



PROVINCE OF NEWFOUNDLAND AND LABRADOR

HOUSE OF ASSEMBLY

Volume 1

Number 117

4th. Session

34th. General Assembly

VERBATIM REPORT

WEDNESDAY, JUNE 17, 1970

SPEAKER: THE HONOURABLE GEORGE ... CLARKE

The House Met at 3 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order!

HON. F.W. ROWE: (MINISTER OF EDUCATION): Mr. Speaker, as the House knows during the past year we have had over 7,000 students at our University, full and part-time, and they are now scattered all over the face of Newfoundland and Labrador, and some perhaps are gone outside the Province as well. And what I have to say now, the statement I have to make, will be I am sure, of great interest to many of them, I would express the hope that this statement will be given the widest possible publicity.

"In 1965 the Government introduced a system of student aid to University students, providing free tuition to all students and allowances to students in their fourth and fifth year. Free tuition to all students and allowances to students in their fourth and fifth year! Later the allowance program was extended to include students registered in third year as well. In addition to the student aid provided by the Government of Newfoundland, Canada Student Loans were made available to all students who were eligible in accordance with criteria established by the Federal Government. Last year all students were required to take a Canada Student Loan of \$400 before they could qualify for any form of Provincial student aid. Because allowances were not paid to students in first and second year, the Provincial Student Aid Program, the Newfoundland Government Student Aid Program, favoured students registered in the senior division of the University, that is in third, fourth, and other years. It is now becoming apparent that students in the junior division, that is students in their first and second years, who incidentally number by far the greater segment, the larger segment, these students are finding it increasingly more difficult to finance their education, and they are a strong support for the

MR. ROWE: (F.W) extension of allowances to students who can demonstrate a need for financial assistance regardless of the year in which they are registered. As the Provincial Student Aid Program developed, as a set of criteria were established to determine whether students were eligible for assistance. If they were, the amount to which they were entitled in some cases these criteria were different from those used in the implementation of the Canada Student Loan Program. And since the two programs were related their administration was quite difficult. In May past, the Students Union of Memorial University advocated a completely new arrangement for the distribution of Student Aid. The proposed plan would integrate both Provincial and Federal Aid in one program. Their proposal advocated that allowance to third and higher year students be discontinued in their present form and that assistance be extended to all students of the University in good standing, regardless of the year in which they are registered. They further (they, that is the student council of the University) recommended that the criteria for Provincial Assistance be the same as that used for Canada Student Loans. More specifically, and this, Mr. Speaker, may be a little difficult to follow, but it is correct arithmetically, the proposal recommended that the first \$400 of assistance be taken from the Canada Student Loan Fund, and that the balance of the financial need be split on a fifty/fifty basis with half of it being provided as an outright grant from Provincial sources, from our Student Aid Vote in our estimates, and the other half taken as a further student loan. This is the proposal which was submitted to us by the Student Council of the University based on two years experience. This proposal was considered by the General Advisory Committee which endorsed it and recommended it to Government for implementation. And may I remind the House, Mr. Speaker, that the General Advisory Committee is the overall Education Committee made up of representation from the

MR. ROWE, F.W.: department, from all the churches, from the University and from N.T.A. Under the law that committee has the right to recommend policy to the Government of the Province. This proposal from the Student Council was considered by the General Advisory Committee. I might also add that we have our own committee for administering Student Aid itself, made up of representation from the faculty of the university and from the students and from the department and from the Department of Finance, and that this body as well have gone along with - Dr. Eaton is the University representative, Dr. Eaton the Dean of Men, I believe now, and Mr. William Bishop the President of the Student Council Union is the students representative. He has another colleague with him. And we have, Mr. Groom from Finance used to be on the committee, I think, Mr. Pepper is now there, and we have our own Deputy Minister serving on the committee,

That body as well have gone along with this, and recommended it to me as the minister.

I am very pleased to announce that the Government has now approved the new proposal in principle for next year, and that Student Aid Regulations are being revised to govern the administration of the new program. In September, 1970 then, next September, Mr. Speaker, all students attending Memorial University, who can establish a financial need in accordance with the Canada's Student Loan criteria, will be able to receive assistance from the new integrated plan. And all students will be treated alike regardless of the year in which they are registered."

I have five or six copies of that statement for members of the press.

NOTICE OF MOTION

HON. L. R. CURTIS: (MINISTER OF JUSTICE): Mr. Speaker, I give notice that I will presently by the leave of the House ask leave to introduce a Bill, "An Act To Ratify, Confirm And Adopt An Agreement Made Between The Government And Radex Minerals Limited, And To Make Certain Provisions

MR. CURTIS: Relating To That Agreement."

I also give notice that I will ask leave to introduce, with the consent of the House, A Bill, "An Act Respecting The Lower Churchill River," Unfortunately the name has not come up from my department but it is similar to a Bill already before the House dealing with the Upper Churchill.

ANSWERS TO QUESTIONS

HON. J. R. SMALLWOOD: (PREMIER): Question No. 423 in the name of the hon. the member for St. John's West, bearing date April 14th. The answer to the first part is within the Province \$192.73. Outside the Province \$3817.58 - Total \$4,010.31.

And the answer to the second part - is the same total divided as follows; \$2,536.23, \$1,474.07.

And the answer to the third part is that it was done by commercial lines and Government aircraft and private aircraft there is no detail breakdown available.

And the answer to the fourth part, is that no expenditure was incurred.

HON. E. DAWE: (MUNICIPAL AFFAIRS AND HOUSING): Mr. Speaker, answer to question 549 asked by the hon. member for Labrador West, Tuesday's Order Paper, June 9th. Question No. 549 - the answer to the question is, "none."

MR. SPEAKER: Further answers to questions.

HON. E.S. JONES: (MINISTER OF FINANCE): Mr. Speaker, I wish to table the answer to Question No. 543, on the Order Paper of June 1st. asked by the hon. the Leader of the Opposition.

MR. SMALLWOOD: Mr. Speaker, as of today the number of questions put on the Order Paper by the all the members of the Opposition, apart from oral questions asked on Orders of the Day or asked in Committee of Supply on the

MR. SMALLWOOD: estimates, the number of formal questions on the Order Paper as of today is 556. The number answered as of today is 435, leaving still 121 questions to be answered. I think it is a very remarkable record both ways, as to the number of questions asked and the number of questions answered, It is the largest number asked since Confederation and it is by far the largest number answered.

ORDERS OF THE DAY

MR. J. CROSBIE: Before Orders of the Day, Mr. Speaker, I would like to ask a question of the hon. the Premier as to the situation at Placentia, and the request of Mr. Thomas O'Keefe and people in the Placentia area, as the Premier heard their request, that the House should debate the situation at Placentia before the House closes. If the Premier has heard that request, what is the position of the Government on it? Will a debate be arranged on the Placentia situation or what would the Government's position be?

MR. SMALLWOOD: Mr. Speaker, no, I have not heard of any such suggestion and if I did my answer would be that I would infinitely prefer to see or hear a debate in the House of Commons than one in this House. I think that it is now high time that the Government of Canada did something about the situation brought about in that area by the phase down of the American Base at Argentia. I think that the answer must come from Ottawa and I think the debate ought to take place, if there is to be a debate, in the House of Commons, in the Parliament of Canada. I do not see that anything could be done in this Chamber except to complain and indite and denounce and we can do that outside of the House just as readily as inside.

I may say that on the aircraft leaving Torbay at 4:20 P.M. today, I am going to Ottawa. I will be accompanied by two of my colleagues in the Government. I will be back again on Friday, but I am leaving today to take up some public matters in Ottawa.

MR. CROSBIE: Another question; could the Premier tell us whether it is correct or not that the Premier and members of the Cabinet plan to travel to England next week on public business and, if so, the nature of the business?

MR. SMALLWOOD: I am not able to say, Mr. Speaker, whether any members of the Cabinet will be going to England next week. I am able to say that some members of the Cabinet are going to New York City, leaving St. John's on Sunday next. Whether we will come back to St. John's from New York City or go on to London from that city remains to be seen.

MR. CROSBIE: Mr. Speaker, another question, if the Premier does not mind, information on Churchill Falls that the Premier has requested, with reference to the numbers of grievances processed by the Union there since the contract was entered into, the number of full time union men on the site, and whether or not the Government's representative of the unions are notified before men are removed from the site. Is any of that information available yet?

MR. SMALLWOOD: No, Mr. Speaker, not yet.

MR. C. WELLS: An additional question, Mr. Speaker, on that point - has the Government taken any steps to make sure that the men involved in Churchill Falls are notified and are fully aware that they can chuck out anyone of those unions that are involved in that agreement that are not doing a satisfactory job for them? Every year they have the opportunity to vote in a new union in place of their existing union. Have the Government taken any steps to make sure that the men are made aware of this so that, if they wish to, they can take the action? If any union is failing they can be kicked out?

MR. SMALLWOOD: Mr. Speaker, we have not as yet taken any steps to notify the workers at Churchill Falls of their rights in this regard. The matter is receiving very active consideration by the Government who are exceedingly

MR. SMALLWOOD: anxious that the rights of the workers in Churchill Falls, especially those of them who are Newfoundlanders, shall be amply protected and fostered. What decision we take I do not know at this moment.

It will certainly be made public when it is made, and it will be made public in proper form. If the House is not then in session, the Government will take the best steps, the best means available to it, to make its decisions known.

I have been considering the advisability or otherwise of my going myself, as Leader of this Province, certainly Leader of the Government of this Province, to Churchill Falls and acquainting the workers there on the spot of the facts of the situation. The Government are not happy about any indication we hear or learn of any kind or degree of injustice to Newfoundlanders or indeed to anyone else at Churchill Falls, but especially to Newfoundlanders. Anything but happy about that! We do not propose to lie under it or to allow the rights of Newfoundlanders to be trampled on at Churchill Falls. But what decision we take, what course of action we decide on will be made public, in the proper way, at the proper time in due course.

MR. A. MURPHY: (LEADER OF THE OPPOSITION): Mr. Speaker, before we go into Orders of the Day, I would like to direct a question to the Minister of Fisheries, (or the Acting Minister of Fisheries), at this time re: the disposal of catches in the Portugal Cove South/Trepassey area to Fishery Products - I wonder if he had any representation with the fishermen? They dumped 40,000 yesterday. I have had a couple of phone calls, They seem to think there is some - I am just wondering if the minister had any representation because there was one instance quoted where a few, I do not know if it was this year or last year, where they dumped 30,000 pounds, and that afternoon the plant closed down because it had no fish to process. What is the actual allotment of fish to the various fishermen in the area?

MR. E. WINSOR: (ACTING MINISTER OF FISHERIES): Mr. Speaker, there has been no representation made to me, as Acting Minister or to the Department of Fisheries up to this moment.

MR. MURPHY: No official representation.

MR. COLLINS: Mr. Speaker, I have a question which I would like to direct to the Minister of Labour; what initiative has he taken or what does he propose to take to improve the job opportunities for university and high school students?

AN HON. MEMBER: Inaudible.

MR. COLLINS: I will repeat the question, Mr. Speaker. What initiatives has the minister taken or what initiative does he propose to take to improve the position in terms of job opportunities available for high school and university students?

HON. W. KEOUGH: (MINISTER OF LABOUR): Mr. Speaker, there are no initiatives I can take other than to refer the students to Canada Manpower.

