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SPEAKER: THE HONOURABLE JAMES M. RUSSELL

The House met at 10:00 A.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order please.

I would like to welcome to the galleries fifteen boys and girls from the Training School at Pleasantville, accompanied by teachers and supervisor, Mr. Anthony and Mrs. Dubbin, on behalf of all members of the honourable House I welcome you here and trust that your visit is most interesting and informative.

PETITIONS:

MR. SPEAKER: The honourable member for White Bay South.

MR. WM. ROWE: Mr. Speaker, I beg leave to present a very massive petition which I have received from the voters in the area of La Scie in White Bay South, the community surrounding La Scie and around La Scie, all communities on the La Scie Highway as a matter of fact.

I believe that my honourable friend the member for Green Bay has received a similiar petition and I am sure that he will want to say a word or two in support of this petition as well.

The brief in support of the petition, Mr. Speaker, a petition to upgrade and pave the La Scie Highway, states that the La Scie Highway, the thirty-five mile section of roadway connecting the Town of La Scie with the Baie Verte Highway, provides the main overload access in linkage to such communities as Ming's Bight, Pacquet, Woodstock, Nippers Harbour, Round Harbour, Harbour Round, Brent's Cove, Snooks Arm, Tilt Cove, Shoe Cove and so on.

A thirty-five mile section of road was constructed from rock boulder filled with some swamp soil and crushed rock topping, they say. There is no local supply of gravel to maintain the topping and the small crusher operated by the Department of Highways during the summer cannot supply adequate topping. The result is that the road graders have scraped away all the topping, exposing large boulders from the road base so that the road can no longer be adequately paved nor drained, resulting in potholes, ruts, washboard bumps and boulders over most of the thirty-five miles. Without a supply of new road topping, the

MR. WM. ROWE: road simply cannot be maintained. I can testify to that statement from my own personal experience over the past six to seven to ten years.

There is a sizeable population served by this road as well as several major industries, namely Consolidated Rambler Mines, a massive mining operation in the area; Job Brothers Fish Packing Plant, which is of course the source of employment for hundreds of fishermen and plant workers in the area; Burton's Transport; Gid Sacrey Construction Limited; Northeast Enterprise, etc.

The personal cost to residents for vehicle maintenance and the cost to companies for maintenance of vehicles operating over this road is becoming prohibited. I would say, Sir, that that is an accurate statement and is actually raising the cost of living of these same residents as well as discouraging some industries attempting to operate in the area. That is the gist of the brief, Sir.

They go on to say they do not want to mention the people who use the road - Rambler Mines for example, receives approximately 15,000 tons of freight supplies per year, handled by transport trucks over the La Scie Highway, and of course they use the highway to ship ore as well. People going to hospital must use the road and of course hospital employees and all supplies to the area must use that road at some point or another.

In short, Sir, they summarize by saying that La Scie is a very vital part of the lives of those citizens and immediate action should be initiated to upgrade and pave this road. This petition carries 1,800 names of residents of communities served by the La Scie Highway who are demanding immediate action to upgrade and pave this road. Then they give an indication as to the kind of interest shown by the electorate in the area 475 signatures from La Scie, 56 from Snooks Arm, 110 from Harbour Round and so on down through, Sir, which I would imagine, just looking at it here, just running over it, I would imagine that nearly every eligible voter in the communities mentioned has in fact signed his or

MR. WM. ROWE: her name to this petition. They want to say that copies of this have been sent to the Government of Newfoundland, the member for Green Bay; myself; Mr. Romprey, M.P., Grand Falls - White Bay - Labrador, because of course DREE comes into the picture; the honourable Don Jamieson, to the honourable Minister of Transportation and Communications.

It is interesting, Sir, that not only is this petition signed by individual residents of the area but we have testimony from various industries as well. For example Gid Whalen, the Imperial ESSO agent, for example, has written us a letter in which he mentions that it is vitally necessary that this road be upgraded, Imperial Oil Limited. Consolidated Rambler Mines, the manager has written a letter of support to the Government of Newfoundland and Labrador, particularly to the minister concerned, the Minister of Transport. K and K Trucking Limited; the White Bay South P.C. - I must say that I did not know that existed but it is interesting to see.

MR. ROBERTS: A small select group.

MR. WM. ROWE: A small but very vigorous group, I am led to understand, Sir.

MR. PECKFORD: It is the honourable member for Green Bay you see.

MR. WM. ROWE: In that case we have a Moore-bound organisation. But in any event, Sir, I am glad to receive the support of that organization. La Scie Integrated High School, the staff thereof, favour the petition requesting better road conditions. The Integrated Elementary School of La Scie, the Town of La Scie itself, signed by the Mayor, Mr. William Chip, who is a good friend of mine and the member for Green Bay.

It goes on, Sir, different organizations and then, of course, we have the petition itself, signed by individual residents, 1,800 in all, asking, indeed demanding that something be done about this road.

Now when I first received this petition, well maybe about the same time I received this petition, we got some indication as to what Ottawa was prepared to do about the road, and announcement put

MR. WM. ROWE: jointly by the Minister of Industrial Development, I believe, and Mr. Jamieson, to the effect that of the \$10 million being cut out for road construction in the province by DREE under this new amendment to the highways agreement, \$1 million was going to be spent on the reconstruction of the La Scie Road and, of course, that is a great shot in the arm to the people who have been trying to get something done on the road.

\$1 million unfortunately will reconstruct perhaps ten to twelve miles of the thirty-five mile section, so it gives the honourable members of the House some indication as to how much money will be needed. Several million dollars will be needed to reconstruct and pave that road.

But I do believe, Sir, that it will be money well spent. It was my intention when I had the honour to be Minister of Community and Social Development, to try to get the La Scie Road considered as a part of the sort of spinal system, the Bay Verte Road and then the La Scie Road on to La Scie. In other words, DREE would carry on as they had done with the Baie Verte Road, carry on with money, to get the La Scie Road done as well and consider it to be the one trunk system.

I am glad to see that apparently the minister concerned now and Mr. Jamieson in Ottawa are carrying on with that kind of a concept and it will not be too many more years, perhaps three or four, when we can see that road completely upgraded, reconstructed and paved.

I am delighted, Sir, to be able to support this very well thought out, very well constructed and organized petition and I ask Sir, that it be tabled in this honourable House and referred to the department to which it relates.

MR. SPEAKER: The honourable member for Green Bay.

MR. PECKFORD: - Mr. Speaker, I want to support the petition presented by the honourable member for White Bay South. I am quite familiar with this road, as a matter of fact in 1961, the year this road was constructed by a firm in Corner Brook, and it was at that time that

MR. PECKFORD: I resided in White Bay South and I remember going over the ten miles of road as far as Harbour Round or Brent's Cove a little bit farther on on my way to doing business with the government at that time and having to walk many times.

The unfortunate thing about the thirty-five mile stretch of road, as I see it, was that in its construction I think if anybody has travelled over the road, the first about five to ten miles from the Baie Verte branch down is a fairly good road and it is not that bad but then after that, after you get about halfway down, the last fifteen to twenty miles that is really a treacherous piece of road at the best of times, even in August or July. I remember this past winter and the winter before travelling over that road in some dangerous, trying times. There are a couple of sections of the road that in the spring the flooding is severe and you have nothing only a real ice rink on a very poorly graded slope and it is extremely treacherous and extremely dangerous.

I was rather interested to hear the honourable member for White Bay South indicate the number of businesses and other associations who were in support of this petition. He mentioned the P.C. Association of White Bay South, but either forgot or lost or I cannot really imagine did not mention or did not have the support rather of the Liberal Association of White Bay South.

MR. ROBERTS: Inaudible.

MR. PECKFORD: Oh I see, the democratic process as it used to exist in the Liberal Party in 1968 and 1969 has now become defunct, Mr. Speaker, no longer exist. The district association in the Liberal Party is now conceived to be the member for that district. That is very fascinating, very interesting.

As far as the petition goes, Mr. Speaker, I fully support it as the member for Green Bay, because there are a number of communities in my district that use that road, namely Shoe Cove, Tilt Cove, Round Harbour, and Snooks Arm and Nippers Harbour and it has been a constant source of

MR. PECKFORD: pressure from these communities. About every week I get two or three letters concerning the road and asking what is going to be done or when is it going to be done or complaining about the condition of it. Especially this winter with all the snow and so on, road transportation in the area was curtailed to a large extent, more so than any other winter in the last ten or fifteen.

I am pleased, as the member for White Bay South mentioned, that under the special highways agreement, DREE agreement, there will be \$1 million spent on the road. We should suggest to the Department of Highways, I do not know how the honourable member for White Bay South feels about it, I would like to say here in the House we should suggest that the money that is to be spent be spent on the La Scie end of the highway. At least that would be my feeling on it because it is the worst section of road and I think that if we got that money spent on that section, it would allieviate a lot of the problems that now exist there from La Scie up to the Brent's Cove or Harbour Round turn-off or so on.

I fully support it, Mr. Speaker, and I am glad to see that \$1 million is already going to be spent on it.

MR. SPEAKER: Are there any other petitions?

MR. WM. ROWE: I hesitate to rise to present another petition but as it is conceivable that this may be the last sitting for some time, I would like to present this petition as well.

This is a petition, Sir, from the Community of Westport, again in the District of White Bay South. The prayer of the petition is that the road from Westport to the Baie Verte Highway be upgraded and that money be provided so that a start can be made on this project during the 1973 construction season.

The petition goes on to say that ninety per cent or more of our working people must use this road either daily or weekly, to and from their place of employment. Many people have been subjected to many hardships due to the condition of our present road. This road is the

MR. WM. ROWE: lifeline of our community and the only connection for example with the hospital at Baie Verte as well as the outside world.

It is very important to the welfare of this community that this road be upgraded as soon as possible. This petition is signed by about two hundred of the adult residents of the Community of Westport and Furbeck Cove I believe. Sir, I take great pleasure in supporting this petition as well.

The difficulty with this particular piece of road is that it is over twenty miles long and it does not serve a great number of people; that is the problem. If you are talking to officials say in Highways or any other planners or bureaucratic types, they are likely to say; "Well there are only several hundred people involved, three or four hundred people involved, and to spend massive sums of money upgrading this road over very rugged terrain would not be a wise expenditure of money."

I suppose that is one way of looking at it, Mr. Speaker, from my own point of view, as the member for the district, I would like to see a more humane, I suppose, approach taken to the problem. Perhaps every dollar spent on the road might not be warranted, if you look at the general average across Canada or across Newfoundland, but when you think that this is a community of people - families, children, men and women going back and forth to work, to hospital, to school. I believe they are going to be bussing some children out to school now, in the high school area, which is a very long period to be in a buss over a very bad road.

I would certainly suggest to the honourable Minister of Transportation Mr. Speaker, that greater consideration be given to spending more money than might be warranted on a purely per capita basis on this particular road. It is unfortunate that it is so long and over such rugged terrain. People have chosen to settle there. They have been there for scores of years, for well over one hundred years I believe, and I think it is time that perhaps something was done to bring this road up to a more acceptable standard.

MR. WM. ROWE: About ten or twelve years ago it was more or less pushed through by a bulldozer and some efforts have been made since to keep it up to some kind of a decent standard, but I say quite frankly that the Department of Highways has not made an all-out effort on this particular road, perhaps for good reasons of their own. I do recommend or suggest to the Minister of Highways or Transportation that, perhaps as a result of his own good office, more effort, more money might be spent on bringing this road up to an acceptable standard.

I support the petition, Sir, and I ask that it be tabled in the House and referred to the department to which it relates.

REPORTS OF STANDING AND SELECT COMMITTEES:

MR. SPEAKER: The honourable Minister of Finance.

MR. CROSBIE: Mr. Speaker, I would like to table a copy of the report of Professor Sinclair in connection with the conflict of interest legislation. It has to be remembered, Mr. Speaker, this is not a royal commission report. He was simply asked to draft a suggested bill and look at the literature in connection with it, I have given a copy to the Leader of the Opposition and this is another copy of it to table in the House. There is nothing in it of any consequence.

NOTICE OF MOTION:

MR. NEARY: Mr. Speaker, I ask leave of the House to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely the explosive strike situation at Buchans.

MR. CROSBIE: It is out of order, Mr. Speaker. We have not reached Orders of the Day yet and this is the wrong place for such a motion.

MR. ROBERTS: On a Point of Order, Mr. Speaker, Standing Order 23 A says, "And before the Orders of the Day are entered upon."

MR. SPEAKER: Order 23 A says and I quote, "Leave to make a motion for the adjournment of the House will be for the purpose of discussing a definite matter of urgent public importance but to be asked after the daily routine of business has been considered and before the Orders of

MR. SPEAKER: the Day have been entered upon."

So I submit that this is perhaps the wrong point to make such a motion, but I shall entertain the motion immediately preceeding Orders of the Day.

NOTICE OF QUESTIONS AND ANSWERS TO QUESTIONS:

MR. SPEAKER: The honourable Minister of Finance.

MR. CROSBIE: I would like to table the answers to question number 254 on the Order Paper of April 16 asked by the Leader of the Opposition and the answer to question 220 on the Order Paper of April 4, asked by the honourable Leader of the Opposition.

ORDERS OF THE DAY:

MR. NEARY: Mr. Speaker, the third time should be lucky. I ask leave of the House to make a motion for the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely the explosive strike situation at Buchans.

MR. SPEAKER: The honourable member of course, as the House is well aware, made a similar motion last evening and indicated at that time that he may do it again today.

The Chair has been thinking about this during the evening and this morning and while the Chair is aware and feels that the matter at Buchans is an important matter and a very serious situation, I feel that it does not warrant the suspension of the ordinary business of the House to discuss the situation in Buchans at this time.

On motion of the honourable Minister of Justice, a Bill, "An Act To Amend The Summary Jurisdiction Act," read a first time, ordered read a second time presently, by leave.

On motion a Bill, An Act To Amend The Newfoundland and Labrador Housing Corporation Act," read a first time, ordered read a second time presently, by leave.

On motion a Bill, "An Act To Govern Collective Bargaining Respecting Certain Employees In The Public Service In The Province," read a first time, ordered read a second time presently, by leave.

Motion second reading of a Bill, "An Act Further To Amend The Criminal Injuries Compensation Act."

MR. HICKMAN: Mr. Speaker, this is a very minor amendment that is necessitated by the agreement that has been entered into between the Government of Canada and the Government of Newfoundland.

Under the principal act there is excluded from the right for an order for compensation, any claims where injury or death of a person in respect of which compensation is claimed resulted from an act or omission of a member of the first family living with him. That has been deleted from the agreement and

this bill will have the effect of deleting it from the principal act. I move second reading.

On motion a bill, "An Act Further To Amend The Criminal Injuries Compensation Act," read a second time, ordered referred to a Committee of the Whole House, presently, by leave.

Motion second reading of a bill, "An Act Further To Amend The Expropriation Act."

HON. H.R.V. EARLE: (MINISTER OF PUBLIC WORKS AND SERVICES): Mr. Speaker, this is not a particularly important bill. It is merely an amendment to correct some enacted references in a chapter of the Revised Statutes of Newfoundland. This is the purpose of the amendment. I therefore move second reading.

MR. E. ROBERTS: (LEADER OF THE OPPOSITION): Mr. Speaker, swayed by the eloquent and forceful appeal of the gentleman from Fortune Bay, we will go along with it.

On motion a bill, "An Act Further To Amend The Expropriation Act," read a second time, referred to a Committee of the Whole House, presently, by leave.

Motion, second reading of a bill, "An Act To Amend The Registration Of Partnerships Act, 1972."

HON. T.A. HICKMAN: (MINISTER OF JUSTICE): Mr. Speaker, this is a routine bill to delete section 16 and replace it by another section 16 for the purpose of clarification. This was asked by the law society of Newfoundland because there was some trouble interpreting the previous section. I move second reading.

On motion a bill, "An Act To Amend The Registration of Partnerships Act, 1972, read a second time, ordered referred to a Committee of the Whole House, presently, by leave.

Motion, second reading of a bill, "An Act Respecting The Application Of A Certain Provision Of The Crown Lands (Mines and Quarries) Act."

MR. HICKMAN: Mr. Speaker, this bill was brought before the House upon the advice of the law officers of the crown. A notice had been served with respect to exploration rights - that is not the word -

and the date in the notice should have been I think it was sixty clear days and it was fifty-nine. This bill is to legitimize the notice.

On motion a bill, "An Act Respecting The Application Of A Certain Provision Of The Crown Lands (Mines And Quarries) Act," read a second time, ordered referred to a Committee of the Whole House, presently, by leave.

Motion second reading of a bill, "An Act To Ratify, Confirm and Adopt An Agreement Made Between the Government And Kennco Explorations (Canada) Limited."

MR. HICKMAN: Mr. Speaker, in answer to the honourable Minister of Mines and Energy this bill is similiar to many dozens of bills passed by this legislation in the last twenty years, ratifying an agreement between the Government of Newfoundland and Kennco Explorations (Canada) Limited to carry out exclusive mineral exploration in an area like Harp Lake, Labrador, subject to the terms and conditions set forth in the agreement. Under the agreement the area, if reserved for a period of four years, Kennco is obligated to spend \$250,000 of which not less than \$50,000 will be spent during the first and second twelve months and \$75,000 during the third and forth twelve month period. Should Kennco apply for a lease, mining lease of any of the area within the exploration reservation, it will be granted under the provisions of the Crown Lands (Mines and Quarries) Act. One of the conditions of the lease will be a requirement that the leasee will have to commence mining operations within two years from the date of the issue of the lease. I move second reading.

MR. THOMS: Mr. Speaker, on this side of the House we have nothing against this legislation. We support it. There are a couple of questions I would like to ask. I was wondering what exactly was the intent of the company. What mineral are they after in this area? I believe the minister mentioned the area of Cartwright.

MR. HICKMAN: Harp Lake.

MR. THOMS: Harp Lake. Oh, I am sorry! This is up near the Snegamook Lake area, right North of Goose Bay. I wonder what kind of mineral they are interested in in that area.

MR. HICKMAN: Copper.

MR. W. ROWE: Is this an extension of an agreement that was in existence before between the government and this company? Does anybody know?

MR. HICKMAN: In my understanding, it is a new agreement.

MR. W. ROWE: Yes, well this is what I would like to get some information on and an explanation from the government, Mr. Speaker, I understood that this government were going to bring in a new policy with respect to the prospecting for, the exploration for minerals in this province. Now, perhaps we might hear from the Minister of Industrial Development on it. We had the Minister of Mines and Energy stand up in the House on two occasions and say, "Well, this is merely an extension of agreements which had been in effect before. The companies have a vested interest already. We are doing them a favour. We are going to carry on with it and they are going to continue their exploration." If my memory serves me correctly, I got the firm impression, again from the Minister of Mines and Energy, that the government policy was changing although it had not solidified, had not been firmed up at that particular time; we would soon see evidences of a new policy orientated by the government with regard to exploration for minerals and prospecting generally.

Now, the Minister of Justice got up and either knowingly or unknowingly, I do not know because I do not pretend to be an expert in the field, said that this is an agreement like any other agreement that has been entered into for the past twenty years. Now, what I would like to ask the government is, do they in fact have a new policy? Is this agreement, this act and this agreement like the other acts which were in existence

for the past twenty years or so? If so, does the government intend to change their policy over the next several months as to exploration and prospecting as they have said on numerous occasions? Also other information from the minister, particularly the Minister of Industrial Development, who was Minister of Mines and Resources for some months and I believe did a very good job while he was at it. I would like some answers to these questions, Mr. Speaker. What is the government policy on exploration and giving concessions to companies who want to come into the province?

As our colleague, the member for Bonavista North, has already said, we have nothing against this. We think that this is one valid, very good way of getting exploration for minerals done in this province. It is not the only way nor should it be the only way but it is one good way of doing it, bringing in good, reputable companies, local companies or companies from elsewhere, to explore for minerals and hopefully find minerals and provide the jobs and the economic benefits, etc. that come from such activity. So, we have nothing against it but I would like to hear some statement of policy from the government at this time. They have had nearly a year-and-a-half now to make some kind of a policy position, to firm up their policy position on it. Perhaps the Minister of Industrial Development might have a word to say on that aspect of it, Mr. Speaker.

MR. NEARY: Could we get a quorum in the House? Sir, could we have the clerk count the House?

MR. SPEAKER: Would the clerk please count the House?

There is a quorum present.

HON. W. DOODY: (MINISTER OF INDUSTRIAL DEVELOPMENT): Mr. Speaker, this agreement between Kennco and the government was begun during the last ten years, in the Forestry, Mines and Agriculture Resources Department as it was then. The questions that the member from White Bay South asks are reasonable questions. This

is the same type of agreement, with a few exceptions, as was the policy of the previous administration, with the exception of a grid square system of administration rather than the squarely drawn lines on the map, which was the old system. When Kennco came in down stairs, last year, with the intention of going to Harp Lake to do some investigation, it was felt at that time that it would be in the best interests of the province not to wait for the development of the recommendations of the minerals task force but to work out an arrangement with them, the result of which you see here.

The Government of Newfoundland is indeed approaching a rationalization of a mining exploration programme and the recent reorganization of the government reflects that. The grid square system will be going into effect, in which a certain specified number of grid squares or halves or quarters of grid squares can be allocated to a mining concession, rather than was the system in the past. The mineral inventory, as I understand it, will play a very important part in this because once the potential is roughly known in any given area, it can then be, these rentals or fees charged an exploration company can be graduated in descending scale of from one to seven or one to eight so that those most promising areas will demand a greater return to government for the privilege of exploring. Those with the least promising areas of course will get more favourable conditions.

The conditions under which explorations can be encouraged on the island part of the province are somewhat different than those in Labrador. It is quite obviously more accessible and much more easy to explore and much more easy to work. So, in Labrador a somewhat different system is being developed, with some less stringent demands on mining companies as far as exploration is concerned. It is obviously a lot easier to go into the Buchans Plateau to do some work than it is to

go into Harp Lake. It costs a great deal more to work there. a season is shorter and conditions are a lot more stringent.

We have also brought in now, for the first time in the province, a modified claim-staking system which has never been here before to any great extent. There were various small sections of land which were available for prospectors' licensing but there was never any claim-staking to any degree. There are now crown reserves set aside for claim-staking and this is going to be tried on an exploratory basis. If it proves feasible and workable in the province, then it will be seen more often.

The member for White Bay South is correct in saying that this is an extension of the policy of the Liberal Government and it does not really show the work that has been done on a formulation of a new policy in the Mines Department or Division.

MR. HICKMAN: The honourable Minister of Industrial Development has answered the questions to the satisfaction of the honourable members.

On motion a bill, "An Act To Ratify, Confirm And Adopt An Agreement Made Between The Government And Kennco Explorations (Canada) Limited," read a second time, ordered referred to a Committee of the Whole House, presently, by leave.

Motion second reading of a bill, "An Act To Ratify, Confirm And Adopt On The Part Of The Province An Agreement Made Between The Government Of Canada And The Government Of The Province of Newfoundland And To Provide For Certain Matters Relating Thereto."

MR. DOODY: Mr. Speaker, this bill refers to the agreement between the Government of Newfoundland and the Government of Canada with respect to the Newfoundland and Labrador Development Corporation, although one would never suspect it from the title of the bill. The Newfoundland and Labrador Development Corporation itself, of course, was debated at some length during the estimates, but I can run through some of the details for the sake of the House.

You will note that the objectives of the Development Corporation are to provide industrial intelligence in management advisory services,

project information, loan financing for the establishment, expansion and modernization of their operations. These funds are provided by the Government of Canada, equity financing which was provided by the Government of Newfoundland and related services and assistance. The head office is in Newfoundland. The share capital is divided up so that the province has a majority of the shares.

The Board of Directors is appointed by the province and the Government of Canada with no less than five or more than ten. The Province of Newfoundland should always have one more director than the Government of Canada. The loan capital, as I said, will be provided by the Government of Canada, and that will amount to no more than \$20 million at any given time.

It says here in subsection (4) of section (10) that the loans can be made to any business enterprise to which any loan is deemed advisable but could not obtain adequate financing from any other source.

This clause is a clause that is somewhat restrictive depending upon the interpretation of the directors and it is a clause that the corporation had some difficulty in dealing with. However, I understand that they are pretty well satisfied themselves on this score now and they have had a meeting, their first directors meeting, to formally approve or reject a series of applications, on Friday past. I am very pleased to say that the thing worked out quite well. They indeed manage at long last to get some of their loan applications approved. So I guess that could make them formally and officially in business. I do not know exactly how many they did get through but I know, at long last, they are on the road.

There is a clause there about the interest rates. It says, "No loan with a corporation should carry interest at the rate less than the rate at the time determined by the Minister of Finance of Canada in respect of advances of funds provided by the Department of Finance to crown corporations plus a minimum of one per cent, the equity capital." The ratio of loan is three

to one. The corporation is allowed to lend three dollars for every dollar of equity so that the Government of Newfoundland will have to in many cases provide, out of its \$2 million, sufficient equity to an applicant to bring him up to a level whereby he can take advantage of the loan fund that the Government of Canada has put in there. The danger is that our \$2 million will become exhausted very quickly under the circumstances. We had hoped to get a more favourable ratio established. The Government of Canada feel that it would be far better to try it on this system first and we can review it in a couple of months time and see if it is working this way. If not, they say they would be only too happy to sit down and try to revise the ratio of equity to loans. The limit of any one loan is \$1 million. The thing can be reviewed after six months but it must be reviewed after five years. Reports to the two ministers involved - I do not see any provision in this act for reporting to the House on the operations of the corporation. It may very well be there but I cannot find it. Anyway, Mr. Speaker, that is the sum and substance of the particular bill. I move second reading.

MR. W. ROWE: There is no need, Sir, to delay discussion on this bill at all. As the minister has said, it has been discussed at length both inside and outside the House. It was something which was initiated by the Smallwood Administration and Mr. Nolan was the Minister of Economic Development at that time. He took the bull by the horns. I think where we left off was we were at the eighteenth draft agreement or something.

MR. DOODY: That is right and it went into another fifteen or something. Terribly important things had to be done, like whether it was going to be signed or not.

MR. W. ROWE: That is right. An incredible amount of red tape, trying to get this type of thing done - finally, after I suppose two-and-a-half years from the time the thing was started till the time it is finally functional and operational. So, I do

not think there is any need to go into the principle of the corporation itself too much. There are one or two questions I would like to ask the minister. He may not be able to supply the information now because there has not been any kind of a working track record built up. The industrial intelligence which was mentioned, now it was our intention at the time - I was on the periphery of the thing - I believe it was our intention that the corporation would have either on staff or by some kind of an agreement or arrangement with successful businessmen around the province that these staff members or businessmen, who would more or less do it on a voluntary basis, could give the benefit of this advice to persons going into business for the first time or people who had a good idea, had some equity and perhaps were a little bit dubious as to forms and procedures. They could get some assistance from people who were in the know on that kind of work. Could the minister, when he is summing up, give some ideas as to what kind of industrial intelligence is contemplated by the corporation both in substance and form, namely how they intend to do it from a foremost point of view and from a substantive point of view, what kind of intelligence is envisaged that this corporation will be supplying to industrial development.

