of the staff of the Registry of Deeds, Companies and Securities. I concur with the Minister's praise of Mr. Kennedy's work. He has basically been running a one-man registry of securities for several years and that is no longer feasible, or fair. What the Minister did not address is precisely what personnel he will dedicate to the task of administering this new legislation, and in his closing comments I would like him to explain the Government's intentions for setting up a Securities Commission as to whether there will be full-time or part-time, or contractual members, and also the Government's intentions regarding hiring, or employing support staff to administer the securities legislation. With those remarks, Mr. Speaker, I will conclude my presentation by saying that this measure, this revised Securities Act, which conforms with legislation in most other Canadian provinces is a welcome addition.

Thank you, Mr. Speaker.

Mr. Speaker: If the Minister of Justice speaks now he closes debate.

The hon. the Minister of Justice.

Mr. Baker: Thank you, Mr. Speaker.

I have a few comments in closing in response to the hon. Member's comments. I think the central point she made about the need for Newfoundland companies to have perhaps a more expeditious means of issuing securities is something that the Government has been considering. The Minister of Finance and I met with Mr. Bennett, but as she can appreciate

there is some concern about the extent to which one would regulate such securities, because in allowing any security to be offered to the public the Government has a corresponding obligation to ensure that the word 'security' is, indeed, secure, and not creating any insecurity, as opposed to a secure investment. The work of the Committee, in this case, as the member indicates, was indeed valuable, and I expect that coming at Committee stage there may be some appropriate amendments, or at least one amendment to the bill, which I think may, in fact, have originated in the Committee deliberations and which will be considered in due course.

The other point I wanted to touch on was that the Law Society itself, today, coincidentally, is having a seminar on the new Securities Act, and the person with whom I am intimately associated has been key in organizing that, and in bringing into the Province several individuals who are known across Canada for their expertise in this area. In fact, one of the gentlemen given the seminar leaves from here to go to California to participate in another panel discussion. So it is a matter that, while it does not have a large audience in the Province, is one certainly that has to be viewed with gratitude, I suppose, or at least, some relief that we are perhaps now in a position to deal on a more adequate basis with such an important piece of legislation.

The final point I would make is that we do plan to implement the bill as soon as possible. It calls for a full-fledged securities commission, but we will

review that to determine whether or not it needs to be full time. Our initial assessment at this point is that there is not sufficient securities work to justify a full-time commission, certainly to the extent they have it in Ontario. We may look at part-time commissioners to serve, and one would hope that there would be individuals in the community who might be prepared to do so out of interest, as opposed to any monetary remuneration. There are, certainly, within our general professional community, people with the necessary expertise, who could serve on this type of commission and, perhaps, larger commissions with much greater scope of duties.

The budget to be accorded to the commission is, of course, something that will be looked at by Government. We did have an initial amount in this year. If my memory serves me correctly, it may have been \$100,000 in the Consumer Affairs estimate to deal with securities, but I would have to check that. I know there were monies allocated for it and, certainly, once the Securities Act is implemented, the Government would ensure that sufficient resources are available to implement the Act and its many provisions. Thank you, Mr. Speaker.

On motion, a Bill, "An Act To Revise The Law Respecting Securities," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 15).

Mr. Baker: Order, 27, Mr. Speaker.

Motion, second reading of a Bill, "An Act To Amend The Dangerous Goods Transportation Act And The

Summary Proceedings Act," (Bill No. 37).

Mr. Speaker: The hon. the Minister of Works, Services and Transportation.

Mr. Gilbert: Thank you, Mr. Speaker.

This is a very routine piece of legislation, and what it does, actually, is it takes the 'Dangerous Goods Transportation Act And The Summary Proceedings Act' and changes it from summary proceedings to ticketable offences, and it would speed up the process of a person who receives a citation under this Act previously would have to go to court, now it can be handled very quickly, and it reduces the fines from a maximum of \$50,000 for some offences; now it is between \$200 and \$600. That, basically, is it. I will leave it up to my colleague for -

Mr. Speaker: The hon. the Member for Kilbride.

Mr. R. Aylward: Thank you, Mr. Speaker. I just want to point out to the Minister that the range for fines now is \$600 to \$1,000, I understand. I understand what he said, the fines are being reduced by this legislation.