MR. R. BARBOUR: Mr. Speaker, before you call the Orders of the Day, may I have the permission of the House to make an announcement please?

MR. SPEAKER: Yes, certainly.

MR. BARBOUR: Thank you, Mr. Speaker.

Mr. Speaker, my announcement is thus, as from the beginning of July 1st. a guide will be appointed to the Historic Lighthouse at Cape Bonavista to take care of the thousands of tourists and holiday seekers who will be visiting the oldest town in North America, the town of Bonavista -

MR. COLLINS: What Guy, Ray Guy?

MR. BARBOUR: He is a good man too.

MR. COLLINS: (Inaudible).

MR. BARBOUR: Mr. Speaker, the guide, I did not say guy, a capital Guy, I said guide. You should go to school Mr. Member for Gander. Mr. Speaker, this guide is a university student, a number of years as a school teacher, he is a resident of the town of Bonavista, he knows considerably about the history of the oldest -

AN HON. MEMBER: (Inaudible).

MR. BARBOUR: He knows more about the history of the oldest lighthouse in North America, almost more than any other man. Sir, in July month and August month up until the time school opens thousands upon thousands, and I can prove this, visit the lighthouse at Cape Bonavista. So for any hon. member or for their families or for anybody in the United States or Canada or Europe who goes to Bonavista South make sure they go to the historic town of Bonavista, contact this guide and be taken up the winding stairs, which I am sure the hon. Premier knows all about, in this old lighthouse and they will be given -

AN HON. MEMBER: (Inaudible).

MR. BARBOUR: Shut up, please! They will be given the history of this very famous lighthouse. Again I repeat, this guide will be taking up his duties on the first of July and I would invite the press if they visit Bonavista to go to the lighthouse. I would like to impress upon the press gallery, the reporters, that they will give this the fullest publicity. But there is just one sad disappointment that comes to me. The hon. member for Burin went to Bonavista South a little while ago to speak to a number of school teachers and he was impressed with visiting the Barbour Room. To complete his very pleasant visit he decided to take a visit to this famous lighthouse, that I had talked so much about, but when he arrived there he was told he could not enter it. When he told me this I got in touch with the hon. the Minister of Provincial Affairs, who very graciously and very kindly looked into the matter, and may I say this, Mr. Speaker, I wish to thank the hon. the Minister of Provincial Affairs, I wish to thank his Deputy, Mr. Coombs for their co-operation and I can assure every person now in Newfoundland and in any part of Canada, wherever they come 7532

MR. BARBOUR:

from, that from this very moment on no man, woman, boy or girl will be barred from seeing this great lighthouse. And as I said, from the first of July there will be a paid official, a graduate university student, who knows the history of this lighthouse and who will tell the people the history and they will be enriched and they will depart and they will know more about the history of Newfoundland and certainly the oldest town and the oldest lighthouse in North America.

MR. HICKMAN: Mr. Speaker, before you call Orders of the Day, in view of the hon. Premier's departure this afternoon this maybe his last sitting in the House at least for this session and I would like to direct a question to him. Is the hon. the Premier in a position to indicate to the House whether satisfactory arrangements or negotiations have been concluded with the appropriate companies for the development of the Julian Lake iron deposits in Labrador to be shipped via Point Noir?

MR. SMALLWOOD: Mr. Speaker, I have nothing to add to what I have already said on that matter.

ORDERS OF THE DAY:

COMMITTEE OF THE WHOLE ON WAYS AND MEANS:

MR. CHAIRMAN: Order please!

RESOLUTION:- That it is expedient to introduce a measure to provide for the granting to Her Majesty for defraying certain expenses of the Public Service for the financial year ending the thirty-first day of March, 1971, the sum of two hundred and ninety-six million seven hundred and seventy-seven thousand one hundred dollars (\$296,777,100), in addition to the initial sum of sixty million six hundred and eighteen thousand dollars (\$60,618,000) authorized for like purposes by The Supply Act (No. 1,) 1970.

MR. CHAIRMAN: Before putting the resolution perhaps the members of the Committee would like to deal with the clauses of the Bill.

On motion, Clauses 1, 2, carried.

On motion, Heads of Expenditure - Legislative, \$459,600; Executive Council, \$274,200; Finance, \$1,947,000; Provincial Affairs, \$603,100; Education and Youth, \$70,318,200; Justice, \$6,419,000; Mines, Agriculture and Resources,

\$4,742,600; Public Works, \$3,657,100; Health, \$54,010,700; Social Services and Rehabilitation, \$34,668,600; The Newfoundland Liquor Commission, \$1,338,300; Municipal Affairs and Housing, \$9,513,000; Fisheries, \$2,241,400; Economic Development, \$15,537,700; Labour, \$798,000; Highways, \$46,768,600; Supply and Services, \$1,877,500; Labrador Affairs, \$312,300; Community and Social Development, \$41,290,200, carried.

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 The Thirty-First Day Of March One Thousand Nine Hundred And For Other Purposes Relating To The Public Service,"

On motion, resolution carried.

On motion, that the Committee rise and report having passed a certain resolution relating to Supply and recommend that a Bill be introduced to give effect to the same, Mr. Speaker returned to the Chair.

MR. NOEL: Mr. Speaker, the Committee of Ways and Means have considered the matters to them referred and have directed me to report having passed a certain resolution relating to Supply and recommend that a Bill be introduced to give effect to the same and to report progress 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 For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending The Thirty-First Day Of March One Thousand Nine Hundred And Seventy-One And For Other Purposes Relating To The Public Service," read a first time.

On motion, Bill read a second time.

On motion, Bill read a third time, ordered passed and title be as on the Order Paper.

On motion that the House go into Committee of the Whole on Bill No. 25, "An Act To Amend The Public Printing and Stationery Act," Mr. Speaker left the Chair.

On motion, Clause 1 carried.

MR. CROSBIE: On Clause 2, Mr. Chairman, the original Act, the Public Printing and Stationery Act, section 20 says that the Minister responsible is to lay a

MR. CROSBIE:

statement before the Legislature each year in connection with Public Printing and Stationery and the Minister will recall we discussed it on second reading, is that statement ready yet?

MR. NOLAN: Mr. Chairman, if the statement is not ready it is certainly within gasps of being ready and I had hope to table it today but if it is not possible to do so should the House ^{adjourn}, I would be more than happy to let hon. members have copies the moment that I have it in my possession.

MR. CROSBIE: Fine. On the same point, Mr. Chairman, there are any number of pieces of legislation passed by the House in the last twenty-one years that require the Government or Ministers to table copies of agreements, information, reports in the House. I think that it is time the House ask the servants of the House to prepare a list for the House of what is supposed to be tabled in the House each session so that the members can see whether or not these pieces of legislation are being complied with. There is no one place now where we can look. I know that there is Act after Act where matters are supposed to be tabled and they do not get tabled because the Ministers have forgotten about it. The servants of this House should have a list for us so that we can see that the Government complies with the law. I throw that out as a suggestion.

MR. SMALLWOOD: Mr. Chairman, I agree with the hon. gentleman. I agree so much with him that before the House opened for the present session I sent a notice to every hon. Minister reminding them that under the Acts for which they were responsible, where certain reports had to be tabled in the House, asking them to do so. Some of them had done so and some of them have not. I hope that in the next session we will be able to get them to do so.

On motion, Clauses 2, carried.

MR. CALLAHAN: The hon. member has just passed me a proposed amendment to the Bill and I have not had time to confer with him and see where exactly it fits and I am not sure if it has been circulated.

MR. SMALLWOOD: Is it (5), the new (5)?

MR. CALLAHAN: We are on 4 now, it is a new (5).

On motion, Clauses 3, 4, carried.

MR. SMALLWOOD: Mr. Chairman, I move the insertion of a new section to follow

MR. SMALLWOOD:

after 4. I have it I think, to be inserted as a new section 5 in which case, of course, the present section 5 will become section 6 and so as an amendment I move that it be inserted as section 5. The said Act is further amended by inserting immediately after section 12 as section 12(a) the following:
12(a) For the purposes of any requirement of or under any Act of the Province respecting the publishing of information including without limitation of the generality of the foregoing the publishing of notices, orders or regulations that publication of the Government of the Province known as the Newfoundland Bulletin shall be deemed to be a newspaper.

Now that will become section 5 and what is now numbered section 5 will be renumbered section 6. The purpose of this new section would be to qualify the Newfoundland Bulletin as a publication for the publishing of Government notices. Now normally notices are published in the Gazette and this goes to all lawyers and courts and magistrates and people connected with the administration of justice in the Province.

MR. CURTIS: That will still be done.

MR. SMALLWOOD: This will continue to be done, of course. Then notices ordinarily have to be published in one other newspaper. Ordinarily the second publication is in a daily paper and it will continue to be so, It will continue to be so frequently the second notice will appear in a daily newspaper in Corner Brook or in St. John's but where time is not of the essence - where time is not of the essence, where time is of the essence the second advertisement will appear in a daily paper but where it is not of the essence it will appear in the Bulletin and thereby save to the Government something of the order of \$25,000. to \$30,000. a year in the cost of advertising. The Bulletin is published anyhow, it is costing over \$100,000 a year to print and circulate and mail throughout the Province. By being the second publication for official notices in many cases, not all but in many cases, something like \$25,000. to \$30,000. a year will be saved for the Province.

I move the amendment.

MR. WELLS: Mr. Chairman, I can see some sense to what the hon. Premier said.

The only problem is whether he realizes it or not, I do not know whether he

MR. WELLS:

does or whether he likes it or not but it is a fact that a large number of people do not even look at the Newfoundland Bulletin. It gets torn up and strewn about the floor of post offices in many instances. Now I do not know whether he likes that or not but that is a fact, it does happen. So publications, notices that would otherwise be drawn to the attention of people, by publishing in a local newspaper in the area, in the Springdale newspaper, if it concerns that area, or the Western Star, if it concerns Corner Brook, or the Daily News or Telegram or whatever the case maybe and the area it concerns, I have no concern about publishing the notices in the Newfoundland Bulletin, the Government can continue to do that as often as they like, but for purposes of ensuring that people are properly informed, that the maximum number of people are informed, I do not think the Newfoundland Bulletin should be substituted for the other newspaper required. I do not think it should be substituted, in order to properly inform people, I think you will inform more people by publishing it in both the Newfoundland Bulletin and a local newspaper but I do not think that the Newfoundland Bulletin should be substituted as the alternate newspaper.

Fine, amend the Act to allow it to be published in the Newfoundland Bulletin, if the Government wishes, but I know a great number of people who read papers that are entitled to use the name newspaper but who just tear up and throw away the Newfoundland Bulletin, that is published only once a month and this does not seem at all reasonable to me. I think if there is any necessity (and I do not see it) to amend the Act, to publish it in the Newfoundland Bulletin, by all means go ahead and do it, if they wish to do that, but do not take out the other newspapers and have publication in the Newfoundland Bulletin as a substitute for publication in the general newspaper, this is wrong.

MR. ROWE: Mr. Chairman, I go along in principle with what my hon. friend has said there, I think it is eminently sensible. I do not think this is intended at all. I have reason to speak with some knowledge and some conviction on this thing because the hon. gentleman knows in my district we have a newspaper which is very widely read in the district itself. In Grand Falls -

MR. ROWE, F.W. I suppose directly or indirectly practically every family has access to the "Grand Falls Advertiser."