The minister has already answered a question which I had meant to ask, namely: Had any loans been made to date? He does not know how many but I think it is important that if there is nothing in this bill - I do not think there is - I think it is important that the minister give an undertaking to the House at this time that any report of the corporation to the minister be in fact tabled in the House in the usual way, within fifteen days after the legislature convenes. This is done by all other crown corporations, I believe, the Power Commission, the Housing Corporation and this type of thing. These types

of corporations are obliged legally to see that their minister tables a copy of their annual report. Of course, it is a very important document, to see how the thing is operating, particularly something which is so potentially volatile as this, it would be nice to have the House exercise some kind of moral authority over the operations of it.

Also, Mr. Speaker, if the minister can, he might give us some indication as to what criteria have now been ironed out by the corporation for the making of loans. He has mentioned that the act and the agreement attached thereto require that apparently other sources of revenue or financing be exhausted before the corporation gets into the picture. Perhaps he might indicate whether the corporation means to take that literally, whether a person has to go through three or four commercial banks, the Industrial Development Corporation, IAC, for example, lending institutions of that type, before he can finally approach with any hope of success the Development Corporation or whether this is going to be treated fairly flexibly by the corporation; give us some idea as to that.

Also, the types of operations which the the Development Corporation is likely to be getting into. Where has the corporation now - if the minister knows - where has it now drawn the line? He talked on the debate during estimates about whether gas stations are going to get loans, whether service industries are going to get loans, what types of industries generally are likely to be able to be acceptable for assistance from this corporation.

Also, Sir, the minister has mentioned that there has to be a three-to-one ratio of equity and loan. In other words, the federal government I would imagine are the stickler on this, that there has to be twenty-five per cent equity in a particular business before the corporation can make the seventy-five per cent loan secured, obviously, by mortgages and whatever securities

there might be. Would the minister indicate to the House whether the corporation or the government directing the corporation on a general broad basis have given them any instructions as to what equity ratio there is going to be. For example, unless there are some pretty good guidelines, I can foresee the province putting up twenty-five per cent of the equity and the Government of Canada putting up seventy-five per cent of the financing, the loan that will be made to the industry, the man who presumably owns and operates it is not on the hook for anything. I do not foresee that this is going to happen. I would assume that the government and the corporation are going to make sure that the person who is looking for assistance has also some capital at risk. Could the minister give us any idea as to any guidelines which might have been laid down? For example, has the corporation suggested to applicants to date that at least one half of the equity required under the act will be supplied by the owner and operator himself? In other words, there might be twelve and a-half per cent equity as a minimum put in by the owner and operator, twelve and a-half by the Government of Newfoundland and seventy-five per cent of the loan capital would be supplied by the corporation from Ottawa funds. Has there been any kind of a ratio set down by the corporation?

I think, Sir, that just about takes care of any questions we have to ask over here. The thing has been gone through fairly thoroughly. There is no need to get into a harangue on philosophical matters as to what should be done or what should not be done. I believe this bill is a reasonable one. The only outstanding questions that there are relate really to how the thing is going to be run and operated. What guidelines have the government set for the corporation? What criteria will the corporation be using for the making and advancing of equity capital and loan capital? That is the type of general and operational information. That is all we would like to know at this stage, Mr. Speaker.

MR. DOODY: To date the criteria or standards that are being used

by the corporation is that those industries that apply for aid or those businesses that apply for aid will be treated each on its own merits. The ratio has not been firmly established as regards the amount of equity that an applicant must have. It is left pretty flexible right now and I think it should be that way for a few months and maybe for a year to see how the thing develops. There are obvious merits to one particular industry in which the government or the corporation might feel it would be happier to put more money at risk than it would in some other operation. I would say that there are three or four sawmills right now in the province that need help, good sawmills that should have good operations and because of lack of working capital and lack of modernization and equipment and lack of management skills they are, for one or all of these reasons, in trouble. It would be a shame to close down an operation such as this which has a potential for employment and for the economic benefit of the province or of a particular region of the province simply because a hard and fast rule has been made by the various governments involved in this. So, for this reason, we have left it flexible.

The three-to-one ratio of equity to capital or equity to loan, which we mentioned earlier, was arrived at after some tremendous bargaining with Ottawa. The Department of Finance up there felt that two-to-one was a tremendous effort and I must say the people in the Department of Regional, Economic Expansion, had to do considerable bucking on our behalf to get a ratio of three-to-one. It comes back to the same old story, if a man has \$20,000 and he is looking for a substantial amount of money or five times that much money to get a business started, a good business, something that appears to be good and has reasonable prospects for success, the government of Newfoundland has to take out of its \$2 million contribution sufficient capital to bring the equity up. It is the same story with many of these DREE arrangements or DREE promises that have been made in the past.

Ottawa makes the grand promises and puts up the big sign but the Government of Newfoundland have to put in the risk capital. If the thing is successful after thirty days, then -

MR. ROBERTS: Inaudible.

MR. DOODY: That is a speech that I prepared for the Reverend Booth Reid to recite in Ottawa. He did it very well. He is going to burn the sign up there, he said. First time he has ever had decent treatment from a government is when he came down to talk to the Tories. He is absolutely amazed that he was out in the dark for so long. He has seen the light, he said, and he is a reformed man.

With regard to the various other sources of financing that might be available for an applicant, once again the corporation, as I understand it, has no intention of forcing him to go to see every finance company on Water Street to try to raise an extra ten or fifteen dollars. On the other hand, they are not in the business of competing with the chartered banks. If it appears that this gentleman is reasonably well financed and can approach a chartered bank and get a loan, then that is where he will be sent. If it appears that the situation which he finds himself in will not make credit or cash readily available for him from the banks, then this corporation is there to fill that void.

The intelligence programme, which is part of the bill, is one that is going to create some problems in so far as finding the necessary management guidance and expertise. That is one of the big missing links in the chain here in the province. I understand from Frank Spencer that they have been doing some recruiting or trying to find as many people as they can who might be interested in spending a little time working on a particular project, retired businessmen who might be willing to give some of their time. This is being tried. I think that what will probably happen is they will have a core of industrial analysts, two or three on staff down there, with a list of people whom

they can call on, and they will also take advantage, hopefully, of this case programme which the Department of Industry, Trade, and Commerce have up there and where they will loan some expert advice or it is suppose to be expert advice to various industries.

Once again this is in the formation stage. It really has not gone far enough to give a report on it. However, I will be only too happy to do so when this thing gets more settled. The resource based industries are getting the preferential treatment as far as examination and evaluation of the applications are concerned. The need for tourist facilities is very obvious and they are picking these things out and studying them very carefully. The applications for people who are interested in expanding their grocery stores or setting up trucking companies and so on are not very high on the list of priorities right now. The Newfoundland and Labrador Development Corporation feel there are more meaningful ways in which they can make a contribution to the economy of the province.

AN HON. MEMBER: What about construction companies?

MR. DOODY: Construction companies are not involved with this, unless somebody can demonstrate to them a definite need in a definite area where there is a gap to be filled. I do not think they are very interested in helping one company compete with another company in a given area. That is not what they were established for.

I think that is about all of the questions that were asked. I mentioned the fact that I felt it would be advisable to table the report in the House. If I am still in that particular portfolio, I shall certainly see that it is done. As I said, I do not see it in the bill here but it should be done. Have I missed something?

MR. U. N. ROWE: Before the minister sits down, Mr. Speaker, could he confirm or deny a report that perhaps the president of the corporation maybe very soon his colleague in the Ministry of Fisheries, as reported by one of the radio stations in the last day or so? In other words, has the minister been slighted again by his

Premier? Because everybody thinks that he should be Minister of Fisheries, Mr. Speaker.

MR. DOODY: Including me.

MR. ROWE, W.N.: Has the minister been slighted by the Premier again?

MR. DOODY: Every day. Every day he slights me.

AN HON. MEMBER: Inaudible.

MR. DOODY: The Minister of Finance and the Minister of Justice and I are having a competition now to see which one of us is more fishy. I really have no idea whether or not the Premier or anybody else is considering the manager or the chief executive officer for the position of Minister of Fisheries. I would suggest that maybe you could ask the Premier.

AN HON. MEMBER: Inaudible..

MR. DOODY: But the Deputy Premier, Sir, maybe he can help you.

Anyway, Mr. Speaker, I think he has earned something over \$50,000 a year.

On motion bill, read a second time, ordered referred to a committee of the Whole House presently, by leave.

MR. SPEAKER: Before we proceed I noticed that the Member of Parliament for St. John's East, Mr. Jim McGrath, is in the gallery at the back. I would like, on behalf of all honourable members, to welcome him here at this time.

Motion, second reading of a bill, "An Act To Amend The Hospitals Act, 1971."

HON. DR. A. T. ROWE: (MINISTER OF HEALTH): Mr. Speaker, this is a legal, brief amendment to this act, which in effect enables individuals who feel that they have actionable cases to take against hospitals or employees of hospitals for damages or injuries caused by negligence, it gives these people extra time in which to bring their specific case to legal action. It just repeals and replaces that particular section of the act. It was brought about by finding after the act had been proclaimed that there were one or two serious cases which

if the act had remained in its present period would have debarred these cases from being taken into the legal question, and for this reason the amendment is legally requested.

MR. BOBERTS: Mr. Speaker, we of course will support the amendment, the principle of limitation of action which the honourable gentleman I guess knows is a legal principle. It is a sound one and it is found throughout the law but it should not be allowed to interfere with justice. There obviously has to be a limit, a time in which a person can institute an action, that limit should be one which is reasonably and sufficiently long to enable a person to act. As I understand from the minister and from reading the bill, there are some cases where people were caught in what amounted to transitional provisions. This is not a change in the substantive law as such, the normal law, as is stated in section (37 a) which is, as I recall it, the original section. The new one is section (b), which is the transitional one, and of course, we support it.

Mr. Speaker, there is only one other question that I would ask of the minister and although it is not strictly relevant. perhaps it is allowed, I wonder when the regulations under the Hospital Act will be proclaimed? I know they are being worked on. After all, the act itself is a substantial piece of legislation. It is the basic operating charter for our hospitals in the province now. It is a good piece of legislation but it will not become truly effective until the regulations are brought in. Perhaps in closing the debate the minister could give us some indication of where the regulations are. Also, could he assure us, I have no doubt this is the case, but could he assure us that the various hospitals throughout the province, the boards and the authorities are being consulted as are representatives of employee groups.

But subject only to those questions, Sir, the bill is a minor one but it can be very major to the people concerned and we think it is a good step, so we will support it.

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

DR. A. T. ROUF: The fact that the regulations have been delayed is due entirely to the fact of the democratic process. We are negotiating and obtaining opinions and advice, following study, from so many organizations involved in health, and this has been the reason for the delay. I would hope that the regulations along with the mental health one will be obtained within the next few months. I would hope that we will clarify them and clean them up by then.

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

On motion bill, read a second time, ordered referred to a Committee of the Whole House presently, by leave.

Motion, second reading of a bill, "An Act To Amend The Farm Development Loan Act."

HON. E. MAYNARD (MINISTER OF AGRICULTURE AND FORESTS): Mr. Speaker, this bill merely amends the original bill to eliminate the wording "while the interest on farm loans has skipped to a minimum of five per cent." This is done basically because sometime in the future although not at the present time we hope to even out the interest charged on various government loans - various loan agencies, different standards of interest and whatnot. At the present time we are doing a study on this. We have no intentions of increasing the interests at the present time, and if and when we did, there would be substantial notice given of it but it does eliminate that provision. That is about all, I move second reading.

MR. P. S. THOMS: Mr. Speaker, I believe the minister's intention of helping the farmers up to now has been a good one. Removing the ceiling on the interest to the farmers to borrow money from the Farm Development Loan Board I believe is a bad one. In the legislation now in existence the maximum interest that can be placed on these loans is five per cent. Mr. Speaker, up until last fall sometime it was three and a-half per cent, which was placed there by the previous Smallwood Administration. At that time the administration did not see fit and did not believe that an interest of five

per cent should be levied on these loans. But shortly after the Tory Administration came into office, they pushed the per cent on the loans to a maximum.

Now, Mr. Speaker, farming in Newfoundland is a new vocation. We have very few farmers in Newfoundland. We have very few real farmers in Newfoundland. If we are going to encourage in the farming industry young men, we must give them some incentive and we must also supply them with money at a very reasonable rate. The previous administration saw fit to place on these loans a three and a-half per cent interest, which was borrowing money at a very reasonable rate. Now by taking off the ceiling from five per cent, it opens up these loans to abuse by any administration or by any loan board or corporation. It means that anyone - if the Minister of Finance feels that it is necessary to push these loans up to nine or nine and a-half or ten per cent, then it shall be done. It can be done very easily. You need not come to this House to look for permission to do so because passing this act gives him that permission.

Mr. Speaker, like I have said, if we are to encourage people to the farming industry, we must supply them with loans at reasonable rates. If this ceiling is taken off, and the only reason for it being taken off is to raise the rates above five per cent, once this legislation goes through I am quite sure the rates will go over five per cent. If such a thing happens, Mr. Speaker, the whole purpose of the Newfoundland Farm Development Loan Board will be lost. There will be no need of it. you can go to the bank, you can go to the industrial bank and you can get loans at eight, nine, ten per cent. So if this ceiling is taken off then we lose the whole purpose of the Newfoundland Farm Development Loan Board.

Mr. Speaker, I ask the minister to withdraw this piece of legislation. It is a bad piece of legislation. It is a knife in the back of any of our present farmers and particularly our small farmers. It will certainly discourage any person from entering the farming industry. The Liberal Opposition, Mr. Speaker, will not support this legislation. It is a bad piece of legislation.

I will close it now, and we will vote against it.

MR. SPOFFORD: Is the House ready for the question?

If the honourable minister speaks now he closes the debate.

MR. MAYNARD: Just a couple of comments, Mr. Speaker, this is the only loan agency that the government have that was ever instituted by government where the rate of interest was specifically limited by the legislation. I see no reason why this piece of legislation should be any different from any others.

The Farm Development Loan Act and the Farm Development Loan Fund is set out to lend money to farmers for development but that money whether we like it or not must be borrowed at high rates of interest. We have other programmes that we have brought into effect for the farmers. I am safe in saying that we brought in more progressive programmes for farmers over the past year than the previous government had ever dreamt about or ever cared to bring in. We will continue to bring in programmes that offer such things as grants, land clearing bonuses and whatnot, the blueberry development programme which my honourable friend is very, very interested in. As far as stymieing of the farmers is concerned, I see no reason why it will. Certainly we have no intention of raising interest rates to the limit whereby farmers cannot borrow. But the limitation is being removed and I therefore move second reading of the bill.

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

On motion bill, read a second time, ordered referred to a Committee of the Whole House presently, by leave.

Motion, second reading of a bill, "An Act Further To Amend The Automobile Insurance Act."

HON. T. A. HICKMAN (MINISTER OF JUSTICE): Mr. Speaker, in rising to move second reading of this bill, I direct to the attention of the honourable House that bill No. 116 is necessiated as a result of bill No. 115, so anything I say in 115 would apply equally to 116.

This will have the effect, if this honourable House sees fit to enact it, to increase the minimum liability and property damage coverage in automobile insurance to \$75,000.

Mr. Speaker, the government have been advised by the insurance industry that whenever limits are increased, and they are from time to time, there is no increase charged until the renewal of the next premium falls due. So if you paid your insurance premium last week -

MR. HON. MEMBER: Could the honourable minister tell us what the increase would be after?

MR. HICKMAN: The increase, Mr. Speaker, will be, this is only on PL and PD insurance, which is the lowest part of the premium, will be twelve per cent, which is only a very few dollars indeed.

Honourable members may be interested to know that by raising the minimum requirements to \$75,000 minimum coverage Newfoundland will now be ahead of any other province of Canada insofar as minimum limits are concerned. At the present time we have minimum limits of \$35,000, Nova Scotia has \$35,000, New Brunswick \$35,000, Prince Edward Island \$35,000, and Quebec \$35,000. British Columbia has \$50,000 minimum limits plus accident benefits, Alberta \$35,000 plus accident benefits. Ontario \$50,000 plus accident benefits, and Manitoba \$50,000 plus accident benefits, and Saskatchewan has a minimum limit of \$50,000. This, Mr. Speaker, will provide additional protection not only for the travelling public of Newfoundland but for Newfoundlanders generally and will ensure that, and I think brings the minimum limits into a realistic amount.

I am advised by the insurance industry that, in most instances, when selling automobile insurance, that they convince without any difficulty their clients to buy a minimum of \$100,000 coverage anyway. The cost is not that high to the public but, in any event, the protection is well worth it. As I say, the next bill, the Amendment To the Highway Traffic Act, to bring judgment recovery in line with the minimum limits the same principle applies, so what I have said about this bill applies equally to the other. The only thing I believe in the second bill, the Highway Traffic Act Amendment, which I might direct honourable members attention to, is in section (5), which

increases a coverage from \$50,000 to \$250,000 or not less than \$250,000. This covers fleet insurance. I move second reading.

MR. W. N. POWE: Very briefly, Mr. Speaker, we have no objection at all in principle to these two bills, 116 and 115. I am glad to hear that judgment recovery is also going to be brought in line with the minimum requirements under the private insurance schemes.

There are two or three things though that I would comment on to the minister, for surveillance really by his department. The Superintendent of Insurance comes under the Department of Provincial Affairs. So the Minister of Provincial Affairs, who is not in his seat, might be well advised to keep a sharp eye on this. One is the matter of premiums. There was a lot of talk in the papers I believe and other commentators when the minister first mentioned raising these minimum limits. There was a lot of comment as to what affect this would have on the cost to the consumer, to the purchaser of insurance policies. There was a general feeling that it would raise the premium to if not a prohibitory high level than a very inhibitory high level. I do not think that should be necessarily so at all. The great cost, the biggest cost in liability insurance is the first few dollars. This is why you have the deductibles. For example, the person who buys an insurance policy can get a much cheaper policy of insurance if he has a higher deductible, and this is clear evidence that the first few hundred dollars, certainly the first few thousand dollars is the most expensive part of insurance as far as claims by the policyholder to the insurance company is concerned. So I do not think that there should be any great increase in premiums as a result of raising it from the present limits to this limit of \$75,000. There should not be.

AN HON. MEMBER: A twelve per cent increase.

MR. POWE, W. N. Well -

MR. RICKMAN: Inaudible.

MR. POWE, W. N. The liability aspect of it is a very cheap insurance. The collision aspect of insurance is the high one, where your car is wiped out, for example, this is where the real cost of insurance

comes. And of course, it is a great cost to the consumer as well because people like to have their own investment protected. But as far as the liability aspect of it, the liability to third party as a result of motor vehicle accidents is concerned, that is a very cheap insurance. There should not be any great increase in premiums. There will be an increase certainly but not one that I think will cause people to go broke or anything like that.

But I would commend to the Minister of Provincial Affairs that his officials keep a sharp watch on what the insurance industry now does in respect of this new proposal, to make sure that they do not take advantage of the situation to raise the premiums more than is warranted by this increase in the minimum. I am sure the insurance companies are responsible and that a great number of them will not try and take advantage of this. Of course, any person can shop around and find an insurance company which is the lowest. There is a certain amount of competition going on but we should make sure that they do not take advantage of this to raise the premium more than is warranted by this proposal. I believe already in Newfoundland the insurance premiums are the highest in Canada, even for public liability. There may be some good reason for this. Perhaps property damage and the number of collisions etc., per capita are higher than in other parts of Canada. Perhaps that is so. There may be a need for a complete investigation into the insurance industry, not that they are doing anything underhanded or anything but to make certain that we here in Newfoundland are not being penalized as we are penalized as we are penalized in other areas of our consumer life and commercial life, high transportation costs and all this sort of thing. We should make sure that any increase in premiums now as a result of this is related directly to this raising of the minimum rather than any insurance companies taking advantage of the situation to raise their premium just to make more money. We often see when a new tax is imposed on some kind of a consumable product that the makers and the producers and the retailers of this product often raised their price as well

to try and blame it on the increase in taxes.

Let us make sure, I am not saying they are going to, but let us make sure that the insurance industry in this province does not take advantage of this situation to do much the same thing. Also the minister has mentioned no fault insurance in this House before, and there is a committee of cabinet I believe which is looking into the whole area of no fault insurance. The time will come undoubtedly when this will be brought into this province and a good thing it will be, I think, because obviously there is - you flip a coin in an automobile accident to see who is at fault, that is what it amounts to. It depends many times on the condition of the judge's stomach, whether he had a good breakfast or not, as to who is found liable. So the whole area needs to be revamped.

The other thing that I would ask the minister to make some comment on is in the area of some kind of compulsory insurance anyway, a scheme whereby everybody who operates a motor vehicle should be obliged to have insurance coverage, public liability insurance for personal and property damage, coverage for that. Right now the judgment recovery takes up most if not all of the slack in that regard. But it seems to me that perhaps a combination of the private insurance industry together with a state-run insurance scheme should make it obligatory for everybody operating a motor vehicle to have insurance. If there is some good reason why a person cannot get insurance, either through the private scheme or through some government scheme, then perhaps that is a good case for not allowing that person to drive anyway. As we talked about in the recent debate, which I will not make great reference to but a recent debate on highway safety, Mr. Speaker, a great number of the accidents in a province, fatal and otherwise, in this province and other provinces of Canada, are caused by many-time repeaters, people who seem to be accident prone, people who seem to cause many more than their fair share of the accidents and the damage and the injuries and the fatalities in Canada. So perhaps all of this thing could be linked in together

as well in some kind of a compulsory insurance scheme.

There may be no great need, perhaps the minister can clarify this, there may be no great need with judgment recovery being in existence but on the other hand, judgment recovery is supported by the taxes of the province.

AN HON. MEMBER: Inaudible.

MR. ROUF, M.M.: Well where does the money come from?

AN HON. MEMBER: The insurance industry.

MR. POPE, M.M.: The insurance industry, and where does their money come from? When I say "taxes" I mean the taxpayers of the province, the consumers of the province have to find the money out of their own pockets really to support people who either do not get insurance or cannot get insurance. I believe the operative word is "cannot" get insurance. Perhaps there is a need for an investigation into the reasons why people cannot get insurance. If it is because they are repeaters, traffic violators, accident rates which are astronomical compared to the average, then perhaps it is a good case for keeping people of that type off the road, keeping lethal weapons like automobiles and vehicles out of their hands. In any event this would have the effect of also lowering the premiums. It would have the effect of lowering certainly the amount of damage, property damage, the amount of pain and suffering caused by injuries and death on our highways. Perhaps this is a case for that kind of an investigation.

That I believe, Mr. Speaker, is about all we have to say on this particular bill. Perhaps the minister might give us the benefit of some of his thoughts on one or two of the matters which I have raised already.

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

MR. FICKIAN: Mr. Speaker, the points taken by the honourable the member for White Bay South are very valid. With respect to the rather high automobile insurance premium paid in this province, I am told there

are many factors governing that, not the least of which, is the high cost of repairs of motor vehicles that are involved in collisions, another obviously has to be the accident rate.

I can only repeat what I said in introducing this bill that the insurance industry has assured me that the increase arising out of the implementation of this bill, the passage of it, will not be very great indeed.

With respect to the cabinet committee of which I am Chairman, that has been appointed to look at no fault insurance. Our terms of reference are sufficiently broad, Mr. Speaker, to also look at the question of compulsory insurance. Now I believe with no fault insurance there is an element of compulsion, as part of the package. It is a new concept. Massachusetts implemented it this year, Ontario is looking at it. I am not sure if any Canadian province has implemented it or not.

AN HON. MEMBER: Inaudible.

MR. HICKMAN: British Columbia has a form of no-fault insurance. But the pure no-fault insurance in its absolute finality and purity I think you will find Massachusetts is the only jurisdiction right now with it. This is what we will be looking at.

With respect to judgment recovery, that as I recall was brought into being by the insurance industry to replace the unsatisfied judgment fund. Now the unsatisfied judgment fund, Mr. Speaker, was a fund paid by the taxpayer, whereas the judgment recovery, I suppose indirectly the monies may come out of the premium payers.

Insofar as the inability of certain motorist to obtain an automobile insurance is concerned, because of past bad driving habits and records, there is the assigned risk programme which is - I am starting to forget all these formulas now - after a number of accidents an insurance company could either cancel the policy or alternatively refuse to renew it because of the

accident record of its insurant. But having done that, they were then obliged to send that person's name to the assigned risk. I have forgotten the name of the association. I think Mr. Gerald Walsh administers it. Then he assigns it to one of the companies and they must take it. Eventually, if he still has another crack-up or two whilst he is under assigned risk, then he will not get insurance and I believe he loses his licence. That is some protection that is afforded under the assigned risk programme. I move second reading.

On motion a bill, "An Act Further To Amend The Automobile Insurance Act;" read a second time, ordered referred to a Committee of the Whole House, presently, by leave.

On motion a bill, "An Act Further To Amend The Highway Traffic Act," read a second time, ordered referred to a Committee of the Whole House, presently, by leave.

Motion second reading of a bill, "An Act Further To Amend The Education (Teacher Training) Act."

HON. G. OTTENHEIMER (Minister of Education): Mr. Speaker, this is a bill to amend the Education (Teacher Training) Act. Its provisions are not, as far as I can see, anything of a controversial nature. It is basically legislation which will tidy up and make a couple of substantive changes but not ones of great policy ~~nor~~ orientation.

Provisions are essentially as follows: The enactment of this will provide that the Board of Examiners will recommend applicants for initial certification only, that the final certification, after a two year period being attested by a principal or a supervisor, will then be done by the Department of Education. This in fact has been the practice for the past few years. This is to clarify it legislatively.

Another provision; whereby in the original act there are provisions for the cancellation of a teacher's certificate in cases proven (I think there are three) drunkenness, incompetence and gross immorality. Now cancellation is not the only remedy, there is also the possibility of suspension and that is the second provision.

The third provision allows for alternative representation on the certification committee. A designation person from the university or the NTA cannot attend.

The other one of consequence is that from the point of view of remuneration, a teacher's certificate, the awarding of a certificate or a new certificate for upgrading or whatever may be from the point of view of remuneration, that will become effective at the first of the month in which that certificate is received rather than previously, until the enactment, there was a period of retroactivity going back three or four months. The reasons for that are no longer really that operative.

These are the main provisions of this bill.

MR ROUE: (F.B.) Mr. Speaker, we will support this particular bill but in hesitation only. We on this side of the House do not think the bill goes far enough in as far as amending the Teachers' Training Act is concerned.

I do not have the revised statutes in front of me but speaking from memory, there appear to be three separate boards or committees that a teacher has to make application through in order to become certified in this particular province.

The first is the board of examiners. There is a board of examiners, I understand, for each one of the denominations in this province, with over 10,000 in population. There are three boards; the Roman Catholic Board of Examiners; the Integrated Board of Examiners and the Pentecostal Board of Examiners.