Mr. Gilbert: (Inaudible). Under the previous Act you could have fines up to \$50,000 for very insignificant penalties, for infractions.

Mr. R. Aylward: So this Act will reduce the fines for carrying dangerous goods. I am not positive that is a good move, Mr. Speaker. I think the option should be there. If someone is carrying dangerous goods which

should not be carried on the highways, that the courts, if necessary, should have the option of fairly severely punishing the offenders. But I do note that the fines, certainly in Section 3, go from \$600 to thirty days in prison, Mr. Speaker, for the first offence, and \$1,000 for the second offence. Maybe the Minister could let us know in Committee, what the courts have actually been fining people for offences under this Act.

Mr. Speaker: If the hon. the Minister now speaks he will close the debate.

The hon. the Minister of Works, Services and Transportation.

Mr. Gilbert: Thank you, Mr. Speaker. I point out that in this case there are penalties, where, at the discretion of the court for amounts up to \$50,000 and the magnitude of the penalty was sometimes inappropriate for the offence. For instance, an incorrect or incomplete documentation, wrong type of labels, you know, one missing (inaudible), it is reduced in that case, but for severe cases the penalty is there as well as the fines, so that is basically it, and I move second reading, Mr. Speaker.

On motion, a bill, "An Act To Amend The Dangerous Goods Transportation Act And The Summary Proceedings Act". (Bill No. 37), read a second time, ordered referred to a Committee of the Whole House on tomorrow.

Mr. Baker: Order 29, Mr. Speaker.

Motion, second reading of a bill, "An Act To Amend The Young Persons Offences Act". (Bill No. 36).

Mr. Speaker: The hon. the Minister of Social Services.

Mr. Efford: Thank you, Mr. Speaker.

I was caught sleeping down in the corner. I should not have done that.

Mr. Speaker, this particular amendment to the Young Persons Offenders Act, is to deal with The Highway Traffic Regulation which was just brought in and because of the former Act, where you could not either transfer or give information using a young offenders name, so we are going to change the Act so that any offences committed by young offenders in the Highway Traffic Act, their information and records can be transferred to the Department of Transportation or the court so that we can comply with the Young Offenders Act and the protection of the confidentiality of their names.

Mr. Speaker: The hon. the Member for Burin - Placentia West.

Mr. Tobin: Mr. Speaker, just briefly, I want to make a comment on it. We have had some discussion on this before and I believe the last time this was up, my colleague for Grand Falls was speaking on it, and it is just a slight amendment to the Young Offenders Act I guess, to make their points, if they have a traffic violation it will be recorded, basically this has nothing to do with the young offenders in terms of making any of their records or any of the confidential material presented to the public, so with that, Mr. Speaker, there is no problem.

If the Minister speaks now he

closes the debate.

The hon. the Minister of Social Services.

Mr. Efford: Mr. Speaker, I would like to thank my hon. colleague for his co-operation in this particular matter, and it is just a minor routine thing and I move now second reading of the bill.

On motion, a Bill, "An Act To Amend The Young Persons Offences Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 36).

Mr. Baker: Order 32, Mr. Speaker.

Motion, second reading of a Bill, "An Act To Amend The Members Of The House Of Assembly (Retiring Allowances) Act, The Public Service (Pensions) Act And The Uniformed Services (Pensions) Act." (Bill No. 44).

Mr. Speaker: The hon. the Minister of Finance.

Dr. Kitchen: Thank you, Mr. Speaker, this amendment to - Bill No. 44, is to Amend The Members Of The House Of Assembly (Retiring Allowances) Act, The Public Service (Pensions) Act And The Uniformed Services (Pensions) Act in a very minor way, what we are basically doing is redefining the word 'spouse' to included certain common law relationships.

Mr. Speaker: The hon. the Member for Mount Pearl.

Mr. Windsor: Mr. Speaker, once again the Minister of Finance has shown clearly his incompetence, his lack of knowledge of his own legislation. He has no comprehension whatsoever of what

is involved in this particular piece of legislation, nor the drastic implications that it can have on pensioners throughout this Province, and he has failed to give increases to pensioners this year.

Mr. Speaker: If the hon. Minister speaks now he closes the debate.

Dr. Kitchen: I thank the hon. Member for his comments, and move second reading.