MR. WELLS: Much more widely read than the "Newfoundland Bulletin."

MR. ROWE: Of course, I cannot say that. I have never done any statistics on it. But certainly it is more widely read than any of the ordinary commercial newspapers that come in out there, and even they can be more widely read than the Newfoundland Bulletin, I do not know that. It is published twice a week, to start off with, and it goes into - directly, I say directly or indirectly, because if a son is living next door to the father, the son may not subscribe, but you know very well he goes out and gets the "Advertiser" or he has a look at it or he reads what is in it and so on. And I have insisted, ever since I have been the member, and this was not always so. It was not so when I became the member for the district. If a post involving the district or involving a post let us say for Central Newfoundland, conceivably it could be a post for Springdale, somebody in the welfare office in Springdale or Lewisporte or Botwood or Gander, then I always insisted that such a post should be advertised in the Central Newfoundland paper. I believe that has also been followed up by advertising in some of the other still more local papers, in one way and the other. This is not intended to eliminate that at all, I would not be able to go along with that -

MR. WELLS: What I am saying is

MR. ROWE, F.W. No member for an area, certainly the hon. member for Port au Port or the member for St. George's here, if there is to be something which has specific relevance to Stephenville or to Corner Brook or to Stephenville Crossing or St. George's, surely he is likely to ask that in addition to any other coverage it will be carried in and as a matter of policy it will be carried in the "Western Star." This will

MR. ROWE, F.W. be done, This is not intended to eliminate that at all. What it does do is make, as I understand it, makes the Bulletin one of the legal papers in which such an advertisement could be carried,

MR. WELLS: No, what it does - if I might, Mr. Chairman, what it does it eliminates the necessity for publishing in any other newspaper. Any notice that the Government of its own does not wish to publish or for whatever reason, it eliminates the legal necessity because the Bulletin is substituted as the altar, and the necessity is eliminated hereupon.

MR. ROWE, F.W. Again I yield it there, Mr. Chairman. We are in committee on this, I take it.

MR. WELLS: Yes.

MR. ROWE, F.W. Mr. Chairman, here again this is a matter of common sense surely, and it is not a matter - I hope nobody thinks it is a matter of malaise or indecisiveness. Sure any post-I will repeat; I do not care how many times it is carried in the Newfoundland Bulletin, I do not care how many times it is carried in the "Daily News" or the "Telegram", if that post is for the welfare office in the Town of Grand Falls, I would expect that it be carried, that the advertisement be carried in the "Grand Falls Advertiser."

MR. WELLS: There are different views of the degree of common sense normally used by the Government.

MR. ROWE, F.W. Here again there is nothing that says that an advertisement may be carried only. Look, in practice we would be fulfilling the law if we carried an advertisement in one paper, say the "Evening Telegram."

MR. WELLS: No, no, and it is circulating in the area, generally in the area.

MR. ROWE, F.W. And in the "Gazette" surely.

MR. WELLS: No, no, one other local newspaper.

MR. ROWE, F.W. All right! Okay, conceiving that in practice post after post is carried, the advertisement is carried in the "Telegram," in the "Daily News," in the "Western Star," and in the "Grand Falls Advertiser" and also of course in the "Newfoundland Gazette," in fact this has happened, and in other papers, as well it may be. Now it is not intended to eliminate all of those, I do not have any strong feelings about this at all. But it is not intended to eliminate them at all. It is intended to leagalize the "Newfoundland Bulletin" insofar as fulfilling the requirements they concern, but in actual fact, as everybody knows, everybody knows that if their is a post in the heart of Corner Brook, to be filled, there is going to be an advertisement in the "Western Star" no matter how many are carried in the "Newfoundland Bulletin" or in the "Gazette" or anywhere else.

MR. T. A. HICKMAN: Mr. Chairman, if I may have a word. There are two things that I would like to draw to the committee's attention, (1) when the hon. the Premier moved the amendment, his indication of the Government policies, ^{was} somewhat at variance with that of the hon. the Minister of Education.

MR. ROWE, F.W. No not at all.

MR. HICKMAN: Because as I understood it -

MR. ROWE, F.W. He said, he saved money, and this is true.

MR. HICKMAN: Apart from saving of the money. As I understood the hon. the Premier, he said that where time was not of the essence then the Newfoundland Bulletin would be used rather than a daily newspaper.

MR. WELLS: Right that is what he said.

MR. HICKMAN: So this means, therefore, that if you are going to call tenders for highway construction or you are going to call for tenders for the supply of, you know, goods and services and pillow cases to the hospital, time will not be of the essence. Consequently the only advertising would be in the "Newfoundland Bulletin." And that, Mr. Chairman, make no

MR. HICKMAN: mistake about it, that the announced policy of the Government, as enunciated by the Premier, is to exclude the newspapers, except where time is of the essence. Nothing can be clearer than that.

Now, Mr. Chairman, when you look at this - you know, so that none of us will ever go away with the wrong impression, the last few words say that the "Newfoundland Bulletin" shall be deemed to be a newspaper. Well let us make it abundantly clear so there can be no misunderstanding that it maybe a newspaper, within the strict meaning of the legal niceties, but by no stretch of the imagination could the "Newfoundland Bulletin" ever qualify as a newspaper. Any similarity between a newspaper and the "Newfoundland Bulletin" is purely coincidental. The last issue of that Bulletin was the worst that I have seen since it came out, because there were about ten or fifteen pages of the Budget Speech, the whole Budget Speech. Could you imagine the newspapers, you know, taking that as their lead, the whole of the Budget Speech?

MR. WELLS: And not a word from what the Leader of the Opposition said about it.

MR. HICKMAN: Oh, not a word.

MR. WELLS: Right! How can you call it a newspaper?

MR. HICKMAN: About six pictures of the Premier, in different poses, delivering the Budget Speech, and then DREE. That was it. That was the last issue. That is not a newspaper. So that nobody goes away from this House under the impression that the "Bulletin" is a newspaper. It is not a newspaper. It is a propaganda sheet of the worst order and getting worse with every issue.

MR. STRICKLAND: What about the other two newspapers? They only publish what the Tories on the other side says.

MR. HICKMAN: Mr. Chairman, while I am on my feet - I do not know if I should reply to the unbiased comments of the hon. the member for Trinity North at all.

MR. STRICKLAND: That is true. That is true.

MR. HICKMAN: But the simple fact is that circulation should never be the yardstick for the 'Newfoundland Bulletin,' its readability. If readability is the yardstick then this will not bring to the attention of the public of Newfoundland the various notices that are envisaged in this legislation.

But while I am on my feet too, may I take issue with what the hon. the Minister of Education says; that when posts are being advertised that are localized in their nature and when tenders are being called for the supply of materials in a particular area or when tenders are being called for the construction of roads in a particular area, that it is not the infallible practice that the local newspapers are given an opportunity or are availed of for advertising. But may I direct to the attention of the committee and to the hon. ministers in this House now, who advertise from time to time, that we have on the South Coast of Newfoundland an outstanding weekly paper known as, "The Burin Peninsula Post." It is a paper whose circulation is growing very rapidly, completely unbiased factual reporting, and it reflects beyond any shadow of a doubt the feeling and views of the people of Southern Newfoundland, including Placentia West, Burin, Fortune Bay, Hermitage, and Burgeo La Poile. If you want to find out how the people down there are thinking then I recommend to the committee that they read the latest in journalism, "The Burin Peninsula Post."

And may I direct to the attention of the committee that it does have a very large circulation particularly on -

AN HON. MEMBER: Inaudible.

MR. HICKMAN: It made one unfortunate comment about the hon. member of Placentia West and I regret it. The members will remember the editorial. It said that we have been urging the member for Placentia West to speak up in the House of Assembly, but having heard him speak we now insist that he never opened his mouth again. And ever since that the hon. the member for Placentia West has been very biased towards this fine newspaper.

MR. HICKMAN: But simply to set the facts straight; since that paper came on the scene several months ago, I have not seen any advertising in that paper by the Government of the Province for posts that are exclusively restricted to the Burin Peninsula or to the South Coast of Newfoundland.

MR. MURPHY: What about tenders for the Hickman Highway are they in it?

MR. HICKMAN: Even the tenders for the Hickman Highway were carried only in the St. John's papers.

MR. STRICKLAND: Where is that?

MR. HICKMAN: You know I just do not understand what Government are thinking about. Here they are calling for tenders for the road construction on the Burin Peninsula and they do not put it in the paper that has a maximum circulation on that peninsula.

HON. MEMBERS: Inaudible.

MR. HICKMAN: So, Mr. Chairman, - the editor is a very outstanding citizen, Major Lawrence Hudson of Marystown. But this, Mr. Chairman, was simply to correct an error that the hon. the Minister of Education has made. The Government does not, as a matter of policy, always use a local newspaper for local jobs that are being advertised.

AN HON. MEMBER: Inaudible.

MR. HICKMAN: Well, so we are.

MR. MURPHY: Mr. Chairman, just one or two words, I agree whole-heartedly with the comments of the previous speakers. But this legislation is only going to be temporarily, as I see it, because if the Tories, when they take the Government, are going to act like they did in Opposition, This will be amended, the whole thing will be abolished within a few months. If not I am sure the Thompson Syndicate -

MR. SMALLWOOD: When will that be? When will that be?

AN HON. MEMBER: Inaudible.

MR. MURPHY: It is not. I am sure that the Thompson Syndicate will be very anxious to buy this along with the "Telegram" and The "Western Star."

MR. MURPHY: So, as I say, I have no strong feelings on this.

MR. ROWE, F.W. We sold the Newfoundland Savings Bank for a good profit.

MR. MURPHY: Yes, we might sell this for a good profit.

MR. ROWE, F.W. You will never know.

MR. CHAIRMAN: Shall the item carry? Carried.

MR. CROSBIE: Mr. Chairman, we do not want to debate this all day of course, and I think it is just as well to vote on it. But it is against anybody's brain to say that the "Newfoundland Bulletin" shall be deemed to be a newspaper. On that grounds alone I would have to vote against it. I was delighted to hear the "Burin Post" referred to today by the hon. the member for Burin. It has been called, in many circles, "The Hickman Echo."

MR. WELLS: Before we carry it, Mr. Chairman, -

MR. HICKMAN: The hon. member is very discerning.

MR. WELLS: There is more to it than is involved because we are not amending all of the Acts that are involved. There are a great number of statutes on the books of this Province that require publication in a variety of ways, of notices in a tremendous number of circumstances. Before amending this Act to in effect alter every single one of those (this is what we are doing), I would suggest that the Government might consider

AN HON. MEMBER: Inaudible.

MR. WELLS: I will have to wait until the Government are inclined to listen.

MR. CURTIS: Inaudible.

MR. WELLS: If the Minister of Justice would listen for a moment, I am wasting my breathe otherwise.

MR. CURTIS: Inaudible.

MR. WELLS: Yes, that hon. minister happens to be a member of the committee, and the only member, as I see it right now, who probably considers this point, because of the implications of amending this, the implications in all of the other statutes, not just this one, we are in effect

MR. WELLS: altering the requirements in all these other statutes. I would recommend that they might withdraw this Amendment for the the time being until all of those statutes were thoroughly checked out. and it was worded in such a way as not to make this the alternate that could be used at any time. I recommend this to them rather than just having the committee vote against it or voted on. I suggest this might be done because I think the implications are pretty strong, the consequences may be very important.