Now as I understand it, Sir, the board of examiners accepts applications from the previous pupil/teacher and then the board of examiners or one of these boards of examiners would submit a recommendation to the registrar at the Department of Education and presumably, if it be a reasonably routine case, the registrar would recommend that this particular applicant be certified according to a certain grade level. If the case be a little more dicey, if there be some question about the professional or academic qualifications, then the registrar submits a recommendation or submits the application to the Teachers' Certification Committee, which is composed of a representative from the Department of Education, the registrar himself, a representative from the NTA and a representative from the Faculty of Education at Memorial University as well as one each of the executive-secretaries of the Denominational Education Committees.

Now, Sir, the reason why I say that this is not far-reaching enough is that this seems to be an extremely cumbersome, complex and complicated method for certifying teachers in this province. Sir, this is where we get at the whole business of whether teaching is truly a profession or not. In the area of dentistry or medicine or engineering or architecture, these people are certified or given their tickets by a committee of their own professional organization or association. They are admitted to the bar by the Bar Association. They are admitted to practice medicine, according to the Medical Association. In this province the teachers have to make application really through three separate organizations or associations or boards, and this seems to be indeed complex, cumbersome and complicated.

Now, Sir, last year we saw a case where a young lady in St. John's, just graduating from Memorial, decided to test her own case and she refused to state her religious affiliation in order to make application for certification, according to a certain salary grade. She was unable for the longest period of time to get a recommendation from the Board of Examiners to the registrar and thence to the teacher certification committee.

Now, Sir, it is my feeling and I am sure of my colleagues as well, that a teacher's certification should be based only on three things, within reason, and that is academic qualifications, his or her professional qualifications and his or her moral standards. These are the only three general things that I can think of that should be used as criteria for the purpose of certifying teachers in this province.

AN HON. MEMBER: The last one is a dangerous one, is it not?

MR. ROWE (F.B.): Well it is embodied in the act itself what moral standards are all about. I think if there be some questions about the moral standards of an individual, they should be put to the test through the organization

or the association or the board within the Department of Education. The point is, Sir, (I want to make this as strongly as I can) that a person's religious affiliation should have nothing whatsoever to do with whether or not he or she becomes certified as a professional teacher in this province or any other province of Canada. Sir, hiring practices are something else. If a particular school board were concerned about the religious affiliation of a teacher with respect to teaching a course in religion or some of the social studies, I can see to a certain degree the concern that a school board might have in terms of hiring an individual teacher and questioning the religious affiliation of that individual teacher with respect to the actual hiring of the teacher. Then we can get into all sorts of business of discrimination in hiring practices and this would probably cause another kind of controversy.

Sir, getting back to actual certification itself, I think we should remove entirely from the Teacher Training Act this idea of an individual having to state or put in writing his or her religious affiliation before he or she can receive a recommendation from the Board of Examiners to the registrar and thence to the Teacher Certification Committee of the Department of Education. There are two points, Sir: (1) I think the whole process of teacher certification is cumbersome and too complex; and (2) I think that religious affiliation should have nothing whatsoever to do with the certification of a teacher. It should be brought in line with other like professions. If teaching is to be considered a profession similar to and on an equal status with the medical profession, the engineering profession, the legal profession, any other profession, I think they should have the same mechanism of certification.

If, for instance, an obstetrician happens to be - I do not guess anybody minds my using this example. If there is some question about an abortion or something, it seems unlikely that the average

pregnant lady would go to a Roman Catholic obstetrician who has strong religious beliefs about this sort of a thing. The same thing can be true in hiring practices or where an individual teacher wishes to teach or what board wishes to hire that particular teacher based on his or her religious affiliation. When it comes to certification, Sir, I think this government should have taken the bull by the horns this year in amending the Teacher Training Act and they should have included this kind of amendments in this particular bill.

Sir, I would like to get the minister's thoughts on this when he gets up to close the bill because last year during the controversy and having listened to certain comments made by the honourable the Premier, I felt sure at that time that the Premier was going to take the bull by the horns because he indicated at one stage of the game that he was going to set up a special committee to study the denominational educational system. However that became eroded away when the Premier realized what he was getting into. We were not advocating that he set up a committee to look at the whole denominational system of education because we do not have a purely denominational educational system in this province. We have a church/state partnership. It is working reasonably well but there are a few weaknesses and one of the weaknesses is the case where a person goes down and the Board of Examiners or the Chairman of the Board of Examiners says, "What is your religion?" The applicant says, "Well I do not wish to reveal my religious affiliation." I feel that that is a personal matter." There may be all sorts of complicated reasons why a person does not want to publicly put his or her religious affiliation on an application form.

Sir, we have had cases where these applicants to the teaching profession have been told, "Well it really does not matter whether you have strong convictions or not, just put down anything at all just for the purpose of this application." I am sure there are individuals

in this honourable House who are aware of these cases. I do not want to mention people's names involved but people have been told, back when I was graduating from the university and quite recently; "Just put anything down at all for the purpose of getting certified." This seems to be a rather ridiculous thing to be going on in our province in this modern day, Sir. I would like for the minister to comment on it.

We will support the bill but we are extremely disappointed that the minister has not seen fit at this particular stage to bring in further amendments to take care of this ridiculous problem that we appear to have at the present time with respect to teacher certification.

MR. OTTENHEIMER: Mr. Speaker, there are just a couple of points to make. The honourable member for St. Barbe North referred to the cumbersome procedure for certification and certainly it is potentially cumbersome. Actually ninety-nine point, whatever that point might be, point one or point nine, but in ninety-nine point percentage of applications for certification, there, of course, is no cumbersome whatsoever.

The opposition said that they were disappointed that the government have not brought in legislation with respect to certification which would put an end to the requirement that persons indicate their religious affiliation. Allow me to point out: The honourable gentleman has mentioned that we do not have an uniquely church system of education nor do we have a state system, we do have a partnership, Mr. Speaker, in a partnership then the question arises; is there a partnership of things being done unilaterally or does the partnership require that things be done by agreement? We have this partnership. The opposition does not suggest that we abolish this partnership. I suggest that, as a necessary part of that partnership, there is the necessity of doing things by consensus, certainly of making every possible effort to do things by consensus and that unilateral action is not in the spirit of that partnership.

In the opinion of the state part of that partnership, in the opinion of the government, the considerations with respect to certification

(obviously one can make a distinction between certification and employment) or from the point of view of certification, what is important is the person's academic and professional background or professional suitability and the character. These are the matters which are operative, in our point of view, for certification because what certification does is that it attests to the fact that this person is qualified to teach in the schools within the jurisdiction. It is not in itself a teaching assignment. A person then has to look for an employer, a school board in most cases, institutional schools or a few schools directly under the Department of Education, but then one goes to look for an employer. I suppose it is something like a certificate of admission to the bar. A person is then entitled to practice law. It does not mean that he automatically has any clients, the same with a doctor or a number of things. I think there is a fairly good parallel there. A professional certification for a teacher, certainly as it is usually understood, would mean that a person is professionally and in terms of character and academically qualified and then authorized to practice the profession of teaching. He or she then looks for employment. There is no doubt about that. The only point I wish to make is, as the opposition has stated, that we do have a partnership and as I understand from the words of the opposition, they do support that partnership. I would suggest that a necessary part of that partnership is to work toward agreement and consensus and that unilateral action certainly is not in the spirit of the partnership and there is a responsibility to work toward agreement and consensus there. This is a matter upon which during the past few months I have had a few meetings with the other arm of that partnership and no doubt we will be having a few more.

I move second reading.

MR. ROWE (F.B.): Mr. Speaker, there is one thing, with leave of the House, it is true that we support the state-church partnership but I would

like to make it quite clear that we do not support the weaknesses in that particular partnership and there are a number of weaknesses.

MR. OTTENHEIMER: I do not think there is anybody who supports weaknesses, Mr. Speaker. We try to improve the system.

On motion a bill, "An Act Further To Amend The Education (Teacher Training) Act," read a second time, ordered referred to a Committee of the Whole House, presently, by leave.

Motion second reading of a bill, "An Act Further To Amend The Education (Teachers' Pensions) Act.

MR. OTTENHEIMER: Mr. Speaker, this is a bill which will bring a few amendments to the Teachers' Pension Act. There are, of course, a number of areas in which it is hoped that within the near future further improvements can be made from the point of view of teachers' pensions. They are not included here because government are undertaking a review of the entire pension area for people (I will not say in the public service because teachers are not in the public service) who are paid from public funds. In the areas where they correspond, obviously we would hope to get uniformity. That does not mean that they correspond in all areas. This, however, will bring in three quite

This, however, will bring in three quite worthwhile improvements to teachers' pensions and to the provisions for teachers' pensions.

(1) This will establish complete portability between the Public Services Act and the Teachers' Pension Act. Prior to this amendment service could not be transferred if there were a break in service of more than three years. This provides complete portability between the Public Service Act and the Teachers' Pension Act - portability of pensions.

(2) This change also gives teachers under the Education Pension Act, 1927 the same rights and privileges as teachers under the Education Pension Act, 1962 in the matter of deferred pensions, upon the completion of ten years of pensionable service. It establishes an equity there, an equity of treatment.

(3) With the enactment of this bill there will be provision for the counting of service done with the Government of Canada, on a pensionable basis. Previously service with the Government of Canada could not be counted

as pensionable under the Teachers' Pension Act. This will establish a three-way portability, in effect, between the provisions of the Teachers' Pension Act, the Federal Civil Service Act and the Provincial Public Service Act. These are three of a number of provisions which the N.T.A. and indeed others interested in the welfare of teachers have been endeavouring to get implemented.

As I say, I am quite sure that, not in the too distant future, there will be further amendments which will be beneficial as well. These certainly are three which are worthwhile and significant improvements.

MR. ROWE (F.B.): Mr. Speaker, this seems to be a good, sensible and reasonable piece of legislation, Sir. We commend the minister for bringing it in. I think this three-way portability is certainly needed with respect to the Teachers' Pension Act. Once again we would like to give this bill our full support.

On motion a bill, "An Act Further To Amend The Education (Teachers' Pensions) Act," read a second time, ordered referred to a Committee of the Whole House, presently, by leave.

On motion that the House go into Committee of the Whole to consider a resolution: "That it is expedient to bring in a measure to authorize the raising from time to time by way of loan on the credit of the province the sum of \$177 million," Mr. Speaker left the Chair.

MR. CROSBIE: Mr. Speaker, I presume we will adopt our normal procedure and discuss this at the resolution stage. This bill is made necessary, of course, by the changes made in the Financial Administration Act which was debated on second reading yesterday. It is the first loan bill to come before the House since the session of 1966. In the resolution, the amount we are asking the House to authorize the government to borrow during this financial year is an amount of \$177 million. That amount is arrived at in this way.

If one were to look at the estimates of the province, page two, statement A, it gives a summary of the borrowing requirements, the sources of funds for 1973-1974, with comparative figures for 1972-1973. The total amount that the province needs to borrow during the year on these estimates is \$208,515,000. That is made up and represents, on capital account, a net expenditure of \$180,946,400. When you deduct from that the current account surplus we hope to have, it makes a total budgetary requirement, on current and capital account required to be borrowed, \$174,224,300. I am just explaining now how the figure of \$208 million is arrived at. To that then has to be added, \$21,470,000, which is for bonds coming due to be redeemed during this present financial year. In addition we have to borrow \$12,820,700 for sinking fund purposes. That makes the total debt retirement \$34,290,700. When you add that together with the total budgetary requirement of \$174,000 odd, that totals \$208,515,000. Now in arriving at the amount that we are asking the House to approve our borrowing, you have to take the \$208 million (we will forget the smaller figures) and you deduct from that the \$21,470,000, which is money we have to borrow to meet bonds coming due because that is already authorized by the Financial Administration Act, that brings it down to \$187 million, to use round figures here. We already had one debenture issue during this year, in Germany, in April, which amounts to approximately \$35 million Canadian and \$100 million Deutschemarks.

AN HON. MEMBER: (Inaudible).

MR. CROSBIE: We had an issue this month of \$100 million Deutschemarks, six and one-half per cent interest and it was sold at ninety-nine and one-half to yield the investor six point four four nine per cent. The bonds had a term of fifteen years. The cost to the province was six point seven nine four per cent, which is an improvement over our last issue in Germany. The last issue in Germany before that, I think was last October. There was an improvement of point three two three per cent. The last issue in

Germany by the way was at an interest rate of six and three-quarters. This is an interest rate of six and one-half. We have already borrowed, this year, \$100 million Deutschemarks which is approximately \$35 million Canadian. When you deduct that from the \$187 million, it leaves you \$152 million. I am forgetting now the few odd thousands. Is everybody following this? That is \$152 million and we would like the House to authorize, Mr. Speaker, an additional \$25 million, which we may or may not borrow. It would depend on market conditions. In other words, if next February or March it appeared to be the right time to borrow, although the money may not be needed until the next financial year, then we would want to have some flexibility

so we could do that. As you know we are asking the House to authorize us to borrow an additional \$25 million, if it appears to the government that it is desirable to do that because of market conditions or it might appear that interest rates are going to go up in the next few months or there may be a dozen different reasons why this should be done. That is therefore why we asked the House to authorize borrowings totalling \$177 million.

MR. ROBERTS: There is not much needs to be said on this, Mr. Chairman. The minister has given us the figures. I think the only point which I would make is that this again shows the hypocrisy of the position that allegedly the power to borrow has been returned to the House of Assembly. We are now being asked in committee and the House will shortly approve a bill to raise \$152 million to be used in the current financial year, and that is fine. That money is to be spent on the purposes approved in the estimates and as Your Honour will recall we did have a day and a night or so of debate on some portions of the estimates. That is okay, but in addition we are being asked to approve a small cache, a small little margin, a little leeway, equivalent to one-sixth of the total, it is an extra \$25 million travelling money if the Minister of Finance should need to travel, if we should get a good deal.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: No, I do not quarrel. Let me be a little more serious for a second, Sir, I do not quarrel with the request for this at all because I think it is quite reasonable. As the minister has said, it may be next January or February or March the money markets may improve. There is no doubt the province is going to need at least \$25 million on capital account at some time in the future over and beyond the \$152 million we have here. There is no doubt at all, if the money markets are good the Minister of Finance should grab what he can get and if he can get it at favourable rates and upon favourable terms then he should grab it and put it in the bank because certainly

the province needs it spent and it shall be spent.

All I am saying, Sir, is that the House has no control over it. Here we are authorizing the government now, we are giving them a blank cheque to borrow \$25 million for no stated expenditure. There is no purpose for which this money is being borrowed except if we can borrow it we shall. Well, more power to them. Now at some point the House will have to authorize that expenditure. It may be the ministry will have a windfall, they will get the \$25 millions and they will spend it.

AN HON. MEMBER: From Ottawa?

MR. ROBERTS: Well if it is from Ottawa, hopefully it will be a gift as equalization is, a grant, not a loan, as a loan from Ottawa still has to be repaid in some great settling-up day, a million years from now. But the government will have \$25 million and they may go ahead and spend it in which case we will have a supplementary supply bill and it will be ratified retroactively or they may just put it in the bank and hold on to it, in which case it will be ratified in the estimates for next year. But the point is the government that trumpeted so much about returning to the House of Assembly control over legislation then hailed the reinstatement of the Loan Act as being a great step forward, as being a major reform, a major advance, here they are asking now the House to approve the money whose expenditure we have approved, \$152 million, and I could see throwing in a million or two to cover contingencies, but a little travelling money of \$25 million.

Now, Sir, that is more than even the Smallwood Administration, and we were so lambasted for keeping the Stephenville operation going by pumping in \$24 million on short-term credits which were all repaid during the fiscal year, that is more than we put in there, that is more I would venture than any net supplementary Supply bill in the history of this province because, even the year when it was \$46 million, the fiscal year ending March, 1972, even in that year

the supplementary supply bill was I think \$46 million. Even in that year, Sir, that was a gross figure. Half that money had been repaid to the province by the time the bill came in to authorize the original advances that were made in connection with the mill at Stephenville.

So \$25 million, Sir, is a large margin, it is a large amount of leeway. We spoke yesterday of the loopholes in the act. I have not even touched on the loopholes in the temporary borrowings. The temporary borrowings could be in addition to this. So all I am saying, Mr. Chairman, is that the administration came in and trumpeted. You would think that it was the new millennium.

Two, four, six, eight, nine members on the government side are interested enough in this to be present. I think we should have a quorum call, Sir.

MR. CHAIRMAN: Would the clerk count the House, please?

We have a quorum.

MR. ROBERTS: Thank you, Mr. Chairman. I am delighted to know. I think this is important enough that members should be here. I can tell you if we had more than nine on this side, we would have some fun with them on a vote.

MR. DOODY: (Inaudible).

MR. ROBERTS: Then the honourable gentleman from Harbour Main will learn, if he talks to my colleague. But, Mr. Chairman, quite seriously this is a large amount of money. We are being asked to authorize a \$25 million float over and above the expenditure approved by the House and this does make a complete mockery of the administration's statements that they would not borrow money without coming back to the House of Assembly to get approval. They are asking us to approve not just \$152 million that has been approved by the legislature, the net budgetary requirements less what has been borrowed this year, and by the way that was borrowed without prior legislative approval, they are asking us to borrow an extra \$25 million

to authorize this -

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: Yes, yes and they did not bother reporting it either. It was done secretly. There was no public statement until the minister made the statement now, secretly borrowing, German marks. I hope we borrowed them after revaluation and not before.

Well, Mr. Chairman, I am going to object to this. I am going to move, if this is the appropriate time, that the amount authorized by the resolution be reduced by \$20 million. That will give the government a \$5 million cushion and I think that is a pretty handsome cushion. If this government mean what they have been saying, they will not borrow money without previous legislative authorization and they will not ask for \$177 million which is \$25 million more than they have budgeted to spend. I should think a \$5 million cushion is a generous one.

MR. POWE (W.N.): Sure and if they want more let them call the House together.

MR. ROBERTS: Yes, if they want more let them call the House together. We are going to meet again in June, I understand. So we can be called together on short notice at any time. It may take two or three days to get the House together and indeed if worst comes to worst, Sir, the government, if their case were sufficiently strong, could take a chance and could borrow a few dollars or they can make unlimited short-term loans. So, Sir, this bill now in the committee just exposes the hypocrisy, the complete and utter hypocrisy of the position which was advanced. We saw yesterday the bill itself has loopholes that you could drive the highways department machinery through side by side. They may have 3,000 machines but the loophole is big enough to drive them all through simultaneously side by side and the Queen Elizabeth II could go through as well and we could put all those trawlers, the \$40 million worth of trawlers in the throne speech, they could go through the loophole.

So, Mr. Chairman, we object to this and we are going to give the government the chance to be men of their word, to be men of principle. I move that the amount authorized by the resolution be reduced by the nice round sum of \$20 million and that will give the government, Sir, a \$5 million cushion. I think \$5 million should be enough for any administration for coming and going money. If they cannot come and go on \$5 million, Sir, they are not very good at all.

MR. ROWE (W.N.): It is more than supplementary supply.

MR. ROBERTS: Oh, it is more than supplementary supply, yes.

MR. CROSBIE: Mr. Chairman, really the feeling of nausea sweeps over one when one hears such, what can I call it?

AN HON. MEMBER: Twaddle.

MR. CROSBIE: No it is worse than twaddle. It is boddle. It is vicious twaddle. It is hypocrisy run-a-muck.

Mr. Chairman, if the Leader of the Opposition cannot understand what this House did yesterday by voting for the financial administration act on second reading, if he truly cannot understand that, he is unfit to be the leader of a party in this province or any province, if he really cannot understand it. If he does understand it, and I would assume that he does understand it because the man has a modicum of intelligence, as he went through university and did not do too badly, he has his LLA and his BA and BS, and we heard his BS here this morning, we know that he has a modicum of intelligence, so he realizes that this is a complete change from the situation that appertained before yesterday because for the last six years the government did not have to ask this House to authorize it to borrow any amount whatsoever, yet today we have to ask the House to authorize us to borrow, long-term if necessary, \$177 million. Now that is a complete change. For six years the government did not have to ask the consent of the House ahead of time to do this at all. We now have to ask the House for the House's

consent and if the House do not agree they can vote against it or they can vote for the amendment and reduce it by \$20 million.

So it is a complete and utter revolution. The House is now being asked and we have to explain what the money is needed for. For six years the government borrowed and did not have to explain why, did not have to ask the House to approve it, as it never came before the House at all as now it must come before the House. The House must pass a loan bill for us to borrow long-term at all, and yet the honourable gentleman tries to pretend that this is no change and this is hypocrisy and the rest of it. We now have to humble ourselves to ask the House to approve this \$177 million. We have to ask the House whereas before the great imperial triumvirs, of Smallwood, Willie Rowe, and Eddie Roberts, did not have to ask the House at all. They just went out and borrowed what they liked, borrowed where they liked and did not have to ask for consent. Now we have to ask for consent.

AN HON. MEMBER: (Inaudible).

MR. CROSBIE: Yes, because the law was not changed.

AN HON. MEMBER: (Inaudible).

MR. CROSBIE: So what? Where now the law is changed, we were operating under the old law and we have since January 18, 1972, Now we have brought a change in the law and we have to get consent.

Now the additional \$25 million, Mr. Chairman, is not because the province may need an additional \$25 million in cash during this financial year, as the province will not. As I explained when I introduced the bill and as the Leader of the Opposition well knows, he has sufficient experience in this matter to know it, that is not the purpose of this at all. We will not need the additional cash but it may be that before the end of March, 1974, the financial markets will be such, the long-term borrowing market will be such that it would be wise and prudent, in connection with the financial administration of this province, for us to go for a bond issue

although we do not need the cash immediately, although we will not need it perhaps until April or May or June of 1974 because, this is hypothetical, the rates then may be good or because we are advised by our financial advisers that the market is going to go in the other direction, the rates are going to go up or that we are going to have tight money and that therefore it is now desirable to go for a \$25 million bond issue at that particular time.

Therefore the honourable gentleman's amendment that it should be reduced by \$20 million means that that would not be possible at all. You cannot go to the bond market, Mr. Chairman, to borrow \$5 million, and we are not asking for this authorization because we think we will need additional cash during this year. We will not because we will be just as scrupulous this year as last and there will be very little supplementary supply again, as there was last year. The only reason why we ask the House to give us this additional flexibility is, in the financial interest of the province to give some flexibility. Now if the House do not want to do that, if the House want to say, "No, we do not want to consent to your having this flexibility, we want to accept the Leader of the Opposition's amendment and reduce it to \$5 million," the \$5 million would be useless to us, as it gives no flexibility and we are not going to need the cash in any event.

So therefore, I for one will certainly vote against the amendment. The amendment might make some sense if the Leader of the Opposition had moved that we reduce it by \$25 million. That might have had some sense to it. He would then be saying that we do not want you to have any flexibility. We want you to forget market conditions. We just want you to borrow what the estimates indicate as being required. But no, he has taken a silly, specious, political stance, thinking that he can persuade the people of the province, who are not familiar with financial detail, that he is doing something that is very sound. Well, he is not. His amendment is

silly, it is asinine and therefore we ask the House humbly, Mr. Chairman, we beg the House to consent to our borrowing this money this year.

Since 1966 the executive arm of the government has never had to ask the House to do this. We have restored the financial borrowing power to this House. We now ask the members of the House to authorize us to borrow \$177 million if necessary this year. According to the estimates at least \$152 million will be necessary. We want this flexibility and we expect the gentlemen opposite will be statesmenlike in their approach and that they will spurn this feeble amendment of the Leader of the Opposition and vote against it.

MR. ROBERTS: Mr. Chairman, having heard the sackcloth and ashes performance of the humble Minister of Finance, let me say a word or two. The honourable gentleman is a past master at twisting and distorting and when he cannot argue on the merits of the case before him he proceeds to argue on the merits of any other case he can find no matter how irrelevant, how specious, how inexact, how incorrect or how imprecise. That is what we have seen him do here. So let us review the situation.

The administration opposite and he have asked us to be statesmanlike, and I appeal to him to be a statesman and to stand by his word, to be a man of his word. Let us review the facts. The honourable crowd opposite, as my colleague from Bell Island so aptly calls them, time and time again said that when they became the government of the province they would not borrow money without previous authorization of the House of Assembly, without having it approved. Then they dragged in a bill yesterday and put the best face on it they can, because something may have been wrong in the past or something was done with which they do not agree, they drag in a bill and put the best face on it they can and they only debate what went on in the past. They do not debate the bill. The minister tries to pass off the bill by saying, "Oh well, the Leader of the

Opposition is right but, of course, the fact that the price of fish in Bonavista Bay in 1912 was \$1.63 a quintal means that this bill is relevant," and that is exactly what he said yesterday.

He brings in a bill that first of all allows them unlimited temporary borrowings, unlimited, Sir. The Minister of Finance may get a yen for yen and he may go off. What do they have in China? What other currency do they have in China? Maos? Tungs?

MR. ROVE (W.N.): Joeys by now probably.

MR. ROBERTS: Smallwoods. I could see Hosea over here going off. I can see the honourable gentleman from Harbour Main now wearing his Japanese happy coat, his Mao shirt, carrying his packet of savory. I would rather he carried his packet of savory than the sackcloth and ashes which drapes the honourable the Minister of Finance.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: Yes, "Humble John" they are calling him out in the bays these days. He certainly is a touching experience. The honourable gentleman would be well advised to keep his hand on his -

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: But, Sir, we have a government now with unlimited power to borrow on a temporary basis, but it matters not whether one borrows for a day or for a generation, if one borrows one must repay. Then they come in this morning with this bill in committee and say, "Well, we are going to need \$150 million next year and these are the facts." They have approved expenditure of \$152 million, net budgetary requirements on capital account, capital debt, but they are asking authority to borrow a little more than that. They are asking authority to borrow \$177 million. So they are asking authority to borrow \$25 million for we know not what.

MR. EVANS: Burgeo-LaPoile.

MR. ROBERTS: Now if I thought it was going up to Burgeo-LaPoile, I would be all for it, but even the losses on the fish plant will not come to that.

MR. DOODY: They would break even though.

MR. ROBERTS: Well, then they do not need the \$25 million for Burgeo-LaPoile, is what the gentleman from Harbour Main is saying.

MR. DOODY: No, it is not.

MR. ROBERTS: They are asking authority to borrow \$25 million and they can spend that. Once they have it they can spend it, and they are giving no reason for it except a little flexibility. Well, Mr. Chairman, no matter how the Minister of Finance twists and distorts the facts and attempts to explain that which is inexplicable and attempts to defend that which is indefensible and attempts to pretend that what is is not and attempts to pretend further that what is not is, as long as the Minister of Finance attempts to do that, Sir, we shall not have statesmanship from the government side because, Sir, they are asking for a blank cheque of \$25 million which they do not need. The Minister of Finance has again said that he does not intend any supplementary supply beyond a mere million or two.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: Right I was going to come to that point. If by chance the markets should improve drastically or deteriorate drastically, why this House stands on call. We can be together in a day or so, Sir, and if some honourable gentleman is away the House will carry on. We have carried on all session with about one-third of the members here. The House is on call. The Premier is bound to be in Newfoundland from time to time in the next year, changing airplanes. The Minister of Finance will be home when he is not in China or in Germany or in England. I understand he is off to England later this month now for a brief visit. That is a good thing.