On motion, a Bill, An Act To Amend The Members Of The House Of Assembly (Retiring Allowances) Act, The Public Service (Pensions) Act And The Uniformed Services (Pensions) Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 44).

Mr. Baker: Order 33, Mr. Speaker.

Motion, second reading of a Bill, "An Act To Amend The Human Rights Code, 1988." (Bill No. 46).

Mr. Speaker: The hon. the Minister of Justice.

Mr. Dicks: Thank you, Mr. Speaker.

The amendment is to make some changes to section 7 of the Human Rights Code. This is entailed as a consequence of a decision in the Supreme Court - I guess it was about a year and a half ago - which dealt with what the meaning of the section was. The section now reads: no person shall deny to a person or class of persons admission to or enjoyment of the accommodations, services or facilities available in a place which the public is customarily admitted by reason only of the race, and so forth. And it goes on to express the normal grounds

of discrimination that have been general throughout the country for some time.

The decision focused on whether or not that phrase, 'to which the public is customarily admitted', referred to the facility or to the services. And it came to the conclusion, and dealt with an insurance agency, that the Act did not apply because an insurance agency was not a public place and was not a place to which the public was generally admitted, or customarily admitted. The intent of the section, we believe, was, or should have been, that it is not only the nature of the place but also type of service offered, because insurance services are offered generally to all individuals in society. And it is not a type of service that should be susceptible to any express exception to the general human rights provisions.

What we therefore attempted to do, Mr. Speaker, is to try to deal with this to clarify that particular anomaly or that particular interpretation which was one that we did not agree with. It also provides for certain exemptions so that there is a protection there for the rights of privacy of individuals in accomodation in a private residence and so forth, exclusion of a person from a facility on the basis of sex for the reason of public decency. And that would of course permit us to have male and female washrooms, which I think most Members of the House would probably accept, I assume.

And it also deals, in subsection (d), with restriction, or permitting to a limited extent, membership in associations which have in some sense a basis of

discrimination in their membership for admittance. And that would include things like the Knights of Columbus or the Salvation Army Men's Club or the many service organizations that have in their nature some sort of religious or fraternal basis on which the group is founded.

Also, that it leaves a general provision there for the Human Rights Commission to decide whether there might be a bona fide reason to deny a person accomodation, services, facilities or goods on any valid - what would otherwise be an invalid ground of discrimination. It also applies to a private residence that offers a bed-and-breakfast accomodation for pay. And I might say that that was added upon several submissions and several concerns that were expressed to me and I felt should be covered.

Other than that, Mr. Speaker, this, as with all human rights' legislation, is deemed by one end of society to be insufficient and by the other to be an unnecessary intrusion into one's private affairs. The Department, of course, and Government take the view that we must reasonably protect the rights of individuals and minority groups while still respecting the right of privacy, and I believe that. At the present time, this particular measure will clarify and will extend the definition of this section without intruding into areas that perhaps none of us - and there is not general acceptance in the Province. The hon. member opposite is indicating I should sit down, so I will leave it to my colleague, who sometimes functions as my critic, to rise and make her views known. Thank you.

Mr. Speaker: The hon. the Member for Humber East.

Ms. Verge: Thank you, Mr. Speaker. This bill contains measures that are very good and very bad. The first part I consider to be an improvement to the human rights code and I support it wholeheartedly. It is the amendment that broadens the protection afforded by the human rights code, our provincial human rights legislation. As the Minister has explained, the provision broadens the coverage of the code beyond prohibiting discrimination in the context of employment, housing, and the provision of services in a public place. The third was ruled in a recent case involving a complaint about discrimination against a man on the basis of sex in the charging of insurance premiums as being narrower than most human rights advocates would have wanted, and perhaps narrower than the framers of the existing human rights code intended. This amendment broadens the protection by making it clear that the coverage extends to a prohibition of discrimination on certain enumerated basis with respect to accommodation services facilities or goods to which members of the public customarily have access, or which are customarily offered to the public. So that part is good, Mr. Speaker.