MR. CURTIS: Mr. Chairman, I think, we have not got the "Curtis Courier." We did have the "Twillingate Son." We have not got the "Hickman Echo." But I do not think the people of Twillingate get any of the daily papers. I do not think there are enough daily papers from St. John's or from Grand Falls or from Corner Brook or even from as far off as Burin. I do not think we get them. We may get the Lewisporte paper (I forget even what they call it). But I am sure of one thing, that the Bulletin does go in. If you want the people to read it and if you want the people to read it in the paper they take, you have got to have a paper that circulates it. I do not think the people in my district could find that advertisement if it appeared in the "Telegram." As I said last year, the "Telegram" on Friday has about fifty pages. And if you put an ad in it takes a week to find it. Well who is going to find it, if they do not know it is there? I mean it is beyond all -

MR. MURPHY: Inaudible.

MR. CURTIS: Well I would rather see the picture of the Premier than some pictures - there is not an awful lot to choose.

MR. MURPHY: Inaudible.

MR. CURTIS: How the babies seem to be popular, I do not know. But does this not draw our attention, Mr. Chairman, it was last year we found we had to hire three pages of a paper to put in a report of the Nomenclature Board. We had to read three pages, we had to put it in once a week for

MR. CURTIS: four weeks. It cost us a ridiculous amount of money and I am willing to bet dollars to donuts that not a dozen people read the advertisement in its entirety.

MR. WELLS: I agree.

MR. CURTIS: And it is pure nonsense.

MR. WELLS: I will amend that Act.

MR. CURTIS: That was the idea that brought it to our head, I think the fact the paper published the Budget Speech is all in its favour.

MR. HICKMAN: There was a very good column one time on the Hickman Family. That, I must say, was well written.

MR. WELLS: Inaudible.

MR. CURTIS: I did not know that the paper was so up to date, I think it was an excellent idea of publishing the Budget, I wish we could see some of the White Papers that they print in Ottawa.

MR. HICKMAN: The New York Times publishes every word of the Budget Speech.

MR. CURTIS: You remind me of the story -

MR. HICKMAN: President Nixon's Budget is about six pages, ours have got to be about one hundred.

MR. CURTIS: My hon. friend reminds me of the story of the Irishman who was making a Will.

MR. HICKMAN: Making a what?

MR. MURPHY: A Will.

MR. CURTIS: The Irishman - he said, "I want to leave the land across the meadow to my son, John." His wife butted in and said; "you promised that to Bill." He looked at her and said; "who is dying, you or me?"

Now I am saying to the hon. minister, "who is speaking, you or me?"
But I will stop.

MR. CHAIRMAN: Shall the item carry?

MR. BARBOUR: Mr. Chairman, I know one paper where it should go in, a paper that goes into every house in Bonavista South, the "Fishermen's Advocate."

MR. CHAIRMAN: Shall the Amendment carry? Carried.

Shall Clause V as amended carry? Carried.

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

On motion, that the committee rise, report having passed the bill with some amendments, report progress and ask leave to sit again, Mr. Speaker returned to the Chair:

MR. NOEL: Mr. Speaker, The Committee of the Whole have considered the matters to them referred, and has directed me to report having passed Bill No. 25 with some amendment.

On Motion report received, Bill ordered read a third time, presently by leave.

On motion Bill read a third time, ordered passed and title be as on the Order Paper.

On motion Committee ordered sit again presently.

MR. CURTIS: Bill No. 43.

On Motion, A Bill, "An Act To Amend The Motor Carrier Act, 1961," read a third time, ordered passed and title be as on the Order Paper.

On motion, that the House go into Committee of the Whole to consider Certain Resolutions in Relations to Amendments to the Taxation Agreement Act, 1957, also, to Consider Certain Resolutions in Relation to Amendments to The Telegraph Tax Act. Mr. Speaker left the Chair.

Resolution: That it is expedient to bring in
a measure to amend the Taxation Agreement Act, 1957.

MR. CURTIS: Mr. Chairman, I would just like to explain this Bill for the purpose so that hon. members know what they are voting for. When we came into Confederation, we had these two taxes, and I am asking that both resolutions be treated as one. We imposed these taxes. Then there was a dispute as to whether or not we, as a Government, had the right to tax the Federal Government who took over the Telegraph Company. This Bill is purely to justify the Government in not collecting the taxes over two years about seventeen and eighteen years ago. The Auditor General has called our attention to the fact and asked us to ratify what the Government have done. There was a dispute as to who should collect or whether we had the right to collect it or not. We did not collect it. Now, I believe, we are collecting it. This is just a formal Act to authorize us not to collect it.

MR. COLLINS: Mr. Chairman, I have not had a chance to look at this. Does this mean - what are we doing now, Mr. Chairman?

MR. CROSBIE: Mr. Chairman, we have to understand what we are passing first. Are we now passing an Act to amend the Taxation Agreement Act, 1957.

MR. NOEL: The only business before the Committee now is the resolution. The Bill comes before the House and then gets referred to committee later on.

Motion that the Committee report having passed the Resolution and recommend that a Bill be introduced to give effect to the same. Carried.

June 17, 1970 Tape 1280, Page 2.

RESOLUTION: That it is expedient to bring in a measure to amend the Telegraph Tax Act, Chapter 33 of the Revised Statutes of Newfoundland, 1952:

On motion, that the Committee report having passed the Resolution and recommend that a Bill be introduced to give effect to the same, and ask leave to sit again, Mr. Speaker returned to the Chair:

MR NOEL: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have passed a certain Resolution relating to the Telegraph Tax Act and a certain Resolution relating to the Taxation Agreement Act and have directed me to report same and ask that a Bill be brought in to give effect to the same

On motion report received and adopted.

On motion Resolutions read a first and second time.

On motion, a Bill, "An Act to Amend the Taxation Agreement Act, read a first time:

MR CROSBIE: Mr. Speaker, this Bill is in connection with the Telegraph Act. Apparently this Telegraph Act was a tax that the Government imposed but was not collected or there is some dispute about collecting. I do not quite understand the situation. I remember the Auditor General referred to it in his report.

Could the Minister just tell us what or why this Telegraph Tax Act was not collected and who was supposed to have paid it that are now getting the tax holiday? They were supposed to have paid it and they have not paid it and now they are not going to have to pay it. That is my understanding.

Mr. Crosbie.

Is that the correct understanding?

MR. COLLINS: Mr Speaker, before the minister speaks, I presume that this tax has been - whenever a tax is collected off a corporation or a business or anywhere else, it is usually reflected in the cost to the user or the customer or whatever it might be. I presume this will not mean that there will be an additional tax imposed on messages..

MR. CURTIS: That is not the intention no.

MR. COLLINS: On messages sent by telegram. It is merely a case of recovering taxes which the telegraph company otherwise would have paid. They have collected it, but they have not remitted it to the Government. Is this the..?

MR. CURTIS: Mr. Speaker, well...

MR. SPEAKER: Before the hon. minister goes any further. It was the wish of the Chair. I think it would be the most orderly manner in which to do it, if we could have the second reading of the Tax Agreement Act now. Then continue and deal with the second reading of the Telegraph Tax Act and then the two Bills would be referred to a Committee at the same time. I think that this would be the most orderly manner. The motion before the House is now actually the second reading of the Taxation Agreement Act of 1957.

MR. WELLS: Mr. Speaker, if I may, this Bill, the Taxation Agreement Act of 1957, refers to the Telegraph Tax Act and this..

MR. SPEAKER: I have no objection - I am not saying that the discussion is irrelevant. I am just pointing out that we should deal with the second reading and then deal with the other on a motion for second reading and refer both, if we pass second reading, to a Committee

Mr. Speaker

of the Whole House at the same time. This is just a suggestion not a ruling.

MR. WELLS: Thank you. Mr. Speaker, before the minister or when the minister speaks in closing the debate, I would appreciate it, if he would tell us why these taxes are deemed now to be uncollectable. Why are these taxes now deemed to be uncollectable? In as far as I know and I may well be wrong, I would like to be told if I am. Any tax imposed by the Province is not uncollectable as a matter of law unless the particular Statutes states that no action can be taken after the expiration of a certain period of time. Why are these taxes now deemed uncollectable so that no effort is now being made to collect them? That is all I want to know.

MR. CURTIS: Mr. Speaker, the Deputy Minister of Finance, as hon. members know, he is new to his job. He was not here in 1957, if I understand correctly. But in 1957 - (the Act is 1957) In 1962, he did not collect this tax. Why, I do not know. I think it was probably due to some misunderstanding as to whether or not the tax was collectable from the Federal Government. I think, if I remember rightly, the only telegraph companies operating here since Confederation have been the Canadian National. I believe that is the only company. There was a misunderstanding as to whether or not they could collect the tax from them, being a branch of the Federal Government.

It is understood for instance that no province can tax the Federal Government. That is just the same way that no municipal

Mr. Curtis.

authority can tax the Provincial Government. I mean a junior government cannot tax the superior government and this is a tax on the companies, not on messages. There is not a tax payable by individuals. There is a tax payable by the company. I think, if I remember rightly, it was about \$2,000 a year or something like that.

I have the Act here, and I can tell you in one minute.

MR. CROSBIE: Chapter (33).

MR. CURTIS: Chapter (33) is it?

MR. CROSBIE: Chapter (33), Revised Statutes.

MR. CURTIS: It is not Chapter (33) of 1957.

Act no. 58 of 1957.

MR. CROSBIE: That is the Taxation Agreement Act.

MR. CURTIS: Section (3) of the Act says: "subject to this Act the minister with the approval of the Lieutenant-Governor-in-Council may on behalf of the Government of Newfoundland enter into an agreement with the Government of Canada; providing in accordance with such terms and conditions may be so improved for the suspension by the Government of Newfoundland of the imposition of (a) individual income taxes as defined in the agreement in respect of the period of five years commencing 1 January, 1957 and ending on 31 December, 1961 or any lesser period ending 31 December; (b) Corporation income taxes, and corporation taxes defined in the agreement in respect of the period of five years commencing the same periods; (c) Succession duties as defined in the agreement in respect of successions or transmissions in consideration of annual amounts to be paid by the Government of Canada to the Government of Newfoundland at such times.

MR. WELLS: You did not collect for a two year period.

MR. CURTIS: We did not collect for a two year period. When this five year period expired it was not collected.

MR. WELLS: But it is now being collected.

MR. CURTIS: Yes.

MR. WELLS: Right, okay!

MR. CURTIS: Yes.

On motion a Bill, "An Act To Amend The Taxation Agreement Act, 1957, read a second time, ordered referred to a Committee of the Whole House presently.

On motion a Bill, "An Act To Amend The Telegraph Tax Act, read a first time, On motion Bill read a second time:

On motion that the House go into Committee of the Whole on Bills: a Bill, "An Act To Amend The Taxation Agreement Act, 1957," and a Bill, "An Act To Amend The Telegraph Tax Act." Mr. Speaker left the Chair.

MR. NOEL CHAIRMAN OF COMMITTEE OF THE WHOLE:

A Bill, "An Act To Amend The Taxation Agreement Act, 1957."

On motion Clause (1) and (2) carried.

Motion that the Committee report having passed the Bill without amendments. Carried.

A Bill, "An Act To Amend The Telegraph Tax Act."

On motion Clause (1) and (2) carried.

Motion that the committee report having passed the Bill without amendments. Carried.