MR. CROSBIE: Checking the markets.

MR. ROBERTS: Checking the markets. I can see him down on Lombard Street now, Sir, where they go up to the Bank of England and they set the price of gold at six -

MR. ROWE (W.N.): Petticoat Lane.

MR. ROBERTS: Petticoat Lane, is it? No, he will not be looking for that.

MR. CROSBIE: Having lunch with Eddie?

MR. ROBERTS: Having lunch with Eddie? I have never had lunch with Eddie. I understand in any event it is Philip who is running the show over there and not Eddie. Is the government going to give him his lifetime fishing license, by the way?

Anyway, Mr. Chairman, discussing this vital principle, the principle of public control over the budget, I could go back, Sir, I could go back to King Charles and the ship money, and I will be quite in order, this principle of parliamentary control over the purse, back to the days when the king appeared at the bar, the bar of the House and not any other bar, and took five members away at sword point. I do not intend to do that, Sir, but I do want to set straight the record. The Minister of Finance is misleading the House, inadvertently. I do not think he is fooling any of the more intelligent gentlemen opposite such as the member from Bonavista South or the member from St. John's North or St. John's South or that giant of the financial community the gentleman from Burgeo, that wiz. The Minister of Finance would do better to have lunch with the gentleman from Burgeo than with Mr. De Rothschild in London. He would learn more from the gentleman from Burgeo. He would learn an inestimable amount of incalculable benefit from the gentleman from Burgeo, and I commend that to him. As a matter of fact I would even offer to stand the Minister of Finance the cost of the lunch at Marty's if he wish - and I have no interest in Marty's. I declare now I do not have any interest in Marty's, Sir, no interest at all, no conflict of interest.

MR. CROSBIE: Where is your affidavit.

MR. ROBERTS: It is just down by "Trip-a-cey" on the "A-va-lon" Peninsula, that is where it is.

So anyway, Mr. Chairman, this is a serious amendment. The government time and time again said they would not borrow without prior approval and here they are asking for a \$25 million authorization

for which no reason is given other than flexibility. Well, flexibility is a good thing but this is being very flexible indeed, this is being far more flexible than in my view one needs to be. The House can be called together quickly. (My desk is falling to pieces over here, by the way.)

AN HON. MEMBER: Tory times are hard times.

MR. ROBERTS: Tory times are hard times.

AN HON. MEMBER: That is pollution from the other side.

MR. ROBERTS: Yes, it is pollution from the other side coming over here. The Minister of Finance's speeches have destroyed the glue, they have melted the glue and I may add -

MR. CROSBIE: We will not have that stag party now either.

MR. ROBERTS: Well, I am glad. I have now achieved my purpose this morning. The honourable gentleman is not getting an invitation anyway, but what he can do is walk down the pond some afternoon when it is not too calm, walk down Hogan's Pond -

MR. CROSBIE: I do not want to interrupt the honeymooners.

MR. ROBERTS: I was hoping to get some pointers from the honourable gentleman, some advice. He cannot give me any advice about walking on the pond. He is able to do it but none of us are.

MR. CROSBIE: (Inaudible).

MR. ROBERTS: I am glad he said so. His wife may or may not concur.

AN HON. MEMBER: But she better.

MR. ROBERTS: Now there is a conflict of interest, Mr. Chairman. There is a conflict of interest for you, brazen, bold. Anyway the amendment is a very statesmanlike approach, Sir, and I am shocked to the core of my democratic soul, steeped in the parliamentary tradition as I am. Going back to King Charles and the ship money and Hampden and Pynn and all of these people, Sir, who fought to establish this principle and the Minister of Finance has callously thrown it out the window with hypocrisy and malice aforethought.

I will stand by this amendment, Sir. I shall vote for it. If the government need to borrow more money than they have

authority to spend, Sir, let them call the House together. I happen to think that is a good principle and because it was not done in the past means all the more that it should be done now. The government have brought in a principle and let them stand by it. What they have done now and if this amendment is not accepted by them and I have fears for its fate, if it is not accepted by them what they will have done is brought in a principle on day one and emasculated it on day two. The principle never stood a chance, the principle of returning to the House the right to approve borrowing. We are not being asked to approve borrowing. Sir, we are being asked to approve borrowing plus \$25 million, and that is too much.

So I move the amendment in all seriousness. I think it is wrong. The minister has given no reason whatsoever for it. If the market conditions start to improve, this House can be brought together very quickly and can be asked to ratify or not to ratify or approve or not to approve a decision to borrow money. So I put the amendment forward and I commend it to all honourable gentleman. I think they should consult with their consciences and decide whether or not the government are going to be allowed to get away with this blatant hypocrisy.

MR. CHAIRMAN: It is moved by the honourable Leader of the Opposition that the resolution be reduced by the sum of \$20 million.

On motion, amendment defeated. (On division).

On motion, resolution carried. (On division).

A bill, "An Act To Authorize The Raising Of Money By Way Of Loan By The Province."

On motion that the committee rise, report having passed the resolution and recommend that a bill be introduced to give effect to the same, Mr. Speaker returned to the Chair.

MR. STAGG: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed the resolution concerning the authorization of the raising by way of loan of the sum of \$177 million and recommend that a bill be introduced to give effect to the same and ask leave to sit again.

On motion, report received and adopted

On motion, resolution read a first and second time.

On motion, a bill, "An Act To Authorize The Raising Of Money By Way Of Loan By The Province," read a first time.

On motion bill read a second time, ordered referred to a committee of the whole House, presently, by leave.

Motion, second reading of a bill, "An Act Further To Amend The Summary Jurisdiction Act."

MR. HICKMAN: Mr. Speaker, this bill, by virtue of clause 2(a), increases the jurisdiction in civil matters of the magistrates court from \$200.00, where it had been I suspect before the turn of the century, to \$500.00. The other amendment contained in clause 2(b) is simply to correct a typing error in the revised statutes where they had used the word "a thousand" instead of "one hundred." The main principle of the bill is to increase the jurisdiction in civil matters in magistrates court to \$500.00. This will not, I hope, impose any great additional burden on the magistrates throughout the province but there is an indication that this should be done to accommodate people living throughout the province and avoiding the time and cost of having to go into the district courts or the supreme court for matters over \$200.00.

I move second reading.

MR. ROWE('N.): We are all in favour of that, Mr. Speaker. If there is a fault in the bill, I would submit that it does not go far enough.

I think that we can have sufficient confidence in our magistrates to give them even further jurisdiction in this regard particularly when you think that a lot of persons, for motor vehicles accidents, for example, have to travel a long way to district court or to a supreme court in order to have their cases heard, at great expense and inconvenience to them. I do not know but perhaps some of the honourable learned members who have had experience in the field might have a word to say on it. I do not see any objection to increasing it to \$1,000, for example, which would take care of a great number of cases which would presently exist. \$500 to me does not really do much more than \$200 would. I mean what kind of a case do you have? I suppose debts of certain types and this sort of thing but even in the case of a debt, if a person borrows money, for example, to buy some piece of machinery and there is an action instituted against him for the repayment of that debt, I would submit that very few debts are below \$500.00 in that case, if you buy a ski-doo or a car or something like that. The only type of debt that would probably come under that would be some sort of a grocery bill or something like that perhaps.

In respect of things like automobile accidents and debts that I have already talked about, that type of civil action, I do not see any reason why a magistrate should not have higher jurisdiction. It would certainly be less inconvenience to the persons of the province who presently have to travel great distances. Somebody in my own constituency, for example, who would live in say Jacksons Arm, would have to travel to Corner Brook, I would imagine, in order to have a case heard if it is \$750.00, at the present time, an automobile accident, for example. This is just too much of an imposition on the people.

Persons in a rural area like White Bay South and other districts like that, Mr. Sneaker, often rest on their rights because the obstacles to pursuing their legal remedies are just too great for them, particularly when you consider that a great number of them

are not particularly sophisticated when it comes to pursuing their legal remedies. The greater psychological obstacles that they have to pursuing their legal remedies, their birthright it might be described as, the greater number of psychological obstacles there are, the greater number of occasions there will be when people will not pursue their remedies.

I think that if we have enough faith in our judicial system, our magistrates, the high competence which they have to look after cases of this nature, I think we should go whole hog. I am not saying that - I suppose there has to be some kind of a limit as there has to be in district courts, more for convenience than anything else, because I do not think that anyone would say that a district court judge is less competent to handle a matter involving more money than a supreme court judge. I would not say that is so at all. I suppose for the sake of administrative convenience and a division of judges, judicial divisions into separate courts and all this sort of thing, there are certain financial monetary levels set. But in the case of our lower court, the lowest court we have in the province, the magistracy, lowest in terms of their jurisdiction and not in terms of their competency - I think perhaps we should set the maximum level that they can deal with at a sufficiently high figure so that the people of this province are not put to an inconvenience when they are trying to pursue their legal remedies, and perhaps \$1,000 would be a fair and reasonable amount of money.

If there be some reason why this cannot be done, the minister might indicate to us. If there be a good reason why it cannot be done, I have no hesitation in voting for the principle of this bill both now and in committee stage. But if there is no reason, if this is just an arbitrary figure arrived at by someone in the minister's department, "Well it has been \$200.00 for 5,000 years, let us make it \$500.00 now for the next few years and later on we will make it

maybe \$1,000." If that is the only reason, then I would submit, Sir, that perhaps \$1,000 might be the figure. The only reason I can think of is that the magistrates would have an intolerable burden imposed on them, that there would be too many cases coming their way and they would not be able to deal with it. Well, if that be the case, Mr. Speaker, I can only recommend to the minister that if figures and statistics indicate that, well then we should have more magistrates. I think we are having enough young lawyers coming in now who will be interested in going on that bench. I think we have enough persons who are competent to handle that job that we can put more magistrates in the field if need be. I am not convinced that the need does exist at the moment but if need be, then I think that when you weigh the convenience of the persons seeking legal remedies against the number of magistrates and the cost involved there, then I think the convenience of our people should take precedence.

Therefore, Sir, I would recommend to the minister that perhaps one of his colleagues might see fit to make an amendment to the bill. I do not think we can increase the amount here by moving a motion but if the government do not want to do it, I am not about to make a cause célèbre out of it. I am just making a recommendation to the minister for the consideration of himself and his colleagues.

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

MR. HICKMAN: Mr. Speaker, the points made by the honourable member for White Bay South are very valid. What we did in connection with this bill, this was done in consultation with the Newfoundland Magistrates' Association and their view was that this would go a long ways in taking care of most of the cases that would come before them. Their view was and I share that view, that we should this year increase it to \$500.00 and see at the end of the year what additional workload has been created, if any, what inconveniences

are still left, if any, to prospective litigants. If next year they come back and say, "Our experience indicates to us that it can be increased to \$750.00 or \$1,000," we will do it.

On motion, a bill, "An Act Further To Amend The Summary Jurisdiction Act," read a second time, ordered referred to a committee of the whole House presently, by leave.

MR. MARSHALL: Mr. Speaker, in view of the fact that the committee on the address in reply have to go to His Honour the Lieutenant Governor and that indispensable piece of machinery, the Mace also has to go and we cannot hold the House apparently while the Mace is absent, I would move that the House now adjourn until three o'clock this afternoon.

On motion that the House now recess until 3:00 P.M. this afternoon, Mr. Speaker left the Chair.

The House resumed at 3:00 p.m.

Mr. Speaker in the Chair.

MR. SPEAKER: Order!

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

COMMITTEE OF THE WHOLE

Bill No.81: A Bill, "An Act Further To Amend The Memorial University (Pensions) Act."

On motion clauses (1) to (3), carried.

HON. T.A.HICKMAN (MINISTER OF JUSTICE): Mr. Chairman, clause (4) "c" should be amended by commencing the sentence with; Subject to paragraph (a),

On motion, clause (4) as amended, carried.

MR. HICKMAN: Clause 5, Mr. Chairman, should be amended by making 5 (1), one, in the beginning of the clause, and subparagraph (2) shall read; subsection (1) of this section (5) shall be deemed to have come into force on the first day of April, 1973. On the marginal note there will be the notation; date coming into force of subsection (1).

On motion, clause (5) as amended, carried.

MR. HICKMAN: Clause (6), the second line should be subsections instead of section and after the figure 10 there should be; "and 11" and then at the bottom the following clause should be added as 11. "Nothing contained in subsection 10 shall be deemed to prevent a separate agreement or separate agreements being entered into under this section with respect to teachers or any class or classes of teachers rather than including such teachers or class or classes of teachers in any general agreement respecting employees of the Government of Newfoundland.

On motion, clause (6) as amended, carried.

Motion, that the Committee report having passed the bill with amendments, carried.

Bill No. 93: A Bill, "An Act To Repeal The Department Of Labrador

Affairs Act."

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

Bill No. 97: A Bill, "An Act To Ratify, Confirm And Adopt An Indenture Entered Into Between The Government, Newfoundland Steel (1968) Company Limited And Lundrigans Limited With Respect To The Termination Of The Agreement Forming The Schedule To The Government-Newfoundland Steel (1968) Company Limited-Lundrigans Limited (Agreement) Act, 1969, And To Make Statutory Provision Respecting Matters Connected Therewith."

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

Bill No. 96: A Bill, "An Act Further To Amend The Health And Public Welfare Act."

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

Bill No. 98: A Bill, "An Act To Amend The Dog Act, 1966."

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

Bill No. 101: A Bill, "An Act To Amend The Mental Health Act, 1971."

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

Bill No. 70: A Bill, "An Act Respecting A Public Service Commission For The Province."

MR. HICKMAN: Clause (2). Mr. Chairman, there is an amendment to (C3) and (2). After the Auditor General strike out the word "and" and there will be a new (3) "the clerk of the Executive Council, and then number (3) becomes (4). There is another in the same clause. Instead of and in the last line it should be but. Seasonal employee means an employee whose services are of a seasonal and recurring nature.

On motion, clause (2) as amended, carried.

MR. HICKMAN: Clause (5)b, I would move there be added thereto the words; "and Deputy Auditor General;" and subparagraph (m) "Medical doctors including bachelors, licentiates of medicine legally entitled

to practice under the terms of the Medical Act in the Province of Newfoundland, dentists including doctors of dentistry, bachelor or licentiate of dentistry legally entitled to practice dentistry in Newfoundland. Then the other clauses would become - (m) would become (n) down to where you have (q).

On motion, clause (5), as amended, carried.

MR. HICKMAN: Clause (7)2, Mr. Chairman, after the word "him" the following words shall be added; "which shall not be inconsistent with this act."

On motion, clause (7) as amended, carried.

MR. HICKMAN: (8)2, Mr. Chairman, the last two lines after the word 'commission' I move that the following words be deleted; "but no person shall by reason of only such designation be eligible to be classed as an established civil servant."

On motion clause (8) as amended, carried.

MR. HICKMAN: I move that in the first line of (10), the words "its own" be deleted and substituted therefore 'subject to the approval of the Lieutenant Governor-in-Council,"

On motion, clause (10) as amended, carried.

MR. HICKMAN: Clause (12), Mr. Chairman, in the third line I move the deletion of the word "posts" and substitute the word "positions."

On motion, clause (12) as amended, carried.

MR. HICKMAN: Clause (13), Mr. Chairman, I move in the first line the deletion of the word "posts" and put in "positions."

On motion, clause (13) as amended, carried.

MR. HICKMAN: Mr. Chairman, in clause (14)1, the third line, the following words be deleted "at the request of the chief executive officer concerned." In subclause (2) of (14) there be inserted after the word writing - Mr. Chairman, if we delete the words "subject to the regulation" the clause would then start "The commission may, in writing and subject to such regulations as the Lieutenant Governor may make and delegate to a chief executive officer." And again, the word "posts" should be deleted and the word "positions" substituted therefore, clause

(3), 'all delegations shall be subject to quarterly review by the commission.' I move that the word 'periodic' be stricken out and 'quarterly by the commission' be inserted there.

On motion, clause (14) as amended, carried.

MR. HICKMAN: (16)f, after the word 'distribute' I move the insertion of the words "to every employee of the public service."

On motion, clause (16) as amended, carried.

MR. HICKMAN: Clause (19)b, in the third line, I move the deletion of the word "posts" in both instances and the substitution of the word "positions" and in (e) there will be added "whether of the foregoing kind or not."

On motion, clause (19) as amended, carried.

MR. HICKMAN: On the fourth line after the words "commission of any chief executive office" there in 20 subclause (1), and then added to clause (2) "and if such person is employed in the public service he is then liable to suspension or dismissal."

On motion, clause (20) as amended, carried.

MR. HICKMAN: In (22) I move the deletion of the words commencing at the end of line two; "or any other Act of the Province" and then again on line four, "or any other Act of the Province."

On motion, clause (22) as amended, carried.

Motion, that the Committee report having passed the bill with amendments, carried.

Bill No. 107: A Bill, "An Act To Provide For The Control Of Alcoholic Liquor."

MR. MARSHALL: Mr. Chairman, I move that we move sections (1) to (9).

On motion, sections (1) to (9) with leave, carried.

On motion, clause (10) as amended, carried.

On motion, clauses (11) to (52) with leave, carried.

MR. MARSHALL: In (53), Mr. Chairman, I move that paragraph (a) be deleted and replaced by a new paragraph (a) in clause (53) to read; "The licensee persistently fails to comply with this act, the regulations, the liquor corporation Act 1973 any regulations made

thereunder any valid order made under any such act or regulation or any valid condition prescribed in or in respect of his licences."

On motion, clause (53), as amended, carried.

On motion, clauses (55) to (70), with leave, carried.

On motion, clause (71), carried.

On motion, clauses (74) to (87), with leave, carried.

On motion, clauses (88) to (87), with leave, carried.

MR. MARSHALL: In 98, Mr. Chairman, there are a few changes. The word "of" replaces the word (to) in the third line, the words "such vehicle" replace the word "it" in the third-last line and the word "it" replaces the words "such vehicle" in the second-last line.

On motion, clause (98) as amended, carried.

On motion, clauses (99) to (127), with leave, carried.

MR. MARSHALL: In 128 there is an amendment here after the final word "not" we add the words "and every such violation relating to a separate transaction constitutes a separate offence."

MR. CHAIRMAN: Shall clause (128) carry?

MR. MARSHALL: Perhaps we could say: "Every person who violates any provision of this act or the regulation is guilty of an offence whether so declared or not and every such violation relating to a separate transaction constitutes a separate offence."

MR. ROBERTS: In other words, if a person were to sell beer to a minor, every glass of beer he sold would be a separate offence or would it be every minor, for argument's sake, would be a separate offence?

MR. MARSHALL: Every violation I would say.

MR. ROBERTS: But is a violation selling one beer or is the violation selling beer to a minor?

MR. MARSHALL: The violation is selling beer to a minor.

MR. ROBERTS: So, each minor would be one violation.

MR. MARSHALL: In other words, if he had a bunch of -

MR. ROBERTS: If he had twelve little boys in.

MR. MARSHALL: Twelve offences. Not twelve bottles, twelve offences.

MR. ROBERTS: It could be one hundred bottles but only one offence.

On motion, clause (128), as amended, carried.

On motion, clauses (129) to (134), with leave, carried.

Motion, that the Committee report having passed the bill with amendments, carried.

Bill No. 106: A Bill, "An Act To Provide For The Establishment Of The Newfoundland Liquor Corporation."

On motion, clauses (1) to (43), with leave, carried.

MR. MARSHALL: Clause (44), Mr. Chairman, subparagraph (a) of paragraph (3) of clause (44) the word "and" should be inserted after "motor carrier."

On motion, clause (44) as amended, carried.

On motion Clauses 45 to 52 (inclusive), with leave, carried.

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

A bill, "An Act Respecting Conflict of Interest In Matters Of Public Concern."

On motion Clauses 1 through 3 carried.

MR. ROBERTS: Mr. Chairman, there are a number of amendments to Clause 4. I understand informally that the government are prepared to accept some of them. I do not know if these are some of the ones or not, but I do not know how one wants to go at it. I can move the amendments seriatim or I can move one and I could dispose of it, however long that may take. Which would Your Honour prefer? One at a time?

MR. CHAIRMAN: One at a time.

MR. ROBERTS: Well then the first one, Your Honour, is 4(1.b), to add after the words "disclosure statement" which we found in the second line of the full body of the text there, the words "verified by affidavit," or as the gentleman for St. John's West thinks is "affidaviae" Sir, I move that amendment. I have supplied the clerks with copies and the gentlemen opposite have copies as well.

MR. CROSBIE: Mr. Chairman, in connection with this amendment we cannot support the amendment because it is unnecessary in view of Section (10) of the bill, Clause (d). Section (10) deals with regulations that have to be made for the effect of carrying out of the act and Sub-Section (d) states when the regulation may be made requiring all or any of the information to be contained in any disclosure statement to be verified by affidavit. The regulations will require it to be verified by affidavit. So if we made the change in Section (4) as suggested, we would have to take out "the" and it would cause a lot of trouble. We will require it to be done by affidavit.

MR. ROBERTS: Mr. Chairman, I reject the minister's reasoning as being completely specious. I regret the government's decision,

10 (b) says, "The government may make regulations." My amendment to the amendment before the committee, Sir, would require that the government shall make regulations or indeed it would take it out of the ambit of regulations entirely. It would be a matter mandated by this House. If however it is not to be accepted by the government, then it will fail I fear, but I am relieved to know that there will be requirements that affidavits be taken, even though I regret that apparently there the requirement that it be made mandatory by the House is not to carry.

On motion amendment declared lost.

MR. ROBERTS: Well, Sir, the next amendment is on Sub-clause (3) to add to Sub-Section (3) a new sub sub-section to be known as (c).

MR. CROSBIE: On this suggested amendment, we are willing to accept this amendment. The wording is slightly different. It is being drafted by Austin Parsons. So just to make sure it is uniform, I will just read the wording. He suggests (c) "Any loan made by the member -

MR. ROBERTS: On any loan made by the member?

MR. CROSBIE: Yes, any loan, instead of a loan. "Any loan made by the member or public employee to any such company, firm or body and any other indebtedness no matter how secured of such a company, firm or body ..." That is the only change, "any" instead of "a".

MR. ROBERTS: Well Mr. Austin Parsons knows infinitely more about drafting than I do and if it is in order, I would move that the motion be added that the honourable gentleman made "that any loan made by the member or any public employee and so forth."

On motion amendment carried.

MR. ROBERTS: Mr. Chairman. the next one is in Sub-section (9) to make two changes: First of all I think it is in sub-sub section (b), to strike the words beginning with "the" and down to "of." Take

out the words "the common or preferred shares of." So the section would read in the concluding words "or otherwise howsoever in a corporation." There is a further amendment down in the paragraph below that, the first proviso clause, to change the phrase \$5,000 and then the numerals repeated to \$1,000 and the numerals repeated.

MR. CROSBIE: Mr. Chairman, I am afraid we cannot accept this amendment for these reasons, that the act already requires anyone has an interest which might be in conflict with his public duty to disclose that interest. We therefore feel that it is sufficient, that is a clause that specifically requires a member or a civil servant if he has common or preferred shares in the corporation he must list them or if he has any interest in land. Otherwise he has to list any interest he has that might be in the conflict of interest situation. We cannot accept the amendment. This is not to say that perhaps it should not be considered again after the act has been in operation for a year or two, if it appears that this is any kind of a loophole. After we have had returns filed under the act for the first time, we can certainly look at it again. But at the present time we do not feel that it should be accepted.

On the second amendment to the clause, we feel that the exception should remain at \$5,000 because if it is only \$1,000 it is not going to serve any purpose. Anyone who is speculating in the stock market or who plays around in the stock market certainly invests more than \$1,000 and unless the exemption is at least \$5,000 it will serve no purpose at all, and such a member or a civil servant will constantly have to be filing new statements and since an interest of \$5,000 to the public corporation is a very minor matter, we feel that it should stand as it is.

MR. ROBERTS: Mr. Chairman, again I cannot accept the honourable gentleman's explanation. The government's position is the government's position. I do think these are loopholes and all I can say again is we will have to wait and see. I find it interesting that Professor St. Clair in his report did recommend the \$1,000 figure

Needless to say, when I drafted the amendment I had not seen Professor St. Clair's report, but apparently he came to the same conclusion as my colleagues and I came to. Anyway, we shall vote for the amendment. The government side I presume will vote against it and we will see what happens in the results.

On motion amendment carried.

MR. ROBERTS: Mr. Chairman, the next amendment would be to add some words to Sub-section (10) to take out the period following the word "of," and to add the words "and the disclosure statement shall also disclose the consideration received in return for disposition of the interest or part of an interest." The reason for this, Sir, I think is self-obvious that the disclosure statement is to reveal if a member is in a position to get a benefit, member is defined in the act, or public employee. One way in which a benefit could be conferred obviously is in the disposition of an interest either for much more than it is worth or alternately under certain circumstances conceivably for less than it is worth. But the point is, this is the way in which a benefit could accrue in a potential conflict situation.

MR. CROSBIE: Mr. Chairman, our position on that is, this clause is irrelevant to the purpose of this act which is disclosure of any interest that a person might have and afterwards no participation in a decision that affects that interest. If a member or a civil servant or whoever it is has an interest, in land or whatever it is, which he sells, then the price at which he sells it we consider it to be irrelevant to the purpose of this act. He has to disclose to whom he sold it, if he knows that, but it would serve no purpose to have him disclose at what price he sold it. It is just not in cognizance with the whole direction and tenor of the act, so we cannot support it.

MR. ROBERTS: Well, Mr. Chairman. I think the gentleman is wrong, the Minister of Finance is wrong in his reasoning. As my colleague has just reminded me, if it is land it would normally be registered; it does not have to be. There is no requirement of which I am aware that a conveyance must be registered, it is merely registration, of course,

as notice against third parties.

AN HON. MEMBER: But normally it is.

MR. ROBERTS: Put normally it is, but conveyances are not registered and if there were anything to be hidden it could not be, I should think, unusual for a conveyance in those circumstances not to be registered.

In any event I do think the minister is wrong because one way in which a member, as defined, or a public employee could acquire a benefit, and the whole purpose of disclosure, Sir, is to sound the warning note, run up the red flag in potential conflict situations. There are some provisions in the bill which attempt and purport to deal with what happens when there is a potential conflict or an actual conflict. I am talking here of running up the red flag and I should think if it is relevant to know to whom an interest is sold and the act as drafted by the government requires that, it is equally relevant to know for how much it is being sold because that could be a very significant fact, if a piece of land were to be sold say by a member of the government for \$50,000 and would be sold to somebody for \$150,000, then there would be a very real question as to why the party making that contract, the buyer of that land had conferred that benefit on the minister or the member or the gentleman, the public employee concerned.

Any way I put the amendment forth, I regret the government will not accept it.