The other part is bad and has been objected to even by the Minister's Human Rights Commission, the agency appointed by the Cabinet to administer the Act. The Government's own Human Rights Commission, in very strong language, expressed to the Social Legislation Review Committee opposition to the other part of the code, the amendment to the

later part of section 7. I would like to quote from their written submission to the Committee. 'Section 7.3 presents a number of possibilities which give us cause for a concern. We have no problems with subsections (b), (c), or (e). In subsection (a) we believe that a person should have the option of choice in taking in roomers or boarders, invited guests, etc. in their private residence. We do think there may be a problem with the bed and breakfast establishment, as it does not appear to fall within the definition of a commercial unit as outlined in the Human Rights Code, section 2(a), and therefore would not fall under the jurisdiction of the Human Rights Code section 8.1, which governs access to commercial units.'

Now perhaps when we get to Committee stage the minister will agree to an amendment or a qualification that will make it clear that bed and breakfast establishments, which are, after all, businesses, will be subject to the protection, to the ambit of the Human Rights Code.

But then, Mr. Speaker, the Human Rights Commission went on to say, 'it is with section 7.3(d) however, that the Human Rights Commission has serious reservations.' Now, that clause says that the Human Rights Code, or a major part of it, does not apply to a restriction on membership on the basis of a prohibited ground of discrimination, in a religious, philanthropic, educational, fraternal, sororal - that was added at the committee's suggestion - or social organization that is primarily engaged in serving the interests of a group of persons identified

by that prohibited ground of discrimination. The Commission made the comment that the language was sexist, because in the original draft fraternity only was specified. But sororal was added afterwards. But then they go onto their main point, which is that the wording of the subsection is vague and will probably result in a number of nuisance cases being brought before the commission. So they have raised a practical concern.

Then they go on to state their objection on principle, which is 'we understand that certain organizations want to be able to restrict their memberships. There is nothing in the present code that prevents that. This amendment, however, appears to protect and even encourage discrimination.' This from the Government's own Human Rights Commission, a group appointed by the Cabinet, with Eve Roberts as Chairperson. Now, the Legislation Review Committee heard strenuous objections to this exclusion from the code's protection from other groups, as well - from the Newfoundland and Labrador Human Rights Association, which is a private advocacy group.

The Human Rights Association made a comprehensive presentation urging many improvements to the Code, and they pointedly and strenuously objected to this exclusion, which detracts from the code that we have. Finally the Provincial Advisory Council on the Status Of Women, another group appointed by the Cabinet, objected to the exclusion that I have mentioned.

I find it absolutely unbelievable, Mr. Speaker, that the Government, the Minister responsible for the

Status of Women, and the Minister of Justice, responsible for Human Rights and for The Human Rights Commission, would ignore all this advice. Why add to the code a provision that the Government's own Commission says is not necessary, says will lead to frivolous complaints, and then, and most importantly, goes on to say will invite and encourage discrimination. I just do not understand this, Mr. Speaker. I have come to see that this Administration is anything but small 'l' liberal, and it is extremely conservative, small 'c', and regressive, and this kind of measure just re-enforces that image and that reputation.

Mr. Speaker, I have to ask why there is not more in this bill? The Human Rights Code as it is now written is too narrow in its scope. It does not provide comprehensive protection, since it isolates certain arenas and certain types of conduct but does not provide comprehensive protection.

Then the Code prohibits only certain types of discrimination. There is no mention made of the most insidious types of discrimination, namely, discrimination against groups which are relatively powerless and weak in our society, groups that are misunderstood and frequently abused. One such group is gays and lesbians.

Mr. Rideout: Lynn, are you going to adjourn the debate?

Ms Verge: Mr. Speaker, since it is just about 5:00 o'clock, I will adjourn the debate and continue my remarks in the morning.

Mr. Speaker: I am waiting for a

motion.

Mr. Rideout: A point of order,
Mr. Speaker.

Mr. Speaker: A point of order,
the hon. the Leader of the
Opposition.

Mr. Rideout: My colleague
adjourned the debate. I assume
the Minister is not rising.

Mr. Baker: I did not realize what
you said.

Mr. Rideout: I did not think the
Government House Leader heard.
She just adjourned debate, so I
would imagine the Government House
Leader would move the motion.

Mr. Speaker: The hon. the
Government House Leader.

Mr. Baker: Mr. Speaker, I move
that the House at its rising do
adjourn until 9:00 a.m. tomorrow,
and that this House do now adjourn.

On motion, the House at its rising
adjourned until tomorrow, Friday,
at 9:00 a.m.