On motion, that the Committee rise report having passed these Bills without amendment, Mr. Speaker returned to the Chair.

MR. NOEL: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having

passed Bills Nos. 53 and 54, without amendment, and ask leave to sit again.

On motion report received and adopted, Bills ordered read a third time presently.

On motion a Bill, "An Act To Amend The Taxation Agreement Act, 1957, read a third time, ordered passed and title be as on the Order Paper.

On motion a Bill, "An Act To Amend The Telegraph Tax Act," read a third time, ordered passed and title be as on the Order Paper.

Motion, of the hon. the Minister of Justice, to move that the third reading of the Bill, "An Act Further To Amend The Trustee Act," be rescinded and that this Bill be recommitted.

MR. CURTIS: Mr. Speaker, I make that motion. As the House knows we did pass earlier in this session a Trustee Act. Since then we have received two requests, which unfortunately did not arrive while the Act was in committee. The first request we had was from the Mayor of St. John's. Apparently, there is a Clause in the Trustee Act which interferes with their pending bond issue. and the Mayor writes that the enactment of this amendment, which is the first one that I will move, would enable debentures to be issued as well under the City of St. John's Loan Act, subject, of course, to the same conditions and restrictions as those set forth in the Act pertaining to the issue of bonds. At present, it is arguable that only bonds can be issued by the City under authority of the said Statute. He is referring, of course,

Mr. Curtis.

to the City of St. John's Act. He asked us if we could put in - I believe we have already incorporated that in a previous amendment.

I think, Mr. Speaker, we attended to that, when the Bill was before the House . The latest amendments now are (b) and (c). We have been asked by the solicitors for the banking association - Mr. Frank Ryan, I think, is there solicitor. He has asked us if we could be prepared to consider putting in the Trustee Act a Clause allowing a trustee to purchase term deposit receipts or certificates of the various city banks. It seems to me that that is a very reasonable request. If a trustee has any money on deposit, he is supposed to put it in the bank anyway. He cannot keep it in his pocket and if it is there for six months or nine months or three months, it seems to be very reasonable he should be allowed to invest it at the higher rate of interest, if he can get it from the same bank by buying certificates. That is the first amendment, I would suggest, which is (b) and secondly, we have received a request from the solicitors for some public utilities asking if we would allow, if the House would allow, bonds, debentures or other securities of a public utility, approved for the purpose by the Lieutenant Governor-in-Council, to become trustee investments.

I do not see, Mr. Speaker, any objection to that, because these trustee investments - these bonds issued by public utilities companies can only be issued by and with the consent of the Public Utilities Commission, who incidentally make provision for their payment and for the payment of interest.

Mr. Curtis;

I, therefore, feel that it is perfectly safe to make these amendments. My hon. friend must not assent too quickly, because it was his firm who wrote and asked for them.

So, however, in spite of that, I will bring in the amendment, and I would, therefore, move that Bill no. 20 - that the third reading of Bill 20 be rescinded and that the Bill be recommitted and I made the explanation here. so we will not have to make the explanation in committee. I move it.

MR. SPEAKER: The motion is that the third reading of Bill No. 20 be rescinded and the Bill be recommitted. Carried.

COMMITTEE OF THE WHOLE:

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

MR. CHAIRMAN: The motion is that section 2 be deleted and amended by the insertion of the new section 2 which has been distributed. Carried.

On motion that the Committee rise, report having passed Bill No. 20 with some amendments, Mr. Speaker returned to the Chair.

MR. NOEL: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and directed me to report having passed Bill No. 20 with some amendments, and ask leave to sit again.

On motion report received and adopted, Bill ordered read a third time now by leave.

On motion, a Bill, "An Act Further To Amend The Trustee Act," read a third time, ordered passed and title be as on the Order Paper.

Committee of the Whole on a Bill, "An Act Further To Amend The Minimum Wage Act."

On motion, Clauses 2, 3, 4, 5 carried.

On motion that the Committee rise, report having passed Bill No. 46 without amendments, Mr. Speaker returned to the Chair.

MR. NOEL: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and directed me to report having passed Bill No. 46 without amendments, and ask leave to sit again.

On motion report received and adopted, Bill ordered read a third time now by leave.

On motion, a Bill, "An Act Further To Amend The Minimum Wage Act," read a third time, ordered passed and title be as on the Order Paper.

Second Reading of Bill, "An Act To Provide For The Abatement And Control Of Pollution Of Air, Soil And Water And For The Conservation And Use Of Water As A Natural Resource Of The Province; To Provide An Aid Towards The Centralization And Coordination Of The Multifarm Controls Over The Use Of Water Generally By The Creation Of An Authority As An Arm Of Government."

MR. CALLAHAN: Mr. Speaker, this is one of several Bills which are related and are almost companion Bills. In introducing this Bill I would like to think personally that perhaps I can cover some of the thinking that applies to the others without actually getting into the others. There are on the Order Paper, in addition to this present Bill No. 84, the Bill No. 85 which deals with Pesticides and Herbicides, the Bill No. 71 which deals with the disposal of waste materials and there also is a Bill, Sir, which while I think ^{it} is the responsibility of my colleague, the Minister of Health, nonetheless falls into the same general category and deals with protection of waters. All these, as the House will see, have to do with the control of pollution or the control of various activities as they relate to the purity of water, soil and air. I would say, Mr. Speaker, that perhaps the most difficult area of administration in Government today is in the resource area and very much the same thing applies to this whole question of pollution which, aside from any physical or scientific aspects, also is a very highly charged emotional one. This does not help at all in trying to get to the basis of some of these problems and do something about them.

The Bill, which now is introduced for second reading, is the successor to the Act No. 57 of 1966-67 which was the Water Resources and Pollution Control Act. Under that Act there was established the Newfoundland and Labrador Water Authority. This Bill, Mr. Speaker, is try to meet the principal demand of resource administration and pollution control and department administration today, namely to bring together in a coordinated way all the public authorities or agencies that have any responsibility for a particular area such as resource management or pollution control. So this Bill, Mr. Speaker, rather than as the former legislation had it, rather than a water authority this Bill expands and names clearly the title of the authority as the Clean Air, Water and Soil Authority. In other words, Mr. Speaker, its preview is very much broadened, We are much aware that water pollution is not the only kind of pollution there is, There are many kinds. I am not referring to the kind that may occur in this House from time to time, What I am thinking about, Sir, is that in the resource field, when one touches one resource or one element of the general environment, it is virtually impossible not to touch some or all of

MR. CALLAHAN:

the others. So we have attempted to bring together in the authority all the responsibilities that exist particularly in reference to the Departments directly responsible, the Department of Mines, Agriculture and Resources, the Department of Health, the Department of Fisheries, the Department of Economic Development and the Department of Municipal Affairs and Housing. Whereas previously the authority was made up of certain officials of the Government who represented certain elements of the Government service and certain responsibilities of certain departments, the total of their responsibilities again was not sufficiently broad nor was it incumbent on each of the Departments with direct responsibilities in this area to coordinate their activities with other Departments.

So what we have attempted to do in this Bill is to bring these Departments together in a coordinated way and to create the statutory right and at the same time the statutory responsibility of these Departments through their chief permanent officials, namely the Deputy Ministers or in their place their designees so that every matter falling in the area of pollution abatement or prevention or control would in fact come under the scrutiny of the most senior permanent officials in each of these Departments. I think that in itself is a major step forward.

The second thing we want to do, Mr. Speaker, is to take advantage of any expertise or any help we can get from outside the Government service. We have been doing this in ad hoc way. Last year, in the case of the major insect spray program, there was appointed an advisory committee, which involved representation from the Government in respect of Health and Resources, from the university and from the Federal agencies present in the Province, (the Department of Fisheries and Forestry and the Canadian Wildlife Service to name two). We think that we should take advantage of any other help or advice or assistance that exists, not only in respect of pollution as it is generally referred to, namely as the destruction of resources such as a water resource but generally in respect of the environment. So the Bill, Mr. Speaker, would make and does make provision for the appointment of a council, which will be the Advisory Commission on environmental quality. We would hope to appoint

MR. CALLAHAN:

to that commission representatives of all agencies and sectors of our society which have an interest. We think of industry, we think of the Rod and Gun Clubs, the Wildlife Federation, the various departments and agencies of the Government of Canada, the university and any other agencies or organizations that exist who would meet together under the chairmanship - the chairman of the authority, who would also be chairman of the commission, probably quarterly or on some kind of basis, call of the chair or, whatever. possibly, set up within its own organization, particular committees on particular problems. In this way we would get all the best advice available in the Province, which would be funnelled up then to the authority, which being on the basis of statute composed of the most senior officials of the Departments concerned, would have available to it now the advice of all these various groups, tendered in a formal way, for eventual presentation to the Government so as to allow perhaps for the improvement of legislation that we now have or will have in future.

There is also provision made, Mr. Speaker, for the appointment of local boards which would carry out the functions of the authority on a local basis if that were deemed desirable. The authority would have power, Mr. Speaker, to rule on various matters including the construction of works of any kind, factories, water and sewage systems or anything else that might contribute to pollution of the environment. They would be required to submit plans and specifications and to satisfy the authority as to the nature of precautions taken. In this way perhaps we could avoid undesirable situations which would otherwise occur. There are also, Mr. Speaker, and I think this is very important in respect to water resources in particular, there is a change of emphasis in this Bill. There is a statement, a basic principle, which did not occur in the Water Resources and Pollution Control Act that is now on the statute books mainly that regardless of any rights that may have been granted in the past or regardless of any rights that may exist, that these rights confer the right of use and not the right of abuse. So in the first instance the principle is laid down that nobody has the right to do anything that would contribute to the deterioration of the environment.

Now having said that, Mr. Speaker, I should add that there are

MR. CALLAHAN:

situations which exist now and there may be situations which will require to be permitted to exist in the public interest where there will be degrees of affluent discharge of any kind. It will not be possible obviously to discontinue, by order or otherwise, the disposal of garbage, municipal wastes, it will not be possible overnight if at all at any time to require every municipality in this Province to have sewage treatment. It will not be possible to close down existing industries which perhaps for decades have been in fact discharging affluent into waters.

I think we have to have regard to the practicality of that situation. It is a fact, a well documented fact in so far as water bodies are concerned, that water has a certain level of self-cleansing capability, that it has a certain carrying capacity and that up to that point, in so far as the life of the water body is concerned, there should not be any problem. Intermediate to that, of course, there is the health problem which may occur if the level of safe discharge is, in terms of the life of the water body the health safety point, maybe at level three. So this is the kind of divided jurisdiction, I suppose, that exists, Mr. Speaker. This is why we are bringing the various departments together. But what I am saying in respect of the levels of water quality that may obtain or may be enforced, these will have to be tempered as they are provided for in the Canada Water Act, for example, it is a good parallel, provided for taking into account all the factors that obtain in a given area.

I think the most Avant-garde Society perhaps in this world today or at least it is so regarded, Mr. Speaker, the country which is so often referred to as that which is further ahead in the matter of social awareness and the matter of environmental awareness than any other is, of course, Sweden. I was interested to read, in a booklet which came to me just a few days ago, which was titled, "Sweden's reply to the United Nations inquiry in connection with their preparations for the UN conference on human environment". That is to take place, I think, in 72 or 73. In any event on page twenty-six, Mr. Speaker, the booklet sets out the Swedish position. It says; during the spring of 1969 the Swedish Reichstag is considering suggested legislation. This is designed to

MR. CALLAHAN:

lead to a law for care of the environment which will go into effect on the 1st of July 1969. The law represents new integrated legislation which offers protection against water pollution, air pollution, noise and other disturbances."