MR. CROSBIE: Mr. Chairman, the answer to that argument which is specious is this, that if a member, we will take land as an example, reports that he owns land in a certain area, if his next year's renewal statement shows that he has disposed of the land to the Governemnt of Newfoundland, that is on the public record. Anybody who wants then to ask what price did he get for it, he will ask that question to the government and the government will have to answer the question. It will be a very rare occasion when any member or civil servant sells anything to the government. It would be quite unnecessary to provide that any time he sells an interest, no matter what that interest is, that he should have to disclose the purchase

price. If he owns shares in the company and he sells them to John Jones, why should he be required to disclose that he sold them to John Jones for "X" dollars. It is quite irrelevant to the purpose of this legislation. But if the filing of a disclosure statement reveals a sale to the government or anything of that nature, then it would be a legitimate question that anyone can ask about.

MR. W. N. POWE: Before it carries, Mr. Chairman, I think that perhaps the honourable the Minister of Finance has missed the point that my honourable colleague has made. I think the situation we are trying to guard against by this amendment is where, for example, a member of the government or a high ranking civil servant or a member of the House if that member were to sell a piece of land or other property to a third party, not the government, and if he were to get for that a price which is highly inflated or greater than what the normal market value of that land or property might ordinarily be, this would then indicate to the government and to members of the public that perhaps there is something amiss there somewhere. There is more than one way to skin a cat. There are many ways that impropriety can be committed when you are in the public service or in the government as a public official. Heaven forbid that anyone in the government or this House or a high ranking civil servant ever take a bribe from a third party for services rendered or a favour bestowed upon him. If that should happen, and there are more ways of doing that than merely money going into a drawer or something being delivered in the dead of night. There are other ways of doing it. A house and land can be sold and instead of being sold for \$40,000 it can be sold for \$80,000 or \$70,000. Certainly this seems to me to be something which is certainly not against the interest to disclose in this statement. I suppose the minister could go further and say; "Well, a consideration shown on the deed which might be registered or the disclosure statement might be one thing and the actual consideration might be a higher figure." I mean that can always be done as well.

But the thing is if we are going to do this job properly we should tighten it up as much as possible. We should bring home to

persons who might be put into a position of temptation that this bill does mean business. That we are trying to close loopholes. That this would be something which will be frowned on legally, very greatly frowned on, there would be punitive action taken if it were discovered. I think this is what the Leader of the Opposition is getting at. It is not a matter of selling land or property to the government that worries us because that can be looked after by a simple question in the House. It is the sale by a government official or politician or a minister of land, property, to a third party for an inflated price or more than the property or land is obviously worth, which would then raise suspicions and would raise hackles as to why this in fact should have been done. "Is it a bribe? Is it payment for some service rendered by that official in his official capacity?" That is the only thing that we are trying to guard against.

On motion amendment declared lost.

MR. W. N. ROWE: Shame, resign!

MR. ROBERTS: That is it for Clause (4).

On motion Clause (4) as amended carried.

MR. ROBERTS: Your Honour, I propose to move a new clause 4(A) and new clause 4 (B), if it is the moment to strike, if that is the correct phrase? I notice Your Honour is quivering in anticipation. I move, Sir a new Clause 4(A), this would be a total disclosure clause, and notwithstanding the fact the government intend, I gather, to reject this, I propose to move it. "Notwithstanding anything in this act each disclosure statement filed with the Auditor General by a member, and member is, of course, as defined, shall specify all assets owned by the member, his spouse or any of his minor children whether held directly or indirectly or through any person, company, firm or body or otherwise howsoever. It should also indicate the liabilities and debts of the member."

We debated this last night at second reading. The government have indicated that they will not accept it. Unless they propose to debate it, I am prepared to put it to a vote and we will take our

chances.

MR. CROSBIE: Mr. Chairman, our position is that this is in conflict with the principle of this bill which requires disclosure of the interests that are mentioned in the bill and any that might be in conflict. It is not our policy to require members of public employees to have to disclose all of their assets and liabilities. We consider that to be entirely too severe a departure and unnecessary.

On motion amendment declared lost.

MR. ROBERTS: Mr. Chairman, the majority do have their way, I guess. I shall move then a new section which will be known as Section 4(A). The other Section 4 (A) is dead on the committee floor. This will read as follows, Sir, Sub-section 1 -"The minister shall cause to be prepared"(the minister of course being the Minister of Finance) "The minister shall cause to be prepared on or before the 31st day of March in each calendar year a statement showing all contractual arrangements of any nature which have been entered into by any agency or by the government of the province directly or indirectly on the one hand and on the other hand any company, firm or body in respect of which any member has declared an interest in his disclosure statement. (2) The statement shall be laid before the House of Assembly within fifteen days, if it is in session, and if it is not in session then within fifteen days of the next resuming session thereafter. (3) The minister's report shall indicate the amount of the contract. Whether such contract was awarded following a call for public tenders: Whether such contract was awarded to the lowest bidder, if not, why not? And without limiting the generality of the foregoing, shall contain any and all such information as may be necessary to enable it to be determined whether there has been any conflict of interest as defined in Section 9(A)." This I shall shortly move.

I think this speaks for itself, Sir, let me say I am not terribly impressed with the elegance of the words I have found. This is one where a legal draftsman of ability and skill could do considerably better than I have been able to do. But I think

the purpose of it is clear, Sir, if the act has any purpose at all it is surely to set down the relations which are permissible between a member's private interest and a member's public interest. What I am suggesting here is that the government table this information each year. We hear a great deal about disclosure from this government, about the need for full, frank and open reporting. That is a good thing. If it had not gone on in the past, then it is all the more reason why it should go on in the future. So I put forth the amendment.

I may say that even if the amendment be not accepted, and I sincerely hope it will be, there will be, Sir, as long as I am in the opposition, a question placed on the order paper in respect of each member. I shall inspect each member of the House disclosure statement, Sir, and there will be a question placed on the order paper asking the minister for this information. I think it is a relevant and a pertinent question. If a member has an interest in a company, I wish there were a way for minor interests, five per cent or that sort of thing or contracts of less than \$1,000 or some such limitation there. But as long as a member of this House, in my view, Sir, has an interest in a company or a firm or a body I think it should be public what dealings there have been between that company and the government by way of contract or other arrangement and other information should be public such as public tenders and so have you.

So I hope the government will accept this. If they do not, as I say, I shall endeavour to have placed on the order paper questions each year, because the information should become public.

MR. CROSBIE: Mr. Chairman, this amendment either shows that the honourable Leader of the Opposition does not understand the intention of this act and how it is to work or perhaps he understands it and he is wanting to get some publicity with this suggested amendment.

He is right on there when he says that the opposition should ask a question each year about this. It is a perfectly reasonable and logical question to table each year, if he wish. But the

whole purpose of the bill is disclosure and then nonparticipation in the decision. If members do as they must do and that is disclose any interest that they have in any company, firm or body doing business with the government where there might be any possibly of a conflict of interest and that interest has been disclosed, it is then known that this is a situation where there might be a conflict of interest. Their duty then is not to participate in the decision.

When Sub-section 3 of this amendment says "such information as may be necessary to determine whether there has been any conflict of interest." It is quite obvious that where there is a conflict of interest there is a conflicting interest. That if I had to file a statement showing that I have an interest in a company that does business with the government, that is a conflict of interest situation and my duty is not to participate in any decision in connection with that particular business when it is a conflict of interest situation, if I do, I am in violation of the act. So that this section is unnecessary, it is not in accordance with the principle of the bill but as for the information that it requests, certainly that would be a legitimate question each year. The honourable gentlemen opposite or anyone can check all members of the government to see what interest they have. If they have interest in any company, they can table a question asking did "X" company receive any contract from the government this year, and if so, what contract? Was there a tender etc? That question would have to be answered. So the amendment is unnecessary and we shall therefore vote against it. This is not to say now that some of these suggestions that the honourable Leader of the Opposition is making should not be considered again in a year or two when we see how this act operates.

MR. ROBERTS: Mr. Chairman, I am not surprised by what the honourable minister says but I quite sincerely regret it. I understand the principle of this bill is to govern and improve the public life of this province. This is precisely the sort of question that this amendment is aimed at. By the way, when he speaks of conflict of interest, I

specify conflict of interest as defined in Section 9 (A), which I shall move at the appropriate moment.

The information in it, the minister says should be legitimately made public. He insists that one goes to the trouble of asking a question. Well that is no trouble, Sir, we will have the mimeograph machines turn out the questions. That is easy enough to do. But I think the fact that the government have chosen deliberately to kill this amendment, they are going to choke it off, it means that they do not want the information made public. That will only make it all the more interesting and make us all the more determined to have it made public.

If the government really believed, really believed at all in this principle of disclosure, Sir, disclosure of the relations between private and public interest, Sir, they would accept this amendment and they would honour it. I think it is the spirit of the bill I very greatly regret that the government are not prepared to carry through with this amendment.

MR. CROSBIE: Mr. Chairman, I must say that we certainly welcome the great zeal and fervour of the Leader of the Opposition for this legislation now that we have introduced it in the House. But it was certainly that zeal and fervour that was lacking from 1969 until January 1972 since the past administration certainly never suggested anything at all in this line. We feel that what we have here is adequate. It is certainly let us say 10,000 per cent better than what it was before because before we had nothing. Therefore, I think that if he should get a chance in the future, in four, eight or ten years time, to form the government, we will see what amendments he then suggests to this legislation.

MR. ROBERTS: Mr. Chairman, we shall see that in two or three years. Let me just -

MR. CROSBIE: Inaudible.

MR. ROBERTS: Well we will see it tomorrow, if the honourable gentleman had the nerve to call an election.

MR. CROSBIE: We would be wiped out, I mean I do not want to spoil -

MR. ROBERTS: I will put it to the hazard. Does the honourable gentleman want to try it? If they wish to consult the country, ask the country's viewppint, I shall abide by the result. I shall gladly abide by the results. Sir.

MR. CROSBIE: A wipe-out.

MR. ROBERTS: Yes. it would be a wipe-out. It certainly would be. The honourable gentleman may find what is wiped out is the honourable crowd sitting to Mr. Chairman's left would be wiped out.

MR. CROSBIE: Not a chance.

MR. ROBERTS: Well, not a chance?

MR. CROSBIE: The latest poll shows ninety-eight per cent of the electors.

MR. ROBERTS: That one was taken, Sir, among the crowd at the upper end of Hogan's Pond -

MR. CROSBIE: It was taken in Gander on Saturday.

AN HON. MEMBER: The upper end would be in Gander.

AN HON. MEMBER: That was taken about four o'clock in the morning.

MR. ROBERTS: How does the honourable gentleman know? He was not in Gander?

MR. CROSBIE: No. But I got a report.

AN HON. MEMBER: Goldfarb was out.

MR. ROBERTS: Goldfarb was out. Goldfarb may have been there, Sir.

MR. CHAIRMAN: Order, please. The honourable gentleman is directed to the fact that we are discussing the bill concerning the conflict of interest. It certainly has diverted into controversy. While interesting and formative, it is certainly irrelevant.

MR. ROBERTS: Your Honour, I should think the future of the honourable gentleman for St. John's West is a matter for conflict of interest. There is a conflict of interest between him and the government. He wants them to fail politically and they want him to fail politically.

MR. CROSBIE: Untrue.

MR. ROBERTS: Untrue? Nonsense, nonsense! That is what the stripper told me when she came out of the room. One of the great question is: whose room did she come out of? We have narrowed it down to eight.

Mr. Chairman's honeymoon?

MR. CROSBIE: She is like us, she has nothing to hide.

MR. ROBERTS: Nothing to hide. I gather the young lady had nothing to hide. Is that right? She had nothing to hide, is that right,

Mr. Chairman?

Mr. Chairman, the minister's defence is the increasingly weak one that he is falling back on all of the time, it is because there may or there may not, he believes there were, there may or may not have been sins of omission or commission in the past. He puts that forth as a defence. The honourable gentleman is in exactly the position of the young man who murdered his mother and murdered his father and then pleaded for leniency and clemency from the court on the ground that he was just a poor, unfortunate orphan.

On motion amendment lost.

On motion Clause (5) carried.

MR. CHAIRMAN: Shall Clause (6) carry?

MR. CROSBIE: Mr. Chairman, my honourable colleague - I am not allow to amend my own.

MR. MARSHALL: Mr. Chairman, under Clause (b) with respect to "this" resolution, instead of "his" resolution. The third line.

On motion Clause (6) as amended carried.

Clause IX.

MR. ROBERTS: I have an amendment, 9A, Sir, should read as follows: "subsection (1) for the purpose of this section end of Section 9B, "conflict of interest," shall mean, "the use of one's public position improperly to benefit one's private interest directly or indirectly."

Subclause (2) - no member shall so conduct himself as to cause or to permit the existence of a situation where he is in a conflict of interest.

Subclause (3) - any member who acts or fails to act in such a way as to cause or to permit a situation in which he is in conflict of interest is guilty of an offence.

Subclause (4) - this section is to be read together with subsection (3) of section (4) with respect to a further definition as to what constitutes conflict of interest.

Subclause (5) - no proceedings under this section shall be instituted without the consent in writing of the Minister of Justice."

A word or two, Sir, first of all let me say I am not overwhelmed with the elegance of my own drafting here. This would be a section where again a person more experienced in drafting than I am would be able to do better. Secondly, Sir, the reason why I suggested there be no prosecution without the consent in writing of the Minister of Justice is that otherwise we could have a situation whereby members as defined would be open to harrassment and to all sorts of actions and suits. I think it is quite reasonable and the Minister of Justice would be on very sticky ground if he withheld the consent for partisan reasons, that would be cause to force a man out of public life if the Minister of Justice ever did that.

Basically what this is after, Sir, is an attempt to define what is a conflict of interest and says, to be in a conflict of interest situation as defined is an offence. Nowhere in this bill, Sir, is it

MR. ROBERTS: made an offence. We refer to the criminal code but the criminal code has been in effect in Newfoundland since April 1, 1949, so it is no good to say that was adequate in the past - I mean if it were so adequate in the past, then why have we this bill today? This bill goes beyond the criminal code. It refers to the criminal code, it is damned decent of them to note the criminal code is in effect with respect to criminal matters in this province.

We can do nothing about the criminal code; it is made by the Parliament of Canada. Here this bill has no offences in it except filing a false return, not filing a return or using confidential information. I am attempting to create the offence of conflict of interest which I believe is germane to the bill and is relevant as anything can be to the principle of the bill.

I put the amendment forward, Sir, but if the Minister of Finance stood and said that this is something that the draftsmen wish to look at and so forth, I should withdraw it on that condition. Otherwise, Sir, I should press it because I believe it is a very relevant and helpful amendment.

MR. CROSBIE: Mr. Chairman, I have taken expert legal advice on this matter and I would not embarrass the expert I consulted by giving the House his opinion of the legal consequences of this section.

Now the definition of conflict of interest given in this section is a wrong one in any event. A conflict of interest is not the use of one's public position, improperly to benefit one's private interest directly or indirectly.

A conflict of interest can arise whether or not your public position is used improperly or not. A conflict of interest is just a situation of fact with respect to a particular situation and the act already makes it an offence - first not to file a disclosure statement; second, to file one that does not disclose all your interest that may be in conflict or as directed by the

MR. CROSBIE: act, and then it makes it an offence for a member who has an interest to exercise any influence at all in any decision that affects that interest.

So, if a member, despite what the act says, attempts to influence the decision that relates to any private interest of his, he is then guilty of a contravention of the act and of an offence against the act, subject to the penalty clause of the act. So the definition of conflict of interest here could not be accepted because it is not broad enough and not a proper one. There already is an offence, if a member who has an interest interferes in a situation and tries to influence it in his own favour, and therefore it would not fit in with the rest of the bill, and our legal advice is that we cannot accept this suggested amendment.

Now as I say, this whole thing should be looked at again certainly within the next couple of years and perhaps a different approach altogether taken when something like this may then be desirable, but it does not fit in with the present bill.

MR. ROBERTS: Mr. Chairman, as I said I am not a draftsman and the failure of the government to make available legislative draftsman is continuous in this province, it goes back I suppose as long as there has been a government, as long as there has been an opposition, but the thing that concerns me is that the government are continuing to show a reluctance to put any teeth whatsoever into this legislation. I think their refusal to accept this amendment is another example of that.

I do not propose to go on at any length on it. The definition is as good a definition as can be found. The minister shakes his head - well I notice he has not found any definition at all.

MR. CROSBIE: You do not need a definition. It defines itself.

MR. ROBERTS: Well the honourable gentleman says it defines itself. That is fine. We have a bill that defines itself and we have offences that are technical offences under this bill, refusing to file a return, or filing an incomplete or false return, using one's position to influence. Here the mockery sections of (7) and (8). I mean those are nonsense.

MR. ROBERTS: The buddy system will make a mockery of that. Then here we come to the point where we do propose to create an offence, other than that, Sir, the only offences are the criminal code ones which have gone on - I do not know how long they have been in the code, Sir, but certainly since we have been a province of Canada they have been in the code. They will be there long after everybody in this House is out of public life and possibly out of life itself. When we come to the point where we are suggesting that some teeth be put in this bill, the government reject it.

All I can do is vote against that. I can vote in favour of the amendment. I regret the government's attitude and I think it just shows the hypocrisy and the self-serving political deception on this whole bill.

MR. CROSBIE: Mr. Chairman, if we were to put these teeth, as the Leader of the Opposition suggested, into this bill, they would be false teeth. We do not want to put any false teeth or false tooth into this bill.

The bill has sufficient bite now for any honourable gentleman who tries to violate it and it would be silly for us to add false teeth to it that cannot be effective and that are directly contrary to the rest of the bill and that we have legal advice on, that just do not fit in with the rest of the bill.

We are glad to note the Leader of the Opposition's interest in this area and when, after the honeymoon is over, he gets into power, his party continues with him as leader for the next twenty-five years, which is not too likely, if he does not get in within twenty-five years, then we will be waiting to see the tooth and the teeth and what not that he brings forward for a bill such as this.

But otherwise we cannot destroy the symmetry of what we have worked on to create (for the last twelve months) by putting

MR. CROSBIE: a false tooth in the bill.

MR. ROBERTS: Mr. Chairman, the gentleman's wit is duly noted.

It was no accident, a Freudian slip I think that he said "cemetery," instead of, "symmetry," because the bill is a false and deliberate attempt to mislead the people of Newfoundland. It does not do what it purports to do and it will not.

As to what we shall do when we form the government, we will put teeth in it and I can -

MR. CHAIRMAN: The honourable Leader of the Opposition is drawn to the rules with which he is quite familiar and I am sure the unparliamentary words, "A false misrepresentation" and these prescribed words.

MR. ROBERTS: Your Honour, it is entirely within the boundaries of debate to say that the government are misleading the House in what they purport to do. That is a matter of opinion, of course it is a matter of opinion.

AN HON. MEMBER: It is a matter of course for them, Your Honour.

MR. ROBERTS: Yes. We are saying this all the time because it is what is happening all the time. I am stating my opinions. I am not stating that the government are lying. I am saying they are attempting to mislead the people in what they purport to do. This bill does not do what it purports to do, and we are proving this in the committee, one amendment at a time.

Now if Your Honour rules I have made unparliamentary statements, I will withdraw them, of course.

MR. CHAIRMAN: I am not prepared at this time to enter into a long debate with the honourable member on this point. It passed without a great deal of debate. I do think that the honourable member might rephrase his words. They appear, throughout the course of events, to be unparliamentary, however, they may not be. He may continue.

MR. ROBERTS: Well there is really nothing more I need say on it. The amendment, unless some other member wish to speak, will come to a vote. I would have not to be much of a profit to predict its fate. Nonetheless, I still vote for it and as I was saying, just to

MR. ROBERTS: conclude my remarks, when we become the administration of this province, which we shall in due course, whether I am leader or not or whether somebody else is leader or not, we shall see, it will all come to pass. We will all take a bite out of it and we will just see which - that is unparliamentary, We will see who gets chomped.

Clause 10(b):

MR. ROBERTS: Is the Governor set to come any specific time? His Honour is not standing out there? Is he not? I mean His Honour would probably hang his head in shame at what His Honour's Government are doing here today, Sir.

To add a new section, Sir, to be known as Section 9 (a) now, although on the copy which Your Honour's advisers have it would be 9 (h). Again I am not terribly overwhelmed with the draftsmanship but -

MR. CROSBIE: It is a shocking piece of draftsmanship.

MR. ROBERTS: Of course it is and if the government would undertake to let me have access to legislative counsel, I would approve it.

MR. CROSBIE: But you have the House Leader there.

MR. ROBERTS: That is right.

MR. WM. ROWE: He would not let me touch it.

MR. ROBERTS: He was meditating on the principles.

MR. WM. ROWE: I gave him all the ideas and he drafted them.

MR. ROBERTS: At Fort Lauderdale you were meditating, was it?

MR. WM. ROWE: I came up with all these ideas down there.

MR. ROBERTS: And he wired them to me collect.

Sir, I put forth the amendment. I make no pretence to being a draftsman, which is more than the honourable gentlemen opposite. The make-pretence to be political figures and statesmen, I do not even pretend to be a draftsman. They could copy me and not pretend to be what they are not.

The principle of the amendment is worth discussing. Any member who has benefited directly or indirectly from a conflict of

MR. ROBERTS: interest (and the definition of that fell by the wayside under the Minister of Finance's meat cleaver) shall be liable for damages in an amount not to exceed three times the amount of the said benefit.

Subsection (2) - any person qualified to vote under The Election Act, chapter 106 of the Revised Statutes of Newfoundland 1970, shall be entitled to bring an action to recover damages under this section.

Subsection (3) - one third of any damages recovered under this section shall be paid to the plaintiff therein, while the other two-thirds shall be paid to Her Majesty in right of Newfoundland.

This does not impart a new principle into our law. The principle of punitive damages is not new. We see it in our libel actions. We see it possibly in a slander action. Something analogous to this is found in court cases where you have compensation for pain and suffering.

Punitive damages are not a new principle in our law. Here the analogy I suppose is to the American Anti-Trust Legislation whereby anybody who is aggrieved may recover triple damages. I am suggesting here, Sir, that the standing, the right of action be given to an elector, because it is an elector who would be aggrieved if any person has benefited improperly from the public trough.

Finally I am suggesting as an incentive to electors to be on their guard and thus to keep the politicians of all faiths on their guard, that the elector stand to collect one-third of damages in damages in any successful suit, the other two-thirds would, of course, would return to the Crown from which they had been originally mulcted.

The only other comment I would make on this is that it may be said that should frivolous and vexatious actions be brought, Her Majesty's courts, Sir, have among other weapons at their disposal the question of costs. I would not presume

MR. ROBERTS: to say what the judges would do, Sir, but I would think it would be quite reasonable to suggest that the judges would not hesitate to award costs against any person who brought an action frivolously or vexatiously or from mere political harassment.

I think this is a sound principle, Sir. I have no doubt the Minister of Finance can pour scorn on the drafting. That does not bother me in the least. Furthermore, I never intended to become a draftsman. I will tell you what, Sir, when I get to become Premier I will hire the honourable gentleman as a draftsman. This is a commitment now; he can be a draftsman. I would rather make him a deputy minister because I think he would make a first class deputy minister, he has that sort of mind.

He should not be entrusted with the operation of large projects but he would make a first class detail man. If he wants -

MR. WM. ROWE: "Deputy Minister of No No ."

MR. ROBERTS: If he should want the job of draftsman, Sir, and he should come looking for one when the wheel of fortune changes, I for one in cabinet would raise my voice and say, "Let us give the poor fellow a job. He needs the work and if he is such a superb draftsman we will put him to work drafting."

MR. CROSBIE: Mr. Chairman, it is always wonderful to know that your future is secure and if we get turned out and I am no longer a cabinet minister, at least I can be a deputy minister. I can be one of the mandarins. I hope when that occasion comes I will be deputy minister of the member for Bell Island. We would make a tremendous team. He with his large specious imagination, often overactive, hyperactive, never suffers from hypertension, and to keep his feet on the ground and try to keep him on the

straight and narrow and see that the -

MR. NEARY: I beg the minister not to go to Ottawa.

MR. CROSBIE: I am just trying to say that there are however many governments even monarchies after me and in the unlikely

MR. CROSBIE: event that we lose the next election -

MR. ROBERTS: There will be a number of governments after the minister too, for other reasons than that.

MR. CROSBIE: All kinds of people after me. This is an interesting concept, Mr. Chairman, certainly, and it is something we should keep in mind for future legislation. I do not think it fits into this bill now but the House Leader has already stated that we are working on legislation that will make voidable contracts entered into by third parties with the government, where there might have been any conflict of interest on the part of anyone in the government or anyone in the civil service that is connected with that particular contract.

As a matter of fact, our Legislative counsel, Mr. Parsons, has written the various states in the United States and some of the Canadian Provinces to see whether there is any legislation along these lines.

Certainly, when that legislation comes before the House next session, there is an area where in addition to making a contract voidable, this concept might also be used for an action against the civil servant or a member who was involved in a situation like that. I do not think it fits in with the present bill but it may very well fit in with the legislation that is now under research and which will be introduced in the House in the next session.

So, we cannot accept it now but it is a good, certainly worthwhile concept and will be kept in mind when this complementary legislation is being drafted.

On motion amendment defeated.

On motion clauses 10 through 18 carried:

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

A Bill, "An Act To Amend, Revise And Consolidate The General Law Relating To The Public Revenue, The Raising Of Certain Loans

Authorized By The Legislature And The Auditing Of Public Accounts."

MR. MARSHALL: Mr. Chairman, I move that we carry

Clauses II to 86.

On motion clauses II to 86, carried.

Motion that the committee report having passed the Bill without amendments, carried.

A Bill, "An Act To Ratify, Confirm And Adopt On The Part Of The Province An Agreement Made Between The Government Of Canada And The Government Of The Province Of Newfoundland And To Provide For Certain Matters Relating Thereto."

On motion clauses (1) through (7) and the schedule, carried.

Motion that the committee report having passed the Bill with amendment.

A Bill, "An Act To Ratify, Confirm And Adopt An Agreement Made Between The Government And Kennco Explorations (Canada) Limited."

MR. MARSHALL: Mr. Chairman, there are a couple of corrections.

Clause (14) the word "seven," should be spelled out before the numeral "7" appearing in that clause. In Clause (17) there is a positioning of the word "quarries" in its proper place. A spelling mistake of "employment" in clause (16). With those corrections I move the schedule carry.

On motion amendments carried.

Motion that the committee report having passed the Bill without amendment.

A Bill, "An Act To Amend The Hospital Act, 1971."

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

A Bill, "An Act Further To Amend The Criminal Injuries Compensation Act,"

Motion that the committee report having passed the Bill

without amendment, carried.

A Bill, "An Act To Amend The Farm Development Loan Act."

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

A Bill, "An Act Further To Amend The Expropriation Act."

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

A Bill, "An Act Further To Amend The Education (Teacher Training) Act."

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

A Bill, "An Act Further To Amend The Highway Traffic Act."

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

A Bill, "An Act Further To Amend The Automobile Insurance Act."

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

A Bill, "An Act Further To Amend The Education (Teachers' Pensions) Act."

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

A Bill, "An Act Respecting The Application Of A Certain Provision Of The Crown Lands (Mines and Quarries) Act."

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

A Bill, "An Act To Amend The Registration Of Partnerships Act, 1973."

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

A Bill, "An Act To Authorize The Raising Of Money By Way Of Loan By The Province."

MR. MARSHALL: Mr. Chairman, in clause (2) there is an amendment here, the words "the Act No." and then we have left a blank, "of 1973," "86" should go there in that place. I move the amendment.

On motion clauses as amended carried.

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

A Bill, "An Act Further To Amend The Summary Jurisdiction Act."

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

On motion that the Committee report having passed Bills Nos. 93, 97, 96, 98, 101, 109, 82, 95, 104, 105, 103, 108, 110, 116, 115, 117, 121 and 124 without amendments and Bills No. 81, 70, 107, 106, 27 and 119 with amendments and ask leave to sit again, Mr. Speaker returned to the Chair.

MR. STAGG: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and directed me to report having passed Bills Nos. 93, 97, 96, 98, 101, 109, 82, 95, 104, 105, 103, 108, 110, 116, 115, 117, 121 and 124 without amendments.

On motion, report received and adopted, bills ordered read a third time presently, by leave.

MR. STAGG: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and directed me to report having passed Bills No. 81, 70, 107, 106, 27 and 119 with some amendments and ask leave to sit again.

On motion report received and adopted.

On motion amendments read a first and second time.

On motion bills ordered read a third time presently, by leave.

Motion, second reading of a bill, "An Act To Amend The Labour Relations Act."

MR. DAWE: Mr. Speaker, this is a very important amendment to the Labour Relations Act and includes several amendments which have been requested, by the labour movement in this province, for some time and which for some time since I took over the portfolio of Manpower and Industrial Relations I have been considering.

I should follow through with the bill, to section (26) which refers to an amendment whereby employers, when a company is transferred by reason of sale or lease or otherwise transferred, the bargaining unit which is established in that firm for the benefit of the employees will remain with the successor company. We have seen in the past where deliberate corporate transfers have been entered into in order to eliminate certain bargaining units, and this is a protection for the unions in this event.

We have also an amendment incorporated in this bill which will credit employers of certain areas of the province or on certain construction projects and this means that employers can after this bill is passed and proclaimed form themselves as a bargaining unit of employers. They could form themselves as a unit to bargain with unions or councils of unions. It is desirable I understand certainly by the employers of the province and by the union movement in many instances.

The bill also provides for speedy arbitration where arbitrators have to be appointed very speedily and it is set forth in the bill the time limits for the appointment of arbitrators and if they are not appointed of course by the parties concerned, then the power is given to the Minister of Manpower and Industrial Relations to appoint arbitrators within certain periods.

The decision of the arbitrator must be rendered within forty-eight hours of the time of his appointment. This is very desirable in the construction industry because the construction industry is usually a seasonal thing, a seasonal industry. There are occasions now where we find that jobs are sometimes entered into by employers of construction companies, arbitration cases come up and the cases are not heard or resolved by the time that the job is finished and perhaps that company has folded up operations here in Newfoundland and moved on back to the head office or place of head office which could be the Mainland or the United States or anywhere.

I will just go through this quickly on the movement of second reading. The biggest and most important amendment to this act I would suggest, Mr. Speaker, is the elimination and the abolition of the ex-parte injunction. This is a very repugnant and very undesirable section of our Labour Relations Act at the present time, in the view of the labour movement. We really cannot blame them when one party can go to court and obtain an injunction against another party when the second party

has not been represented in the court. The amendment to this act will eliminate this situation and will require that before any injunction is issued that both parties be heard in court. I do not think that this is unreasonable at all. I think that the actions generally have been taken against unions in the past and I do not think it is asking too much that unions be represented in court before an injunction is heard.

The only other section which this bill touches on is in the fishing industry. It is not all that significant. It means the changing of various words. The words, "trade union," replaced by "association." The word, "employer" replaced by "operator" and the word "employee" replaced by "the fishermen."

MR. NEARY: Mr. Speaker, we support the principle of this bill number 112, "An Act To Amend The Labour Relations Act." As the minister pointed out, the most significant change covered in this bill is doing away with the ex-parte injunction. This is something, Sir, that the labour movement in this province have fought for for a long time. This has been very frustrating to the labour movement down through the years and now, if this amendment be passed, before the court can issue an injunction both parties in the dispute must be heard. This is a good thing, Sir. It is time to get rid of it. It is unfortunate that the minister who is introducing those amendments today is also going to be gotten rid of. I understand tomorrow the minister will be sworn in to a new portfolio. So if it is any satisfaction, any consolation to him, he will be happy to know that at least he has one member of this House who approves of his last act as Minister of Manpower and Industrial Relations, to bring into this House an amendment to the Labour Relations Act to do away with the ex-parte injunction.

Sir, that is one of the main causes I would submit for the explosive situation that we have in Buchans today, apart from the fact that the company, and I brought this to the attention of

the honourable House, I think about six to eight weeks ago, when I asked the honourable the Premier two days running in this honourable House if he had received representation from the union in Buchans concerning the company having an official in this province to make decisions. I think on the first day I asked the question the Premier misunderstood me, the second day I think, and we spoke outside the House, I think he got the message but I do not know if the honourable Premier did anything about it. But when the confrontation took place, Sir, things started to get a bit hot, passion started to run a bit high. Then the company decided to stand on their legal rights and they took the matter to court to get an injunction to restrict picketing on the picket lines in Buchans. I am not quite sure, Mr. Speaker, but I have been told that in this case both sides of the story were heard. Perhaps the minister could nod if he knows. Was this an ex-parte injunction that was granted in the case of Buchans?

MR. DAWE: (Inaudible).

MR. NEARY: Yes, that is what I thought; both sides in the dispute were heard in the court before the injunction was issued. But nevertheless, I think that the union some how or other are under the impression, Sir, that it was an ex-parte injunction. Now I do not know how they got that impression because I think a couple of times here lately, in the last couple of weeks, publicly they have stated that. As a matter of fact I think the Leader of the Opposition had a wire from the union asking that the opposition support a move to do away with the ex-parte injunction. Anyway it is going now. The only thing that I was afraid of, Sir; that the government might take the position that because of this dispute in Buchans that if they did away with the ex-parte injunction at this time that the public might get the idea that they were caving in because of the pressure that was being put on by the strike at Buchans. So I am glad that this did not happen,

Sir. This is something that the labour movement have been striving for for years and I am glad that at last we are going to see an end to this.

It does not do away with injunctions altogether. All it provides for, Mr. Speaker, is that both sides will be heard before a judge of the Supreme Court before an injunction is issued. So I think this will probably solve the problem.

Then the other minor section: When the company is sold or leased the bargaining unit would remain intact. This has been a bit of a problem in the past. As far as employers forming their own bargaining unit, Sir, I have not really had time to delve into that very deeply. It is unfortunate that this bill was brought before the House in the dying moments of this particular session of the House as I really have not had time to study that too much. It may or may not be a good thing. I do not know if this is workable, Sir, where thirty-five per cent of employers' organizations in various regions of the province decide to organize and get together and bargain with the employees working for all these -

AN HON. MEMBER: (Inaudible).

MR. NEARY: Yes but as I say, I really have not had time to think about it too much - however there is another year coming.

As far as the fishing industry is concerned, the collective bargaining for the fishing industry, I am rather disappointed that more amendments were not brought before the House because the Premier has had a number of representations from the Newfoundland Fishermen, Food and Allied Workers Union and we have had a number of letters from Mr. Cashin asking for certain amendments to the Collective Bargaining Act which was passed in 1971 covering the fishing industry. These are very important amendments. The Newfoundland Fishermen, Food and Allied Workers Union do not think that the act can work smoothly as it is presently written and actually, Mr. Speaker, it is merely, I think, a copy of the Labour Relations Act. I was acting Minister of Labour when that

bill was brought into this House. I think I piloted the bill through the House. It is almost identical, Sir, to the Labour Relations Act. The only reason that was done at the time was because we did not have a precedent. There was no other act in Canada. We may have been accused of doing it in a hurry but that bill was drawn up months and months in advance of being brought into the House, Sir.

In the place of anything more constructive and in order to meet the wishes and the demands of the fishermen, the inshore fishermen across this province, we had to bring the bill into the House in 1971 I think it was. The Newfoundland Fishermen, Food and Allied Workers Union do not think that the act can work as it is presently constituted and I am inclined to agree with them. So they have been crying out to have some very important amendments made to this act. Maybe the minister did not have time to get the amendments ready before this session concluded but I hope, Sir, sometime in the foreseeable future, in the next few weeks if the House meets, that these amendments can be brought before the House because the fishermen all over this province, Sir, are waiting, patiently waiting for the amendments. I know there are votes that should have been taken I think down the Southern Shore and in Bonavista Bay I believe, in my honourable colleague's district, in that area there are votes that should have been taken months ago, and for some technical reason the vote has not been taken and the fishermen are running out of patience. They feel that they have been waiting long enough. God only knows, Mr. Speaker, we are going to have a long hot summer in this province. Anyway, in labour management disputes, labour, industrious strife, without having the inshore fishermen getting up in arms. I hope, Sir, that the government will take action to move swiftly to bring in the amendments that have been asked for by the Newfoundland Fishermen, Food and Allied Workers Union.

So with these few remarks, Sir, I can only say that the

opposition agree with the principle of this bill.

MR. MOORES: Mr. Speaker, just very briefly - I agree with the remarks of the Minister of Manpower and Industrial Relations and also the honourable member for Bell Island. I think this is a start towards good legislation. There is a great deal more needs to be done in labour legislation and we are aware of that and it will be done as quickly as possible, particularly the fishermen's legislation which was mentioned previously.

The one part in this particular bill that I would like to mention is the ex-parte injunction. Just to clarify one thing, as the member for Bell Island said, there has been a lot of talk in the media, particularly lately, about the pressure because of the Buchans dispute, regarding this particular section of this bill. The fact remains that this was drafted long before the Buchans dispute was contemplated. It has been part of our policy for a long while and declared part of it and I would just like to make sure, Sir, that it is absolutely clear that this is not done for a specific cause at a specific time but rather legislation that had been anticipated long before that. I thought it very easy for a government to say we will hold back this bill until the labour situation settles down but, rather than do that, we thought this part particularly of this bill was too important at this time not to introduce and get passed.

MR. MARTIN: Very briefly, Mr. Speaker, we all hail the passing of the infamous ex-parte injunction. The thing that I would like to deal with here is section (4) of the Fishing Industry Collective Bargaining Act, the amendments thereto. I am rather shaken. I trust that the words of the honourable the Premier mean that this is not the sum total of the amendments to be brought in.

MR. MOORES: (Inaudible).

MR. MARTIN: Good! Well in that case then I shall have very little more to say except that we hope that what we are seeing

here today is the first of a large scale overhaul of the whole labour code and particularly as it relates to the fishing industry, because the critical factor here is time. If something is not done very, very soon then I am afraid the fishermen themselves are going to have to take upon themselves to straighten out the industry in the only way that is open to them, and I do not think anybody here wants that to happen. I am sure that we are going to get more amendments to the Labour Relations Act and the Fishing Industry Collective Bargaining Act. I would urge the honourable gentlemen on the other side not to tarry, to get on with it before we find situations, such as we see in Buchans, erupting all over the place.

MR. ROBERTS: Mr. Speaker, I shall not be very much longer. Let me begin by saying that I welcome our colleagues and I welcome the news that the Fishing Industry Collective Bargaining Act is to be amended substantially. We will have an opportunity to debate it - but that bill served an interim purpose of providing an initial means, an initial vehicle of giving our primary producers, the fishermen, an opportunity to organize themselves. I think it has been shown in practice that it has not been entirely as satisfactory as one would wish and that experience has shown that a different approach should be taken. So I look forward as do other honourable gentlemen to getting that legislation and having the opportunity to debate it and making the changes if they are necessary. I think it should be recorded that even with the unsatisfactory features of the bill we are going ahead. We have seen substantial progress being made particularly the agreement between Fishery Products Limited on one hand and the Fisherman's Union on the other, affecting employees at six Fishery Products plants throughout the province.

The bill before the House is straightforward. We will support it. I think all of us welcome the end of the ex-parte injunction. As the Premier has pointed out, this does not mean nor should anybody in the province think this means the end of

an injunction as one of the remedies available to a court to enforce their decisions. I am very glad he pointed out that the injunction which has been issued in respect of the dispute now under way at Buchans was not ex-parte. Each side appeared before the court and presented their arguments and after hearing the arguments and considering the law the court made their decision and issued an injunction. An injunction is merely a remedy, Sir, one of the remedies available to the court. Other remedies are damages, sometimes, and other times imprisonment. These are remedies available to courts and the injunction - I do not know how long it goes back. I suppose it probably goes back as long as there have been courts, an injunction. It was a remedy, as my friend and learned colleague from White Bay South reminds me, it was a remedy in equity, a remedy of justice and sometimes an injunction is the only equitable and fair and just remedy that can be issued.

Anyway the end of ex-parte injunctions is something devoutly to be welcomed. I do not know what effect it will have on labour disputes because I have been reading in newspapers recently where we have had a spate of injunctions because we have had a number of labour disputes, lawful disputes underway, and injunctions are being issued less and less on an ex-parte basis. You do not get the employer appearing in court to get an interim injunction. That does not happen so often now but injunctions are still being issued, injunctions to limit the number of pickets or to define what is lawful picketing in the circumstances because, of course, as we know, the right to a lawful strike includes the right to picket. The right to picket has been defined by the courts as the right to communicate information. It is not the right, for example, to block entry or access to and from a premises. I suspect that many in the labour movement will be disappointed by this legislation. I think that they expect that

the end of an ex-parte injunction means the end of the injunction but it does not.

As the Premier has said, Sir, the dispute that is now currently engaging the attention of the province, the injunction in the case of Buchans Asarco on one side and the Steel Workers' Union, the Local on the other, would still be permissible if this bill had been passed six months ago. The company applied and had evidence to the effect that their premises were being unlawfully picketed, the picketing was too extensive, as I understand it, and the court heard the case and said, "All right, we will issue an injunction." I believe four pickets can appear at every gate but I am not sure of the terms of the injunction but it is to that effect, quite a standard - The magic number seems to be four.

Well the people in the labour movement may think that injunctions will end when this bill receives third reading and the governor gives his assent, as I assume he will, and they should be aware that it does not, that injunctions will still be as lawful now as they were before. What is being ended and it is a good thing, is the ex-parte injunction, where one person, one side to a dispute gets an injunction and the other side, the other person is not heard. The injunction will be issued on an interim basis, three or four days, a week at most, and then there will be a hearing and one would see what happened. We welcome the end of the ex-parte injunction, Sir, and we are quite happy to vote for it.

The other provisions in the bill are very straightforward. Indeed I do not know if it is a new problem in Newfoundland but what we seem to have is an improved version of the procedure which has come over the years with respect to successor rights where employers sell their assets or where trade unions succeed one another. Also, Mr. Speaker, with respect to the construction industry, where we have not had a great deal of trouble in Newfoundland leaving aside the Come by Chance difficulties, but where we are

adopting a new procedure, it will be section 26(b) and 26(c) of the act as amended. So we shall support the amendment, Sir.

MR. WELLS: Mr. Speaker, just a brief word on this. I too welcome the demise of the ex-parte injunction. As the honourable Leader of the Opposition has said, there will still be injunctions granted from time to time. It would be wrong to do away with the injunction as such. The difficulty was that very often at the crucial moment in a labour dispute the employer got the ex-parte injunction, and to get the mechanics of the court going and to get it set down for a hearing so that both sides could be heard often took, well, you might say the minimum it could be done was a week and it sometimes took longer. So by the time the issue was finally sorted out between the parties, the issue of the injunction, a lot of bad feeling had occurred. I think now that obviously the going of the ex-parte injunction is not going to solve all labour problems. I wish it could but it will not but at least it will remove that thorn in the flesh of labour, make the thing fairer, give both parties an opportunity to be heard before an injunction is either granted or refused.

One of other things in this bill that I think is of considerable significance is the matter of arbitration in the construction industry. Construction industry is not the sort of thing that the pulp and paper industry is or the mining industry, the settled plant, relatively stable work force. The construction industry is a different thing altogether and very often, and I have acted on a great many arbitration boards, three man boards, which is the usual thing that is called for under a contract, and by the time you get the three individual time tables to agree, by the time you get the council on both sides and the union and management representatives themselves, you have too many people to have a speedy or quick arbitration. Therefore, I think that the passage of this bill and the new clauses which put time limits for arbitration and require a sole arbitrator, I think they are very

good and I look forward myself with keen anticipation to seeing them work and I must say with the hope that they will solve some of the problems that have plagued the construction industry.

On the principle of the bill, I would say nothing more about the other clauses. I support them and I think this is an advance and a forward piece of legislation.

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

MR. DAWE: Mr. Speaker, first of all I would like to apologize to my colleagues for not getting the bill before the House a little sooner. We have been rushed in getting the legislation printed. I am sure everybody here would have liked to have a little more time to study the bill and perhaps

comment a little further on it.

We hope in the future, Mr. Speaker, to bring before this honourable House much more legislation concerning labour and much good legislation concerning labour in this province. The Labour Movement, as I have said earlier, has fought quite hard and tremendously for some years for the removal of the ex-parte injunction. I think that is the principle function of this bill today although there are other good and wonderful features incorporated in it that this administration have seen fit to bring before this House for the benefit of not only the labour movement but for the benefit of quick settlement of labour disputes.

The ex-parte injunction, as already mentioned by the honourable Leader of the Opposition, does not do away with entirely the injunction system of the courts, which I certainly do not completely and fully understand. I would leave that to my legal minds, my legal colleagues in the House of Assembly.

The idea, of course, of any injunction would be to limit the perhaps features of intimidation of numerous people who on occasion attend the picket lines in certain instances. The fact that they are there in so many numbers perhaps could lead to certain feelings of intimidation. Injunctions, therefore, limit the numbers of picketers to perhaps four or five at each entrance of the company's property.

I am sure, of course, that the unions of Newfoundland do not expect that this entirely does away with all injunctions. They understand that there are other forms of injunctions which can be issued by the courts. But after this bill has been passed, they cannot in future be issued unless both parties have appeared and have presented their cases. I do not think the unions for one moment would be foolish enough to think that this does away with entirely the injunctions, because there are instances, Sir, where unions themselves have to apply to courts or feel obliged to apply to courts for injunctions for what they feel is their own benefit and protection of their own rights in certain instances. So I do not think that they themselves

would want to see the injunction itself entirely abolished from the courts.

I would not want the impression to go out across this province, in particular, that by doing away with the ex-parte injunction this means the persons who involve themselves on the picket line can do just as they please. This is not so. We have other laws, many laws which deal with other instances and this does not automatically mean that picketers can do as they please. We would like for them, of course, as a government, to see that they abide by the law, and if picketers do not abide by the law it takes it entirely out of the ambit of labour, entirely outside of the boundaries of this department and we are left helpless to do anything about it ourselves. It then becomes a matter of justice and if an injunction, whether it is ex-parte, and it will not be ex-parte in the future it will be interim, I understand is the expression, I am not certain of that but there will be other injunctions and if injunctions are violated then the courts themselves have to intervene and they bring whatever actions are necessary or deemed necessary at the time. This department, the Department of Manpower and Industrial Relations are powerless, in any event, to do anything about that. We certainly feel grieved and very sorry that people find themselves in positions at times whereby certain legal actions have to be taken against them.

However, it is not a function of labour, it is not a function of the Department of Manpower and Industrial Relations, it is not a function of the administration which is in office at the time, it is a function generally of justice and of the courts.

I would like also to have been in a position today to bring more amendments, more legislation before this House, with regard to the fishing industry. Unfortunately, we have not been able to do that. There is provision whereby a fisheries advisory board can be set up under my department. I have striven to have one set up but unfortunately I have not been able to do so to date. I have approached several people to accept chairmanship of the committee and each time I have been turn down. It is something which my department at the

present time is taking under advisement and something which hopefully we shall be able to resolve in the near future.

But I feel that my department, the Department of Manpower and Industrial Relations, as such does not have the capacity nor the expertise to bring in legislation that would affect the fishing industry and which the fishing industry so desperately desires and so desperately needs at this time. I am sure that that in itself can be appreciated by those who are involved in the fishing industry and the unions which represent the fishing industry. I am sure that my department would welcome any suggestions which could be made by those people who are directly affected by the fishing industry and the union which represents them in this respect.

I would like to impress upon the legislature, Sir, that this amendment to the Labour Relations Act has not been brought about as a result of pressure from any angle. We have been considering this legislation for quite some time. It has taken quite a while to come to some agreement on it, to have it properly drafted and to have it considered and sent back for final drafting of the bill. It was in effect long before any political pressure was put upon the department or government to have it introduced into the House. It would have been done in a normal course of action in any event.

Mr. Speaker, I move second reading of this bill.

On motion bill read a second time, ordered referred to the Committee of the whole House presently, by leave.

A bill "An Act To Amend The Local Government Act, 1972,"

MR. H. COLLINS: (MINISTER OF MUNICIPAL AFFAIRS AND HOUSING): Mr. Speaker, there are several amendments here which are necessary to update and improve the Local Government Act. I will deal with all of them shortly.

Section (2) provides for the separate election of mayors in municipalities. The only requirement being that the community so requesting the election of a separate mayor gives six months notice

to the minister. It is the minister's decision then of course as to whether he will accede with that request or not.

Section (3) would amend the parent act to provide that a councillor whose seat is declared vacant by resolution of the council, in accordance with the section in the Local Government Act, that he have the opportunity to appeal to the Supreme Court.

Section (4) would amend Section (73) of the parent act to provide for an increase in the maximum interest rate on tax arrears. This is six per cent to nine per cent. This amendment is being introduced at the request of the Newfoundland Federation of Mayors and Municipalities.

Section (5) would amend Section (92) of the parent act to increase the maximum service fee from \$20.00 to \$40.00 per annum. This increase was also requested by the federation because the service fee is the main source of revenue for a great many municipalities in Newfoundland, especially the smaller ones.

Section (6) would amend Section (99) of the parent act to provide for the adoption of regulations related to motorized toboggans and similar vehicles. This is also in response to a request from the Federation of Mayors and Municipalities. It will enable councils to control the use of vehicles in the interest of public safety and public nuisance, for protection to the environment.

Section (7) would amend Section (102) of the parent act to permit councils to acquire parks, stadiums, recreational facilities etc. The amendment further provides that such recreational facilities may be acquired or established outside the municipality if that is needed. However, the principal purpose of the amendment is to extend the scope of Section (102) to permit councils to acquire stadiums because in the past in the cases of Gander and Clarenville, for instance, stadiums were built by recreation commissions and eventually passed on to the communities and there is no clear indication of authority for that to be done. This will take care of that particular need.

Section (8) would amend Section (116) of the parent act to increase the maximum period for repayment of local improvement

assessments levied under that section from fifteen to twenty years. That is also in response to a request from the Federation of Municipalities.

'On motion bill read a second time, ordered referred to the Committee of the whole House presently: by leave.

A bill, "An Act To Repeal The Government Marine Works (Agreement) Act. 1966-1967 And To Make Specific Provision Respecting Subsidies In Respect Of The Construction Of Ships At Marystown Shipyard."

HON. W. DOODY (MINISTER OF ECONOMIC DEVELOPMENT): Mr. Speaker, this bill, as the title indicates, is in two parts. The first part is really a housekeeping effort, it cleans up all the various arrangements that had been made for the management of the Marystown Shipyard. The corporate jungle that evolved on the way through is now being cast aside and gives the crown company at Marystown Shipyard Limited the rights to manage and to control the works down there. The various companies that have been involved are all listed there in the bill. It sounds like a litany but the fact remains the crown now under this bill assume active management and control.

The second half the bill deals with the subsidy programme. It allows the crown to pay a subsidy up to fifteen per cent for ships which are constructed in the yard and which are to be used for the fishing industry within the province, by a company having a place of business within the province. It may be paid in the form of a grant or a subsidy to either the shipyard or to the fish company who is having the trawler built or the company who is having the trawler built to fish out of the province. There is a further provision in the act which makes it mandatory that the government table in the House, fifteen days after such approval is given, the details of such a subsidy so that there will be complete disclosure of any arrangements that are entered into under this subsidy agreement.

That is about all that there is on that particular bill. Sir, I move second reading.

MR. SPEAKER: Is the House ready for the question?

MR. S. A. NEARY: Mr. Speaker, I was not really following the honourable minister that closely but I presume it is just that piece of housekeeping legislation.

MR. DOODY: Inaudible.

MR. NEARY: And disclosure -

MR. DOODY: Inaudible.

MR. NEARY: We are all for it, Mr. Speaker.

On motion bill read a second time, ordered referred to a Committee of the Whole House presently, by leave.

A bill, "An Act Further To Amend The Workmen's Compensation Act,"

HON. T. A. HICKMAN: (MINISTER OF JUSTICE): Mr. Speaker, the honourable the Minister of Manpower and Industrial Relations asked if I would introduce this bill on second reading. These amendments to the Workmen's Compensation Act are to provide for several improvements and to provide for additional benefits to those who are entitled to receive benefits under the provisions of the act.

There has been a trend to increase benefits in various jurisdictions where the legislation is similar to ours. As honourable members are aware, every five years or ten years, I have forgotten which, there is a review committee under the act who must review the Workmen's Compensation Act and indicate to the Minister of Labour and to government what improvement or improvements, if any, should be brought in.

The last review committee was under the chairmanship of Mr. Herman Batten and he reported to the Lieutenant Governor-in-Council of July 1972. That report was long, long overdue. That committee was set up, in my recollection, in 1969 or 1970. That report was somewhat cautious in its recommendations that there would be upward review of the benefits and did not recommend what in the opinion of government constituted adequate increases.

The Newfoundland Federation of Labour made a subsequent submission to government with respect to the Batten Report and with respect to

bringing the benefits in line with the present day cost of living.

Mr. Speaker, the provisions under this bill will allow for the special allowance to a widow to be increased from \$200 to \$300. That simply means it is an allowance made by way of a cushion to be granted immediately following the death of a husband. Funeral expenses are increased from \$300 to \$400. The widow's monthly allowance is increased from \$120 to \$150; a child's monthly allowance from \$40 to \$50; an orphan's monthly allowance from \$50 to \$60. Mr. Speaker, there is also provision to increase the maximum compensable earnings from \$7000 to \$9000. There will be no province in Canada with higher maximum compensable earnings when this bill is passed by the House than Newfoundland. Recently the Provinces of Ontario and Quebec brought theirs up to \$9000 - other provinces are considerably below.

The effect of that, Mr. Speaker, is this, then in the arriving at compensable earnings the board will now be able to go up to seventy-five per cent of \$9000 if the wages of the disable workmen so warrant it.

Asbestosis now will be an industrial disease. This is something that has been recommended by the medical advisers to the board and also ask for from time to time by various bodies bringing in briefs.