"As to water, there already exists laws which specify the responsibility of counteracting pollution. It is proposed that these laws be replaced by regulations in the new law and that the regulations be made more stringent. As to the other types of pollution and disturbance, the proposal means that legislation will now be introduced in a sector which has hitherto been practically unregulated." This is the key point, Mr. Speaker, the next sentence.

"The new law proposes that disturbances (and disturbances in that context means any kind of discharge or change of the environment, discharge into water and whatever) the new law proposes that disturbances be prevented as far as is practically and economically possible." Then it goes on to spell this out in this sense that if any person carries on or proposed to carry on any operation which adversely affects the environment he may apply for a license to conduct such operations. This is quite comparable with the new Canada Water Act.

This will lead to a decision as to whether and under what conditions the operations may continue. Licenses will be granted by the Concessions Board for care of the environment etc. So what is being said, Mr. Speaker, very briefly, is that it is not possible and indeed everywhere man goes and everywhere communities are created and settled there must be a degree of disturbance, change and deterioration of the environment. This means that this whole matter must be approached with some reason, always bearing in mind that there are safe levels perhaps or there are levels beyond which matters should not be permitted to go. In respect of water, air and soil pollution this will be the responsibility of this authority.

The Bill, of course, Mr. Speaker, would repeal the Water Resources and Pollution Control Act, 1966-67 and, in addition to preserving many of the provisions of that Act, would validate things done by the water authority created under that Act. As I have said, Mr. Speaker, the same train of thought runs through the other Bills in this connection, that appear on the Order Paper.

I would hope that the House will consider them in the first instance as

MR. CALIAHAN:

related and in the second instance favourably, I move second reading.

MR. SPEAKER: The motion is that this Bill be now read a second time. Now there are four people standing at the present time -

MR. WORNELL: Well, I had the floor first I think, Mr. Speaker.

MR. SPEAKER: And we can only recognize one, I am afraid. The hon. member for St. John's West, I think, was on his feet first.

MR. HICKMAN: Discrimination, discrimination again.

MR. CROSBIE: Come on over and you will get recognized over here. Mr. Speaker, this is an important piece of legislation and in general I agree with it. I certainly agree with the principle of the Bill but there are just several points the Minister might clarify that I do not think are clarify yet. I assume that the Newfoundland and Labrador Water Authority is going to disappear and the people who have been retained to operate the water authority will now operate the Newfoundland and Labrador Clean Air, Water and Soil Authority, and that the branch that was in the Department of Economic Development, if this Bill is passed, would move to the Minister's Department. So it will change from Economic Development, where it should not be, to the Mines, Agriculture and Resources, where in my opinion it should not be either, Mr. Speaker.

AN HON. MEMBER: Public Health.

MR. CROSBIE: That is just what I was going to say, yes. I am not against the Bill but I think, Mr. Speaker, that it would be better if the whole business of pollution control, air, soil and water was with the Department of Health because that Department's main interest is in the health of the people of Newfoundland. That is its interest, its main interest really, its whole interest whereas the Department of Mines, Agriculture and Resources, the principal interest of that Department is somewhat in conflict, I think, with the strict enforcement of this legislation. In other words the Minister's Department is trying to get the natural resources of Newfoundland developed. That is its main purpose, the forest, the minerals, the water resources of Newfoundland developed and the Minister's Department is dealing with the people who are developing those resources.

Now the people who are developing the resources of the Province of

MR. CROSBIE:

Newfoundland or any Province or any country are by and large the people who are creating the conditions that this legislation is designed to ameliorate or to combat and I think there is going to be a conflict of interest in the Minister's Department if the Minister and his department are responsible for this authority. I think it would be far better, and I presume that the Government is not going to agree to this today, but I would certainly like the Government to consider during the next year whether or not they might not change this to where it should go next year to the Department of Health. It has nothing to do with who is Minister of the Department or anything like that but I think that in these matters, since the Department of Health's main interest is preserving the health of the people of the Province, they should be responsible for this legislation and there would be no conflict of interest there at all. That is my first point, Mr. Speaker, I think it ideally should be the Department of Health.

I believe the Minister said, when he was speaking, "The membership of the authority is going to consist of five Deputy Ministers and such other members, not less than two and not more than six, to be appointed by the Lieutenant-Governor in Council." I hope that the Minister or the Government will appoint, I think the Minister mentioned this, several people from the university who -

MR. CALLAHAN: Well, that is in the Advisory Commission.

MR. CROSBIE: Well, I would hope that to this authority there would be appointed, that all members of the authority would not be civil servants or Government employees, that there will be some members appointed just representing the general public and people who have no connection with industry or business but people who are concerned with the question of the environment and are interested in it. I would suggest, for example, a person like Harold Horwood, who is a knowledgeable journalist, knowledgeable in this field, and has written a lot of articles. If not Harold Horwood some other outside, at least several outside people who have no connection with Government, no connection with industry, who would be there to represent the public interest. Their views might or might not be accepted. I would like to see on the authority, not just on the council,

MR. CROSBIE:

the Advisory Commission, somebody from the university. Of course there are many up at the university who are interested in this field, I hope that the Minister will keep that in mind when he is making the appointments of the others, not less than two nor more than six to be appointed by the Lieutenant-Governor in Council.

The Chairman is going to be the chief executive officer of the authority and I presume the chairman is the gentleman who is now the manager of the Newfoundland and Labrador Water Authority who has just been retained. Section 13, Mr. Speaker, which the Minister refers to, I think this is the new principle the Minister referred to, which is excellent. Under Section 13, "There is no right to pollute", that is the note on the side of the section. Sub-section 3 of Section 13, "Nothing in this section or any statute of the Province or any valid grant, lease, licence, or other instrument shall confer or be construed to confer the right or privilege of water pollution to the degree beyond that which is prescribed by the regulations as constituting a polluted or unwholesome condition, etc." I think that is an excellent statement if it is enforced. It does not matter what anyone's rights were up to now, after the passage of this Act there will be no right to pollute, no matter what your licence was before. I believe one of the weaknesses of the legislation which is now being repealed, (The Water Resources and Pollution Control Act) ^{is} that it had no authority, I believe, over the Power Commission and no authority over certain other people or industries who have been given rights to use water. As I read this Act, the Power Commission, any private company, anyone who has been given any rights at all in connection with water are all subject to the new authority in this Act. This is a great step forward.

The regulations, I noticed, under Section 16 have to be laid in the Legislature within fifteen days after we open for the next session. I hope the Minister is making -

MR. CROSBIE: note of that and will see that they are tabled here. Section 19, the authority may operate certain water works: Is it being contemplated, I wonder, that the authority itself may operate municipal water works or are these really referring to, these water lines that fish plants

MR. CALLAHAN: They are doing that now.

MR. CROSBIE: Yes. They will continue operating the water lines that have been built to the fish plants. The minister may order alterations under section 20, Well, that is all right. Section 22, the minister can define certain areas where these will be water supply areas for municipalities and so on, and in such areas no person shall bathe, swim or wash in or otherwise impair the quality of the water. Now on that point, Mr. Speaker, I wonder is it necessary to forbid swimming in ponds and so on that are being used for public water supplies? For example; Windsor Lake, no one is allowed to swim or fish etc., I believe the practice is on the mainland that this is never the case at all, because the water is chlorinated so it can hardly matter that people swim in it or fish in it. I think that it is time that this was reviewed to see whether that kind of a stringent regulation is necessary.

I do not see any reason why public reservoirs cannot be used for recreation purposes also. I know that down in the State of New York for example, all the water reservoirs for the City of New York are also public recreation areas, and people are permitted to swim in them and otherwise engage in recreation. I do not know whether the minister has any strong views on that, but I think it is something he might ask his experts to give an opinion on. Is it necessary to forbid the use of these water sources for recreation purposes?

MR. WELLS: I think, yes.

MR. CROSBIE: The hon. member for Humber East is showing a certain amount of independent thinking there, he say he thinks "yes." I do not think so - so we disagree.

MR. WELLS: The mere fact of people being around, spreading pollution.....

AN HON. MEMBER: You are a trouble maker.

MR. CROSBIE: Section 23, the minister will have to see that this gets a lot of publicity because, under section 23, any municipal authority and so on who contemplates doing anything with the water will have to submit their plans to the authority. Now, under section 24, (I think this is going to bring up a problem) the minister can, if he receives a report that a condition exists which is likely to cause pollution, make orders to prohibit or restrict or prevent a certain activity or to stop any works or operation. Now suppose the minister issues an order to stop the Newfoundland Steel Company from operating at Donovans because of the pollution of the air. Anyone who passes that plant will notice at certain times tremendous air pollution. Suppose, if the minister has to do that, what is the position going to be with respect to compensation, if any business or industry has to cease because it gets a stopping order?

There is nothing in the Bill that provides that there would be any compensation at all. I would like the minister to comment on that. Under section 26, I believe that section 26 is too extreme as it is now worded, Mr. Speaker. "Any inspector, appointed under the Act, can go upon any land or body of water and carry out his duties." Then it goes on to say, "and no person shall be entitled to any compensation of any kind or damages whatsoever in respect of any such entry or occupation." Well, suppose an inspector comes on my land and knocks down a fence or does other physical damage to the property, surely you should have a right to some damages then. I suggest that the minister might consider an amendment there along the lines of "no person shall be entitled to any compensation of any kind or damages whatsoever, in respect of any such entry or occupation, unless actual damage to property occurs," or some wording like that. It is too broad as recorded there now.

AN HON. MEMBER: (Inaudible)

MR. CROSBIE: What the section means is that just going on the land and doing your work you cannot be sued for trespass, but if any actual damage is done, that should be compensated for.

7567

We could have a long debate on this Bill, Mr. Speaker, because everyone is now interested in the question of pollution and combating pollution. But I

think that this is a much better piece of legislation than the one that it replaces. My main objection is the feeling that it should be with the Department of Health. It is unlikely that the Government will agree to that today but I think it should consider it during the next year, for the next session of the House. Because of the fact that we do not want to be here all summer, that is all I am going to say today. Otherwise, I approve the principle of the Bill.

MR. WORNELL: Mr. Speaker, the only reason I rise to support this Bill, Sir, is because in my district there is a pollution problem, in Gaultois. I would like the hon. minister's attention to this question. Section 18, paragraph 4, reads, "Where in the opinion of the minister the quality or property of water, any existing water, is polluted or unwholesome, the minister may order alterations or additions." Now, I am thinking, Sir, that it might be an imposition, or a heavy burden on a small town council, with limited funds, to put the repairs in practice. I would like the minister to comment on that when he closes this reading.

AN HON. MEMBER: (Inaudible)

MR. WORNELL: Well, the problem is that I think there are two contributing factors to the pollution problem. One is the fish plant and the other is the inadequate sewer outfall in Gaultois.

AN HON. MEMBER: Where is the pollution?

MR. WORNELL: The pollution is in the harbour.

AN HON. MEMBER: In that harbour? There is pollution in Harbour Breton too.

MR. WORNELL: Yes, there may be there, Mr. Speaker, generally speaking I would say that this is a good Bill and I think that everybody should see the usefulness of it. I think that it is probably late in coming. The whole world is getting conscious of pollution, air pollution as well as other types.

I notice in section 15 of this Bill, page 11, there is a paragraph there dealing with water conservation. I think that is most imperative in this country because we have limited natural resources and I think that perhaps our unlimited water resources, if kept in their pristine freshness, that is a very good qualification of it. That is one of our best assets, Sir, I would say, our water resources. I am very happy to note that this Bill takes

into consideration the conservation of our good fresh water.

Now, there was one other thing there, the hon. member for St. John's West dealt partially with this section 22. He asked whether the Bill was going too far, to prohibit bathing or swimming in water which is probably used for drinking? This section 22 Sir, could have an application to the Oliver's Pond Development and I think that it is very timely and I believe that we should not be too lax. We should not relax the vigilance one iota. We should do all we can right now to put all the safeguards necessary into practice.

I notice also, Sir, that this Bill has penalties and in the case of a corporate body, including a municipal authority, the fine is not more than \$500.00. In the case of a person, not being a municipal authority, the fine is not more than \$100.00. Now, this Bill, therefore, when enacted, will have teeth in it and I hope Sir, that these teeth will be used.

MR. WELLS: There are just one or two points that I want to add to the comments already made by the hon. member for St. John's West, chief of this group. I too think the Act is desirable and perhaps long overdue too. It is nice to see unpolluted, crystal clear water in this Province. and I would hate to see it polluted and messed up as you see it in other areas and in some areas of this Province.

One clause already mentioned by the member for St. John's West, with which I am concerned, clause 23 of the proposed Bill; certain rights already exist with respect to hydro-electric development. They are now existing rights and section 23 could in effect abolish those rights.

MR. CROSBIE: Not in 23,

MR. WELLS: 23, yes.

MR. CROSBIE: 20.

MR. WELLS: 23.

AN HON. MEMBER: (Inaudible)

MR. WELLS: No, no.

MR. CROSBIE: Plans have to be submitted etc.

MR. WELLS: When any municipality or person contemplates the hydro-electric

power project

AN HON. MEMBER: That is the future, that is not now.

MR. WELLS: No, no, okay! So that is in the future, but they may already have the right to do it, and not of development. See what I am talking about; Such rights do exist.

MR. ROWE (W.N.): That may change now you know.

MR. WELLS: Pardon me!

MR. ROWE: There may be some quite impossible to change now.....

MR. WELLS: I agree that they should be regulated for pollution control. With that I agree, What I am trying to say is; the way that this is worded those rights could be effectively abolished because the minister could refuse to approve. A river that is not yet developed, but over which the Power Commission or Newfoundland Light and Power Co.Ltd., the Rattling Brook Power, Brinco, Bowater Power.....

MR. CALLAHAN: They cannot go unless their plans are approved in writing.

MR. WELLS: I agree that their plans should be reviewed and there should be - they should comply in all respects with this Act. With that I take no objection. But section 23, does not say that they have to comply with this Act, What section 23 says; " no such proposed work shall be undertaken or proceeded with until approved in writing by the minister." Now, the minister, under that, any court will interpret it this way - there is nothing that says the minister has to approve it. So, the minister refuses to approve it and their rights are effectively abolished. See what I am getting at?

MR. CALLAHAN: Unless they comply with the laid down regulations.

MR. WELLS: I agree they should comply with all the regulations, but what I am say is that what section 23 does now is give the minister absolute discription to say yes or no, for whatever reasons he wishes, and no court can look behind his reasons. That is what I am saying is wrong.

MR. CALLAHAN: The regulation will determine whether he approves it. If they meet the regulations then you do not stop them.

MR. WELLS: Right, but the minister still does not approve, so the minister for some other reason, for some ulterior motive, I am not talking about the

present minister, I am talking about after the next election when the present minister might no longer be there.

MR. CALLAHAN: That is where the ulterior motive comes in.

MR. WELLS: Okay! But now, I mean, this is very real. Your honour has been before court often enough on these matters to realize that a court will say that "this court has no jurisdiction to interfere with the discretion given directly by statute to a minister." He can approve or disapprove, there is no way he can be forced to, no matter what his motives for failing to approve. What I am saying is; the way it should be worded (and this can be corrected by a simple amendment) the way it should be worded is that "no such proposed work shall be undertaken or proceeded with until it is established that such work complies in all respects with this Act, or meets all of the requirements set forth in this Act, or any regulations made under this Act." Then whoever develops must meet the requirements with respect.....

MR. CALLAHAN: Somebody has to approve .

MR. WELLS: Oh fine, give - there is no problem then giving approval, But that does not just leave it totally discretionary and it should not be that way. The net legal effect of it, Mr. Speaker, is that, the way it is now worded, the rights could be abolished without recourse, without any recourse whatsoever.

I think that this is wrong. I would suggest that the minister might consider that minor amendment, something to the effect that - take out "approved in writing by the minister," until it is established such work complies in all respects with this Act and any regulations thereunder. Something to that effect would pretty well cure it. I do agree with one, very substantially, with one other comment made by the hon. member for St. John's West, That is that it should be under the control of the Department of Health, for the reasons that he gave. I think very strongly that the minister might consider this. It has nothing to do with the hon. gentleman who presently occupies this portfolio, He may be the next minister of Health, for a short time. It could happen, but I am not talking about personalities, I am talking about departments. The thing, I believe, could have better representation in the Department of Health. Thank you Mr. Speaker.

MR. HICKMAN: Mr. Speaker, I rise to make a few comments in support of this Bill. It is probably indicative of the progress that we have made over the past few years that we now find it necessary to bring in a pollution control Act. The fact is that we are finding, Mr. Speaker, throughout the Province now, areas where pollution is becoming a very vexatious problem.

Last year we had a very serious problem at Isle aux Morts which was an offshoot to the establishment of a herring plant there. This Bill, as I see it, would give the minister the rights that were not in existence at the time that problem arose at Isle aux Morts. I am not sure that until the passing of this Act that there will be any effective control over a situation like that, because you had before the criterion, whether or not it was injurious, the pollution nuisance was injurious to the health of adjoining occupiers or people living in the community. Having taken care of the health issue, and the company involved having protected the health of the community, there was no way to compel the company to go a step further, at least no statutory provision to eliminate the nuisance or the odor that the people had to put up with and the problems they had in maintaining their property in half decent condition.

Now, as I read this Act, the minister would have the right and certainly regulations can be passed which would take care of that sort of problem that we had in Isle aux Morts.

If I was Minister of Mines, I would try to get rid of the responsibility for this Act as quickly as possible because, it is not going to be a very popular job enforcing pollution control. You have, on the one hand, the demand for industry and on the other hand the demand of our people to be protected against pollution, and to try and eliminate pollution problems. Again, I am sure that the hon. member for Gander will tell the House about the very serious pollution problem that exists - still exists on the Exploits River, despite some attempts that have been made to cure it.

Now Mr. Speaker, once upon a time the people of this Province believed there was going to an oil refinery at Come by Chance. That was talked about for many years and there was going to be one there. Whether

there is or not, the simple fact is that with the proposed development and the proposed installation of an oil refinery, if it should ever come to pass, in this Province (and some day we might see an oil refinery in this Province at least we have one at Holyrood) we cannot overlook the dreadful pollution problem that can follow and will be closely allied with the establishment of an oil refinery at Come by Chance.

Not too long ago, there was a very good article carried in "Time Magazine" of February 16th, 1970, under the environment section which dealt with some of the problems that they have in Maine, and, what is more relevant, the action that they have taken in the State of Maine, the legislative action, to cure it. The simple fact is, that Maine now apparently has become the to quote Time Magazine, "the only," and this is significant in more than the pollution problem when it says that, since the super-tanker Manhattan made that voyage across the north, that Maine is probably, they go further and say that Maine is the only port on the Eastern Seaboard that can take a 300,000 ton super-tanker. Consequently, the Maine legislature adopted the attitude that oil men in North America and on the Eastern Seaboard had no where else to go but Maine. They have now passed a law, an anti-pollution law, in Maine, that provides that number (1) sets up a fund of \$400 million or \$4 million rather to clean up any oil spills. To get this fund, and to create this fund, and to get the money, there is a provision in the Maine legislation that companies will have to pay one-half cent levy on every barrel of oil they move in and out of the State of Maine, a prospect that displeases some companies so much so that they may test the law of constitution.

The simple fact is that in addition the law states that the oil companies must accept unlimited liability for any damages caused by oil pollution. Nor will the state have to prove negligence to dip into the fund. Quoting Mr. Richardson, who introduced the Bill, He said, "we will clean up the mess first, and argue about it later."

Now, in this Province, we have already seen along our shores some evidence - fortunately it has not been that severe, but we have seen some

evidence already of the damage that can be caused by polluting the sea as a result of oil spillage. So far, we have been fortunate enough to avoid any serious stranding by the super-tankers near our shores but that does not say it cannot happen. I realize that there is going to be some very nice jurisdictional arguments and jurisdictional problems in trying to enforce it.

The fact is, that, as a result of the concentration of industry in various areas, and as a result of the switching to super-tankers, that no longer can we sit in splendid isolation in Newfoundland and say "that is a problem they have in Ontario or in the State of New York. The fact is

you are so close to us that at any time we could have what obviously would be a very serious pollution problem in this Province. I have never been satisfied Mr. Speaker,,that in any of the information that we have managed to solicit from the Come by Chance promoters and the information that came out during this rather unusual hearing in this House,I have never seen any evidence to show that adequate measures are being taken to prevent pollution if and when Come by Chance should ever get off the ground. Mr. Speaker will recall there was a great deal of reluctance on the part of the promoters to give any detail as to what if any steps have been taken to prevent pollution. Mr. Speaker, let us again think back to what might happen if one of these large storage tanks at Come by Chance should ever collapse. The pollution problem and the damage caused to the land within the jurisdiction of this Province will be almost insurmountable. This is why I would hope that when this Bill becomes law that the Minister of Mines will fearlessly face the promoters of the Come By Chance development and say that here is the law you must now comply with it come what may. The state of Maine apparently, now the state of Maine is in a more fortunate position than Newfoundland is because the state of Maine,according to the experts, is about the only place where large super-tankers can go on the Eastern Seaboard. I do not quite know how this fits in with the proposal Come by development. Chance/ but this at least is the thinking in the state of Maine.they use a pretty firm fist when they try and enforce and insist that these refineries will provide adequate anti-pollution installations.

Mr. Speaker, there is a very good magazine on the go called the "Nautical Magazine". It is an English publication that was introduced to me. I would hope that there is no thought on the part of the minister of Mines, in his crusade to curb pollution that he is going to get too restrictive on the magazines they want to buy. This obviously might cover pollution of the air. I do not know where the House of Assembly fit in situations like that.

But Mr. Speaker, there is a very good article on sea pollution in the "Nautical Magazine" and it refers to the Torrey Canyon disaster. A tanker that was stranded on Severn Stones in March 1967, in England, and the claim was settled out of court for \$3 million. But the Attorney General of Great Britain, in approving the settlement, indicated he thought it was a good settlement because ^{of} the uncertainty of the law and the difficulty it is to enforce claims arising out of pollution of the land and of the sea.