There is also a provision in the beginning of the bill with respect to the coverage of individuals. This would include an individual fishermen, an inshore fisherman, in fact I believe everyone expect one or two exclusions somewhere in the act. The hope there is, and this was implemented last year in Nova Scotia, that individuals will take advantage of the provision in the act, will make application to be covered and a rate will be fixed. The thought is that the rate will be the same as in Nova Scotia, which is \$30 per annum.

The Fishermen, Food and Allied Workers Union have met with the board on this and have undertaken to do a selling job to the inshore fishermen the individual fisherman or the one or two fishermen going out in a boat - to try and sell them on the merits of availing of this protection for the first time.

The last amendment, Mr. Speaker, is one that I have to confess gives me a great deal of satisfaction. I think ever since I first was elected to serve in this honourable House if there is any one cause that I tried to espouse it would be the cause of the miners and their dependents at St. Lawrence, who have been surrounded by what was described as an national tragedy and which went unrecognized. This administration last year agreed to accept the principle running through the Aylward Royal Commission, namely that St. Lawrence is a special area, needing special legislation and special benefits.

Last year, Mr. Speaker, honourable members will recall we brought to this House and had enacted an amendment to the act which allowed us to, the board, to pay the claims of any workman in St. Lawrence who was suffering from chronic obstructive pulmonary disease, who had worked underground in the mines. We also included in that amendment a time limit, I have forgotten what the period was, but it was somewhat restricted. The many claims and many dependents and many workmen who without that amendment had been for years deprived of workmen's compensation benefits in St. Lawrence have now been paid.

In any event, Mr. Speaker, our experience has shown that there are still some men who either because of lack of medical records or a breach in the chain of causation had been unable to prove their claims, or the dependents of deceased miners. I met with the St. Lawrence Protective Union this fall and with the St. Lawrence Town Council, in a joint meeting. They asked if we will be prepared to take a pretty bold step, and that would be to amend the act, a very simple amendment, to eliminate the words "underground" because where this caused a problem was that you had men who had been shown worked on the surface all of the time but in point of fact they sometimes went under ground, particularly on weekends over the years, to make some additional money, and this was not recorded. Then there are certain disabled miners who had worked underground prior to 1950 and then worked on the surface with the company — say for the period of 1951 to 1960, and returned to

underground again.

There were other men who may not have worked underground at all, Mr. Speaker, but had worked in the mill and in the laboratory and the crusher plant and who have suffered disability or death from chronic obstructive pulmonary disease. It is a belief that these men should have any doubts resolved in their favour.

So Section (9) of the bill provides for any workmen employed, whether it before or after the 1st. day of January, 1951, any time, in the fluorspar extraction or handling or both at St. Lawrence. It is our belief that this will cover every case of every miner and every dependent of any miner who has worked in St. Lawrence and who suffered from this pulmonary disability. It is difficult to estimate the numbers. The Workmen's Compensation Board have done a calculation - the cost will be fairly high. There were forty-two claims that have to be rejected under the present legislation but will be taken care of if this amendment passes the House, and there may be another thirty-eight. There is a strong possibility, according to the board, that there could be a total of eighty involved. I have some doubts that there will be that many because so many were caught up in last year's amendment which also provided that every individual named in the Aylward Commission Report would be entitled to workmen's compensation regardless of any other feature.

So, Mr. Speaker, for me the decision of government to bring in Clause (9) in this bill, I believe now brings to a successful conclusion what was started some time ago, we announced about this time last year we would do insofar as St. Lawrence is concerned, and I would hope that no further amendments will be necessary. But I want to make it abundantly clear, Mr. Speaker, that if after a year of administering this section of the act by the Workmen's Compensation Board, we find that any inequities exist in the St. Lawrence Area because of this unfortunate or the unfortunate circumstances under which these people have had to work, the government are determined to do whatever has to be necessary to bring them within the scope of the act.

I move second reading.

MR. SPEAKER: The honourable the member for Bell Island.

MR. NEARY: Mr. Speaker, I will deal with the last topic that the minister brought up first, that is the St. Lawrence situation. Sir, I might point out to this honourable House that it was the previous Liberal Administration that commissioned Mr. Aylward to do this study on the hazardous situation that existed in the mine of St. Lawrence. It was the previous administration that set up the special St. Lawrence fund to look after the survivors and the widows and the dependents in St. Lawrence. It was the previous Liberal Administration that committed itself to amend the Workmen's Compensation Act so that a group of miners who had not been covered heretofore under the Workmen's Compensation Act would be included.

Now the minister has announced that the government have decided to go a step further and eliminate the word "underground" and include all the employees of the St. Lawrence mine whether they worked above ground or below ground. This opens up, of course, Mr. Speaker, a new field altogether.

I think the minister also announced during the year that under the special St. Lawrence fund the widows and dependents of miners who were killed in industrial accidents would also be compensated from the special fund. They were eliminated prior to the minister's announcement. Legislation was not required to do that, that was just a matter of changing the ground rules under the special St. Lawrence fund by getting the company to agree to pay fifty per cent of the cost. I presume that was done. There were about fifteen widows and dependents of miners who were killed in industrial accidents. Then, of course, Mr. Speaker, this is a completely new departure. Again I do not think this was recommended by the Aylward Commission. Perhaps my honourable friend who may wish to participate in this debate might clarify that situation but I do not think that was recommended in the original report. But, Sir, anything that the government can do to help the people of St. Lawrence is welcome news. We welcome it. The

minister and some of his colleagues were severely critical of the previous administration for not waiting for participation by the Government of Canada, because the Aylward Royal Commission recommended that the cost of this special benefit fund that was set up in St. Lawrence the cost be shared four ways, by the province, by the Government of Canada, by ALCAN, and by the previous operators. I just forget their names now. What was their name?

AN HON. MEMBER: The St. Lawrence Corporation.

MR. NEARY: The St. Lawrence Corporation.

AN HON. MEMBER: Seibert.

MR. NEARY: Seibert. I remember when I was acting Minister of Labour writing Mr. Seibert, and I did not even get an acknowledgement of my letter. So the minister and some of his colleagues were severely critically we did not wait to see if the Government of Canada were going to participate. Well now the minister and his colleagues can see the wisdom in what we did. We were right. We were absolutely right, Sir. We were one hundred per cent correct in taking the decision that we took in 1971, I think it was, or late 1970 or early in 1971. If we had waited for the Government of Canada to make a decision, Sir, there would be no special fund in St. Lawrence at the present time. We assured members at that time that we would keep pressing Ottawa to become involved in what we consider to be disaster

in the Town of St. Lawrence. I had to leave that portfolio as well as the other one I had at that time before we had a chance to finish the job. I do not know whether the minister or the present administration have followed up on this matter or not or if there have been any dealings with the Government of Canada in the last year or so on sharing in the cost of this fund at St. Lawrence.

In the meantime, the company and the government sat down and agreed that they would proceed with all haste to establish the fund and the company and the government would share the cost on a fifty-fifty basis and an adjustment would be made later if the Government of Canada decided to participate. I would like for the minister to tell us just what has been happening with these negotiations with the Government of Canada, if anything.

Now, Sir, as far as the other amendments are concerned, there is one significant change in the act. My honourable colleague from White Bay South will probably be interested in this; they are going to add a new word to the Workmen's Compensation Act; "asbestosis". Perhaps the minister could tell us if there are any cases, known cases of asbestosis in the province at the present time. I have not heard of any; maybe there are. The Minister of Health might know. The Minister of Health shakes his head and says, "No." I hope not, Sir.

AN HON. MEMBER: There are none that we are aware of.

MR. NEARY: No. I have not heard of any and I hope that there are none. Obviously, Sir, the administration are thinking ahead. They are thinking, otherwise this word would not be put into the Workmen's Compensation Act. The Workmen's Compensation Act would not have to be amended to include or add asbestosis if the administration did not think that there is a possibility that we may have cases of asbestosis in this province in the future.

AN HON. MEMBER: (Inaudible)

MR. NEARY: Yes but what I am getting at is why the act was amended at this particular time. I know it is a precautionary measure of some

kind but there must be some evidence, there must be something in the back of the administrations' mind, Sir. They must have some evidence that this situation could develop, otherwise the act would not be amended, there would be no emergency and the act could be amended at a later date. Nevertheless, it will not do any harm, I suppose, to stick it in there. My honourable colleague will probably be glad to have it in there. What I am really getting at, I would like for the Minister of Health or the Minister of Justice or somebody to tell us whether there is anything behind this or not.

HON. A.T. ROWE (MINISTER OF HEALTH): Would the honourable member permit?

MR. NEARY: Yes, I will permit the Minister of Health.

MR. A.T. ROWE: The entity of dust disease is called pneumoconiosis and asbestosis has recently been added, through the universities, to this group. I would suspect it is to round off the group of dust diseases that asbestosis is primarily included in, and the fact that it does take years to develop. I think it is to round off the whole category and group of diseases which are called the dust diseases, of which asbestosis is one.

MR. NEARY: Mr. Speaker, I thank the honourable Minister of Health for his explanation but it does not round off the dust diseases, because Buchans have had pressure on the government to amend the Workmen's Compensation Act to include what they call or what we used to call on Bell Island, miner's lung. They have the same problem in Buchans. It is a very, very difficult thing to prove, to establish, where a chest condition that develops in a person, especially when he starts to get older, whether it was due in fact to his working in the mines and being exposed to the dust problem in the mines.

There are a lot of men, former employees of DOSCO, on Bell Island, who are suffering from what they call miner's lung and there are a number of former employees in the Buchans mine. It really does not round out the situation but maybe it is being put in there because it was recommended by this group. I am happy to hear, Sir, that there is nothing else behind it, that there is no evidence -

DR. POWE: Not that we are aware of.

MR. NEARY: Not that the minister is aware of. Not at the present time, maybe ten years from now we may have a case or two.

Now, Sir, I do not think there is anything else I can say, but the other amendments we approve of. The first part of this bill deals with farming, fishing, whaling and sealing industries. It is probably a good thing to have these people included under the Workmen's Compensation Act but as the minister pointed out, they are going to have to do a selling job, because these people are just not oriented that way. We thought about this when we were the administration. There is going to have to be a selling job done to get the individual inshore fisherman and the little group of employees or farmers and people who work for farmers to think in terms of workmen's compensation. There is going to have to be a selling job done here, Sir.

One thing more I wanted to mention here: There are increases to widows, dependents and orphans under this bill and this is long overdue, Sir, long overdue. I wonder if the minister would consider tabling the Batten Report? I do not think it has been tabled in this House yet.

AN HON. MEMBER: It has been tabled.

MR. NEARY: It has been tabled? Mr. Chairman, does the honourable Leader of the Opposition remember the Batten Report?

MR. ROBERTS: It has not been made public.

MR. NEARY: It has not been made public and it has not been tabled in the House.

AN HON. MEMBER: (Inaudible)

MR. ROBERTS: The review committee?

AN HON. MEMBER: Yes.

MR. ROBERTS: Well it has not been laid on the table of the House.

MR. NEARY: Would the minister undertake to get me a copy?

MR. DAWE: I will arrange to have it tabled.

MR. NEARY: Perhaps the minister's successor, the member for Labrador

West could table it next time we meet.

MR. DAWE: (Inaudible)

MR. NEARY: I have it from my usual reliable source that the minister is going to be flung out, going to be demoted, sent down to Provincial Affairs and the member for Labrador West is going to be the new Minister of Manpower and Industrial Relations. Does the minister want me to tell the House the rest of the changes?

MR. DOODY: You are your usual charming self.

MR. NEARY: Not only that, but the minister from Labrador West the Minister of Rehabilitation and Recreation is going to have a dual portfolio now.

AN HON. MEMBER: Is he?

MR. NEARY: Yes. Minister of Manpower and Industrial Relations and Public Works and Services.

MR. ROBERTS: Is the member for Fortune getting the flick again?

MR. NEARY: I do not know.

MR. DOODY: Am I getting a transfer?

MR. NEARY: No. The Minister of Industrial Development can relax, he is not going. He will be all right for the next week or so.

MR. SPEAKER: Order please! I am sure the honourable member for Bell Island is aware that he is not being relevant to the debate.

MR. NEARY: No, Mr. Speaker, I am -

MR. ROBERTS: Workmen's Compensation, I mean -

MR. NEARY: We might have a new minister the next time the House meets, Sir, but I do -

AN HON. MEMBER: (Inaudible)

MR. NEARY: The minister is going to Highways. He is getting a promotion. A promotion! He is going to Highways, now Transportation and Communications. He is no longer responsible for garbage. I do not know how I am going to refer to the honourable member the next time we meet in this House.

AN HON. MEMBER: Potholes.

MR. NEARY: The minister responsible for potholes. Sir, we do approve

of this increase to the widows, dependents and orphans.

MR. DOODY: I wonder if the honourable member approves of the cabinet changes?

MR. NEARY: No, I do not as a matter of fact, but the honourable Premier does not have much to draw from. I was discussing it with the honourable Premier this afternoon and I said; "I cannot see how Manpower and Industrial Relations and Public Works are compatible at all." The Premier said; "I do not have anyone else to put in there. Would you care to come over and take over Manpower and Industrial Relations?" I said; "Well, I will think about it over the weekend." I will be so busy this summer, Mr. Speaker, over on Bell Island raising hogs and cattle, setting a few vegetables to try to cut down on the cost of living, because we have not had time to deal with it this session, that resolution on the Order Paper, I will be so busy over there, Sir, trying to provide enough vegetables for the family for the winter that I will not have time to be Minister of Manpower and Industrial Relations. I thank the Premier for his offer but I have too much to do, Sir.

I am not going on a holiday. When we come back in this House I will have beef cattle, cattle on the hoof, on Bell Island and I will have pork in my deep freeze for the winter."

AN HON. MEMBER: How about turkeys?

MR. NEARY: I do not know about turkeys. I inquired about turkeys today but I have not been able to get them. Members better look out! The last member of this House who went raising hogs, you know what happened to him. The Premier better watch it! He had better beware!

These increases in my opinion are not enough, they are not sufficient. I wish they were higher.

MR. CROSBIE: The honourable member from Bell Island need not bother, they are not writing at all. They are not taking down a word of what the honourable member is saying.

MR. NEARY: This is pretty serious business, Mr. Speaker. The increases for widows is thirty dollars a month but for dependents and children it is only ten dollars a month.

AN HON. MEMBER: (Inaudible)

MR. NEARY: Mr. Speaker, it does not amount to a row of beans to me whether they are taking it down or not. I was elected to this House to do a job and I am trying to do it. If the Minister of Finance does not like it, he can go and buy a set of earplugs. I am enjoying it. I enjoy being in this House. There is not another member of this House, Sir, enjoys it as much as I do except maybe the Minister of Finance. He enjoys it too.

MR. CROSBIE: I hate it.

MR. NEARY: He does not hate it, he loves it. He loves the publicity, Sir, and he loves the debate.

AN HON. MEMBER: (Inaudible)

MR. NEARY: Mr. Speaker, the Minister of Manpower and Industrial Relations did not know enough about this bill to introduce it in the House. He had to ask the Minister of Justice to bring it in. I am making the point, Sir, that the increases are not sufficient. They should be much more than they are. That is why I asked to see the Batten Report, to see what Mr. Batten recommended. I do not think he recommended ten dollars after five years - a ten dollar increase for dependents and orphans. I would also like to see a clause in the Workmen's Compensation Act, Sir, to allow increases based on the cost of living. I think this would be a step forward. As the cost of living goes up so should the incomes of people living on fixed incomes. We have not had a review of the Workmen's Compensation Act for five years, although I believe, Mr. Speaker, that we did grant increases, probably back in 1971. I believe we granted some minor increases, not enough, when in this day and age we have the highest cost of living in Canada. Inflation is rampant and the poor old widows and dependents and orphans struggling on Workmen's Compensation and fixed incomes just cannot make ends meet.

I would like to see the Batten report to see if this is what they recommended or if they recommended more substantial increases. Apart from that, Sir, I would like for the minister and the government to consider putting a clause in the Workmen's Compensation Act to allow for

increases based on the cost of living. I think this would be a good thing. So, Sir, with these few remarks I say that we approve of the principle of the bill.

HON. W.G.DAWE (MINISTER OF MANPOWER AND INDUSTRIAL RELATIONS): Mr. Speaker, I requested my colleague the Minister of Justice to introduce this bill because -

AN HON. MEMBER: (Inaudible)

MR. DAWE: I did not introduce it. I did not introduce it.

MR. SPEAKER: I assume that the honourable Minister of Justice will be closing the debate, since he introduced the bill.

MR. DAWE: Thank you. I requested my colleague to introduce the bill, Sir, because he has been working on this situation for quite a number of years both in this administration and that other one. He is much closer to it than I am and much more knowledgeable in it. He is a resident from that area which is affected by the bill and I was only too happy to pass it over to him and ask him to introduce it and guide it through this honourable House.

The honourable member from Bell Island mentioned asbestosis. I checked it out and I understand that there are no known cases of asbestosis in the province. It is put in on the recommendation of the Newfoundland Federation of Labour. They have requested that it be included in the bill and we have seen fit to include it. It may be looked upon as a precaution. If it is a precaution, there is certainly nothing wrong with that.

Most of the other areas have been mentioned - the farming, fishing, whaling and sealing. The whaling and sealing industries are just about defunct, however, they are also included in this bill more as a precaution perhaps than anything else. I do not know if they will ever be revived to the extent that the industry was carried out in former years. It would be nice indeed if we could see these old days back again but it would also be better to see the seals and the whales come back too. I feel too that there just might be a necessity of a bit of a selling job if all the farmers and fishermen of the province

are to participate and take advantage of the provisions of this Act. They are not all that conducive to insurance programmes and being in the industries in which they are involved today, they are not always approached by insurance salesmen and certainly insurance of any type is not uppermost in their minds. The provisions are here and if they want to take advantage of the protection which this affords them, then they are welcome to do so. I am sure that the Workmen's Compensation Board will do everything in their power to encourage people to participate in these programmes. We are not putting it on the books for the sake of having it on the books, we would like for them to participate, to take advantage, to cover themselves because these are industries which are very hazardous, I am sure that I can speak for the Workmen's Compensation Board and say that they will do their part to encourage these people to take advantage.

The other areas have already been adequately touched upon and I leave any further comments to my colleague the Minister of Justice, in moving the second reading of the bill.

MR. F.J.AYLWARD: Mr. Chairman, I would just like to add a word to this. I think that this is a very, very progressive piece of legislation. I am particularly interested in the fact that the amendment deals with the St. Lawrence situation because it is an indication that at last the government has finally recognized the situation that did exist in St. Lawrence as being one which should require special attention and special legislation.

I certainly feel that the Attorney General, in his capacity as Attorney General and certainly as member for that district, deserves a great deal of personal credit because he did crusade for the benefits which this bill will implement. The unfortunate part about it, Mr. Speaker, is that, in a sense, it is twenty years or twenty-three years, really, too late to assist many people who are entitled to benefit from this Act.

You will note by reference to section (9) and I know that we are not allowed to refer by sections in this stage of second reading,

but the effect of this is that everyone who worked at one time in the mines at St. Lawrence handling fluorspar, either underground or on the surface, will be entitled to compensation. This means, of course, Mr. Speaker, that many widows and dependents of deceased, at any time, say in the mid-forties or in the early fifties or any time since these mines started, who lost their husbands as a result of deaths by the industrial diseases referred to in the schedule will now be entitled to compensation. The situation that is resulting here is that many of these widows are now themselves deceased, many people whom this bill would benefit and also any child who lost its father in 1950 and is today twenty-one or twenty-two and no longer a dependent under the act.

What I say about this is that this is excellent and I am sure that the people of St. Lawrence who are affected by it will be very, very pleased and proud that the amendment is before us. The most unfortunate part is, as I said earlier, that a large number of people; at a time when they needed this financial assistance, it was not forthcoming. I know from personal experience the hardships that many widows with large numbers in family experienced because there was practically no financial resources available to them at all and even welfare at that time was on a very, very reduced scale. So many of these women, some of them dead some of them still alive, and many children had very, very little because there was no compensation for them.

I do not mean to detract in any way, I think it is an excellent piece of legislation and I think the people of St. Lawrence will accept it as such. As I said earlier, the Attorney General, as member for the district, deserves a great deal of personal credit for it. What he has obtained for these people, for the dependents of these deceased miners and disabled miners, now that even if they became disabled prior to 1951, they are entitled to compensation. As anyone who is familiar with compensation knows, of course, that up to 1951 we had no compensation as such in the province. This is a final recognition that the St. Lawrence situation is a special one and my only regret is

that it could not have been recognized earlier. I fully support the bill and also the other amendments suggested in the bill, in particular the increased benefits to widows and children. I am also glad that there is no limitation upon the amount of compensation that the widows and the families will receive. Before, when an amendment was brought into the House there was a ceiling, but now that is removed. This is an excellent piece of legislation both in the fact that it increases the number of benefits and it covers a large number of people who were heretofore not covered in St. Lawrence and it recognizes St. Lawrence as a special situation. I wholeheartedly support the principle of the bill.

MR. HICKMAN: Mr. Speaker, pretty well all the issues that have been raised have been answered. The honourable member for Bell Island has asked to see a copy of the Batten Report. I must confess that I thought that report had been made public long ago.

SOME HON. MEMBERS: (Inaudible)

MR. HICKMAN: It is not fair to comment on a report. There was a great deal of history in it of Workmen's Compensation Legislation, going back to the days of The Chief Justice Meredith of Ontario, in 1915, and how he was inspired to convince the Government of Ontario that there should be a Workmen's Compensation Act. It is of interest too that historically, if we are going to be historical, as I close this debate, it was a Reverend Peter Brice, who was formerly a very prominent methodist clergyman in Newfoundland, who will in due course be related to the honourable Leader of the Opposition, (a little confusing but he will be) who, together with Meredith, played the leading role in bringing the Workmen's Compensation Board concept to Ontario.

On motion, a Bill, "An Act Further To Amend The Workmen's Compensation Act." read a second time order referred to a Committee of the Whole House presently by leave,

MR. MARSHALL: Mr. Speaker, before calling the final order for second reading, I would like to state that with the agreement of the other side of the House, I would ask that we not call it six o'clock until we finish

the order of business. On motion agreed.

Motion, second reading of a bill, 'An Act To Provide For Collective Bargaining Respecting Teachers' Salaries And Working Conditions.' (No. 114).

MR. J.C. CROSBIE: Mr. Speaker, it is a great pleasure to be able to move second reading of this bill which, as it says, is a bill to provide for the regulation of collective bargaining with respect to teachers' salaries and working conditions. As members of the House know, the government have and the previous administration have been bargaining with the Newfoundland Teachers' Association for at least several years to provide for their salary and working conditions but there was no legislative code that has governed or regulated this course of bargaining. The legislation now before the House was requested by the Newfoundland Teachers' Association, I guess it was requested in 1971, and this is the result.

The legislation now before the House was given to the Newfoundland Teachers' Association a week or so ago to review and to the representatives of the Federation of School Boards of the Province to review and they both, I believe, concur with the legislation that is now before the House. There are several amendments that were suggested by the Newfoundland Teachers' Association which we agree with and which I will move when the bill goes into Committee.

Mr. Speaker, the main principles of this bill are, first, that the Newfoundland Teachers' Association is recognized in section (10) as a bargaining agent for the teachers of the province on the coming into force of the act and unless they are replaced by a certified bargaining agent they will be the bargaining agent for all the teachers in the province. The act provides, of course, (and it follows the Labour Relations Act wherever possible) it provides for the determination by the Labour Relations Board of what is a suitable unit of teachers for bargaining purposes. At the present time with the Newfoundland Teachers' Association there is one unit, possibly up in Labrador there is a separate situation there in Western Labrador, but otherwise there has

been and is now one unit of teachers which are all represented in the province by the Newfoundland Teachers' Association. Any collective agreement entered into with the Newfoundland Teachers' Association before the bill is proclaimed or after it is proclaimed, for that matter, will be enforced for the term of that agreement. Then under the provisions of the act, if there is any other union or association that meets the criteria in the bill, who want to represent teachers, then the normal provisions of law would apply and it would be determined by majority of the persons in the bargaining unit.

Section (10) recognizes that the Newfoundland Teachers' Association are the bargaining agents for all teachers and will be treated as such as if they had been certified under the act. The act permits the teachers of this province, once the law has been complied with, to strike, if that situation should ever arise. I hope it does not, but the legislation permits teachers to strike. Once collective bargaining has been finished and the process of conciliation - if a conciliation board has been appointed and reported and the prescribed fifteen days passed and there is still no settlement then, as the Labour Relations Act permits so this act permits teachers to use the ultimate weapon of the labour movement and that is to strike. It is certainly not one that would be used lightly by them but there is no reason that this government can see why the teachers should be refused that ultimate weapon if they felt sometime in the future that it became necessary.

The bill has the usual provisions that apply to certification. The Labour Relations Board can determine what is an appropriate unit and it has all the normal provisions in connection with certification or when you can apply for certification as a bargaining agent. There are, of course, as there must be, some differences between this bill and the Labour Relations Act. For example; under section (14), the Minister of Manpower and Industrial Relations, the former Minister of Labour, the minister can decide whether or not there should be a

conciliation board appointed. The parties, of course as is normal, will each appoint a nominee. If they cannot agree upon a chairman, then, rather than the Minister of Manpower and Industrial Relations appointing a chairman of a conciliating board, the chairman would be appointed by the Chairman of the Labour Relations Board. The reason for this change, of course, is that it could be felt that the Minister of Labour is a member of the government and therefore an interested party, whereas the Chairman of the Labour Relations Board is an independent party and therefore he would be a proper one to decide on the appointment of a chairman of a conciliation board.

If the representatives of one of the parties fail themselves to nominate a member, the same provision occurs in the sections of the bill that deals with arbitration. In the event of there being arbitration, it is the Chairman of the Labour Relations Board who appoints the chairman of an arbitration board or any other member, if one of the other parties fail to name a nominee.

Section (11) of the bill deals with who will do the negotiating on behalf of the employer. As members of the House know, although the Government of this Province pays the salaries of teachers, the teachers are actually

employed by the school boards of the province. On any issue that involves the payment of monies, that is an issue that concerned the government really alone because it is the government who are providing the finances for teachers salaries. There are certain issues which affect school boards and they do not have any monetary implication, which affect school boards themselves. And, of course, the school boards should have the deciding say in whether they wish to accept some proposal made by the teachers or not.

So under Section (11) for negotiations held under the act there is a school board committee to be appointed. That committee is appointed by the Lieutenant Governor-in-Council and will consist of seven persons. Within sixty days after the act is proclaimed, and it will be proclaimed as soon as we can do it, the school boards of the province have to decide and nominate four persons to represent all the school boards and the school board committee. They are to submit their names in writing to the minister. Now they can either do it individually or through the Federation of School Boards. As long as seventy-five per cent of the total number of school boards in the province have agreed on the nomination of these four persons, then those four persons are accepted as the nominees of the school boards. Of course, as members know, there are more than four school boards in the province. If seventy-five per cent of the school boards do agree on who their four nominees should be, then under the act the Minister of Education can at the request of the Minister of Labour nominate in writing four persons to represent school boards on the school board committee.