But the May 1970 issue of the "Nautical Magazine" also deals with the river pollution. It points out that while there has been great consternation and a great deal of debate and discussion on the pollution of the sea, the people have suddenly realized that river pollution, such as the catastrophic pollution of the Rhine which occurred last year, The time has come now when some pretty unpleasant action is going to have to be taken. And the same applies in North America, to curb the pollution of rivers by industry. I believe, Mr. Speaker, that this Bill that is presently before the House should be regarded as something more than regulatory. I think what it now does is eliminates once and for all any excuse on the part of government to act in the pollution field. There has been a great deal of debate and a great deal of buck passing in so far as pollution is concerned. Not only this Province but all the Canadian Provinces are guilty of this. They have attempted, from time to time, and I suppose for very good reasons ^{as} pollution control is a costly item. They have tried to hand it over to the Federal Government. To make the confusion of it more confounded the Federal Government at times will insist on asserting jurisdictional rights over, say air pollution. There was a famous case in Toronto recently where the city of Toronto, acting under a provincial ordinance or provincial law, apparently insisted that a factory being built there build a chimney of a certain height. The owners of that factory said you can pass all the laws that you wish, any pollution that comes from our factory will be pollution of the air. We have in our pocket a permit from the Government of Canada saying that we

can built it of a much lesser height than that which the city of Toronto and the Province of Ontario require. I note that there is a minister in Ottawa who suggest it is so and who puts the air in the same category as the sea. But this is why I say that the jurisdictional problems have not as yet been cured or anything like it. But as far as the government of the Province of Newfoundland is concerned, it now is in a position where I say not only does it have the legislative authority but hand in hand, with the legislative authority to try and curb pollution, goes an absolute responsibility to exercise and this is the sort of thing we have to exercise and exercise very effectively and courageously at this time.

MR. MURPHY: Mr. Speaker, just a few thoughts on it. I know it cannot be emphasized too strongly how very important this Bill is because, if you read any of the mainland and American papers I think pollution has just about taken the headlines over even the various wars that are raging in different parts of the world. Before I go on with the few words, Sir, I would like to congratulate the minister in conjunction with something that happened the day the Premier gave due notice to the hon. member for Humber West for clearing the House when he stood up to speak. I think the minister tied the record today because I notice when his dissertation was finished there was nothing left but ^{three} of the pressmen and our noble friend operating the sound system up there, so I do not think it should go unnoticed. I believe the minister should get the recognition for this particular act that he has done today.

Mr. Speaker, I cannot but agree with everything that has been said. Particularly it struck me when this Bill was introduced under the department of Mines Agriculture & Resources, why it was not in the department where in my opinion it belongs, and that is the department of Health, who in addition to the responsibilities of checking all health hazards and like well water and so on and so forth. But I think that they are particularly geared for this type of inspection. I think they have a set-up there where no matter what you handle you have to have a license from the Department of

Health, you have inspectors come in your breweries, anybody that handles milk or meats or anything else. I think this is all an ongoing part of pollution or any form of - actually it is a form of poison, I believe. With the permission of the House, Mr. Speaker, I would just like to quote from an address delivered by Mr. Straus or Consul General, that was delivered a few short weeks ago. He dealt for a few paragraphs on pollution. I think it was very interesting and it might be timely now to just mention a couple of these points that he brought up. He was discussing resources generally, the resources of the Provinces, the United States and the World actually.

He said, "one of the major concerns of the seventies is the pollution of our environment. Today we are not only polluting our streams and oceans with chemicals and garbage we are polluting the air with smoke and noxious gasses and the countryside is littered with the waste of our society. Technology has made things worse rather than better. It has given us plastic tumblers, fibreglass boats and nylon underwear and whereas a glass thrown away, a boat rotting on the beach or a cotton garment in a trash heap, were unsightly as the modern equivalent, we could bury these items and they would in time rot away, and return to dust. But fiberglass plastic and nylon are what the scientists call non-bio-degradeable which is to say they will stay forever and cannot be destroyed by nature's own action.

Pollution therefore has become a challenge not only for each person individually but for each country and for our society as a whole. The Great Lakes are so badly polluted that the International Joint Commission, an organization representing both the United States and Canada, recommended last year that there be an immediate programme of phosphorus control. It recommended the immediate reduction of the phosphorus content of detergents and the complete elimination of such detergents no later than 1972. If this does not happen the commission fears that the Lakes will die and can never again become life sustaining waters."

So I think basically, Mr. Speaker, this Bill and the tragedy is of this Bill that it comes at this time of the session, where I fear that we may be

inclined perhaps not to give it the great amount of attention it deserves. I know everybody in this hon. House is longing for the House to close. Perhaps the most important issue before us now is when the House will adjourn or the prorogue or whatever the case may be. But/inheritance that we are leaving to our children, and this has become so very apparent in recent years particularly the past seven, eight or nine years, of this pollution that we never thought of when we were growing up, people in their forty-five and fifties, in this city of St. John's I can remember you could go to any pond, Mundy Pond, Rennie's River anywhere, and I think any members around my age would say just a matter of jumping in it. Here you have one of the most beautiful ponds, Long Pond here, and you go down there you have Kent's Pond but that is polluted by the residents in that area, I think they should be removed at the earliest possible moment over there, and I am referring to the hon. minister of Education.

But Mr. Speaker, quite frankly this is a terribly, terribly important Act. I know that the Government are quite aware of the great responsibility that is placed upon them particularly. And we certainly hope, I think that one of the members mentioned that it was a regulatory act and it is a regulatory Act, but I hope that it is policed and that the powers given for those who are trying to prevent this pollution will be, that they will have the full power of the law behind them because, as I say, within the past seven, eight, nine years anybody that has been visiting the countryside and the favourite fishing hole or anything else cannot but be alarmed and amazed at the great amount of pollution that is taking place in any of our rivers, tin cans, broken bottles, so on and so forth. And now we have the menace of our new packaging system, nowhere, even in my garden, it is an amazing thing, in Topsail Pond, I was up on Sunday. But, you know, here you are, I am on the side of the track, there is no car can pass within thirty feet of my front garden in Topsail Pond and I picked up seven coke tins, some one just gets up and chucks them from a distance, you know. Now all these things breed

pollution of some kind or other. We have there - the plant at Octagon has been mentioned. You get the wind in, I would not want to be perhaps from the south or the south east, whatever the case may be, You can see this huge, and it reminds me sometimes like the atomic bomb when it exploded. And this huge wave is passing right back of Octagon Pond and right up across that area of Topsail Pond, Island Pond, right up across the Trans-Canada Highway. I do not know what can be done to prevent it. There must be filters of some kind. This does not appear to come from the chimney because it does not work like ordinary smoke, just ^a huge wall. I have never been into the plant to see it. But I know the fallout from that must be affecting the foliage in there and the air itself. There are many sections of this and perhaps when we get into committee we may be able to ask more questions on it. Some of the members have already brought some things to the attention of the hon., minister. But, Mr. Speaker, I know that everybody in this hon. House wants to give this Bill the best possible attention and study it, work along with Government to try to preserve our heritage here in this Province of Newfoundland, and that is where we are so proud of our waters, drinking water, so proud of the beautiful fresh air we enjoy and so proud of the beautiful fresh countryside. Of course I know it is unavoidable with the advent of roads. People are getting in there where possibly they did not get in before. There are lots of areas, one time you had to take a train out and get out at a station, perhaps walk a couple of miles into the country. Now the roads are cutting right through and I think of Long Harbour- Rantem area all down through there and even the Placentia Junction Area. Now we just had to go out and we had a shack down there, my father did, at the nine mile post. And you would get a lift down on a handcar from one of the section men. Now you can drive almost within two or three miles of that and there are hundreds of people go down the new access road to Argentinia and come across there. But you know woods that were once wild and unpolluted are becoming much used by the general public because they are more accessible. And I imagine

the hon. minister must have quite a job or his staff does in the Provincial Parks even. I imagine, go around there sometimes, it would amaze you to see cellophane wrappers and all this sort of stuff thrown around. We just do not seem to have the respect for the property. There are garbage tins all over the place, but why put it in a garbage tin perhaps their idea is to try to cure the unemployment situation. You might employ more men in the park picking up for them, this type of stuff. It is a very charitable thought.

But, Mr. Speaker, I would just like to say that I strongly support this Bill but I feel, as the hon. member for St. John's West I think expressed the thought, that the place for this would be in Public Health because it ^{is} directly ^{they are} connected with what they have been doing for years and I feel that ^{more} properly staffed to look after this and when the commission is - the appointments are made to the commission - that people of experience not people directly connected with industry or anything else, where there might be a conflict of interest, where they might be inclined to back up a little bit on any judgment given against themselves or people of their own type of business would arise. So Mr. Speaker, I support this Bill very warmly indeed.

Mr. Jones adjourned debate.

Hon. The President of the council asks leave to introduce a Bill, "An Act Further To Amend The Members Of The House Of Assembly Contributory Pension Plan Act, 1962." read a first time ordered read a second time now by leave. Bill read a second time ordered referred to a Committee of the Whole House, now by leave.

Mr. Speaker left the Chair.

MR. NOEL, Chairman of Committees:

Committee of the Whole on Bill, "An Act Further To Amend The Members of the House of Assembly Contributory Pension Plan (Amendment) Act 1970."

Clauses 1 through 3 carried.

MR. ROWE: Mr. Chairman, perhaps I would, there is an amendment there that I would move, I do not know, we do not know how the figures got in there of six

months in 4 sub-section (d). In the original Act that was four years and in as much as there could be a substantial amount in certain cases involved there, there is no reason why a hardship should be imposed and we recommend that any member would have the right to take four years. He could, of course, pay it back in one day if he wanted to, but four years for income tax purposes and other purposes, this is what was done originally. This is standard procedure in all similar legislation all over Canada and indeed here in Newfoundland as well. So I would move that the words "six months" be stricken out and the words "four years" be inserted in their place.

MR. MURPHY: Mr. Chairman, while I am on that point, is not this compulsory now? This goes back, I presume, before the pension plan was introduced hey? It is compulsory now, but is seven or eight per cent we contribute of the sessional indemnity. It is deducted automatically that is what I am saying. I mean, no one comes and say you need not go into this pension plan, if you do not wish to, they just automatically deduct it. But it is not compulsory in the sense where you must do it, if you want to opt out. So, he has four years to pay the back payments. He could pay it in a lump sum or he could pay it monthly, which ever way he wished to.

MR. ROWE: Most people prefer to spread it over several years because of income tax. This is what was in the parent Act.

MR. MURPHY: There is to be no other change only this, where there was a fixed amount. Now, of, course like every other pension plan it is based on a percentage. That seems quite logical.

Clause 4 as amended carried.

Clause 5 carried.

Motion that the Committee rise report the Bill with some amendment carried.

Mr. Speaker resumed the Chair.

MR. NOEL: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and directed me to report having passed Bill No. 89 with some amendments and ask leave to sit again.

June 17 1970 Tape 1283 page 9.

Motion the report of this committee be concurred in, carried.

On motion Bill read a third time ordered passed and title be as on the Order Paper,

MR. CURTIS: I move Mr. Speaker, that the remaining Orders of the Day do stand deferred and that the House at its rising do adjourn until tomorrow Thursday June 18, 1970. at 10.00 a.m.

MR. SPEAKER: It is moved and seconded that this House at its rising do adjourn until tomorrow Thursday June 18, 1970 at 10.00 a.m.

This House stands adjourned until tomorrow Thursday June 18, 1970 at 10.00 a.m.