Then in addition to those four members, within sixty days the President of the Treasury Board is to select the chief negotiator and two additional persons to represent the government on the school board committee. The chief negotiator would be the head of the collective bargaining division of the Treasury Board. At the present time it is Mr. Ted Blanchard. He would be the government's chief negotiator and two additional persons would represent the government in collective bargaining negotiations. The school board committee is to

hold office for a period of two years from their appointment and it will be their task to conduct collective bargaining negotiations with the representatives of the Newfoundland Teachers Association or whoever represents the teachers.

Section (12) gives the school board committee the exclusive right to conduct collective bargaining on behalf of school boards and the government. Section (12 - (3) states that the chief negotiator is to make the sole and final decision on the tentative approval or rejection of any proposal considered at any negotiations referred to in sub-section (2), where any such proposal involves the expenditure directly or indirectly of public monies.

Well the purpose of that section is that obviously where a monetary issue is involved, it is the government that must have the final say and the government's chief negotiator must have the final say on behalf of the school board committee on issues that deal with the expenditure of public monies.

Then the bill further provides that when the President of the Treasury Board is requested in writing by the bargaining agent to commence collective negotiations, he is to direct the school board committee to enter into collective bargaining with the representatives of the NTA. By the way honourable members will have noticed I believe that the Chairman or the President of the Newfoundland Teachers Association, or perhaps he is past president now, Mr. Pike (His term has just ended) and the permanent manager of the Newfoundland Teachers Association are in the gallery. I might say, Mr. Speaker, on behalf of the government, that we found Mr. Pike to be a very excellent representative of the Newfoundland Teachers Association. He did a fine job for them while he was their president, in the last two years.

Then in Section (14) if it is a question of conciliation before you get to a conciliation board, if the Minister of Labour feel there should be a conciliator or if it is felt that there should be conciliation, then it is the Chairman of the Labour Relations Board who appoints a conciliator. Now the conciliator

will be a conciliation officer of the Department of Manpower and Industrial Relations. They will not be able to be members of the bargaining unit, of course. so they would not be with teachers but in the public service also. The reason for that is, of course, that these are the only experienced conciliation persons that we have in the province and therefore when the work of conciliation needs to be done these are the only experienced people to do it, but they would be appointed, the conciliator would be appointed by the Chairman of the Labour Relations Board. As I mentioned, the same is true of a conciliation board or an arbitration board.

Then there are the normal provisions, there must be provision in the collective agreement for final settlement of any disputes that arise under the agreement, by arbitration. A further clause that might be noted that is different from the Labour Relations Act is Clause (19) which states that no provision is to be inserted in the collective agreement or in an award of a board of arbitrators which would impair or infringe upon any right or privilege under Term 17 of the Terms of Union, the British North America Act and now in effect and the allocation of public funds thereunder. Well that clause, of course, refers to Term 17 of the Terms of Union which deals with the denominational system of education. Of course, under that term public funds spent on education must be spent in a certain manner and according to the denominational system. So that clause just makes clear that no provision of the collective bargaining agreement or an arbitration award is to interfere with that constitutional position.

The agreement in Section (20) deals with what is to happen once there is a provisional agreement between the parties, how it is to be approved. The school boards would have twenty days in which to signify whether they accept the agreement and within a certain period government have to indicate whether it formerly approves the agreement. And that procedure is set out.

Section (28) states that nothing in the act will render valid any provision of a collective agreement or arbitration award that

conflicts with any statute or law of the province or which needs new legislation or regulations enacted to render it valid. Of course, if the government have agreed in a collective agreement to take some step which requires legislation to be passed or regulations to be altered, then the government would have the commitment to bring that before the House and to support it as a government measure.

Section (29) provides that every provision of a collective agreement that deals with the expenditure of public funds for education is binding on every school board of the province whether or not the school board is a party to the collective agreement. Now it says that school boards are to be bound by provisions of the agreement that involve money whether or not they agree to that. But on issues that do not involve the expenditure of public funds, they are only bound if they accept the collective agreement or if there is an arbitration award to which they are a party.

I think those are the main provisions of the legislation, Mr. Speaker. It follows, generally speaking, the Labour Relations Act, except where there have to be differences such as I have mentioned because of the fact that the government are one of the parties in the process, and the Department of Labour, of course, is an agency of the government.

So I believed that covers the main principles of this legislation, Mr. Speaker, that the teachers of Newfoundland have been waiting for and which we stated that we would bring before the House as soon as that was possible. This has been worked on since last January and I might say that Mr. Blanchard and his colleagues in the Collective Bargaining Branch of the Treasury Board have done a great deal of work on this. Mr. Cyril Greene was the draftsman. We have had consultations with the teachers, the NTA and the school boards, who have been helpful. As I say, as far as I know it is agreed to by all parties and I therefore recommend it to the House. I think it is a major step forward. Once it is passed and proclaimed, the NTA will no longer be negotiating without any code or legislation or rules to govern this procedure and that will be I think a great

deal healthier.

I might add, Mr. Speaker, that the legislation on collective bargaining for the public service has not been received from the printers yet. We were able to give NAPE a copy only a couple of days ago. They would like more time to go over it with us, although by and large I think they certainly find it acceptable, and therefore we cannot proceed with it if we adjourn today. We will not be proceeding with it now but it will certainly be proceeded with the next time the House meets. In the meantime, it will give NAPE and other interested parties more time to go over it in detail and to let us know if they think there should be any changes.

I might say, Mr. Speaker, the proposed new Public Service Collective Bargaining Legislation, I believe, is a very fine piece of work that is going to meet the needs in this very complicated area. It will also include a provision for the repeal of the hospital employees legislation passed in 1966-1967. That will be a repeal when the new Public Service Collective Bargaining Act is passed by the House, if the House passes it. I think that is all I have to say in introducing this legislation, so I therefore move second reading.

MR. F. B. ROWE: Mr. Speaker, it was only last night that I had an opportunity to have a quick look at the bill that the honourable the Minister of Finance just introduced. I did not have time to study it as carefully as I would have liked to have studied this.

However, Sir, my colleagues and I do heartily endorse and support and indeed welcome this particular piece of legislation. Presumably it has the full approval of the Newfoundland Teachers Association and the Federation of School Boards and the minister indicated that the NTA have suggested some amendments that the government are prepared to make to this piece of legislation. We on this side of the House have had no representation from either of these two bodies objecting to any part of this piece of legislation so we can only assume, Sir, that it has the full approval and agreement of the NTA and the Federation of School Boards.

So, Sir, we heartily endorse and support it. One could probably get quite dramatic and probably try to get a bit of cheap publicity out of the whole business of teachers not having the right to strike. We could be horrified by this sort of thing, Sir, but I do not think we need be. I think the teachers of this province a very sincere and responsible group and I do not think they will abuse this right to strike whatsoever and it would be a last resort if they find it necessary to do so. I think the teachers will think twice and will not abuse this right.

So, Sir, I do not think there is any need to become alarmed over this first for teachers in this province to have the right to strike. So, Sir, I will be very brief and say that we welcome this piece of legislation. We commend the government for it. We also commend the two other bodies, the Federation of School Boards and the NTA for working with the government on this very progressive piece of legislation.

MR. WELLS: Mr. Speaker, I do not think since I have been a member of the House has there been any bill having to do with teachers and the Teachers' Association which represents the teachers of this province and their professional organization, which has represented teachers for a great many years and has in recent years negotiated with, on an ad hoc basis, the government of the day, but only for teachers' salaries.

Now this bill is a new thing. It is the first time the teachers have had anything other or will have had anything other than the ad hoc arrangement. This bill will formalize the position, will give the NTA in the first instances or anybody representing teachers, if it came to that, the right to negotiate on their behalf to cover certain things and to enter into a collective agreement with the government and with the school boards. Certainly every member of this House I am sure would applaud and does applaud this piece of legislation.

Now I will not deal in any sense with the whole of the bill which I have read but I would like to point out certain things which I think are significant which I hope very much will work in practice

and I am sure that they will, and if they do not work fully, of course, they can be changed. That is that it is one of the principles I think in collective bargaining that it is desirable to have as many avenues as possible which can be exhausted before, for example, the strike situation comes into play. I think this bill is admirable in that it provides these things: the parties in question follow the rules and negotiate. If negotiations fail to bring about an agreement in the normal course of things, then it is possible for a conciliator to be appointed who will help the parties, hopefully, to reach agreement. If that should not work, it is possible also on motion of the parties or of the minister to have a conciliation board. I certainly believe myself in the value of conciliation boards and I have experienced myself in cases where the parties thought that they could never agree but after one week or two weeks or three weeks even of hastling the thing over with conciliation board that agreement has been reached.

So there is that step also available under this legislation. Then if the parties decide and wish it to be, there is the step of arbitration if they cannot reach agreement and they would want a third, an independent party, group or body to arbitrate matters, then that step is available also. But if they do not want that and if they want to go to the ultimate sanction, namely to strike, that is there also. Of course, we all hope very much that that is never necessary but that is not the point, I think, Mr. Speaker, when formulating legislation. The important thing is to make the legislation flexible enough so that it will provide every sort of means that we know of as a society for helping parties reach agreements in collective bargaining and allowing for the consequences if they cannot reach agreement.

But I think it is most important that all these steps are there, that these choices are there within the framework of this act so that collective agreement can be brought about. I heartily endorse this. I understand that the people concerned, namely: the

school boards and the NTA, endorse the legislation. I commend the government for bringing it in. As I say, it is one of the things which personally have given me most pleasure to see in the form of a bill before this honourable House.

HON. J. ROUSSEAU: (MINISTER OF REHABILITATION AND RECREATION): Mr. Speaker, just a couple of words. I first would like to say that I am sure this legislation is welcome by all teachers across the province. As a past teacher and as I hope a future teacher someday again, I am very pleased that this bill is being introduced. I am pleased with the provisions of the bill. I think that it is very important to note that, I think all sides should realize, the government, the school boards and the teachers, that this is not the answer to all the problems that may arise in the bargaining process in the future but it is certainly an instrument in which we formalize a procedure and limit any possibility of misunderstanding between either or all the parties.

So I am sure that I say on behalf of all the teachers of this province; this is welcome today. I am sure that all will agree that I am very proud today to be a member of the government that have introduced legislation for collective bargaining for the teachers. I know that it will go a long way in providing for the formalization of the bargaining process between all the groups involved.

Thank you.

MR. SPEAKER: If the honourable Minister of Finance speaks now he closes the debate.

MR. CROSBIE: Mr. Speaker, all of the members of the House, I think, are supporting the bill. I just wish to say first, the Minister of Education asked me to speak for him, He had to leave around five o'clock. He had a prior engagement. He wanted me to say on his behalf that, of course, he wholeheartedly endorses the bill. He was very pleased that we have been able to get it ready and have it passed through the House, as we are doing here today.

Also, Mr. Speaker, this House is full of ex-teachers, of course,

the member for Trinity North, the member for Green Bay, the member for Labrador West, the member for Lewisporte, the member for St. John's North, an ex-teacher. the member for St. Barbe North. We have a fine group of teachers, I would not doubt but the member for Labrador South was once a teachers.

AN HON. MEMBER: The member for Burgeo Lapoile.

MR. CROSSIE: The member for Burgeo Lapoile in his bygone days was a teacher.

The Speaker has asked me, because he is not permitted to speak in the House - as you know Mr. Speaker. you are not permitted to speak here. You just lay down the rules and dictums, you are not to engage in debate. The Speaker wants me to say in his behalf that he wholeheartedly supports this as an ex-teacher. He would like that mentioned. Our Speaker, of course, was a very successful teacher and principal in Lewisporte.

When I mentioned, by the way, Mr. Speaker, that this has been approved by the school boards, I mean that the Federation of School Boards or certain people at the federation have seen it, because it has not been seen by all the school boards of the province or all the members of the school boards; but their representatives have seen it and have approved of it. You never know, there may be some school boards or some members of school boards who might not approve of it, but the official representatives of the federation do.

So, I would therefore move second reading.

A bill, "An Act To Provide For Collective Bargaining Respecting Teachers' Salaries And Working Conditions," read a second time, ordered referred to Committee of the Whole House presently; by leave.

On motion, that the House go into Committee of the Whole to consider certain bills, Mr. Speaker left the Chair.

COMMITTEE OF THE WHOLE

A bill, "An Act To Provide For Collective Bargaining Respecting Teachers' Salaries And Working Conditions."

On motion Clause (1) carried.

HON. W. W. MARSHALL (MINISTER WITHOUT PORTFOLIO): Clause (2).

Mr. Chairman, there is an amendment to delete sub-section (o) of Section (2) and replace the following. This relates to the definition of a teacher, to be replaced with the words "teacher means a person and holds a certificate or licence to teach which was issued under The Education Teacher Training Act, Chapter 103 of The Revised Statutes of Newfoundland, 1970, or which is recognized as a valid certificate or licence by or under that act and who is employed by a school board in the province in a professional capacity."

On motion Clause (2) as amended carried.

On motion Clauses (3) through (4) carried.

MR. MARSHALL: Clause (5), Mr. Chairman, there are two amendments, amend Sub-section (1) of (5) so that it reads, "subject to Sub-sections (2) and (4) of the Labour Relations Board shall determine the units in which teachers shall be grouped as appropriate for collective bargaining." To amend Sub-section (4) of Section (5) by adding after the word "operated" in the first line the words "or supported." So that it would read "in the case of schools operated or supported by companies in Labrador continuously."

On motion Clause (5) as amended carried.

MR. MARSHALL: Mr. Chairman, we may carry Clauses (6) though (41) of the bill taking note of any typographical errors.

On motion Clauses (6) to (41) inclusive, with leave, carried.

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

A bill, "An Act To Amend The Local Government Act, 1972."

On motion Clause(1) carried.

On motion Clauses (2) to (8) inclusive, with leave, carried.

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

A bill, "An Act To Peepal The Government - Newfoundland Marine Works (Agreement) Act, 1966-1967, And To Make Specific Provisions Respecting Subsidies In Respect Of The Construction Of Ships At Marystown Shipyard."

On motion Clause (1) carried.

MR. MARSHALL: Mr. Chairman, Clause (2). between the words "out" and "duties" appearing in sub-section (2) the word "its", and there is a typographical error where there should be a capital "T" before Government.

On motion Clause (2) as amended carried.

MR. ROBERTS: Mr. Chairman, Clause (3) Sub-clause (2), it says that the Governor in Council shall lay before the House details as to any payment together with the terms and conditions upon which such payment shall have been approved. That is fine. I wonder if the government would agree to have the actual agreements tabled, the agreements entered into by the government, I assume the Minister of Finance or perhaps the Minister of Industrial Development on the one hand and on the other the fish companies concerned? I would be prepared to move it as an amendment, if one wish , but that is not formality. If the government are prepared to do it, they can do it.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Well perhaps then Clause (2) could be amended in that way. It will be just "any agreement made by Her Majesty pursuant to this act shall be laid before the legislature within fifteen days." I mean that wording would be adequate, it is the normal term. If that is in order, perhaps the House Leader would prefer.

MR. CHAIRMAN: Shall Clause (2) as amended carry?

On motion Clause (2) as amended carried.

On motion Clauses(3)and (4) carried.

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

A bill, "An Act To Amend The Labour Relations Act."

On motion Clause (1) carried.

MR. MARSHALL: Mr. Chairman, Subsection (19) of Clause (2) there is a spelling error there. There is also the word "into" between "entered" and "it" so it should read "entered into it." I move the amendment.

On motion Clause (2) as amended carried.

On motion Clauses (3) through (4) carried.

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

A Bill, "An Act Further To Amend The Workmen's Compensation Act."

On motion clauses (1) through (8), carried.

MR. HICKMAN: (Clause 9) Mr. Chairman, I think there has to be an amendment by adding a new clause (9). I say this for interpretation but there should be an amendment to section (76) of the Workmen's Compensation Act and the Revised Statutes to read and I shall move that section 76 (e) be amended by deleting the words, "or such higher rate if any fixed by the board under the provisions of subsection 1 (a) of section 55," and there should be added to section 76 the further subsection (f) "in respect of employment on or after the first day of January, 1974, more than at the rate of \$9,000 per annum."

The Chairman of the Board, who is in the gallery, indicated that this should go in and I so move it. I hope that if the legislative draftsmen does not agree with the precise wording, that I will not get into some difficulty.

On motion clauses (9) through (15), carried.

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

On motion that the committee report having passed Bills No. 112, 113, 114, 122 with amendment and Bill No. 111 without amendment, Mr. Speaker returned to the Chair.

On motion report received and adopted.

On motion amendments read a first and second time.

On motion Bills read a third time now, by leave.

On motion, A Bill, "An Act Further To Amend The Memorial University (Pensions) Act," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Repeal The Department Of Labrador Affairs Act," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Ratify, Confirm And Adopt An Indenture Entered Into Between The Government, Newfoundland Steel (1968) Company Limited And Lundrigans Limited With Respect To The Termination Of The Agreement Forming The Schedule To The Government-Newfoundland Steel (1968) Company Limited-Lundrigans Limited (Agreement) Act, 1969, And To Make Statutory Provision Respecting Matters Connected Therewith," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act Further To Amend The Health And Public Welfare Act," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Amend The Dog Act, 1966," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Amend The Mental Health Act, 1971," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act Respecting A Public Service Commission For The Province," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Provide For The Control Of Alcoholic Liquor," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Provide For The Establishment Of The Newfoundland Liquor Corporation," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act Respecting Conflict Of Interest In Matters Of Public Concern," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Amend, Revise And Consolidate The General Law Relating To The Public Revenue, The Raising Of Certain Loans Authorized By The Legislature And The Auditing Of Public Accounts," read a third time, ordered passed and title be as on

the Order Paper.

On motion, A Bill, "An Act To Ratify, Confirm And Adopt On The Part Of The Province An Agreement Made Between The Government Of Canada And The Government Of The Province Of Newfoundland And To Provide For Certain Matters Relating Thereto," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Ratify, Confirm And Adopt An Agreement Made Between The Government And Kenneco Explorations (Canada) Limited," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Amend The Hospitals Act, 1971," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act Further To Amend The Criminal Injuries Compensation Act," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Amend The Farm Development Loan Act," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act Further To Amend The Expropriation Act," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act Further To Amend The Workmen's Compensation Act," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Amend The Labour Relations Act," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act Further To Amend The Education (Teacher Training) Act," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Provide For Collective Bargaining Respecting Teachers' Salaries And Working Conditions," read a third

time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Amend The Local Government Act, 1972," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, " An Act Further To Amend The Highway Traffic Act," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act Further To Amend The Automobile Insurance Act," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act Further To Amend The Education (Teachers' Pensions) Act," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act Respecting The Application Of A Certain Provision Of The Crown Lands (Mines and Quarries) Act," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Amend The Registration Of Partnerships Act, 1972," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Repeal The Government Marine Works (Agreement) Act, 1966-67, And To Make Specific Provision Respecting Subsidies In Respect Of The Construction Of Ships At Marystown Shipyard," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act To Authorize The Raising Of Money By Way Of Loan By The Province," read a third time, ordered passed and title be as on the Order Paper.

On motion, A Bill, "An Act Further To Amend The Summary Jurisdiction Act," read a third time, ordered passed and title be as on the Order Paper.

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

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

MR. SPEAKER: It is my agreeable duty on behalf of Her Majesty's dutiful and loyal subjects. Her faithful commons in Newfoundland to present to Your Honour a Bill for the Appropriation of Supply granted in the present session.

A Bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending March 31, 1974 And For Other Purposes Relating To The Public Service."

THE HON. E.J.A. HARNUM, LIEUTENANT-GOVERNOR: In Her Majesty's Name, I thank Her loyal subjects, I accept their benevolence and assent to this Bill.

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

A Bill, "An Act Respecting Proceedings Against The Crown."

A Bill, "An Act Respecting Allowances For Certain People In Private Homes For Special Care."

A Bill, "An Act Further To Amend The Highway Traffic Act."

A Bill, "An Act To Amend The Welfare Institutions Licensing Act."

A Bill, "An Act Further To Amend The City Of Corner Brook Act."

A Bill, "An Act Respecting Tenancies Of Residential Premises."

A Bill, "An Act Further To Amend The Workmen's Compensation Act."

A Bill, "An Act Respecting The Registration And Regulation Of Credit Reporting Agencies."

A Bill, "An Act To Amend The St. John's Housing Corporation Act."

A Bill, "An Act Respecting The Establishment And Operation Of Public Parks By The St. John's Municipal Council."

A Bill, "An Act To Establish The Newfoundland Crop Insurance Agency."

A Bill, "An Act Further To Amend The St. John's Metropolitan Area Act."

A Bill, "An Act To Repeal The Telegraph Tax Act."

A Bill, "An Act To Amend The Local Government Elections Act."

A Bill, "An Act To Amend The Social Security Assessment Act, 1972, The Act No. 56 of 1972."

A Bill, "An Act To Revise And Consolidate The Law With Respect To The Marketing of Natural Products."

A Bill, "An Act Further To Amend The Gasoline Tax Act."

A Bill, "An Act Further To Amend The City of St. John's Act."

A Bill, "An Act Further To Amend The Loan And Guarantee Act, 1957."

A Bill, "An Act Further To Amend The Provincial Parks Act."

A Bill, "An Act Respecting The Welfare Of Neglected Adults."

A Bill, "An Act Respecting The Disposal Of Waste Material."

A Bill, "An Act Further To Amend The Social Assistance Act, 1971."

A Bill, "An Act To Revise Existing Legislation Respecting All Terrain Vehicles."

A Bill, "An Act To Amend The Memorial University Act."

A Bill, "An Act Further To Amend The Registration Of Deeds Act."

A Bill, "An Act Further To Amend The Trustee Act."

A Bill, "An Act Further To Amend The Crown Lands, Mines And Quarries Act."

A Bill, "An Act Respecting Historic Objects, Sites And Records."

A Bill, "An Act Further To Amend The Local Authority Guarantee Act, 1957."

A Bill, "An Act Further To Amend The Memorial University Pensions Act."

A Bill, "An Act To Repeal The Department Of Labrador Affairs Act."

A Bill, "An Act To Ratify, Confirm And Adopt Any Indenture Entered Into Between The Government, Newfoundland Steel 1968 Company Limited and Lundrigans Limited, With Respect To The Termination Of The Agreement Forming The Schedule To The Government, Newfoundland Steel 1968 Company Limited, Lundrigans Limited Agreement Act, 1969 And To Make Statutory Provisions Respecting Matters connected Therewith."

A Bill, "An Act Further To Amend The Health And Public Welfare Act."

A Bill, "An Act To Amend The Dog Act, 1966."

A Bill, "An Act To Amend The Mental Health Act, 1971."

A Bill, "An Act Respecting A Public Service Commission For The Province."

A Bill, "An Act To Provide For Control Of Alcoholic Liquor."

A Bill, "An Act To Provide For The Establishment Of The Newfoundland Liquor Corporation."

A Bill, "An Act Respecting Conflict of Interest In Matters of Public Concern."

A Bill, "An Act To Amend, Revise And Consolidate The General Law Relating To The Public Revenue, The Raising Of Certain Loans Authorized By The Legislature And The Auditing Of Public Accounts."

A Bill, "An Act To Ratify, Confirm And Adopt On The Part Of The Province An Agreement Made Between The Government Of Canada And The Government Of The Province Of Newfoundland And To Provide For Certain Matters Relating Thereto."

A Bill, "An Act To Ratify, Confirm And Adopt An Agreement Made Between The Government And Kennco Explorations (Canada) Limited."

A Bill, "An Act To Amend The Hospitals Act, 1971."

A Bill, "An Act Further To Amend The Criminal Injuries Compensation Act."

A Bill, "An Act To Amend The Farm Development Loan Act."

A Bill, "An Act Further To Amend The Expropriation Act."

A Bill, "An Act To Amend The Labour Relations Act."

A Bill, "An Act Further To Amend The Education (Teacher Training) Act."

A Bill, "An Act To Provide For Collective Bargaining Respecting Teachers' Salaries And Working Conditions."

A Bill, "An Act To Amend The Local Government Act, 1972."

A Bill, "An Act Further To Amend The Automobile Insurance Act."

A Bill, "An Act Further To Amend The Highway Traffic Act."

A Bill, "An Act Further To Amend The Education (Teachers Pensions) Act."

A Bill, "An Act Respecting The Application Of A Certain Provision Of The Crown Lands, Mines And Quarries Act."

A Bill, "An Act To Amend The Registration Of Partnerships Act, 1972."

A Bill, "An Act To Repeal The Government, Newfoundland Marine Works Agreement Act, 1966-67, And To Make Specific Provision Respecting Subsidies In Respect Of The Construction Of Ships At Marystown Shipyard."

A Bill, "An Act To Authorize The Raising Of Money By Way Of A Loan By The Province."

A Bill, "An Act Further To Amend The Summary Jurisdiction Act."

THE HON. E.J.A. HARNUM, LIEUTENANT-GOVERNOR: In Her Majesty's Name, I assent to these bills.

Honourable members of the House of Assembly I think it right that I should take this opportunity of thanking you on behalf of my wife and family for the kindly manner in which you offered your condolences to me during my recent bereavement. Believe me, I needed all the support from my ministers and this honourable House of Assembly that anyone could possibly need. From the bottom of my heart I want to thank you all.

MR. MARSHALL: Mr. Speaker, before moving the adjournment of the House, in response to a query from the honourable Leader of the Opposition a moment ago, as in all fairness, obviously the government would want to state what the position is before I go into the formal adjournment proceedings. We have to adjourn to a date certain and we might just as well adjourn to a date late in the fall with a provision that the House can be resummoned at the call of Your Honour, on the advice of the government, which is the normal practice. In any event it is not the present intention to call the House back from adjournment immediately, although this is always a possibility. So instead of the normal prorogation now, we will adjourn to a time in the fall, to a date certain, subject to being recalled at the call of the Chair.

There are certain matters that are in process now that may come up and may require the House to be recalled. If that occasion should appear, the government shall respond accordingly.

I now move that when the House adjourn today it will adjourn until Thursday, November 29, 1973 and stand adjourned until 3:00 P.M. of that afternoon, provided always that if it appears to the satisfaction of Mr. Speaker or in the case of his absence from the province the Chairman of Committees and after consultation with Her Majesty's Government that the public interest requires that the House should meet at an earlier time than the adjournment; Mr. Speaker, or in his absence the Chairman of Committees may give notice that he is so satisfied and thereupon the House shall meet at the time stated by such notice and shall transact its business as if it had been duly adjourned to that time.

That is the motion then, Mr. Speaker. I now then move that the House at its rising do adjourn until tomorrow, Thursday, November 29, 1973, at 3:00 P.M. in the afternoon, with that qualification.

MR. SPEAKER: It has been moved and seconded that the House do now adjourn until tomorrow, Thursday, November 29, 1973 at 3:00 o'clock.

I do now leave the Chair until tomorrow, Thursday, November 29, 1973 at 3:00 o'clock.